PARLIAMENT OF VICTORIA

PARLIAMENTARY DEBATES (HANSARD)

LEGISLATIVE ASSEMBLY

FIFTY-SEVENTH PARLIAMENT

FIRST SESSION

Thursday, 15 September 2011

(Extract from book 13)

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By authority of the Victorian Government Printer

The Governor

The Honourable ALEX CHERNOV, AO, QC

The Lieutenant-Governor

The Honourable Justice MARILYN WARREN, AC

The ministry

Premier and Minister for the Arts	The Hon. E. N. Baillieu, MP
Deputy Premier, Minister for Police and Emergency Services, Minister for Bushfire Response, and Minister for Regional and Rural Development	The Hon. P. J. Ryan, MP
Treasurer	The Hon. K. A. Wells, MP
Minister for Innovation, Services and Small Business, and Minister for Tourism and Major Events	The Hon. Louise Asher, MP
Attorney-General and Minister for Finance	The Hon. R. W. Clark, MP
Minister for Employment and Industrial Relations, and Minister for Manufacturing, Exports and Trade	The Hon. R. A. G. Dalla-Riva, MLC
Minister for Health and Minister for Ageing	The Hon. D. M. Davis, MLC
Minister for Sport and Recreation, and Minister for Veterans' Affairs	The Hon. H. F. Delahunty, MP
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Minister for Planning	The Hon. M. J. Guy, MLC
Minister for Higher Education and Skills, and Minister responsible for the Teaching Profession	The Hon. P. R. Hall, MLC
Minister for Multicultural Affairs and Citizenship	The Hon. N. Kotsiras, MP
Minister for Housing, and Minister for Children and Early Childhood Development	The Hon. W. A. Lovell, MLC
Minister for Corrections, Minister for Crime Prevention and Minister responsible for the establishment of an anti-corruption commission	The Hon. A. J. McIntosh, MP
Minister for Public Transport and Minister for Roads	The Hon. T. W. Mulder, MP
Minister for Ports, Minister for Major Projects, Minister for Regional Cities and Minister for Racing	The Hon. D. V. Napthine, MP
Minister for Gaming, Minister for Consumer Affairs, and Minister for Energy and Resources	The Hon. M. A. O'Brien, MP
Minister for Local Government and Minister for Aboriginal Affairs	The Hon. E. J. Powell, MP
Assistant Treasurer, Minister for Technology and Minister responsible for the Aviation Industry	The Hon. G. K. Rich-Phillips, MLC
Minister for Environment and Climate Change, and Minister for Youth Affairs	The Hon. R. Smith, MP
Minister for Agriculture and Food Security, and Minister for Water	The Hon. P. L. Walsh, MP
Minister for Mental Health, Minister for Women's Affairs and Minister for Community Services	The Hon. M. L. N. Wooldridge, MP
Cabinet Secretary	Mr D. J. Hodgett, MP

Legislative Assembly committees

Privileges Committee — Ms Barker, Mr Clark, Ms Green, Mr McIntosh, Mr Morris, Dr Napthine, Mr Nardella, Mr Pandazopoulos and Mr Walsh.

Standing Orders Committee — The Speaker, Ms Allan, Ms Barker, Mr Brooks, Mrs Fyffe, Mr Hodgett, Mr McIntosh and Mrs Powell.

Joint committees

Dispute Resolution Committee — (*Assembly*): Ms Allan, Mr Clark, Ms Hennessy, Mr Holding, Mr McIntosh, Dr Napthine and Mr Walsh. (*Council*): Mr D. Davis, Mr Hall, Mr Lenders, Ms Lovell and Ms Pennicuik.

Drugs and Crime Prevention Committee — (*Assembly*): Mr Battin and Mr McCurdy. (*Council*): Mr Leane, Mr Ramsay and Mr Scheffer.

Economic Development and Infrastructure Committee — (*Assembly*): Mr Burgess, Mr Foley, Mr Noonan and Mr Shaw. (*Council*): Mrs Peulich.

Education and Training Committee — (*Assembly*): Mr Crisp, Ms Miller and Mr Southwick. (*Council*): Mr Elasmar and Ms Tierney.

Electoral Matters Committee — (*Assembly*): Ms Ryall and Mrs Victoria. (*Council*): Mr Finn, Mr Somyurek and Mr Tarlamis.

Environment and Natural Resources Committee — (*Assembly*): Mr Bull, Ms Duncan, Mr Pandazopoulos and Ms Wreford. (*Council*): Mr Koch.

Family and Community Development Committee — (*Assembly*): Mrs Bauer, Ms Halfpenny, Mr McGuire and Mr Wakeling. (*Council*): Mrs Coote and Ms Crozier.

House Committee — (*Assembly*): The Speaker (*ex officio*), Ms Beattie, Ms Campbell, Mrs Fyffe, Ms Graley, Mr Wakeling and Mr Weller. (*Council*): The President (*ex officio*), Mr Drum, Mr Eideh, Mr Finn, Ms Hartland, and Mr P. Davis.

Law Reform Committee — (*Assembly*): Mr Carbines, Ms Garrett, Mr Newton-Brown and Mr Northe. (*Council*): Mrs Petrovich.

Outer Suburban/Interface Services and Development Committee — (*Assembly*): Ms Graley, Ms Hutchins and Ms McLeish. (*Council*): Mrs Kronberg and Mr Ondarchie.

Public Accounts and Estimates Committee — (*Assembly*): Mr Angus, Ms Hennessey, Mr Morris and Mr Scott. (*Council*): Mr P. Davis, Mr O'Brien and Mr Pakula.

Road Safety Committee — (*Assembly*): Mr Languiller, Mr Perera, Mr Tilley and Mr Thompson. (*Council*): Mr Elsbury.

Rural and Regional Committee — (*Assembly*): Mr Howard, Mr Katos, Mr Trezise and Mr Weller. (*Council*): Mr Drum.

Scrutiny of Acts and Regulations Committee — (*Assembly*): Ms Campbell, Mr Eren, Mr Gidley, Mr Nardella and Mr Watt. (*Council*): Mr O'Brien and Mr O'Donohue.

Heads of parliamentary departments

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

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

Parliamentary Services — Secretary: Mr P. Lochert

MEMBERS OF THE LEGISLATIVE ASSEMBLY

FIFTY-SEVENTH PARLIAMENT — FIRST SESSION

Speaker: The Hon. K. M. SMITH

Deputy Speaker: Mrs C. A. FYFFE

Acting Speakers: Ms Beattie, Mr Blackwood, Mr Burgess, Ms Campbell, Mr Eren, Mr Languiller, Mr Morris, Mr Nardella, Mr Northe, Mr Pandazopoulos, Dr Sykes, Mr Thompson, Mr Tilley, Mrs Victoria and Mr Weller.

Leader of the Parliamentary Liberal Party and Premier:
The Hon. E. N. BAILLIEU

Deputy Leader of the Parliamentary Liberal Party:
The Hon. LOUISE ASHER

Leader of The Nationals and Deputy Premier:
The Hon. P. J. RYAN

Deputy Leader of The Nationals:
The Hon. P. L. WALSH

Leader of the Parliamentary Labor Party and Leader of the Opposition:
The Hon. D. M. ANDREWS

Deputy Leader of the Parliamentary Labor Party and Deputy Leader of the Opposition:
The Hon. R. J. HULLS

Member	District	Party	Member	District	Party
Allan, Ms Jacinta Marie	Bendigo East	ALP	Lim, Mr Muy Hong	Clayton	ALP
Andrews, Mr Daniel Michael	Mulgrave	ALP	McCurdy, Mr Timothy Logan	Murray Valley	Nats
Angus, Mr Neil Andrew Warwick	Forest Hill	LP	McGuire, Mr Frank [2]	Broadmeadows	ALP
Asher, Ms Louise	Brighton	LP	McIntosh, Mr Andrew John	Kew	LP
Baillieu, Mr Edward Norman	Hawthorn	LP	McLeish, Ms Lucinda Gaye	Seymour	LP
Barker, Ms Ann Patricia	Oakleigh	ALP	Madden, Mr Justin Mark	Essendon	ALP
Battin, Mr Bradley William	Gembrook	LP	Merlino, Mr James Anthony	Monbulk	ALP
Bauer, Mrs Donna Jane	Carrum	LP	Miller, Ms Elizabeth Eileen	Bentleigh	LP
Beattie, Ms Elizabeth Jean	Yuroke	ALP	Morris, Mr David Charles	Mornington	LP
Blackwood, Mr Gary John	Narracan	LP	Mulder, Mr Terence Wynn	Polwarth	LP
Brooks, Mr Colin William	Bundoora	ALP	Napthine, Dr Denis Vincent	South-West Coast	LP
Brumby, Mr John Mansfield [1]	Broadmeadows	ALP	Nardella, Mr Donato Antonio	Melton	ALP
Bull, Mr Timothy Owen	Gippsland East	Nats	Neville, Ms Lisa Mary	Bellarine	ALP
Burgess, Mr Neale Ronald	Hastings	LP	Newton-Brown, Mr Clement Arundel	Prahran	LP
Campbell, Ms Christine Mary	Pascoe Vale	ALP	Noonan, Mr Wade Mathew	Williamstown	ALP
Carbines, Mr Anthony Richard	Ivanhoe	ALP	Northe, Mr Russell John	Morwell	Nats
Clark, Mr Robert William	Box Hill	LP	O'Brien, Mr Michael Anthony	Malvern	LP
Crisp, Mr Peter Laurence	Mildura	Nats	Pallas, Mr Timothy Hugh	Tarneit	ALP
D'Ambrosio, Ms Liliana	Mill Park	ALP	Pandazopoulos, Mr John	Dandenong	ALP
Delahunty, Mr Hugh Francis	Lowan	Nats	Perera, Mr Jude	Cranbourne	ALP
Dixon, Mr Martin Francis	Nepean	LP	Pike, Ms Bronwyn Jane	Melbourne	ALP
Donnellan, Mr Luke Anthony	Narre Warren North	ALP	Powell, Mrs Elizabeth Jeanette	Shepparton	Nats
Duncan, Ms Joanne Therese	Macedon	ALP	Richardson, Ms Fiona Catherine Alison	Northcote	ALP
Edwards, Ms Janice Maree	Bendigo West	ALP	Ryall, Ms Deanne Sharon	Mitcham	LP
Eren, Mr John Hamdi	Lara	ALP	Ryan, Mr Peter Julian	Gippsland South	Nats
Foley, Mr Martin Peter	Albert Park	ALP	Scott, Mr Robin David	Preston	ALP
Fyffe, Mrs Christine Ann	Evelyn	LP	Shaw, Mr Geoffrey Page	Frankston	LP
Garrett, Ms Jane Furneaux	Brunswick	ALP	Smith, Mr Kenneth Maurice	Bass	LP
Gidley, Mr Michael Xavier Charles	Mount Waverley	LP	Smith, Mr Ryan	Warrandyte	LP
Graley, Ms Judith Ann	Narre Warren South	ALP	Southwick, Mr David James	Caulfield	LP
Green, Ms Danielle Louise	Yan Yean	ALP	Sykes, Dr William Everett	Benalla	Nats
Halfpenny, Ms Bronwyn	Thomastown	ALP	Thompson, Mr Murray Hamilton Ross	Sandringham	LP
Helper, Mr Jochen	Ripon	ALP	Thomson, Ms Marsha Rose	Footscray	ALP
Hennessy, Ms Jill	Altona	ALP	Tilley, Mr William John	Benambra	LP
Herbert, Mr Steven Ralph	Eltham	ALP	Trezise, Mr Ian Douglas	Geelong	ALP
Hodgett, Mr David John	Kilsyth	LP	Victoria, Mrs Heidi	Bayswater	LP
Holding, Mr Timothy James	Lyndhurst	ALP	Wakeling, Mr Nicholas	Ferntree Gully	LP
Howard, Mr Geoffrey Kemp	Ballarat East	ALP	Walsh, Mr Peter Lindsay	Swan Hill	Nats
Hulls, Mr Rob Justin	Niddrie	ALP	Watt, Mr Graham Travis	Burwood	LP
Hutchins, Ms Natalie Maree Sykes	Keilor	ALP	Weller, Mr Paul	Rodney	Nats
Kairouz, Ms Marlene	Kororoit	ALP	Wells, Mr Kimberley Arthur	Scoresby	LP
Katos, Mr Andrew	South Barwon	LP	Wooldridge, Ms Mary Louise Newling	Doncaster	LP
Knight, Ms Sharon Patricia	Ballarat West	ALP	Wreford, Ms Lorraine Joan	Mordialloc	LP
Kotsiras, Mr Nicholas	Bulleen	LP	Wynne, Mr Richard William	Richmond	ALP
Languiller, Mr Telmo Ramon	Derrimut	ALP			

[1] Resigned 21 December 2010

[2] Elected 19 February 2011

CONTENTS

THURSDAY, 15 SEPTEMBER 2011

CONTENTS

Thursday, 15 September 2011

The SPEAKER (Hon. Ken Smith) took the chair at 9.34 a.m. and read the prayer.

R U OK? DAY

The SPEAKER — Order! I would like to remind members that today is R U OK? Day, when all of us should give a bit of thought to one another and care about each other a little bit. It does not matter what side of politics we are on; we are all human, and we should think a little bit about one another and care about each other.

Honourable members interjecting.

The SPEAKER — Order! On a serious note, this is an important issue. It is a matter of talking to people who are suffering from some sort of stress or mental condition and who may even be contemplating suicide. We should just take a few moments to think about them, and if members think somebody has a problem, they should have a chat to them.

NOTICES OF MOTION

Notices of motion given.

Ms MILLER having given notice of motion:

Mr Wynne — On a point of order, Speaker, I ask you to review the notice of motion given by the member for Bentleigh, which condemned the Victorian Labor government. This is clearly inaccurate. The member for Bentleigh and her party is actually the government of the day, not us, and I would ask you to review her motion and perhaps counsel her in the future.

The SPEAKER — Order! I will review what has been said.

BUSINESS OF THE HOUSE

Notices of motion: removal

The SPEAKER — Order! I advise the house that notices of motion 1 to 8 will be removed from the notice paper unless members wishing their notice of motion to remain advise the Clerk, in writing, before 2.00 p.m. today.

PETITIONS

Following petitions presented to house:

Planning: Kororoit Creek, Sunshine

To the Legislative Assembly of Victoria:

We, the residents of Sunshine, draw to the attention of the house that Kororoit Creek is used as a kick-about space for local children and walking areas for all residents, as no local parks are otherwise in easy walking distance. There has already been significant loss of habitat in the western basalt plains.

The petitioners therefore request that the Legislative Assembly of Victoria urge Melbourne Water and Brimbank City Council to stop rezoning land from public open space to residential 1, along Kororoit Creek at 113 Fraser Street, Sunshine, for the purpose of housing redevelopment.

By Mr LANGUILLER (Derrimut) (178 signatures).

Electricity: smart meters

To the Legislative Assembly of Victoria:

The petition of the residents of Victoria draws to the attention of the house the infringement on our right to live freely and securely and to choose what we are subjected to in our homes and businesses by the continued compulsory installation of smart meters (AMI) without an 'opt out' provision for customers or full disclosure of future costs and possible health and environmental risks that smart meters may impose.

The petitioners therefore request that the Legislative Assembly of Victoria immediately:

1. issue a halt to the mandated installation of smart meters (AMI);

2. direct all power companies to offer a permanent 'opt out' for all customers;

3. require letters to be sent to all customers informing them that radiofrequency radiation (RF) is classified by the World Health Organisation as a 2B carcinogen, and smart meters emit RF; and

4. make provisions to customers who have had smart meters installed and would like them removed, to reinstall dial or non-wireless interval meters at the option of the customer and at no cost.

By Ms DUNCAN (Macedon) (11 signatures).

Gisborne-Bacchus Marsh Road, Bullengarook: speed limit

To the Legislative Assembly of Victoria:

The petition of the following residents of Victoria draws to the attention of the house that the Gisborne-Bacchus Marsh Road, Bullengarook, 80-kilometre-per-hour speed limit should be extended to include the intersection of Coffeys Road and Haires Road, Bullengarook, to improve safety for drivers travelling along or turning into or from these roads.

The petitioners therefore request that the Legislative Assembly of Victoria urgently calls on the Baillieu government to review this speed limit to ensure the safety of rural drivers.

By Ms DUNCAN (Macedon) (39 signatures).

WestLink: funding

To the Legislative Assembly of Victoria:

The petition of certain citizens of the state of Victoria draws to the attention of the house the need for the Baillieu government to commit to ease road congestion in Melbourne's west by building an alternative to the West Gate Bridge.

In particular, we support plans to build WestLink which will:

1. reduce pressure on the West Gate Bridge;

2. reduce the number of trucks using residential streets in Melbourne's inner west; and

3. create more jobs and opportunities in the west.

The petitioners therefore request that the Legislative Assembly urge the Baillieu government to commit funding to build WestLink.

By Mr NOONAN (Williamstown) (1385 signatures).

Alpine National Park: cattle grazing

To the Legislative Assembly of Victoria:

The petition of the people of Victoria draws to the attention of the house the Baillieu government's refusal to answer questions about the return of cattle to the high country.

1. The Baillieu government ignored both scientific and departmental procedures when authorising this 'scientific study' and calls to answer questions on the scientific justification for the 'study'.

2. The Baillieu government is refusing to provide details regarding the arrangement with graziers taking part in the 'study'.

3. Anecdotal evidence suggests this study has damaged the environment and threatened endangered species.

The petitioners therefore request that the Legislative Assembly of Victoria urge the Baillieu government to immediately provide answers and details on the issues listed above and rule out any further cattle grazing in our national parks.

By Ms GREEN (Yan Yean) (4 signatures).

Schools: Doreen

To the Legislative Assembly of Victoria:

The petition of certain citizens of the state of Victoria draws to the attention of the house the rapid increase in families moving to Doreen and Mernda, suburbs of northern metropolitan Melbourne.

In particular, we note:

1. there are now almost 1000 students enrolled at government primary schools in Mernda and Doreen, with that figure set to increase in the years to come;

2. there are no government secondary colleges in Mernda or Doreen;

3. land has been purchased by the previous Labor government for a secondary college to be built in Cookes Road, Doreen.

The petitioners therefore request that the Legislative Assembly urges the Baillieu government to urgently fund the building of a secondary college in Doreen.

By Ms GREEN (Yan Yean) (40 signatures).

Tabled.

Ordered that petitions presented by honourable member for Yan Yean be considered next day on motion of Ms GREEN (Yan Yean).

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

Ordered that petitions presented by honourable member for Macedon be considered next day on motion of Ms DUNCAN (Macedon).

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

OFFICE OF THE PUBLIC ADVOCATE

Report 2010–11

Mr CLARK (Attorney-General), by leave, presented report.

Tabled.

Ordered to be printed.

CONSUMER UTILITIES ADVOCACY CENTRE

Report 2010–11

Mr O'BRIEN (Minister for Consumer Affairs), by leave, presented report.

Tabled.

PARLIAMENTARY DEPARTMENTS

Reports 2010–11

Mrs FYFFE (Evelyn), by leave, presented reports of Department of the Legislative Assembly and Department of Parliamentary Services.

Tabled.

DOCUMENTS

Tabled by Clerk:

Accident Compensation Conciliation Service — Report 2010–11

Adult Parole Board — Report 2010–11

Alexandra District Hospital — Report 2010–11

Alpine Health — Report 2010–11

Australian Centre for the Moving Image — Report 2010–11

Bairnsdale Regional Health Service — Report 2010–11

Barwon Region Water Corporation — Report 2010–11

Bass Coast Regional Health — Report 2010–11

Benalla and District Memorial Hospital — Report 2010–11

Bendigo Health Care Group — Report 2010–11

Central Gippsland Region Water Corporation — Report 2010–11

Central Highlands Region Water Corporation — Report 2010–11

Child Safety Commissioner — Report 2010–11

City West Water Ltd — Report 2010–11

Cobram District Health — Report 2010–11

Coliban Region Water Corporation — Report 2010–11

Community Visitors — Report 2010–11 under the *Disability Act 2006*, *Health Services Act 1988* and *Mental Health Act 1986* — Ordered to be printed

Consumer Affairs Victoria — Report 2010–11 — Ordered to be printed

Crown Land (Reserves) Act 1978 — Order under s 17B granting a licence over Domain House Reserve

East Gippsland Region Water Corporation — Report 2010–11

Emergency Services Superannuation Scheme — Report 2010–11

Energy Safe Victoria — Report 2010–11

Fed Square Pty Ltd — Report 2010–11

Financial Management Act 1994:

Report from the Minister for Higher Education and Skills that he had received the Report 2010 of the International Fibre Centre

Report from the Minister for Veterans' Affairs that he had received the Report 2010–11 of the Shrine of Remembrance

Food Safety Council — Report 2010–11

Geelong Performing Arts Centre Trust — Report 2010–11

Gippsland and Southern Rural Water Corporation — Report 2010–11

Goulburn-Murray Rural Water Corporation — Report 2010–11

Goulburn Valley Region Water Corporation — Report 2010–11

Grampians Wimmera Mallee Water Corporation — Report 2010–11

Hesse Rural Health Service — Report 2010–11

Human Services, Department of — Report 2010–11

Kerang District Health — Report 2010–11

Kyneton District Health Service — Report 2010–11

Legal Services Board — Report 2010–11

Legal Services Commissioner — Report 2010–11 — Ordered to be printed

Library Board of Victoria — Report 2010–11

Lower Murray Urban and Rural Water Corporation — Report 2010–11

Mallee Track Health and Community Service — Report 2010–11

Maryborough District Health Service — Report 2010–11

Melbourne Recital Centre — Report 2010–11

Melbourne Water Corporation — Report 2010–11

Metropolitan Fire and Emergency Services Board — Report 2010–11

Museums Board of Victoria — Report 2010–11

National Gallery of Victoria, Council of Trustees — Report 2010–11

North East Region Water Corporation — Report 2010–11

Northeast Health Wangaratta — Report 2010–11

Northern Victoria Irrigation Renewal Project — Report 2010–11

Numurkah District Health Service — Report 2010–11

Parliamentary Contributory Superannuation Fund — Report 2010–11

Police Integrity, Office of — Report 2010–11 — Ordered to be printed

Public Record Office Victoria — Report 2010–11

Queen Elizabeth Centre — Report 2010–11

Racing Integrity Commissioner, Office of — Report 2010–11

Residential Tenancies Bond Authority — Report 2010–11

Royal Victorian Eye and Ear Hospital — Report 2010–11

Royal Women's Hospital — Report 2010–11

Rural Finance Corporation of Victoria — Report 2010–11

South East Water Ltd — Report 2010–11

South Gippsland Region Water Corporation — Report 2010–11

State Sport Centres Trust — Report 2010–11

State Trustees Ltd — Report 2010–11

Victoria Law Foundation — Report 2010–11

Victoria Legal Aid — Report 2010–11

Victorian Arts Centre Trust — Report 2010–11

Victorian Civil and Administrative Tribunal — Report 2010–11

Victorian Equal Opportunity and Human Rights Commission — Report 2010–11 — Ordered to be printed

Victorian Institute of Forensic Mental Health — Report 2010–11

Victorian Small Business Commissioner, Office of — Report 2010–11

VITS LanguageLink — Report 2010–11

V/Line Corporation — Report 2010–11

V/Line Pty Ltd — Report 2010–11

Wannon Region Water Corporation — Report 2010–11

Water Industry Act 1994 — Reports under s 77A (three reports)

Western District Health Service — Report 2010–11

Western Region Water Corporation — Report 2010–11

Westernport Region Water Corporation — Report 2010–11

Yarra Valley Water Ltd — Report 2010–11

Yarram and District Health Service — Report 2010–11

Young Farmers' Finance Council — Report 2010–11

APPROPRIATION MESSAGES

Message read recommending appropriation for Crimes and Domestic Animals Acts Amendment (Offences and Penalties) Bill 2011.

BUSINESS OF THE HOUSE

Adjournment

Mr McINTOSH (Minister for Corrections) — I move:

> That the house, at its rising, adjourns until Tuesday, 11 October 2011.

Motion agreed to.

MEMBERS STATEMENTS

Employment: regional and rural Victoria

Mrs POWELL (Minister for Local Government) — On Friday, 2 September, the Premier visited Shepparton to meet with leaders and businesses from across the Goulburn Valley. The forum was hosted by the Greater Shepparton City Council, and I thank the mayor, Cr Geoff Dobson, for his council's support. The Premier and I, along with upper house members for Northern Victoria Region Wendy Lovell and Damian Drum, were keen to hear about the impacts of job losses in the region, about the opportunities for attracting business to the region and about what the government could do to assist and support businesses. The mayors of Shepparton, Moira, Strathbogie and Campaspe talked about the challenges and opportunities in their regions and the need to harness potential to build confidence in our communities. I know that those at the forum appreciated the Premier's visit and the government's assistance in providing training for those who have lost or will lose jobs.

Shepparton: Biggest Ever Blokes Lunch

Mrs POWELL — The Premier also visited the Shepparton Biggest Ever Blokes Lunch, which is a popular fundraising event that was attended by about 640 men. The lunch was to raise funds for the Prostate Cancer Foundation of Australia for research into a disease that, if detected early, can have a good prognosis. The Premier encouraged the men at the lunch to get regular check-ups and congratulated the organisers, especially Chris McPherson, the convener of the fundraiser.

The organisers expect to beat last year's total of $108 000. My son Corey, who is a huge Carlton fan, attended the event and said the entertainment was fantastic, with *Footy Show* personalities Sam Newman, Gary Lyons, James Brayshaw and Shane Crawford along with Greg Champion from the Coodabeens donating their time for this great cause.

Skilled migration expo: Greece

Mr PANDAZOPOULOS (Dandenong) — I rise to call on the Premier to give his support and the government's support to the Australian government's skilled migration expo to be held in Athens on 8 and 9 October of this year. Australia, including Victoria, attracts many skilled migrants, and the states compete in this space to attract them. We have had the benefit of skilled migrants from many places in recent years, including China, India and other parts of Europe.

Greece has not traditionally been a skilled migration source for Australia, despite it having one of the highest tertiary education rates in Europe. However, as a result of the economic situation in Greece, the Australian government has agreed to hold this skilled migration expo to try to build awareness of the skilled migration opportunities in Australia. Australian states compete in this space, and traditionally the states' skilled migration units have been represented at these world events. I know of the Premier's bipartisan support for and personal interest in the Greek community, and I ask him to ensure that the Victorian government is represented.

It is fitting that Victoria be represented in Athens as a state appealing to skilled migrants to come for job opportunities here in Victoria, as we have close to half of Australia's Greek community living in this state. Melbourne is of course the third-biggest Greek heritage city in the world. I look forward to the Premier's support on this matter.

Lowan electorate: agricultural shows

Mr DELAHUNTY (Minister for Sport and Recreation) — In the Lowan electorate we are heading into the season of agricultural and pastoral society shows, with 13 happening between now and Christmas. Local shows are a drawcard for the towns and a means of showcasing local produce, skills and enterprise and providing networking opportunities for farmers, businesses and the community.

The former Labor government took away the opportunity for public holidays for local shows, and it has been a disaster. The coalition government has given back to local government the ability to facilitate local arrangements for half or full-day public holidays as a substitute for Melbourne Cup Day. This means there will be public holidays for the Rainbow and Nhill shows, which will encourage increased attendances.

Local shows are not only a fantastic way of supporting show societies but also an important way of supporting the local community.

Horsham Arts Council: *Grease*

Mr DELAHUNTY — On another matter, last Saturday my wife, Judie, and I attended the Horsham Arts Council production of *Grease*. It was a superb performance. The cast, made up of many new faces, and the crew put on a brilliant performance to a full house which showed its appreciation for their skills with a standing ovation. I congratulate Sandra Wills, the director, Jan Morris, the executive producer, and all the others involved. These local events show that we have enormous talent in western Victoria.

Samantha Stosur

Mr DELAHUNTY — Congratulations go to Sam Stosur, a proud Australian woman, on winning the US Open, one of the four grand slam tennis events in the world. Congratulations Sam!

Clifton Springs: bridge

Ms NEVILLE (Bellarine) — A number of residents in my electorate have been raising their ongoing concerns with the City of Greater Geelong about the proposal to build a bridge over Griggs Creek linking Bayshore Avenue with the Jetty Road housing development in Clifton Springs. They are extremely worried about the increase in traffic along Bayshore Avenue. This is a quiet, peaceful area that they see as potentially being significantly altered by the construction of the bridge and the subsequent link to the major residential development in Jetty Road.

Residents have expressed concerns about the potential impact of such a bridge on their way of life and their safety. They have also raised the issue about its impact on the local environment and the area's cultural heritage. They fear the impact that heavy vehicles may have on the fragile local environment, possibly causing tremors underfoot and landslips at the nearby coastal cliff and in Griggs Creek.

The potential loss of cultural heritage in this area, where Aboriginal artefacts have been discovered, is also a significant issue that has been raised by residents.

These concerns about the impact of the bridge on the quality of life of local families are not new. The matter is now listed for hearing by the Victorian Civil and Administrative Tribunal, and I have raised it with the council a number of times. Although the matter may be resolved at VCAT I do encourage council to have further discussions with residents about their concerns on the issues that have been raised to see if an acceptable resolution can be achieved.

E. W. Tipping Foundation: Moe accommodation facility

Mr BLACKWOOD (Narracan) — I take this opportunity to acknowledge the work of the E. W. Tipping Foundation in Gippsland and in particular on the recent opening of its new accommodation facility in Moe. On 6 September I had the pleasure of officiating at the house-warming of a new six-client house in Moe. I thank the residents and their families for including me in their very special celebration.

This brand-new facility was funded by the joint federal-state government initiative, My Future My Choice, in partnership with the E. W. Tipping Foundation. The My Future My Choice program is aimed at improving living options for younger people with a disability at risk of living in nursing homes. The new house is located very close to the Moe CBD, giving residents easy access to shopping and community interaction. This builds on the determination of the E. W. Tipping Foundation to deliver disability services in line with its people-centred philosophy where people are truly involved in the community and have a real choice about how their support service is delivered.

When you consider that over 6700 young Australians are living in nursing homes it justifies the Baillieu government's firm commitment to do everything possible to make the national disability insurance scheme (NDIS) a reality. The Baillieu government firmly supports the Productivity Commission's recommendation that a trial be conducted in 2014 before a national rollout of the scheme in 2015. The NDIS will complement the work being done by organisations like the E. W. Tipping Foundation so that more ageing parents of children with a disability will no longer be too scared to die for fear of what will happen to their children when they are gone.

Penola Catholic College: fundraising

Mr McGUIRE (Broadmeadows) — I would like to congratulate the Penola Catholic College students, staff and families on their outstanding community leadership and fundraising for worthy causes at local, state and international levels. These efforts demonstrate how the children of Broadmeadows are thinking and acting locally and globally and that they understand we are all connected and positively contributing to communities at home and abroad.

The scope of their commitment ranged from providing money to the local chapter of St Vincent de Paul, Catholic Mission Australia, the Asylum Seeker Resource Centre, the Mary MacKillop East Timor Mission, the Colomban mission to Peru and a medical dispensary in Africa.

I would particularly like to congratulate the year 7 students, who raised more than $8000 for Africa, and applaud their enthusiasm and generosity. I would like to acknowledge the student leaders who are running for college captain next year. I can assure the house that we have an outstanding generation of future leaders who could well produce the next member for Broadmeadows. In recognition of their efforts, Penola Catholic College will be among the recipients of awards I will provide to community organisations and individuals for leadership and excellence.

The SPEAKER — Order! Before calling on the next speaker, a member of the gallery just took a photograph. Photographs are not allowed to be taken from the gallery.

Dream Lover

Mrs VICTORIA (Bayswater) — Last week I had the pleasure of attending a rehearsal of a new Australian musical. *Dream Lover* follows the story of the 1950s and 1960s pop icon Bobby Darin and is currently being workshopped in Melbourne. Congratulations to John-Michael Howson and Frank Howson, the co-writers, the amazing Simon Phillips for his directorial expertise, and John Frost and others who see the fabulous potential in this production. In time, I am sure *Dream Lover* will evolve into a resounding success and further cement Australia's position as a major player in the world of musical theatre.

Employment: government initiatives

Mrs VICTORIA — It seems the hypocrisy of the Labor Party knows no bounds. Last week the member for Tarneit lamented the number of job losses in recent months, yet he has shown no concern for the horrendous impact his federal counterparts' carbon tax will have on all Victorians. Labor members in this place are blind to the potential damage this tax may

cause to our economy. What the member failed to mention was the fact that Victoria was the only state in Australia to record an increase in full-time employment in August. According to the latest figures over 16 000 new jobs were created last month. That can only be good news for families like those in Knox and Maroondah. This is yet another huge tick for the Baillieu government and the direction in which we are leading Victoria.

Heathmont Jets: grand final

Mrs VICTORIA — In an absolute nail-biter last weekend, Heathmont's own Jets took out the Eastern Football League division 4 grand final, eventually winning by 7 points in overtime. Congratulations to all our players, support staff and volunteers who helped the dream come true.

Knox Raiders: women's final

Mrs VICTORIA — Congratulations to coach Heath Anderson and all the Knox Raiders for making it to the South East Australian Basketball League women's final to be held this weekend. Go girls — you know you can do it!

Ayen Chol

Mr LANGUILLER (Derrimut) — Ayen Chol was the four-year-old girl who was recently killed in a pit bull attack in St Albans. She was remembered at a recent event in Brimbank, and I wish to take this opportunity to commend Brimbank City Council officers, representatives of Victoria University and Sunshine Convention Centre, Inspector Graham Kent, Senior Sergeant Trevor O'Shanassy, a number of firefighters, representatives of Spectrum Migrant Resource Centre, representatives from the offices of the Labor members for Keilor and Kororoit, former mayor Sam David and many other dignitaries. The event was exceptionally well emceed by Greg Wheelahan, who, with many others, made sure that through a fantastic trivia night $6866 was raised to support the family in their time of need.

The community of Brimbank extended its appreciation for the leadership that both the government and the opposition have provided in relation to this matter. It was clear throughout the night that the community welcomed the bipartisanship and the tougher laws in relation to dealing with dangerous dogs. The community certainly very much appreciated the government and opposition working together and joining forces to tackle this important matter for all communities.

Bimbadeen Heights Primary School: Ripple Kindness project

Mrs FYFFE (Evelyn) — Last week I was delighted to attend the launch of the Ripple Kindness project at Bimbadeen Heights Primary School, which was emceed by Cath Buckland, the school's wellbeing coordinator, and was a happy, lively occasion. Year 12 Luther College students, year 5 and 6 students from Good Shepherd Primary School and students from Rolling Hills Primary School also attended and joined in by singing *Kindness Changes Everything*.

The Ripple Kindness project is designed to foster the qualities of kindness and giving, and it teaches children how these special qualities can positively influence their attitudes, feelings and actions. The program can also help resolve one of the most serious threatening social problems we have — bullying and its negative effects.

I congratulate the director of Ripple Kindness, Lisa Currie, on her hard work in developing the project and recommend that every school seriously consider implementing this excellent project.

Morrisons of Mount Evelyn: education programs

Mrs FYFFE — Last week I was also fortunate enough to go to Morrisons of Mount Evelyn to launch Adult Education Week. Morrisons, under the driving force of Jan Simmonds, has developed an excellent education program for adults and young people who, because of many circumstances, have slipped through the cracks and are in need of the excellent supportive and caring educational opportunities on offer at Morrisons.

Morrisons offer courses in adult literacy, numeracy, technology and life skills. It also offers certificate skills in beauty and hair, hospitality, community service, first aid, occupational health and safety, and many more. I congratulate Morrisons on the excellent work it does for the community.

Electricity: Brunswick terminal station

Mr SCOTT (Preston) — I rise to draw the attention of the house to two issues concerning power distribution in my electorate. There are currently plans for an upgrade to the Brunswick terminal station. I have received correspondence from the community expressing concern about the potential impacts of this. I have already made documents regarding this matter available to the Minister for Energy and Resources. In response I believe the minister should give an assurance

to the community regarding the safety of any action taken in relation to the Brunswick terminal station. This is a matter which should be conducted with regard for science, ensuring a reason-based discussion.

Energy: aggressive marketing

Mr SCOTT — The second issue concerns a power company representative doorknocking in my electorate and claiming to be doing so in an official capacity to check meters. The representative ignored a constituent's 'Do not knock' notice, claiming he was there to check reports of excessive energy bills in the area. He was assertive and asked to see the meter to check it. When my constituent asked to see his identification, she saw that he was from an energy retailer and refused him access to her meter.

I am concerned that a company is using the so-called meter checking as a deceitful marketing ploy and warn members to be on the lookout for this trick, which appears to be using the concerns that people have regarding their power supply to engage in fairly aggressive direct marketing, which perhaps is unethical. I will provide the responsible minister with the name of the company at a later date.

Bupa Care, Windsor: activities

Mr NEWTON-BROWN (Prahran) — Bupa Aged Care, Windsor, is doing some great things to enhance the lives of its elderly residents. I recently attended a bush dance where residents and their families dressed up in cowboy hats, chaps and spurs and danced the night away to the sounds of a bush band. This weekend Bupa Windsor is hosting an art exhibition. Well done to Amanda Lory and her staff, who go the extra mile to ensure that residents have some fun in their lives.

Tour of Duty Ride

Mr NEWTON-BROWN — I met with local firefighter Paul Ritchie at the Windsor fire station recently. He told me about the inspirational event he organised last year — the Tour of Duty Run — from Los Angeles to New York — to commemorate the lives lost in the 9/11 attacks on the World Trade Centre. Firefighters and police from across Australia joined their American colleagues for the run, which concluded with a Walk of Peace across the Brooklyn Bridge with John Howard. We wish Paul well in his planned event for 2012 — the Tour of Duty Ride across the United States on bicycles.

Yarra River: biodiversity wetlands project

Mr NEWTON-BROWN — The new Yarra River biodiversity wetlands project is shaping up well next to the river in Toorak. This Stonnington council project is a great example of stormwater capture and re-use in a wetland system which will enhance the area and improve the quality of stormwater flowing into the river. I look forward to meeting with mayor Melina Sehr soon to provide a state government contribution of $100 000 to this project.

Sacred Heart Mission

Mr NEWTON-BROWN — Last week I visited Sacred Heart Mission with the member for Caulfield and Ms Crozier, a member for Southern Metropolitan Region in the other place. We were struck by the welcoming, respectful environment the mission has created for local homeless people. I look forward to its art exhibition in Queen's Hall later this year and encourage all members to come and see the fabulous artworks created by residents.

Victorian certificate of applied learning: funding

Ms GRALEY (Narre Warren South) — Recently I received letters from students at Narre Warren South P–12 College, all of whom are very concerned about the Baillieu government's cuts to the Victorian certificate of applied learning (VCAL) and what it will mean for them and their fellow students. Year 12 student Rechelle Palmer wrote:

> With the funding of VCAL being withdrawn, this could compromise the ability to apply for and complete courses and apprenticeships with such ease as we do today, with the overwhelming support and excellent team that is there for students in our successful VCAL program.

School captain Ashlee Leitch wrote:

> The VCAL coordinators have been instrumental in my success. Since joining VCAL I have not been suspended once and have maintained excellent attendance. My coordinators are available every recess, lunchtime, before and after school to assist me with concerns and general advice. As with most VCAL students this support is crucial. To suggest that we can obtain assistance from an external body such as the LLEN is ridiculous.

She went on to say:

> I would hate to see the next year's VCAL students suffer all because of the government's cut to our funding.

And Mitchell Dunne wrote:

> If it wasn't for the coordinators of the VCAL program at Narre Warren South P–12 College I probably would have dropped out in year 10.

I thank all students who took the time to write to me: Mitchell Dunne, Rechelle Palmer, Ashlee Leitch, Parandita Tut, Brenda Nicoli, Kate Newton, Ashley Huzony, Charlotte Bailey, Jacinta Fischer, Jade Shepherd, Amber Williams and Vineet Prasad.

The claims by the Baillieu government that its funding cut will not have a negative impact is completely and utterly refuted by the very people, the students and staff, that it will adversely affect. It is time that the Minister for Education addressed this major disconnect between his office and the real world.

Carbon tax: Gippsland

Mr NORTHE (Morwell) — The Gillard federal government's carbon tax proposition has caused much consternation throughout Victoria, including of course within the Latrobe Valley and the wider Gippsland region. There is a distinct lack of detail as to how communities such as those in the Latrobe Valley will be impacted and then how they will be supported by the federal government. Whilst the federal government acknowledges that Victoria in general and the Latrobe Valley in particular will be significantly compromised by this tax, there appears to be absolutely no plan in place for how our community will contend with its introduction.

To hear the concerns raised, one only has to listen to people such as Craig Flanigan, a unit controller at Hazelwood, who was quoted in the *Australian* newspaper of 12 July as saying that the carbon tax 'could potentially finish the valley'. Even the secretary of the Victorian branch of the Electrical Trades Union, Dean Mighell, has stated:

> If you come down to the valley and you look at the potential impact this is going to have on our members down here … It really is heartbreaking for them to contemplate another 3000 or 4000 jobs …

The Gillard government cannot say how many jobs will be lost directly and indirectly, what the social and economic impacts will be, what the real costs will be to households and business or how Victoria's energy security needs will be met if Hazelwood power station is taken offline. The Gillard government has failed to answer any of these questions sufficiently and should be condemned for introducing such an ill-conceived plan without understanding the social and economic impacts upon communities such as those in the Latrobe Valley. We already have the situation of businesses being compromised by the very nature of this tax, and the Gillard government should be condemned for it.

Victorian certificate of applied learning: funding

Mr PALLAS (Tarneit) — On Monday, 12 September, the Leader of the Opposition and I had the great fortune to visit Warringa Park School. We met with the school principal, Colin Schot, the president of the school council, Carol Tymoszek, and the Victorian certificate of applied learning (VCAL) coordinator, Jurgen Haase, at the school's on-site cafe, which is run by VCAL students, to discuss the impact on their school of the government's cuts to the VCAL program. Warringa Park caters for all children with an intellectual disability and has a current enrolment of 304 students. To lose more than $35 000 from its budget to support what is a vital program for the school is a crushing blow. The school has a city campus from which it runs various innovative VCAL courses for its students, with the core aim of providing an engaging education that will open a wide range of career pathways.

The government's decision to cut funding for the program will limit the options of young people across my electorate, with more than $300 000 in funding for VCAL coordinators being lost from five schools in that electorate alone. VCAL coordinators are essential in developing curriculum and assessment materials, and partnerships with local employment networks as well as coordinating student administration. Without this funding other areas of the school budget may need to be trimmed in order to keep the program. The VCAL program is vital; it improves educational outcomes and provides key components for building a skilled workforce. The students who benefit from VCAL are often amongst those who need the most support.

Lysterfield Lake Park: flood recovery works

Mr BATTIN (Gembrook) — It is great to see the works at Lysterfield Lake Park, which adjoins my electorate and the Ferntree Gully electorate. I was pleased to visit the park with the member for Ferntree Gully, to announce the completion of stage 1 flood recovery works and the progress of stages 2 and 3. We are both pleased with the progress and pleased that this great park will be entirely open to the public in the very near future.

Walk to Work Day

Mr BATTIN — Now in its 13th year, Cancer Council Australia's national Walk to Work Day, which will take place this year on Friday, 16 September, is an annual event that helps employers and employees build regular walking into their daily routine. Cancer remains one of Australia's biggest health problems and is expected to claim over 40 000 Australians this year. An estimated 114 000 new cases of cancer were diagnosed in Australia in 2010, and one in two Australians will be diagnosed with cancer by the age of 85. About 30 per cent of cancers can be prevented through following a healthy lifestyle, which includes healthy eating and

regular exercise. For most Australians, walking regularly is the best exercise, especially as it can be built into our daily routines. Tomorrow I will take the challenge and walk from Pakenham to Berwick, where my office is, and I encourage others to get active.

Emerald Secondary College: principal for a day

Mr BATTIN — I wish to thank the students, parents and teachers at Emerald Secondary College for making principal for a day not just enjoyable but informative. Special thanks to Wayne Burgess and his leadership team.

Yellingbo Primary School: tree planting

Mr BATTIN — Thank you to all the students at Yellingbo Primary School who worked so hard at the Yellingbo State Nature Reserve to plant trees for the future survival of the helmeted honeyeater.

Operation Newstart

Mr BATTIN — Congratulations to all the young people who graduated from the Operation Newstart programs in Victoria, a program for youth at risk and the leaders of tomorrow run by dedicated police officers and teachers, a program that I strongly support and will support into its future.

Illinden: independence anniversary

Ms KAIROUZ (Kororoit) — On 2 August I had the honour of joining members of the local Australian Macedonian community and many Macedonian pensioner and senior citizens groups in the western suburbs to mark the anniversary of Illinden, the day of the republic, which celebrates the uprising of August 1903 and the Macedonian people's fight for independence. It was a great day, with traditional food, music and dancing, and it was a fantastic opportunity for me to engage and share a special day with the local Macedonian community in Kororoit. I thank them for their invitation.

Republic of Macedonia: 20th anniversary

Ms KAIROUZ — On 5 September here at Parliament I attended a celebration of the 20th anniversary of the foundation of the independent state of Macedonia. With local representatives from the Macedonian community of the western suburbs, I gathered with the President of the Legislative Council and Speaker of the Legislative Assembly as well as other members of Parliament from both sides of the house, various consuls-general and representatives of the Macedonian Orthodox Church. It was a fantastic event, celebrating the anniversary of the emergence of an independent and free Macedonia. I thank all who were involved and congratulate the wider Macedonian community of Victoria on their contribution to our great state. I look forward to the next function.

Movelle Primary School: performing arts centre

Ms KAIROUZ — Last week, representing the Honourable Brendan O'Connor, a federal minister and the member for Gorton, I was happy to attend the opening of the Building the Education Revolution funded performing arts centre at Movelle Primary School in my electorate. This $1.925 million project has delivered facilities comparable to the best-resourced schools in the eastern suburbs. The centre will be available to the wider community and represents a fantastic facility for Melbourne's western suburbs. I have no doubt it will receive wide use, and I look forward to the next Hugh Jackman or Nicole Kidman emerging!

Ray Carroll

Ms McLEISH (Seymour) — Fifty-three years is a long time — it is longer than my life. For Ray Carroll 53 years represents the time he dedicated to Assumption College, Kilmore. I rise today to recognise and pay tribute to Ray for his remarkable service. His commitment to the school and to the many students he has met and influenced over that time is unparalleled. Ray was a teacher, mentor, coach and dormitory supervisor, but it is his reputation as a sports coach that will live on. He coached more than 800 football games and achieved a remarkable 47 first grade premierships in cricket and football. He coached 90 players who went on to play at the AFL or VFL (Victorian Football League) level.

Ray always put others' needs before his own. He did not often think of himself. Former student Simon Costa instigated RAYDAY, including a celebration fundraiser, to recognise the milestone event of Ray's retirement. It was my privilege to attend on the day. Some 2500 people turned up to watch Ray coach his last football match. Ray was given a standing ovation as he walked a guard of honour of 70 former school cricket and football captains.

Ray received a number of honours on the day, including an AFL merit award. Damian Drum, former Assumption student and current member of the coalition government and a member for Northern Victoria Region in the upper house, passed on messages from the Prime Minister and Premier and

announced the coalition's commitment to commission, along with the Mitchell Shire Council, a bronze statue to be erected in Ray's honour at the school.

'Amazing', 'selfless' and 'generous' are words commonly bandied around to describe Ray. He is a man with a great memory, who did not forget students who did not forget him. Ray's reputation precedes him. Those who know him treasure him. I wish Ray all the best in his retirement, and I trust I will see him around in Kilmore in the years to come.

Wings Foundation

Mr LIM (Clayton) — On 22 August I attended the Wings Foundation's annual scholarship and awards presentation. This foundation has awarded more than $10 000 annually to hundreds of international Chinese students who have not just achieved outstanding academic results but who have proven community affairs involvement as well. I met with the many past and present awardees of the Wings Foundation who have gone on to become activists on university campuses and to hold management positions in the student unions.

The Wings Foundation is auspiced by 2Future, which runs cheap tutorial classes to support international students. It runs the tutorial classes not for monetary gain but to focus on building and growing a long-term socially responsible group of young leaders to make a difference in Australia. I believe these young leaders of 2Future and the Wings Foundation, led by Gen Li, Daniel Pan and Tony Wang, and their incredible bunch of volunteers, are the unsung heroes of the Chinese community. In less than three years they have built a social infrastructure and network from scratch and grown it into a non-profit, mutual assistance organisation to provide support and fellowship to needy international students to help them settle successfully in Australia. Indeed this is a Chinese first. They are deeply committed, with strong belief in their convictions and sacrifice. They have donated financially to many community organisations, including three Chinese senior citizens clubs in Box Hill, Springvale and Clayton that I am aware of.

Moorabbin Airport: Australian Air League squadron

Ms WREFORD (Mordialloc) — Recently the Minister responsible for the Aviation Industry and I attended the Australian Air League's annual Victorian group review and field competitions at Moorabbin Airport. It was a fantastic afternoon, but undoubtedly the highlight was the unveiling of the brand-new Moorabbin Air Museum air league squadron.

The Victorian division of the air league comprises 12 squadrons stretching from Ballarat to Cranbourne. The addition of this 13th squadron is wonderful, particularly for children even slightly interested in joining the group in the Mordialloc electorate, whether they are interested in aviation or not.

I commend senior members of the air league, like Group Executive Commissioner Adrianne Fleming, for their efforts in starting the new squadron, and wish the 15 cadets all the best.

Parkdale Bowling Club: greens opening

Ms WREFORD — On Sunday I joined the Parkdale Bowling Club for its summer season opening. It is a great community club that provides an active and social outlet for the community. I addressed the club on the significant reforms this government is undertaking, including the equal opportunity amendment.

Dingley Village Historical Society

Ms WREFORD — I recently attended the annual general meeting (AGM) of the Dingley Village Historical Society. The AGM was well represented by a very engaged group of people who have huge pride in their community. The historical society has recently completed a book on the history of Dingley that will be launched in the next few weeks.

Wind farms: government policy

Ms D'AMBROSIO (Mill Park) — I refer to a report in the *Daily Telegraph*, a New South Wales paper, which says:

> The state government has put aside draft plans for a suspension of wind farm development applications, despite a senior MP giving pre-election assurances that an O'Farrell government would support such a moratorium.

The article concludes with some comments from a senior frontbencher, Ms Hodgkinson, who sponsored the original policy. Ms Hodgkinson is reported as having said that while she had expressed support for a moratorium to her constituents, that did not constitute formal coalition policy.

The reason I raise this issue is that in Victoria the government has essentially signed a death warrant for the wind energy industry. It looks as if New South Wales is measuring itself up to take jobs and investment away from Victoria because of the policy of

the Baillieu government, and New South Wales sees an opportunity to do that.

In discussions I have had in recent months with the Keppel Prince organisation in Portland, it was made very clear that if the state government goes ahead with its wind energy policy, New South Wales is potentially the right place for it to move to because its industry is embryonic.

Belmont Primary School: principal for a day

Mr KATOS (South Barwon) — I recently had the great pleasure of being principal for a day at my old primary school, Belmont Primary School. I was made very welcome by the principal, Mark Arkinstall, and I took great pleasure in being there. I was shown around the various classrooms. It is an old school in a heritage building — its number is 26, and we are now into the thousands in primary school numbers. I am very pleased that the coalition government has committed $1.8 million in this year's budget to rebuild the school. That project is presently under way, which means it is a bit of a mess for the students attending the school at the moment, but the school will be fantastic when it is finished. I took great pleasure in being principal for a day.

DRUGS, POISONS AND CONTROLLED SUBSTANCES AMENDMENT (PROHIBITION OF DISPLAY AND SALE OF CANNABIS WATER PIPES) BILL 2011

Second reading

Debate resumed from 14 September; motion of Ms WOOLDRIDGE (Minister for Mental Health).

Mr MORRIS (Mornington) — I am delighted to have the opportunity this morning to support this initiative of the Minister for Mental Health — an initiative that implements election commitments that were made as far back as January 2010. This bill is intended to ban the display, sale and supply of cannabis water pipes — or bongs, as I will refer to them from now on — and also to ban the display, sale and supply of bong components, bong kits and other similar paraphernalia. It will also limit the display of ornamental hookahs to a maximum of three at one time.

Cannabis water pipes, as the name suggests, are appliances used to aid in the consumption of an illicit drug. If we are prepared to ban the possession and consumption of this drug, as we have in Victoria, then surely it follows that we should take similar action to remove from the marketplace the accessories that assist in a particular method of consumption of this drug. In considering the bill we probably also need to consider whether in fact the Parliament should continue to support the ban we have in place on this particular substance.

This is a subject I know a little bit about, having served on the Drugs and Crime Prevention Committee throughout the last Parliament. The very first inquiry we conducted related to the misuse and abuse of benzodiazepines — essentially opiates. In that inquiry my colleagues on this side of the house were the Leader of the House and the now Minister for Veterans' Affairs. While cannabis was not a primary interest in this inquiry, the one thing that became very clear, very early on, was that most if not all users of things like benzodiazepines were poly-drug users as well. In many cases that other drug was alcohol, but frequently that other drug was cannabis, and it was the initial consumption of cannabis that led to further difficulties.

Cannabis is the most widely used drug in Victoria. The statistics have been quoted many times in this debate, but it is worth repeating them. At least 30 per cent of Victorians have at some time in their life used the drug on one or more occasions. In the last 12 months something like 9 per cent of the population has used the drug; not surprisingly, many of those people are in the 18–29 age group. Up to one-third of the people who consume the drug may develop some form of dependence, whether on this drug or on another drug. Another statistic that has been quoted frequently in this debate but is worth repeating is the fact that in 2009–10 there were some 887 ambulance attendances related to the use of cannabis.

There are significant risks associated with the use of cannabis. In 2009–10 cannabis-related hospital admissions rose by 21 per cent. In 2008–9 there was a 3 per cent increase in cannabis-related arrests, which is significantly higher than population growth. There is the potential for increased risk in the development of mental health problems, whether or not there is a family history of mental illness. There is an increased risk of experiencing psychosis: I believe there is a 40 per cent increase in that risk if you have ever used cannabis, and potentially for those who are frequent users that risk can increase by up to 200 per cent.

We know cannabis clearly plays a causal role in the development of schizophrenia and psychosis, and for young people there is significant risk of the development of depression, psychosis and anxiety, particularly if they develop usage habits early in their

lives. Following on from that is the potential for educational difficulties, disengagement, social isolation and all those sorts of things.

Something that the members of the Drugs and Crime Prevention Committee in the last Parliament frequently considered was some statistics that are produced biennially, I think, by the Australian Institute of Criminology monitoring drug use, particularly in prisons and overnight lock-ups — certainly out at Footscray. Almost half the male detainees in those situations tested positive to cannabis; 45 per cent of them had been detained for violent offences and 48 per cent for property offences. So there is a significant link between drug use and inappropriate behaviour bordering on and progressing to criminal activity.

On the basis of that information, in my view the ban on cannabis needs to be retained, and it follows from that that the sale of associated paraphernalia such as bongs should also be banned. There is no doubt that the current arrangements send a very mixed message. Why should you be allowed to sell an implement that assists in the consumption of a drug and the sole purpose of which is for the consumption of cannabis when the substance itself is banned? There is no doubt that anything we can do to reduce the uptake of cannabis use — and outlawing bongs will certainly assist in that — will have an impact in terms of reducing the social cost of drug use. The social costs are significant for those who consume the drugs and for their families and friends, and there is an impact, which is clearly not as significant, on the wider community as well.

We need to get the message across: cannabis is not a legal drug. If you use it, you can seriously damage yourself either directly in terms of the health effects or by secondary impacts such as educational effects and so on. As I said earlier, the ban proposed by this bill will make the sale of bongs, kits and parts — that is, bongs in any form — illegal from 1 January next year. It is a ban that will be reinforced by Victoria Police.

I think it is worth referring to the offences that are created by the bill, which are: displaying a cannabis water pipe, bong component or bong kit in retail outlet, selling the same items and supplying the same items in the course of carrying out other commercial activities. These offences will attract significant penalties — 60 penalty units for an individual and 300 penalty units for a body corporate. There is also the capacity in the bill for the issuing of infringement notices, which attract lesser penalties but are still reasonable — 12 penalty units for an ordinary person and 60 penalty units for a body corporate. There is also provision for the implements to be seized in that context.

There has been some discussion during the debate on this bill about the cultural impacts of this legislation, and that is precisely why it draws a distinction between a bong and a hookah. Clause 4 of the bill clearly defines the physical differences between the two implements in terms of the number of hoses and so on that are normally attached. The bill will bring us into line with other states — Queensland, New South Wales, South Australia and Western Australia — all of which have banned the implement.

This is the implementation of yet another Baillieu government promise. It is a sensible addition to the armoury; it is only one part of it, but it is a sensible addition. It underlines our commitment to bringing in practical measures to reduce the incidence of drug abuse. I congratulate the minister on her initiative, and I commend the bill to the house.

Mr NARDELLA (Melton) — I rise to support the legislation before the house and want to make a number of comments on it. I have been listening intently to the debate, and it is very interesting in the sense that this is an issue with which the conservatives, the Tories in this place, reckon they are on a winner. It is true. They reckon that this is being tough on drugs and being tough on people who use drugs, and that this legislation is part of the process of stopping them using drugs. Let me tell you, Acting Speaker, it will not stop them. As the honourable member for Mornington said, 30 per cent of people in Victoria have used cannabis; they have used dope — and they have inhaled it. Most people in this chamber would say if asked that they had not inhaled it, but most people who use cannabis inhale it.

There are a couple of delivery methods, let me inform members, for marijuana. One is through bongs. The other is through cigarettes — rolling it up in a cigarette paper. The logical extension of the decision to ban the sale of bongs is that we should go on and ban cigarette papers, because they are the other delivery method for marijuana that is on display in retail shops. If this legislation is to be taken to its logical conclusion by the conservatives of this government, then they should ban the ciggie papers. That is the logical extension of it.

If you look at it logically, there are some other components and things that should be banned as well. I do quite a number of clean-up days around the place, and when we do clean-up days we find bongs, because kids go into the paddocks and smoke marijuana in the

paddocks away from mum and dad — sometimes not away from mum and dad, but most of the time away from mum and dad. What are these bongs made of? The kids do not go into the shops and buy a bong; they get an orange juice bottle, a plastic bottle, and go to the backyard with a Stanley knife — —

Mr Katos — Tell us how to make a bong.

Mr NARDELLA — I am sure the honourable member for South Barwon is able to tell me how to make one.

They go to the backyard, they snip off a bit of water hose and then they put the fittings back so that mum and dad do not know that the hose has been tampered with. They put a hole in the orange juice bottle, shove the hose into the orange juice bottle — —

Mr O'Brien — Is this an instruction manual for whoever's reading *Hansard*?

Mr NARDELLA — No, it's not. This is what a bong is.

Mr O'Brien — Think about what you're saying, mate.

Mr NARDELLA — The minister obviously doesn't know what a bong is. They shove it into the orange juice bottle — —

Honourable members interjecting.

The ACTING SPEAKER (**Mrs Victoria**) — Order! There will be less interjection.

Mr NARDELLA — And then they put another implement in — —

Honourable members interjecting.

Mr NARDELLA — Yeah, they're all going to read my contribution today. All those kids who throw the bongs into the bushes are furiously going to get onto the internet, get onto their iPads. They're watching now. Hello, kiddies! They're watching now to be able to — —

The ACTING SPEAKER (**Mrs Victoria**) — Order! Could we come back to the bill!

Mr NARDELLA — I am on the bill.

Honourable members interjecting.

The ACTING SPEAKER (**Mrs Victoria**) — Order! I ask for some order in the chamber.

Mr NARDELLA — So you then put a bit of silver foil on the end, you put some water in it and there you have it; you have got your bong. What is this government going to do? Is it going to ban orange juice bottles? Is it going to ban plastic milk bottles? This bill is just an extension of the paranoia of those opposite around these things, and they say this is about being tough on drugs and tough on crime. They are really big people doing this!

If honourable members on the other side of the house were fair dinkum, they would go through a sincere process involving the provision of information about the drug. They would be informing users of cannabis and others who are thinking about using it about the dangers of the drug, and they would actually put in place a harm minimisation model rather than this nonsense of banning bongs that you can buy off the shelf, thereby affecting retailers of those items.

Whether you can buy bongs or not, I do not care; it is not an issue. Now we have eBay — here is another instruction manual for the honourable member for South Barwon — you could probably get onto eBay or a number of other sites and get bongs imported, not that I have ever been on eBay looking at bongs. Under the terms of this legislation people can do that. Society today is much freer than it was in the past. The ability of people to get items through the post is much greater today — retailers have been talking about this recently. This legislation does not cover that. I support the legislation. I suppose somebody from the other side of the house should move some amendments to ban these implements being imported into Victoria via the post. If they were fair dinkum, that is what they would do.

I would say that we really need to look at harm minimisation. I agree with honourable members on both sides of the house that smoking marijuana, smoking cannabis, is not good for one's health. Smoking full stop is not good for one's health, and I can say that from experience. We need to find ways of connecting with the people who use it, finding out why they use it and trying to get them off the marijuana and onto a different path. That would be a much more positive way of dealing with this. It would be much more positive to provide information through the retail outlets — because you are not going to be able to provide it through eBay — saying, 'This is where you can get help. If you are buying a bong, if you are going down this path, this is where you can get help. This is where drug and alcohol workers are. If you have a problem, then there are alternatives to purchasing this implement and smoking marijuana'.

The harm minimisation model really is the way to go. It is important for our young people and for older people that smoke cannabis. If you look at this in a logical and rational way, what you really want to do is connect with those people, and the harm minimisation model is the way to go. Whether it is with cannabis, heroin or the other hard drugs that are out there, it is about trying to connect these people with health workers. Health workers are extremely important in working through the issues people have that are the background reasons for their smoking these kinds of mind-altering drugs. Do they consume these drugs to get high? Yes, they do. Is it to get them away from the lives they are living at the moment? That is also part of the reason. There are other things — better things — they can do so that they do not smoke cannabis. I do not agree with people smoking cannabis. It is not the done thing or the correct thing to do. It is an illicit drug.

We should be finding better ways of getting people off these drugs and better ways to break down the dealer networks and the networks of distribution so that people do not smoke cannabis. But people do smoke cannabis, and they will continue to do so. They will continue to use bongs, whether or not they can buy them at retail outlets. They will continue to make bongs. The logical extension of this reasoning is: how do we connect with the users, how do we help those users get off marijuana and how do we make our society a better place for those people and those families? I think that is the real challenge for this government.

Mr SHAW (Frankston) — I am pleased to rise to speak about the Drugs, Poisons and Controlled Substances Amendment (Prohibition of Display and Sale of Cannabis Water Pipes) Bill 2011. I want to congratulate the Minister for Mental Health on this bill. This is a sensible bill. We are a reforming government, and we are here to fix the problems.

I normally enjoy some of the banter that members on this side have with the member for Melton, but for him to say that the obvious extension of this bill is to ban orange juice and milk containers is quite extraordinary. Bongs are used for the sole purpose of smoking marijuana. On the other hand, orange juice and milk bottles are not. Another member said that when the prohibition of alcohol was around, we should have banned drinking glasses. That is absolutely absurd. I say to the member for Melton and the other member that there are other uses for orange juice containers. They are marketed differently. Orange juice is marketed as a health product. No-one looks at those bottles — well, no-one from this side of the house — and says, 'Gee whiz, I would like to make a bong out of that!'. Maybe those from the left, particularly the Greens, would love to do that.

I am very pleased that this government is committed to protecting the health and wellbeing of Victorians. I am sure that people on the other side are as well, but they were in government for 11 years and nothing changed. Kids walk past bong shops, they see bongs and they ask, 'What are they about?'. The opposition had 11 years to deal with that. The contradiction here is that we are saying that marijuana is an illegal substance and an illicit drug and yet there is an implement that can be purchased legally that has the sole purpose of being used to smoke that stuff. That is absurd.

In 2005 Steve Bracks, the Premier at the time, claimed that the government was considering restricting the sale of bongs and other water pipes to minors. He said:

> This government recognises it's inconsistent that minors cannot buy tobacco products, yet they are able to purchase bongs or similar implements

That was back in 2005. I would have thought that with a statement like that coming from a Premier, the opposition would have wanted to have that issue at the top of its list. Apparently there are 100 retail outlets in Victoria that sell bongs. My electorate of Frankston has over half a dozen of them. I am happy that these bong shops are going to close. I will be quite pleased to see them change their business model.

The member for Melton said that another way of smoking cannabis is to use cigarette paper or tin foil. Those products are used for other things. The bong and related implements are used solely to smoke cannabis. I do not think there is any argument from either side that illegal drugs are a terrible scourge on society. At least we do not hear that argument in this house; if we had the Greens in here, it might be a different story. I personally have never taken illegal drugs. When I was in my mid-teens I had friends who were taking drugs, and I saw the detrimental effects those drugs had on them. These drugs are mind slowing and cause many of the mental health problems that have been discussed by other members.

The coalition was elected to government on five broad policy platforms. One of them was to fix the fundamentals. This bill is a simple and very much cost-free implementation of policy. The other side always cries out, 'Throw money at this and throw money at that — that will fix it!'. If this simple bill is passed, my kids are not going to walk past a shop window in Frankston and see a bong there. Earlier in

this debate the member for Ferntree Gully said that he and his kids went to a market and saw bongs and toys in the same place. That is just crazy.

I am glad that the opposition is backing this policy implementation. The member for Broadmeadows said that this bill is a 1 per center policy from this government. Well, you know what? One per centers may not win games, but they help to win games — that shepherd, that bump, that tackle and that run through all help to win the game. We are approaching this year's AFL Grand Final, and I am getting excited! All these little things help. If team members did not do those little things that are part of the team plan, they would not win the game. You cannot rely on the full-forward to kick goals. It takes all these little things to help out. The member should know very well that 1 per centers help to win the game.

Yesterday I quite enjoyed the contribution of the member for Dandenong. I thought his contribution was quite good, but at the end he said that he understood that some people believed smoking bongs was a part of Australian culture. How wrong is that? Where was the member for Dandenong when he got that idea? Was he at a conference of the Greens when he got the idea that that would be a good thing to say — that smoking bongs is a cultural thing and we should allow it? The mind-numbing social engineering of the Greens and the left just do not stand up in this Parliament. We will not have that here. If it is a part of the culture — and it is not — it is up to us to say that it is not acceptable. It is not acceptable to have bongs on display or have them sold when their sole purpose is for the consumption of illegal drugs.

Another commitment of the coalition upon coming to government was to have strong families and vibrant communities. Walking through Shannon Street Mall in Frankston and seeing a bong shop does not say to me 'strong families and vibrant communities'.

Mr Herbert — Did you make any arrests while you were there?

Mr SHAW — I will leave it to police officers to make arrests. That is another thing: we care about the wellbeing and health of our constituents and all the people of Victoria. That is why, as part of our whole-of-government policy and election strategy, we have put on an extra 1700 police and transit police and more protective services officers. It is to protect the people and ensure their wellbeing and to be tougher on crime, and this is part of that. This may be a 1 per center, as the member for Broadmeadows said, but it is more than that, because it means that my kids, who do not think about drugs at all, can walk past those shops in Frankston and they will not have that question. They will not say, 'Hey, Mum and Dad, what are those glass things hanging out of the window in that tobacco shop?'. I will not have to bother answering that question, because those bongs will not be on display.

Some members have said that this bill will not stop people taking drugs. Well, der! We know that it is not going to stop people taking drugs, but it is going to stop the people who are very close to taking drugs because of peer pressure and easy access to those implements. They are not going to get access to those implements. I do not think they are going to go to the supermarket and get orange juice containers to make bongs. Our kids will just be thinking, 'Hey, instead of making a bong out of that orange juice container, I just want to drink the orange juice!'. They do not want to follow the instructions provided earlier by the member for Melton.

Cigarette packaging has been looked at. I do not smoke cigarettes, but why is it necessary to have plain packaging behind closed doors? It is a legal drug. There is no drinking in the streets in certain places — no drinking in the streets of Frankston anyway. Why is that? That is because we do not want to normalise these social ills in our society. We do not want to normalise them.

The left would love to normalise these type of things. They have normalised a lot of things in our society, or at least they have tried to normalise them. We do not want to normalise drugs in our society. We do not want to normalise drinking on the streets in our society. The government is looking at cigarette packaging and at putting cigarettes behind closed doors and not having them on display because they know the health effects that cigarette smoking has.

The number of ambulance call-outs for cannabis-related incidents was the second highest in the Frankston municipality. That is not a good look for us. More than 6 per cent of bong sales from retail outlets occur in Frankston. I would be happy for these retailers to look at other business endeavours, because the image of Frankston and the protection and wellbeing of the health of people in Frankston is of paramount importance to us.

In conclusion, this is a very simple policy. It is a sensible policy, and I support it. It is not hugely costly at all. It meets our commitment to the safety and wellbeing of Victorians. It meets our commitment to having vibrant families and strong communities, and

they will get behind this. It also fixes the fundamental problems that were built up over 11 years of neglect and abuse by Labor. I commend the bill to the house.

Mr HERBERT (Eltham) — I will say a few words on this bill. There has been a lot said about it, yet it is a fairly small bill. The Drugs, Poisons and Controlled Substances Amendment (Prohibition of Display and Sale of Cannabis Water Pipes) Bill 2011 is a well-meaning piece of legislation. There has been a lot of debate about it simply because the government's legislative program this week — as is so often the case — is very shallow, very weak and very light on. We are debating these bills simply to keep the Parliament going. The legislative program is shallow, very light on and lacking in any particular depth, and that is only matched by the contributions of those opposite. This is a well-meaning and well-intentioned bill. I do not think anyone would object to a bill that says an illegal product should not be on display on the shelves. However, this is not substantive health reform.

Mr Shaw interjected.

Mr HERBERT — I hear the member for Frankston interjecting. The member for Frankston says a lot of things and does a lot of things. He is in the paper an awful lot.

The ACTING SPEAKER (**Mrs Victoria**) — Order! I will have order in the chamber. I ask the member to return to the bill.

Mr HERBERT — I am sure the last thing we would ever want is for ordinary people to take the law into their own hands.

The ACTING SPEAKER (**Mrs Victoria**) — Order! I ask the member to come back to the bill.

Mr HERBERT — I am on the bill, Acting Speaker. The bill is about displaying items. I would hate to see ordinary people — perhaps in Frankston — go to a festival, a fair or the local Frankston market and suddenly start assaulting people who are selling these items because in their view they are hookahs or bongs.

Although we are supporting this bill and we have heard a lot about, it is not substantive legislation. If any members opposite think for one moment that this is going to stop people using bongs or even purchasing bongs, they are crackers. Last night, after I heard some of the contributions to the debate by members on the other side about what a substantive health reform and drug reform this bill is, I went on the internet and googled 'bongs online'. What did I find? A plethora — literally hundreds — of sites from which people can and will be able to purchase these items. They can purchase them for $12.99 or $10, so to say that this is going to stop young people from using bongs for illicit purposes is simply wrong.

It is a nice little bill, and I admit that we do not want to see bongs on the streets or in shops. But to say, as the member for Frankston did before, that this might stop those people who 'are close', I think his words were, to taking drugs or those who are perhaps planning to take drugs from taking those drugs is simply wrong, because young people are constantly on the net nowadays. They do most of their shopping on the net. They do a lot of their socialising and conduct a lot of their lives online, and this simply will not stop that. What will cut down the use of illicit drugs is properly thought out policy, well-resourced health care and well-researched programs that encourage kids to stay at school.

Mr R. Smith interjected.

Mr HERBERT — It is interesting that we hear the member for Warrandyte ask: 'Why didn't we do something?'. If members look at the latest figures, they will find that we invested record funding in health. We introduced substantive legislation. More importantly, if members look at the latest public opinion polls about various issues, they will find that health is less of an issue in Victoria than it is in any other state. The member for Warrandyte talked about the Family First candidate in the 2006 election. I am very glad he did — not that it is on the bill. For the record, there were a lot of allegations made then by the man who, as I understand it, had a history of these sorts of incidents and was assaulted the night before on the property next to his house.

The ACTING SPEAKER (**Mrs Victoria**) — Order! The member for Eltham! I ask the member to come back to the bill, and I ask those opposite not to interject.

Mr HERBERT — It is absolutely clear that the man in question — I do not know what they were doing next door — was assaulted the night before by a group of young people next to his house — —

The ACTING SPEAKER (**Mrs Victoria**) — Order! I have ruled that the member for Eltham will come back to the bill.

Mr Shaw interjected.

Mr HERBERT — Cheap shots? Not cheap shots!

The ACTING SPEAKER (**Mrs Victoria**) — Order! I will have no more interjections from the member for Frankston.

Mr HERBERT — What we have here is a nice little bill that everyone wants to talk about, but we are still waiting to see some substantive legislation on a substantive issue in this Parliament. Everybody knows that if it is a complex issue, it requires a complex solution. Members should be aware of charlatans and con people trying to give them a simple solution to a complex problem. Young people and others taking drugs in our society is a complex problem, as it is around the world.

A simple piece of legislation like this, banning the sale and advertisement of bongs, will not solve it. It is a nice piece of legislation — we do not want to see bongs in shops — but we in this place are waiting for real legislation that may actually do something to help young people avoid the perils of drugs. When we see that we will of course look at it carefully, but this piece of legislation will not do that. On this side of the house we are, as we have always been, concerned about reducing the risk of young people using illicit substances. It is a complex task to do that. Schooling, education, enforcement and a whole range of factors are needed to stop young people from using drugs in the first place.

The Victorian certificate of applied learning (VCAL) was mentioned earlier. In 2003 we brought in that program, which was first trialled in 2002, to stop young people from dropping out of school. If young people drop out of school early, are on the streets mixing together and have nothing to do, we know that the chances of them taking drugs are much higher. We brought in community VCAL programs so that kids who cannot stay at school can stay in education through alternative programs. Now we are seeing that substantive piece of reform, which supports young people to stay at school and study and keeps them on a pathway to a job, being cut by $50 million.

Mr Gidley — On a point of order, Acting Speaker, on relevance, the bill is not about VCAL; it is about banning bongs. I ask the member to come back to the bill.

Mr Donnellan — On the point of order, Acting Speaker, the bill is about banning bongs and so forth, and the direct relationship to VCAL is that it is about keeping kids away from bongs and smoking drugs. I would have thought it was pretty relevant to the bill.

Mr O'Brien — On the point of order, Acting Speaker, while the lead speaker for the opposition is traditionally entitled to some latitude, subsequent speakers are required to come back to the bill. I appreciate the member for Narre Warren North sticking up for his colleague, but there was no relevance to the content of the bill in the member's recent comments.

The ACTING SPEAKER (**Mrs Victoria**) — Order! There is no point of order. However, I ask the member to come back to the bill.

Mr HERBERT — I will come back to the bill. It is about measures we can take to stop young people from falling into the pit of drug addiction and about the pathways through that. It is a very shallow bill, and it will not do what many people on the other side say it will do. It is an absolute fantasy to think this is major health reform; it is not.

Ms Miller interjected.

Mr HERBERT — They do need education, as the member for Bentleigh said by interjection. They need a lot of education. There is a problem nowadays. All of us have seen movies of the 1960s and 1970s, when drug culture — —

Mr O'Brien — You're showing your age!

Mr HERBERT — I am showing my age! In the 1970s and 1980s the drug subculture came into mainstream TV, movies and media, but it was a different time. The quality of marijuana and other types of drugs around now is much more advanced and stronger. It is a serious issue that we need to tackle, but we need to tackle it in terms of providing pathways for young people to succeed in life. We need to build resilience in young people so that they do not fall off the wagon and get trapped in a nightmare of despair. We support the bill, but there needs to be more.

Mrs POWELL (Minister for Local Government) — I am pleased to join the debate on the important Drugs, Poisons and Controlled Substances Amendment (Prohibition of Display and Sale of Cannabis Water Pipes) Bill 2011. Even though the opposition says it is a nice little bill, it is much more important than that and has huge ramifications. I am pleased to support the legislation, as other members on this side have done. It is interesting to note that the opposition also supports the bill, although you would not know it if you had heard the members for Melton and Eltham speaking just now. The member for Eltham used this as a political football not only to denigrate other members but also to talk about what we should be doing, but he

forgets that his party was in government for 11 years and was still not able to stem the tide of drug use.

This bill on its own will not fix the problem — we know that more needs to be done — but at least we are starting. This bill will make sure that young people and older people do not get the impression that smoking cannabis is legal. Removing bongs from display in retail shops and those sorts of places sends a clear and strong message that it is not legal or appropriate to smoke cannabis. Others opposite have said that this will not stop people, particularly young people, from smoking cannabis, because they will find other means. We on this side are not so naive as to think this will stop it in its tracks, but we are saying that we have to start somewhere. By sending a very clear message that we do not want to see bongs in shop windows, young people and others looking for that type of paraphernalia will realise that it is no longer appropriate to use it and hopefully will get the message.

We are not so naive as to think that this is the panacea for all ills and will stop cannabis use. We understand that you need education, support, harm minimisation and all of those things to help people to get off and stay off drugs. It is important that we know that. This is a first step to making sure people understand that cannabis is not only illegal but also very dangerous. There is a perception out there that cannabis use is not dangerous, and that is certainly not the case. I commend the Minister for Mental Health for speaking to stakeholders and to those people in the community who have advice on this issue and for bringing this piece of important legislation into this place so that we can debate it and pass it to make sure that we get all the cannabis paraphernalia removed from retail shops.

We understand that hookahs are used predominantly in Middle Eastern countries, so we are not banning the sale of them. We understand that people from other countries still like to use them. When you look at the definition of 'hookah' in the bill, you see they are fully assembled devices used for smoking. The sorts of things that go into that device are tobacco, molasses, fruit, herbs and flavouring — maybe all of them or maybe some of them. It is a longstanding part of many cultures that some people smoke using hookahs, and we are not banning that. What we are trying to stop is having paraphernalia in shop windows which says, 'If you want to smoke cannabis, this is what you use'. That is absolutely ridiculous. It is illegal to sell cannabis; now it is illegal to sell, display or give that sort of paraphernalia to the public. We hope this is a simple and strong message to all people who want to use cannabis or other drugs that it will not be tolerated any longer.

It is not just about cannabis. We all know that cannabis is usually the start of somebody's drug taking. They then move on to harder drugs. Once they get to that place, it is worse. I have known good families whose children have been caught in the cycle of starting off with cannabis, thinking it is okay and harmless, but it is not. Many young people start off on cannabis, but if they become long-term users, it can have dreadful health effects for them. We see the effects on families and on the users themselves. We see young people in the prime of their lives having their lives absolutely destroyed. There are examples of families being ripped apart for years. Members of these families did not know where to go, did not know who to turn to and for many years kept the knowledge of drug use in the family because it was not okay to talk about it in the general public. Instead of seeking advice, they hid it. We are now saying that it is not okay to hide it. People should let others know and get the support, advice and medical assistance they need. Let us get our people off these drugs and back as healthy members of society.

We know that some of the effects of cannabis use are mental illnesses; that is well documented. One commonly reported effect is schizophrenia. I know a young person who smoked cannabis and became a schizophrenic. It was a most dreadful thing for his family to see that young man, a sportsperson in the prime of his life, fall into an abyss as his life became an absolute disaster. The family was just absolutely torn apart about how they could help this young man — and the illegal things he was doing to get money for his addiction made it even worse. Families have to wear that, but they live through the worst experience you could ever imagine.

We also know that the reports say that cannabis stays in the body for up to two weeks. If somebody thinks they are okay to drive when they are under the influence of cannabis, they should realise it is not okay. It can stay in the body for two weeks, and its effect on people can cause them to have accidents, can cause them to injure themselves and others and can cause death. We have to make sure that people are taken off cannabis; we want them to break their addiction to cannabis, which can lead to other drug use.

Honourable members interjecting.

Mrs POWELL — The member opposite talks about roadside drug testing. We do drug testing now, as well as alcohol testing, and that is a great idea. I think

testing has stopped some people from using cannabis because they are now told that it may stay in the body for a longer period than they had anticipated. When they have smoked cannabis they may think they are okay to drive three days later, only to find after a drug test that they still have traces of cannabis in their body.

I think it is really important to note that we have lost a lot of young people. Whether that is from their accidentally driving into trees or whether that is as a result of suicide, we have lost a lot of young people who did not need to be lost because of this dreadful culture of taking drugs. It is not just young people; we have older people too who are isolated, depressed or afflicted with a mental illness, and a lot of it is because of the drug taking. Some take drugs because they want to remove themselves from their life and from reality and go into a world where they do not feel the pain and do not have to deal with consequences. We have to make sure that we are able to assist those people and support them in whatever way we can as a community and as a government.

I am pleased that the opposition is supporting this bill, but I urge the members opposite to stop denigrating it and calling it a nice little bill and saying that it will not fix everything. We are not so stupid as to think that it will fix everything. We are saying that this is a step, and we need to make sure that we use a lot of other initiatives as well. The families need our support, and they are crying out for help. We can assist them in one way by removing this ridiculous paraphernalia out of the retail shops so that people do not just see it and say, 'Well, it must be okay because the thing is being sold for use'. Let us get it out of the shops and the visual field of these people and send a strong message to say that this is not okay.

We also know that one in every three regular cannabis users may develop an addiction, so we have to start sending a strong message that cannabis is not okay. It is not just a mild drug, it is a very serious drug, and we have to send that strong message to everybody, including those people who sell cannabis. They sell cannabis only to get people hooked so they can bring them into the wider world of drugs and introduce them to stronger drugs that are more difficult for people to get off. I have seen the effect of drug use on families and I have seen the effect on communities, and I am absolutely delighted to support this bill as a step to making sure that our communities are free from drugs.

The member for Frankston, when he was discussing what the opposition had said about orange juice containers being used as bongs, rightly said that of course we know young people will find other ways of using cannabis; we are not so silly as to say we do not believe they will. That will always happen, but the first thing we must do is make sure we get these bongs out of retail shops, and I congratulate the Minister for Mental Health for her help. I am proud of the government for taking this step — and we do have more initiatives to come.

Ms KAIROUZ (Kororoit) — I welcome the opportunity to speak in the debate on the Drugs, Poisons and Controlled Substances Amendment (Prohibition of Display and Sale of Cannabis Water Pipes) Bill 2011. As you know, Acting Speaker, the opposition will not be opposing this bill. This is a fairly straightforward bill with the key issue being about the definition of a bong and its components. The definition of a component is 'an item for use or that is intended for use as part of a cannabis water pipe'.

We have not had the opportunity to question the relevant department about how it envisages that this will work in practice, but the bill also restricts the display for sale of hookahs from several to three. Part of the Arabic culture is to smoke a hookah, which would be evident if you were to drive along Sydney Road, for example. When families or friends get together for dinner, they then bring out the hookah, and that is certainly part of the culture. I would love to have heard the views of the Arabic-speaking community from the department representatives, so it is a real shame that the opposition did not have the opportunity to speak to the department about this.

Having said all of that, the issue of drugs, their use and their effect is something that every member in this house is concerned about. Certainly every member in the community is concerned about drugs and their use, including the use of cannabis. It is a real shame that this bill does not address the issue of drug prevention. A lot of work has been put in by the former government, and I look forward to work being done by the current government, about how we can as a community and as a Parliament prevent the use of drugs in the future. I know it is not a simple issue; it is an extremely complex issue. We have just heard the member for Shepparton speak eloquently about the effect of drug use on families, on individuals and on communities, and I wholeheartedly agree with her comments.

As I mentioned earlier, the opposition will not be opposing this bill, but I am disappointed that this bill does not contain prevention measures for the use of illicit drugs. The penalties that have been introduced in this bill are welcomed, as are the additional

enforcement powers for police. But I think it is more important that the government introduce a more comprehensive approach to education and to treatment, and I think the bill lacks that.

During their time in office the Bracks and Brumby governments invested more than $1 million into drug and alcohol treatment, into care and into prevention. In fact we just heard that the former government also introduced drug testing. This was an extremely important measure that saved the lives of drivers who were on drugs while driving, their passengers, pedestrians and other drivers.

Under the former government the focus on drug and alcohol policy and prevention was of paramount importance, particularly when it came to young people. According to the Australian Drug Foundation, long-term cannabis use can have a number of effects on an individual, including brain impairment and detrimental effects on the lungs, the hormone system, the immune system and mental health. Cannabis use, especially heavy and regular use, can be linked to a condition known as a drug-induced psychosis or cannabis psychosis, and it can be particularly harmful to those who are vulnerable or who have a family history of mental illness. There is some evidence that regular cannabis use increases the likelihood of psychotic symptoms in people. Cannabis also appears to make psychotic symptoms worse for people with schizophrenia.

We all welcome the removal of the public display of bongs. It is the first of many steps, but I do not think it is enough. This government needs to follow in the footsteps of the Bracks and Brumby governments. It needs to be tough on drugs and introduce initiatives to address drug and alcohol issues in the community. I have seen the effects of drugs firsthand. I have seen members in my community who have been affected by drugs. I have known friends from my university days who have been affected by drugs. I have seen it firsthand, and it is not a great experience. I sincerely hope that this government will make even greater advancements towards improving the wellbeing of those who are currently using illicit drugs and supporting the families and friends of those who know somebody who has a habit that they cannot get rid of. It is a terrible habit. I hope the government will be able to support those family members who are affected.

This remains a top priority for me. I am sure that all members of this house share my view. I know that all members of the community, particularly those in the Kororoit electorate, share the view that the issue of drugs needs to be looked at. This is the first step in the process, but I do not think it is enough. I do not think it will have the effect that the government hopes for, but we will see.

I look forward to the government introducing other measures to support those people who use illicit drugs and their families. Hopefully the government will put prevention measures in place to ensure that the use of illicit drugs will no longer be as prevalent as it is today.

Mr KATOS (South Barwon) — It is a great pleasure to rise this morning and make a contribution to the Drugs, Poisons and Controlled Substances (Prohibition of Display and Sale of Cannabis Water Pipes) Bill 2011.

I will start by addressing a couple of things that were said by the previous speaker, the member for Kororoit, who said that no consultation or briefings had been offered. A full briefing was indeed offered to the shadow Minister for Mental Health. A meeting was also held with a number of representatives of the Turkish and Islamic communities to discuss the potential impact that the restriction on hookahs would have. There was general agreement amongst those consulted that the impact on small to medium-sized businesses would be limited as there were very few shops whose sole trade was the selling of hookahs. There was consultation. It was misleading of the member for Kororoit to say there was no consultation or that the opposition was not offered a briefing.

I now turn to the substance of the bill. The coalition, when in opposition, made a commitment to ban the sale of cannabis water pipes or, as they are more commonly known, bongs. In a press release of 2 January 2010 the then opposition leader, now Premier, Mr Baillieu, said:

> Banning the sale of bongs sends a clear message that cannabis is a dangerous and harmful substance.

Smoking of any sort is bad for your health, and cannabis has even more dangerous side effects than tobacco. Smoking in general causes respiratory problems, cancer and heart disease. Cannabis smoking, however, has increased effects. It decreases cognitive function, it can create learning difficulties amongst youth, and it can cause psychosis and psychotic disorders and various mental disorders such as schizophrenia, depression and anxiety. There are also the negative effects of driving a motor vehicle whilst under the influence of cannabis. It seems quite strange that we test drivers for cannabis in their systems, yet we say it is okay to have bongs in shops that enable you to go and smoke that illegal substance.

I am a father of four young boys. My oldest boy is 8 years old. The message I want to send to them as their father is that the smoking of cannabis is just not on. That is why we must withdraw bongs from sale. Bongs should not be glorified and placed in the front windows of shops. That sends a message to the community that it is normal behaviour to use these things. As the member for Frankston, who is unfortunately no longer in the chamber, also mentioned, I certainly do not want to take my four boys down the street in my electorate and have to walk past a window full of bongs where my young boys might say to me, 'Daddy, what is that? What is that used for? What do you do with that?'.

There is only one use for a bong, and that is for the consumption of cannabis. Using bongs is not normal behaviour, and the possession and use of cannabis is illegal; therefore, the sale of bongs should also be made illegal. Banning the sale of bongs will help reduce cannabis use by Victorians. This legislation is a measure to reduce cannabis use. We cannot say that if we ban the bong tomorrow, no-one will ever smoke marijuana again or use cannabis. We all know that is not the case, but this is a measure to reduce the consumption of cannabis.

The legislation seeks to ban the sale, display and supply of bongs and also of bong components and kits. That is important, as it would be quite silly to allow a bong kit to be on display so you could buy the components and assemble the bong yourself but to not allow you to buy a full one already assembled. As the member for Melton pointed out when he described how to make a bong, they are obviously not very complicated devices, so it would not take a rocket scientist to assemble one from a kit.

The legislation will come into effect on 1 January 2012. Retailers of these products, of whom there are 100-odd in the state, would be given adequate notice in relation to the legislation passing the Parliament. This is a common-sense approach, as at present bongs and kits are legal and available to be sold. Obviously we would not want retailers to be ordering extra stock and then finding themselves in possession of stock they could not sell because it had become illegal to do so. That is a common-sense approach.

The bill does not intend to ban the sale of hookahs but to restrict their display to three per store. A hookah is a type of water pipe traditionally used in the Middle East and North Africa as a method of smoking fragrant tobacco, often with molasses. They are often a lot larger than a bong; they have multiple hoses and are capable of being used by multiple users. They are particularly popular with the local Turkish and Lebanese communities, and banning their sale would disproportionately impact on these groups and other Arabic community groups that use hookahs and have used them for many years. Although hookahs can be used for the consumption of cannabis, their general use is for the consumption of fragrant tobacco. The reason we will allow only three to be displayed is that we also realise that tobacco is a substance that, although legal, has very detrimental health effects, and we do not want to be encouraging young people to take up tobacco smoking as well. Tobacco also has huge social impacts. Hospitals, doctors and resources are unnecessarily tied up with people who have smoked tobacco and are now suffering the consequences.

Banning bongs is consistent with restrictions that apply to other drug paraphernalia, such as cocaine kits and ice pipes. It is common sense to ban things that are used for the consumption of ice and cocaine, as it is to ban things that are used for the consumption of cannabis. That is a common-sense approach and a step that the Baillieu government has taken. The previous government had many opportunities to take on this task, and it was advised on many occasions to ban the bong. In August 2005 then Premier Bracks said in a media release:

> This government —

being the former Bracks government —

> recognises it's inconsistent that minors cannot buy tobacco products, yet they are able to purchase bongs or similar implements.

The previous government had a record of inaction on banning the bong, and from memory I believe the immediate past Premier, Mr Brumby, in 1996 introduced a private members bill to decriminalise the use of marijuana, so there are very unusual and unclear messages coming from the other side of the house on this.

In conclusion, this is a common-sense approach taken by the coalition. It is a position we took to the previous election. It is completely illogical to have a substance that is banned and illegal and yet allow the sale of an implement the sole purpose of which is to be used in the consumption of cannabis. Let us face it, that is what a bong is for. I do not see many people buying a pack of Port Royal, pulling a bong out and smoking it on the side of the street. A bong is something that is used for the consumption of cannabis.

I commend the Minister for Mental Health for her leadership in bringing forward this legislation to ban the bong. With that, I commend the bill to the house.

Debate adjourned on motion of Mr BURGESS (Hastings).

Debate adjourned until later this day.

SENTENCING AMENDMENT (COMMUNITY CORRECTION REFORM) BILL 2011

Statement of compatibility

Mr CLARK (Attorney-General) 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 Sentencing Amendment (Community Correction Reform) Bill 2011.

In my opinion, the Sentencing Amendment (Community Correction Reform) Bill 2011, as introduced to the Legislative Assembly, 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 bill will amend the Sentencing Act 1991 (Sentencing Act) to:

simplify the sentencing hierarchy by abolishing the community-based order (CBO), the intensive correction order (ICO), combined custody and treatment order (CCTO) and the intensive correction management order (ICMO) (yet to commence);

create a single community correction order (CCO) to sit in the sentencing hierarchy between imprisonment and a fine, with a broad range of optional conditions;

create new offences to deal with contravention of CCOs and existing orders.

The Sentencing Act, by its nature, engages rights as it contains strong powers that are primarily directed at depriving or restricting the liberty of people who break the law and allow the court to denounce the type of conduct in which the offender engaged.

The strong powers in the Sentencing Act are balanced by a range of appropriate safeguards designed to protect the rights of individuals subject to Victoria's sentencing scheme. Safeguards include the proportionate exercise of sentencing discretion and rights to appeal. Judicial discretion is expanded by the new flexible CCO and the increased optional conditions available to the sentencing judge. The Sentencing Act also provides fair procedures for the imposition of sentences and for dealing with offenders who breach the terms or conditions of their sentence.

Human rights considerations

The bill provides sentencing courts with the new CCO, a non-custodial order, which does not constitute a term of imprisonment. The CCO is a single flexible order placed in the sentencing hierarchy between a fine and imprisonment. At the lowest end of offence seriousness where a sentence above a fine is appropriate, the CCO may be imposed with minimal conditions that reflect the core conditions of the existing CBO.

At the highest end, the CCO may be an offender's last chance to serve a sentence in the community before being subject to a term of imprisonment. Accordingly, the CCO may include curfews, place or area exclusions, non-association conditions and a requirement to perform up to 600 hours of unpaid community work.

Despite the strict and far-reaching conditions provided by the bill, the sentencing framework within which these conditions are imposed ensures they are compatible with an offender's rights under the charter act. Conditions are made at the discretion of the court and to ensure the proportionate exercise of discretion, offenders may lodge an appeal against their sentence. The secretary (and delegates within Corrections Victoria) are bound to comply with the charter act in the enforcement of orders and the exercise of contravention provisions.

1. Right to privacy, freedom of association and freedom of movement

Section 13(a) of the charter act protects a person's right not to have his or her privacy, family, home or correspondence interfered with in a manner that is unlawful or arbitrary.

The right to freedom of association in section 16 of the charter act protects the freedom of persons to join together in groups to pursue common interests and goals.

Section 12 of the charter act provides that 'every person lawfully within Victoria has the right to move freely within Victoria and to enter and leave it and has the freedom to choose where to live'. Freedom of movement recognises that persons are entitled to move from one place to another and to establish themselves in a place of their choice.

These protections in the charter act may be engaged by the conditions that can be imposed as part of a CCO. A CCO may only be imposed if the offender consents to the order. Clause 21 of the bill provides that strict conditions of a CCO may be imposed on an offender by a sentencing judge including (but not limited to) that:

that the offender reports to, and receives visits from, a community corrections officer

that the offender reports to the community corrections centre specified in the order within two clear working days after the coming into force of the order

that the offender notifies an officer at the community corrections centre specified in the order of any change of address or employment within two clear working days after the change

that the offender does not leave Victoria except with the permission, either generally or in relation to the

particular case, of an officer at the specified community corrections centre

that the offender obeys all directions of the secretary (and delegate).

New section 47 in new part 3A enables courts to include optional conditions including that:

the offender attend at one, or more than one, treatment and rehabilitation program during the period of the order or a shorter period specified in the order for this purpose (new 48D)

that the offender must not associate with or contact a person specified in the order or a class of person specified in the order for the period specified in the order (section 48F) (non-association condition)

the offender must not reside at a place specified in the order or must reside at the place specified in the order for the period specified in the order (section 48G) (residence restriction or exclusion condition)

the offender must not enter or remain at a place or area specified in the order for the period specified in the order (section 48H) (place or area exclusion condition)

the offender must remain at the place specified in the order between specified hours of each day as specified in the order, or as extended by the secretary pursuant to an administrative sanction (section 48I) (curfew condition)

the offender must not enter licensed premises for the period specified in the order (section 48J) (alcohol exclusion condition).

Under section 5(3) of the Sentencing Act, a sentencing judge must not impose a sentence that is more severe than that which is necessary to achieve the purpose or purposes for which the sentence is imposed. This fundamental principle of Victoria's sentencing scheme applies broadly, in deciding the appropriate type of order, and specifically, in regard to the appropriate conditions to be imposed in the circumstances. These principles are not displaced by the bill.

The purpose of the CCO conditions is to allow a court greater flexibility to impose a less restrictive order than imprisonment where appropriate, potentially leading to a reduction in sentences of imprisonment with advantages such as the promotion of the offender's rehabilitation and the preservation of family and community ties.

This supports the broader purposes of the Sentencing Act to prevent crime and promote respect for the law by providing sentences that deter reoffending and allow the court to denounce the criminal conduct (including the harm caused to the community by the crime), and to provide sentences that facilitate the rehabilitation of offenders and ensure that offenders are punished to the extent justified by the offence.

The CCO conditions might, for example, ban an offender from associating with members of a gang or a club that serves as a front for criminal activities. A non-association condition may prevent the offender from making contact with the victim or consorting with people that the court believes are a bad influence. The evidence available on non-association conditions under existing drug treatment orders indicates that these conditions usually work where the offender volunteers this information to improve his or her prospects for rehabilitation. The requirement that the offender consent to the CCO is particularly relevant to these conditions.

Optional conditions that restrict the movement of persons who have committed offences punishable by imprisonment allow their activities to be monitored to ensure their good behaviour and compliance with the order. This also affords appropriate offenders an opportunity to serve their sentence in the community preserving family and community ties and employment. For CCO conditions that restrict the right to privacy or freedom of movement and/or association, the restrictions are both directly linked to the objectives of the community-based sanction and are an important optional feature of the sentencing order.

The optional conditions available to courts when imposing a CCO are clearly prescribed in the bill and are proportionate to the objectives of ensuring an offender's compliance with the sentencing order, to protect the community from the offender, to facilitate the rehabilitation of the offender and to deter the offender from similar reoffending. As such, the provisions engaging the right to privacy are neither unlawful nor arbitrary. Restrictions on privacy imposed by other conditions are closely connected to the purpose of the proper administration of the sentence. These restrictions to the right to privacy are necessary for, and proportionate to, that purpose.

The bill appropriately balances the punitive, deterrent and rehabilitative aims of the sentence. In my view, the ability to impose CCO conditions is a reasonable interference with rights to privacy (section 13) and a justified limitation of freedom of movement (section 12) and freedom of association (section 16) with effective safeguards to protect against the unreasonable limitation of a person's right.

First, the bill requires that the offender consent to the order. Second, the conditions are imposed by the sentencing judge at the discretion of the court. To the extent that the secretary (or delegates in Community Correctional Services (CCS)) may direct an offender who is subject to CCO conditions, extend curfews or direct additional unpaid community work as a sanction for non-compliance with terms or conditions of the order, the court may contemplate the direction power when including these conditions on a CCO. The secretary is bound to act in accordance with section 38 of the charter and all offenders have the right to appeal against their sentence.

Finally, Victoria's sentencing scheme already includes robust safeguards that ensure proportionate exercise of discretion, constituting the minimum interference with the offender's privacy. For example, section 5(3) of the Sentencing Act provides that the court must not impose a sentence that is more severe than that which is necessary to achieve the purpose or purposes for which the sentence is imposed. In addition to the general right to appeal a sentence, new section 48L enables courts to order judicial monitoring of conditions and division 5 provides for reviews of conditions which may lead to conditions being cancelled or varied. Judicial oversight is a critical safeguard in ensuring that the interferences with privacy will not be arbitrary and will be no more than is necessary to achieve the legislative purpose.

2. Medical treatment

Section 10(c) of the charter act protects a person from being subject to medical treatment without his or her full, free and informed consent.

The new section 48D in clause 21 of the bill provides a new treatment and rehabilitation condition for offenders to address the causes of their criminal behaviour.

The CCO treatment and rehabilitation condition not only addresses such behaviour but also promotes safer communities through reduced rates of reoffending. The court's discretion to impose a treatment and rehabilitation condition will be exercised in accordance with the purposes of section 5 of Sentencing Act. This ensures the treatment and rehabilitation is not more severe than necessary to achieve the purpose or purposes for which the sentence is imposed.

Importantly, the offender must consent to the treatment and rehabilitation. The offender may subsequently refuse to undergo a treatment program and as a result may be resentenced by the court.

The procedures for imposing a treatment and rehabilitation condition reflect the objective of supporting offender rehabilitation by addressing the causes of their criminal behaviour.

In conclusion, the treatment and rehabilitation condition in clause 21 of the bill engages but does not limit the rights under section 10(c) of the charter act.

3. Rights in criminal proceedings

Clause 54 of the bill inserts a schedule of transitional provisions that provides, among other things, that the new CCO is available in the sentencing of a person on or after the commencement of the amendments, irrespective of when the offence was committed or the finding of guilt was made. From commencement, the CCO will replace the existing CBO, ICO and CCTO as the single order in the sentencing hierarchy between a fine and imprisonment.

It may be said that these reforms contain an element of retrospectivity that engages with section 27(2) of the charter act. The words 'penalty that applied' in section 27(2) of the charter act have been interpreted by comparative jurisdictions as referring to the maximum penalty which a court was authorised to impose at the time an offence was committed. The right has been read as requiring that no penalty be imposed on a person that is greater than the maximum penalty that could have been imposed on that person at the time that the offence was committed. It is a protection against changes in the law which increase a penalty above the maximum prescription that existed at the time of the offence.

Accordingly, although the amendments prevent an eligible offender from receiving a CBO, ICO or CCTO on or after the commencement of the bill, the amendments do not limit s 27(2) of the charter act because they do not alter the maximum penalty prescribed by law for any offence.

I take this opportunity to note that clause 43 of the bill permits a court to cancel a sentencing order and resentence an offender where an offender has contravened that sentencing order. The bill provides that the new offences for contravention of a sentencing order apply to contraventions committed on or after the commencement of the amendments. It will not apply retrospectively to contraventions committed before the bill commenced.

Conclusion

For the reasons given in this statement, I consider that the bill is compatible with the Charter of Human Rights and Responsibilities Act 2006.

Robert Clark, MP
Attorney-General

Second reading

Mr CLARK (Attorney-General) — I move:

That this bill be now read a second time.

Introduction

This bill represents the most significant reform to community-based sentences that Victoria has seen in 20 years. It provides our courts with a broad range of effective new powers that give real teeth to community-based sentences.

The current range of community-based sentences will be replaced with a single, flexible community correction order (CCO) that will strengthen community sentencing. The new order will deliver common-sense sentences targeted directly at both the offender and the offence. The CCO will allow courts to impose core conditions and optional conditions including curfews and no-go zones. There will be new sanctions for non-compliance. In addition, courts will be given an expanded power to suspend or cancel the driver licence or disqualify an offender found guilty of any offence.

The government recognises that the community is looking for responsive and effective community sentencing options as part of a range of measures to tackle crime.

We understand the critical need for a responsive sentencing framework that builds public confidence in the justice system. We have acted expeditiously and the first stages of our reforms have already been successfully implemented. We have abolished the legal fiction of suspended sentences for a wide range of serious crimes. We also have legislation currently before Parliament that seeks to abolish home detention so that jail will mean jail.

We will be proceeding with the complete abolition of suspended sentences, the introduction of statutory minimum sentences for gross violence offences, and baseline sentencing for serious crimes. These significant reforms will further restore truth and transparency to sentencing.

The government recognises that jailing an offender is the most serious punishment available. There must be a flexible and practical approach to community-based sentencing that can be tailored to suit the very wide range of offending which, while serious, does not warrant a sentence of imprisonment. This approach is embodied in the reforms introduced in this bill, to which I will now turn.

New approach to community-based sentencing in Victoria

Community-based sentences are an important part of the sentencing spectrum. They provide courts with a way to intervene in the lives of offenders who deserve more than a fine, but should not be sent to prison. A community-based sentence allows an offender to remain in the community. Offenders are able to maintain their employment, live at home and draw on the support of their family and friends. At the same time, offenders are subject to certain obligations — for example, they may have to report to Corrections Victoria, undertake unpaid community work or complete programs that address the reasons for their criminal conduct.

The existing range of community-based sentences does not provide courts with sufficient flexibility to directly target the offender and the offence. The combined custody treatment order (CCTO), for example, is rarely used by the courts and intensive correction orders are generally considered an inflexible option.

The Sentencing Advisory Council, in the *Suspended Sentences — Final Report — Part 2*, noted that the overuse of suspended sentences in Victoria is at least partly due to the failings of intermediate sentencing orders.

The new CCO introduced in this bill will replace these orders with a single comprehensive and highly flexible order. The bill draws on several recommendations made by the council in its final report to create a new intermediate order.

Specifically, the CCO will replace the combined custody treatment order, intensive correction order (ICO), the intensive correction management order (which has not come into effect) and the community-based order (CBO). From the commencement of this bill, these orders will no longer be available to courts in sentencing offenders. Existing orders will continue until their end date. After that time, if an offender is convicted of breaching one of the abolished orders, the court will resentence the offender under the new sentencing framework.

A CCO sits between imprisonment and fines in the sentencing hierarchy. The CCO will be available for any offence punishable by more than five penalty units. The CCO will also provide an alternative sentencing option for offenders who are at risk of being sent to jail. These offenders may not yet deserve a jail sentence but should be subject to significant restrictions and supervision if they are going to live with the rest of the community. The broad range of new powers under the CCO will allow courts wide flexibility to tailor their response to address the needs of offenders and set appropriate punishments.

Instead of using the legal fictions of imposing a term of imprisonment that is suspended or served at home, the courts will now openly sentence offenders to jail or, where appropriate, use the CCO to openly sentence the offender to a community-based sentence. Unlike the CCTO and ICO, which are technically sentences of imprisonment, the CCO is a community-based sentence. There is no legal fiction involved. The CCO can be combined with a jail sentence, but it will not pretend to be one. The CCO is a transparent sentence that can be understood by everyone in the community.

Structure of the CCO

Under the old regime, the longest a community-based sentence could last for was two years. In addition, offenders given the more serious community-based sentences, such as the CCTO and ICO, are only subject to obligations for a maximum of one year. These limited sentencing orders simply do not allow the courts sufficient flexibility.

A key feature of the new order is that it will allow the courts to tailor the length of an order rather than limiting the order to a fixed time period. A CCO can last for up to two years in the Magistrates Court. In the higher courts, the bill does not set a uniform maximum duration. Instead, the maximum duration will be determined by the maximum term of imprisonment for the relevant offence. Importantly, a CCO may be combined with a fine and/or jail for up to three months.

All offenders placed on a CCO will be required to comply with basic requirements such as not reoffending, not leaving Victoria without permission, and reporting to and complying with directions given by community corrections officers.

Optional conditions

Under the CCO, courts will be able to draw on a broad range of new and existing powers to get offenders to re-establish their lives on a stable basis, develop responsibility for their conduct and avoid reoffending.

Offenders on a CCO will be required to comply with strict conditions and put in real work to repay the community for the harm they have done. Courts will be required to attach at least one optional condition to each CCO, and will be able to tailor the order to the crime committed and the circumstances of the offender.

Using new powers under the CCO, courts may require offenders to pay a bond that will be forfeited if the offender fails to comply with their order. Courts may also impose up to 600 hours of community work, curfews and no-go zones, conditions on where an offender may live, prohibitions on contact with specified persons such as associates of the offender, victims, witnesses or their families, and exclusions from licensed premises. Courts will be able to apply these conditions in a way that addresses the circumstances of the offence and the offender, in order to reduce the likelihood of further offending or protect those affected by the crime.

Courts will be able to use the new CCO to ensure that those who have committed serious crimes will no longer walk out of court free to continue their criminal behaviour with no restrictions or penalties. Courts may use the place or area exclusion to prevent offenders from going to a particular site or an area such as the CBD. Courts may also use the curfew condition to require that an offender stay at home for up to 12 hours a day to stop them going out at night or other times and engaging in further criminal behaviour.

Under the alcohol exclusion condition, courts will have the power to ban offenders from entering or consuming alcohol in licensed premises. Offenders will be completely banned from going to nightclubs, pubs, bars, restaurants, cafes and function centres. Offenders will be able to access other types of licensed premises. However, they will not be allowed to enter the bar area and will not be allowed to drink alcohol anywhere in the premises. If they do, they will be in contravention of their order.

Judges and magistrates will also be empowered to actively monitor an offender's compliance with their order through a judicial monitoring condition. Courts will have a broad discretion to manage offenders as they see fit — for example, by requiring offenders to return to court for monitoring at regular intervals or just once. The judicial monitoring condition will allow courts to keep close watch over offenders' progress in completing the requirements of their order. Courts will be able to request progress updates from the offender, Corrections Victoria, prosecuting agencies, and other appropriate persons.

Courts will retain their existing powers to order supervision of the offender by Corrections Victoria, order treatment and rehabilitation such as drug or alcohol treatment, or programs that target particular offending behaviour and reduce the risk of reoffending.

In the next phase of reforms to community-based sentences, courts will be given the power to impose electronic monitoring conditions on offenders who are subject to a curfew, place or area exclusion or non-association condition.

The government is also introducing GPS technology to boost the electronic monitoring available in Victoria. Corrections Victoria recently completed a trial of various available GPS technologies. The results of the trial will help determine the type of GPS technology to be deployed in Victoria.

Compliance and enforcement

This government takes the enforcement of community-based sentences seriously. Offenders who fail to comply with the terms of their order will face tougher responses including a new contravention offence that will carry a maximum penalty of 30 penalty units or three months imprisonment. The new offence will not just apply to contraventions of the CCO, it will also apply to contraventions of existing suspended sentences, home detention orders and other sentencing orders abolished by the bill.

The new compliance framework introduced in the bill will streamline the enforcement process and provide appropriate powers to enforce community sentences. Less serious compliance issues will be dealt with quickly by senior corrections staff, whilst recurrent and serious compliance issues will result in the offender being returned to court for resentencing. The courts will have power to confirm or vary the order, or resentence the offender including sending them to jail.

These powers will significantly enhance the ability of authorities to deal with offenders who deliberately fail to comply with the conditions of the order, and think they can avoid any consequence because of the effort and paperwork required to haul them back before the court.

The bill will enable Corrections Victoria to impose sanctions including an additional 16 hours of unpaid community work and extend curfews for up to two hours a day, within the maximum levels set out in the legislation. Offenders can either accept the punishment for their wrongful behaviour or contest the sanction in court. The court may confirm, vary or revoke the sanction depending on the circumstances.

The bill will also provide Corrections Victoria with the power to impose on-the-spot fines that target conduct that warrants a response above a warning, but does not itself warrant returning the offender to court.

There will be two new offences. The first will cover failure to comply with specific directions by the secretary to comply with terms of the CCO. The second will cover failure to obey written directions that contain a specific request, such as that the offender attend a specified location at a specified date and time.

Corrections Victoria may charge offenders with these offences, which attract a penalty of up to 5 penalty units, or issue an immediate on-the-spot fine of 1 penalty unit, which will be enforced in accordance with the Infringements Act 2006.

Changes to pre-sentence reporting by Corrections Victoria

To support the new sentencing system the government has invested in building the capacity of CCS to provide an improved service delivery model. This will incorporate an intensive case management model for high-risk offenders and more detailed pre-sentence assessment reports where required to ensure that courts are effectively supported in making an appropriate sentence. The court must have regard to any pre-sentence report when imposing conditions under the CCO.

New expanded driver licence penalties

A significant reform in this bill is the expansion of the existing power in the Sentencing Act to suspend or cancel a driver licence of an offender and disqualify them from obtaining a driver licence.

Currently, section 89 of the Sentencing Act provides for mandatory cancellation and disqualification of the driver licence of offenders who commit serious criminal offences involving driving. This power will remain. However, courts will be given a broader discretion to impose driver licence penalties on any offender for any offence where the court considers it appropriate to the circumstances. This means an offender who gets into a brawl after a road rage incident may have their licence suspended or cancelled and be disqualified from driving.

Failure to comply with the disqualification or suspension will be an offence under the Road Safety Act 1986. If a CCO is also ordered as part of the sentence, a conviction for driving while disqualified or suspended will contravene that CCO because of the basic requirement that the person not reoffend.

If the offender was under the influence of alcohol which contributed to the offence, they may be required to have an alcohol interlock fitted on their vehicle as a condition of getting their licence back. An alcohol interlock ensures that an offender cannot drink drive. Offenders will only be able to start their vehicle if they have a zero alcohol reading. Offenders must pay for alcohol interlocks and a concession regime will apply for those who cannot afford to pay.

The courts will have discretion to impose an alcohol interlock for any period of time. Consistent with the Road Safety Act 1986, offenders who do not comply with their alcohol interlock condition will face a fine of up to 30 penalty units or four months jail, and may have their car immobilised.

If a CCO is in force, this offence will also be a contravention of the CCO.

Timing of reforms

The principal reforms are intended to commence early next year, with the CCO bond condition, driving restrictions and new powers for Corrections Victoria to commence mid-2012.

Changes to previous legislation

This bill will repeal most aspects of the Sentencing Amendment Act 2010 and the Justice Legislation Amendment Act 2010. We have retained a few provisions of these acts such as the provisions of the Sentencing Amendment Act 2010 dealing with the abolition of suspended sentences and the introduction of deferred sentencing.

However, most of the provisions will be repealed including the ICMO introduced by the previous government, which is yet to commence. Critically, we will not be keeping the previous government's repeal of all breaching offences under the Justice Legislation Amendment Act 2010. Failure to comply with a court order should have serious consequences and under the provisions of this bill, failure to comply with any sentencing order will constitute an offence.

Conclusion

The government is committed to restoring respect for the law and responsibility for criminal behaviour. We recognise that it is time for us, as a community, to get serious about intervening in the lives of offenders before they graduate to more serious crime. To do this we are introducing balanced, common-sense sentences targeted at the offender and the offence.

Our reforms will give Victoria's courts the tools, discretion and flexibility they need to deal with offenders that do not deserve jail, but who need to address the behaviours leading to their offending and help repay the community for their crime.

I commend the bill to the house.

Debate adjourned on motion of Mr DONNELLAN (Narre Warren North).

Debate adjourned until Thursday, 29 September.

VICTORIAN COMMISSION FOR GAMBLING AND LIQUOR REGULATION BILL 2011

Statement of compatibility

Mr O'BRIEN (Minister for Gaming) 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 Victorian Commission for Gambling and Liquor Regulation Bill 2011.

In my opinion, the Victorian Commission for Gambling and Liquor Regulation Bill 2011, as introduced to the Legislative Assembly, 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 bill establishes the Victorian Commission for Gambling and Liquor Regulation (the commission), which will assume responsibility for functions under Victoria's gambling and liquor licensing legislation. The commission will replace the existing Victorian Commission for Gambling Regulation (VCGR), the director of liquor licensing (DLL) and the liquor licensing panel. The bill amends the Gambling Regulation Act 2003 (GRA) and the Liquor Control Reform Act 1998 (LCRA) to enable the commission to exercise regulatory functions under those acts, and also makes consequential amendments to the Casino Control Act 1991 and the Racing Act 1958.

Human rights issues

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

Right to privacy

Section 13(a) of the charter act provides that a person has the right not to have his or her privacy, family, home or correspondence unlawfully or arbitrarily interfered with. An interference with the right to privacy will therefore only limit the right and require justification under section 7(2) if the interference is unlawful or arbitrary. An interference with privacy is considered arbitrary if there is no good reason or an improper reason for the action.

(1) Disclosure of information

Various clauses within the bill engage the right to privacy by requiring the disclosure of certain information in defined circumstances. Clause 21 requires a commissioner and the chairperson of the commission to disclose any interest he or she has in a matter being considered by the commission. Clause 33 provides that the commission may require a person (who in the opinion of the commission is a 'regulated person') to disclose information, produce records, or appear before the commission and answer questions for the purposes of it conducting an inquiry. Part 3 of the bill deems the commission to be a board appointed by the Governor in Council, with the effect that division 5 of part I of the Evidence (Miscellaneous Provisions) Act 1958 applies to its inquiries. This provides the commission with the power to call as a witness any person whom the commission considers can give evidence relevant to the subject matter of an inquiry, and to require the witness to give evidence and produce documents under oath. Clause 43 provides that gambling and liquor inspectors must possess an identity card which must be produced, on request, to persons affected by the performance of the functions of the inspector.

It is likely that the information disclosed under these provisions will, in some circumstances, constitute personal information. However, to the extent that the provisions interfere with privacy, I consider that the interference is neither arbitrary nor unlawful. The circumstances in which information must be disclosed are clearly set out in the bill, and the provisions serve the important purposes of: (1) ensuring that commissioners' decisions are not marred by perceived or actual conflicts of interest; (2) ensuring that the commission can seek all relevant information and make properly informed recommendations following its inquiries; and (3) ensuring that gambling and liquor inspectors are accountable for their actions when performing functions under the bill. These in turn serve the broader purpose of ensuring the liquor and gambling industries are properly regulated. I therefore consider that these provisions do not limit the right to privacy.

(2) Provision of photographs, finger prints and palm prints

Clause 41 provides that the commission may require a person under consideration for appointment as a gambling and liquor inspector to consent to having his or her photograph, finger prints and palm prints taken. The photograph or prints may be referred to the Chief Commissioner of Police, who may use them to assess and report back to the commission on whether the person under consideration is of good repute.

I accept that the requirement that a person provide photographs, finger prints or palm prints may engage the right to privacy. However, I consider that any interference with privacy caused by the taking of the photograph or prints is neither unlawful nor arbitrary. The taking of photographs or prints in this manner is at the lower end of intrusiveness into a person's privacy, both in terms both of the intimacy of the information revealed and the duration and invasiveness of the process by which the information is collected. Further, the information is taken for the important purpose of ensuring that only persons of good repute are appointed as gambling and liquor inspectors. Further, I note that the bill provides an

important safeguard by ensuring that the information is kept no longer than necessary for the purposes of the inquiry into the person's character, and requiring that it be destroyed no later than six months from the date it is received. I therefore consider that clause 41 does not limit the right to privacy.

(3) Restrictions on employment and association

The right to a private life has been held in Europe to include a right to establish and to develop relationships with other people, especially in the emotional field, for the development and fulfilment of one's own personality. Further, broad measures banning individuals from employment have been found to limit the right to private life where they affect an individual's ability to develop relationships with the outside world to a very significant degree and create serious difficulties for them as regards the possibility to earn their living.

Clauses 12, 31 and 44 of the bill may engage this right by prohibiting certain persons from being employed by or significantly associating with various people involved in the gambling industry. For example, to be eligible for appointment, a commissioner or inspector cannot have been employed or significantly associated with a key operative, a bookmaker, or a commercial raffle organiser, in the two years prior to appointment (clauses 12 and 44). Additionally, a commissioner cannot be employed by or significantly associated with any of those persons for two years following the end of their appointment as commissioner (clause 31(2)). Restricted persons and inspectors also cannot be employed by those persons in the two years following the end of their appointment unless the commission otherwise approves (clauses 31(3) and 44). Clause 31(4) further provides that it is an offence for a key operative, bookmaker or commercial raffle organiser to breach these restrictions on employment and association.

These clauses may interfere with the right to privacy by restricting the type of relationships persons involved in the commission can form with persons involved in the gambling industry for a specified period before, during and after their term with the commission. However, I consider that any such interference is neither arbitrary nor unlawful. The restrictions are clearly set out in the bill, apply only to particular persons and for limited periods, and are necessary to ensure that the commission's functions in regulating the gambling and liquor industries can be performed free from any perception of bias or conflict of interest. I therefore consider that these provisions do not limit the right to privacy.

Clause 56 may also engage the right to privacy by inserting a new section 93D into the LCRA. New section 93D provides that if grounds for disciplinary action exist in relation to a licensed venue, the commission may disqualify a range of persons associated with managing the venue from holding managerial positions or financial interests in licensed venues for a specified period. The commission may also order that a person is disqualified from being employed by a licensed club or any person who holds a licence or BYO permit.

Although these powers may engage the right to privacy by prohibiting the affected persons from taking part in certain types of employment, in my opinion, the powers are neither unlawful nor arbitrary. The powers are limited to employment in a specific industry, only extend for a specified period, and are not of a kind that will give rise to social stigmatisation. They are necessary to ensure that the commission can effectively discipline persons who are involved in, or responsible for, matters giving rise to grounds for disciplinary action. Further, in exercising powers under new section 93D, the commission will be acting as a public authority and so must act and make decisions in accordance with section 38 of the charter act.

For these reasons, I consider that any interference with the right to privacy is neither arbitrary nor unlawful, and that the right in section 13(a) of the charter act is therefore not limited by this provision.

Freedom of expression

Section 15(2) of the charter act provides that every person has the right to freedom of expression. Under section 15(3), special duties and responsibilities attach to the exercise of the right, and it may be subject to such lawful restrictions as are reasonably necessary (a) to respect the rights and reputation of other persons; or (b) for the protection of national security, public order, public health or public morality.

The right to freedom of expression may be engaged by clause 33, discussed above, which enables the commission to require persons to produce information and documents and to appear before the commission to answer questions for the purposes of an inquiry. This is because the right encompasses a right not to express oneself. However, to the extent, if any, that clause 33 interferes with the right to freedom of expression, I consider the interference to be a lawful restriction that is reasonably necessary for the protection of public order, public health or public morality. The clause ensures that the commission can seek all relevant information and make properly informed recommendations following its inquiries. This in turn serves the broader purpose of ensuring the liquor and gambling industries are properly regulated. I therefore consider that this provision does not limit the right to freedom of expression.

Right to a fair hearing

Section 24(1) of the charter act provides that a person who is a party to a civil proceeding has the right to have the proceeding decided by a competent, independent and impartial court or tribunal after a fair and public hearing. 'Civil proceeding' has been interpreted as encompassing proceedings that are determinative of private rights and interests in the broad sense, including administrative proceedings.

It may be that 'civil proceeding' includes the decision-making, internal review and appeal procedures referred to under various provisions of the bill. I note that in assessing such provisions for compliance with the fair hearing right, the decision-making process as a whole, including avenues for review and appeal, must be examined.

One provision that engages the right to a fair hearing is new section 172A of the LCRA, inserted by clause 63, which provides that a person whose interests are affected by a decision of the commission under the LCRA may only appeal to the Supreme Court on a question of law. The bill also removes VCAT's review jurisdiction over various decisions in the LCRA (see clauses 66, 67 and 68). However, the right to a fair hearing does not necessarily require that an appeal body have jurisdiction to review a decision on its merits. The extent to which an appeal body must have such jurisdiction

depends on the quality of the original decision-making process itself.

In this case, I consider that the decision-making procedures under the bill are strong. Significantly, the bill provides that persons affected by decisions in contested licensing applications, disciplinary matters, and inquiries into the amenity of a particular licence or BYO permit must be given notice and given an opportunity to be heard prior to the making of a decision likely to affect them (see new section 47(3) of the LCRA, inserted by clause 54; new section 92 of the LCRA, inserted by clause 56; and new section 94A, inserted by clause 57). The commission must take into account any submissions made by those parties before making its decision.

An exception to this is new section 96B, inserted by clause 58, which enables the commission to suspend a licence for up to five days even where the commission has not given the licensee an opportunity to formally show cause why the licence should not be suspended. However, the commission may only do so where the commission believes on reasonable grounds that the licensee has engaged in conduct that would constitute grounds for disciplinary action, and where there is a danger that a person may suffer substantial harm, loss or damage because of a licensee's conduct. Further, although no formal 'show cause' process must be complied with, the clause still requires the commission to notify the licensee of their intention at least 48 hours before issuing a suspension notice, and to consider any response made by the licensee in making its decision (see new section 96B(2)).

The bill also provides that a range of decisions made by a single commissioner or employee of the commission can be subject to internal review (new division 2 in part 9 of the LCRA, inserted by clause 62). In addition, there is a general right to receive reasons for decisions made under the LCRA, although I note that there is a limited exception to this where reasons contain confidential or personal information (new sections 150 and 154, inserted by clause 62). Further, the bill explicitly provides that the rules of natural justice apply to the commission in conducting disciplinary inquiries (clause 25(3)). Finally, those persons affected by decisions made under the bill also have the option of seeking judicial review.

Having considered the decision-making procedures in the bill as a whole, and the review procedures available, I have concluded that the bill does not limit the right to a fair hearing in section 24(1) of the charter.

Right to be presumed innocent

Section 25(1) of the charter act provides that a person charged with a criminal offence has the right to be presumed innocent until proven guilty according to law. This right is engaged by part 3 of the bill.

Part 3, discussed above, deems the commission to be a board appointed by the Governor in Council, with the effect of applying division 5 of part I of the Evidence (Miscellaneous Provisions) Act 1958 (the act). This enables the commission to call witnesses to appear before it and to produce documents, and to require a person to be sworn in to give evidence. Under section 16 of the act, it is an offence for a person to fail, without reasonable excuse, to appear and give evidence or produce documents as required, or to refuse, without reasonable excuse, to be sworn in or to answer a question touching the subject matter of the inquiry. Section 20 of the act provides that where, in the opinion of the commission, a person has been guilty of an offence against section 16, the chairman of the commission may certify the facts to a law officer. The law officer may apply to the Supreme Court for an order calling upon the person to show cause why he or she should not be dealt with for the offence under the act, which carries a maximum penalty of 15 penalty units or three months imprisonment.

In my view, the requirements in sections 16 and 20 that a person have a 'reasonable excuse' for failing to comply with the commission's requirements and 'show cause' why he or she should not be dealt with for the offence under the act do not transfer the legal burden of proof. Once the defendant has adduced or pointed to some evidence, the burden is on the prosecution to prove beyond reasonable doubt the absence of the exception raised. Furthermore, the burdens do not relate to essential elements of the offences and are only imposed on the accused to raise facts that support the existence of an excuse or reason why the matter should not be dealt with as an offence. Therefore, section 25(1) is not limited.

Freedom of association

Section 16 of the charter act provides that every person has the right to freedom of association with others, including the right to form and join trade unions. The right extends to both formal and informal associations formed to further common interests, and in some jurisdictions it has been held to extend to the right to associate with any other individual, regardless of whether there is a common purpose (although I note that this approach to the right has not been uniformly adopted across all jurisdictions).

As discussed above under my consideration of the right to privacy, clauses 12, 31 and 44, of the bill restrict the type of relationships persons involved in the commission can form with persons involved in the gambling industry for a specified period before, during and after their term with the commission. These provisions may therefore limit the right to freedom of association. However, I consider that any limitations imposed by the bill on the right to freedom of association are justifiable in accordance with section 7(2) of the charter act.

The right to freedom of association is an important right which is indispensable for the existence and functioning of democracy. However, international jurisprudence has recognised that the right can be justifiably limited for a range of reasons, including for public order, public health and public morals. Here, the right is being limited for the important purpose of ensuring that the commission remains independent from the gambling industry, and ensuring that it can conduct its regulatory functions free from any suggestion of bias or conflict of interest. The restrictions extend, at most, for two years before and after a person's involvement with the commission, as well as during their appointment. Further, should they wish to be employed by or significantly associate with persons involved in the gambling industry in the two years following their term with the commission, it remains possible for former gambling and liquor inspectors and authorised persons to seek the commission's approval to do so. The restrictions are therefore well tailored to their purpose, do not go further than necessary to ensure they can achieve the desired ends, and overall are a demonstrably justifiable limitation on the right to freedom of association.

Conclusion

For the reasons set out above, I consider that the Victorian Commission for Gambling and Liquor Regulation Bill 2011 is compatible with the rights protected in the charter act.

The Hon. Michael O'Brien, MP
Minister for Consumer Affairs
Minister for Gaming

Second reading

Mr O'BRIEN (Minister for Gaming) — I move:

That this bill be now read a second time.

The Victorian Commission for Gambling and Liquor Regulation Bill 2011 delivers on the government's election commitment to create a new integrated regulator of liquor and gambling in Victoria. The bill will create the Victorian Commission for Gambling and Liquor Regulation, and the new commission will assume all regulatory functions, duties and powers of the Victorian Commission for Gambling Regulation, the director of liquor licensing and the liquor licensing panel.

This reform is not a merger, a rebranding or a restructure. This reform seeks to create a new, modern, world-class regulator for liquor and gambling in Victoria.

The regulation of liquor in Victoria badly needs reform. Liquor licensing should be a relatively straightforward process. It ought to be consistent, transparent and fair. It should reflect the community's expectation that liquor is made available and regulated responsibly. There ought to be proper opportunities for the views of affected parties to be heard by licensing decision-makers. Instead, liquor regulation has suffered from confusing layers of bureaucracy.

The coalition government is taking action to address these issues so that industry and the community can once again have confidence in Victoria's system of liquor regulation.

Liquor licensing will benefit from a move to a collegiate approach, modelled on the Victorian Commission for Gambling Regulation. The new body will take advantage of the natural synergies that exist between gambling and liquor. A commission structure will facilitate better decisions through the development of commissioners with intimate and expert knowledge of liquor and gambling issues.

The Victorian Commission for Gambling and Liquor Regulation will be an independent statutory authority. The commission will undertake licensing activities, promote compliance with and detect breaches of the relevant gambling and liquor legislation. The commission will also inform and educate industry and the public about the commission's regulatory practices and requirements.

Part 1 of the bill sets out the purpose of the act and provides for its commencement. Part 1 also empowers the minister to issue decision-making guidelines to the commission which may provide guidance to the commission about the government's policies and objectives relating to liquor and gambling. This provision will enable the minister to provide general policy guidance to the commission. However, it gives no power to direct the commission on the determination it should make in any individual matter.

Part 2 of the bill provides for the establishment of the new regulator as a statutory body corporate, with powers, functions and duties as provided in the Liquor Control Reform Act 1998, the Gambling Regulation Act 2003 and the Casino Control Act 1991 and other relevant acts.

The commission's functions will be to undertake licensing activities, promote and monitor compliance and detect and respond to contraventions of gaming and liquor legislation.

The commission will also have the function to provide advice to the minister on the regulatory functions of the commission and the operation of liquor and gambling legislation.

The commission will perform a complementary education function to the Victorian Responsible Gambling Foundation, albeit one with a different focus. The Victorian Responsible Gambling Foundation will provide information and advice that enables individuals and organisations to effectively engage in the processes regarding the provision of gambling, while the commission's education function will aim to increase public and industry knowledge of its regulatory practices and requirements.

Part 2 also provides that the Victorian Commission for Gambling and Liquor Regulation will be comprised of a chairperson, to be appointed by the Governor in Council, and provides for other commissioner appointments, including deputy chairpersons, and delegation of the commission's powers. Commissioners will be appointed on the basis of possessing appropriate qualifications, such as relevant business experience.

The bill will require the commission to have regard to any relevant decision-making guidelines issued by the

minister under part 1 when exercising a power, duty or function.

Part 3 of the bill gives the commission the general authority to investigate matters or to conduct an inquiry relevant to the powers, duties and functions of the commission in the regulation of gambling and liquor laws. The minister may also refer a matter for inquiry to the commission relating to gambling or liquor regulation.

Part 4 of the bill will create an integrated role of 'gambling and liquor inspector' and empower the chairperson of the commission to appoint suitable persons to the role. The bill will impose on former inspectors a two-year period of restraint regarding their post-commission employment. Gambling and liquor inspectors will be authorised to exercise the powers currently conferred on inspectors under the gambling and liquor legislation.

The bringing together of gaming and liquor inspections is a practical common-sense reform. Every one of Victoria's more than 500 gaming venues must have a liquor licence, so it is illogical that the compliance and education functions of regulators must be delivered separately for a venue's gaming and liquor activities. The current distinction between liquor and gaming inspectors can lead to ineffective outcomes. For example, a liquor inspector could attend a venue and observe a gaming attendant illegally paying out winnings of more than $1000 in cash, rather than by cheque as required by the legislation. But beyond making a phone call, the inspector can take no action. Likewise, a gaming inspector could observe liquor being served to an intoxicated patron and cannot respond.

The creation of the role of gambling and liquor inspector will empower the current crop of inspectors with additional training and skills. Inspection and compliance activities will become more efficient and effective. Venues will be able to deal with a single inspector. The government expects that these natural synergies will enable better use of regulatory resources, leading to improved education and compliance outcomes for the Victorian community, as well as industry.

Part 5 of the bill provides for powers to make regulations. Part 6 of the bill provides for savings and transitional provisions.

The bill makes several substantive amendments to the Liquor Control Reform Act 1998.

The first of these amendments is that where a liquor licence application has been objected to on the grounds of either amenity or misuse and abuse of alcohol, the commissioner who decides that application must, unless exemptions apply, hold a public hearing giving the applicant and each objector a reasonable opportunity to be heard. The bill will repeal the provisions creating the liquor licensing panel and the functions performed by the panel will be assumed by the commission. The government regards the liquor licensing panel as having limited utility as, while it receives submissions from interested parties concerning contested liquor licensing applications, it cannot make decisions on those applications. All public hearings on licensing matters will now be before the decision-makers.

The second of these amendments harmonises the disciplinary powers of the commission across the gambling and liquor regimes. The new commission will be empowered to take appropriate enforcement action as the bill will vest the existing disciplinary powers under the Liquor Control Reform Act 1998 in the new commission rather than in the Victorian Civil and Administrative Tribunal.

The third amendment will introduce an internal merits review process for liquor licensing decisions. The bill provides that three or more commissioners, excluding the original decision-maker, can, on application, collectively conduct a merits review. The bill will remove the current review jurisdiction of VCAT in these matters. Original decisions made by the commission, that is three or more commissioners sitting as a group, will be appellable to the Supreme Court on a point of law.

The transfer of disciplinary actions and reviews to the new commission provides the rigour of collective decision making by a body with specialist knowledge of the regulated industries. This structure will also provide continuity and consistency in decision making that will enhance industry and public confidence in regulatory processes.

The bill provides for robust and transparent decision making on matters of public interest through collective decision making by three or more commissioners and a draft determination process. It is expected that the commission, that is three or more commissioners, will generally only make an original decision where the application involves highly complex or contentious issues or where the legislation expressly reserves powers to the commission.

The commission will have the capacity, under its statutory discretion to regulate its own procedure, to issue a draft determination prior to making a final decision. This will enable parties to make submissions to the commission before the determination becomes final.

Any person who is affected by a decision of the commission made under the Liquor Control Reform Act 1998 will also have a right of appeal to the Supreme Court on a point of law.

The bill will introduce provisions enabling the commission to seek injunctive relief from the courts for contraventions of the Liquor Control Reform Act 1998. Having the capacity to seek injunctive relief will be an additional enforcement tool that can be used by the commission.

The bill will also amend the Liquor Control Reform Act 1998 to clarify two evidentiary matters in proceedings under that act.

First, the bill will insert a provision to deem that, for the purposes of the act, evidence relating to certain factors including violent behaviour, drunkenness and vandalism (whether occurring inside or outside a licensed premises) in itself constitutes evidence of detraction from or detriment to the amenity of the area in which the licensed premises are situated.

Second, the bill will insert a provision to allow a person who applies to the commission under part 6 of the act to rely on evidence that has been relied on in previous proceedings under part 6 of the act, notwithstanding that the evidence has been the subject of an order or ruling by VCAT or the commission in those previous proceedings.

The bill will amend the Gambling Regulation Act 2003 to repeal the provisions creating the Victorian Commission for Gambling Regulation and the office of executive commissioner.

The integration of the administration of liquor and gambling in Victoria will facilitate a reduction in the regulatory burden of businesses that have both liquor and gaming licences. It will deliver a robust, effective and expert decision-making process that will facilitate more rigorous and predictable decision making for businesses and the wider community.

This is a landmark moment in the history of liquor and gambling regulation in this state. Today we leave behind the tired, confused mess of the past. This reform will restore the confidence of industry and the community and take Victoria forward to a new era of efficient and effective regulation and compliance.

I commend the bill to the house.

Debate adjourned on motion of Mr DONNELLAN (Narre Warren North).

Debate adjourned until Thursday, 29 September.

DRUGS, POISONS AND CONTROLLED SUBSTANCES AMENDMENT (PROHIBITION OF DISPLAY AND SALE OF CANNABIS WATER PIPES) BILL 2011

Second reading

Debate resumed from earlier this day; motion of Ms WOOLDRIDGE (Minister for Mental Health).

Mr BURGESS (Hastings) — It is a pleasure to rise to speak in the debate on the Drugs, Poisons and Controlled Substances Amendment (Prohibition of Display and Sale of Cannabis Water Pipes) Bill 2011, as I have seven children who are growing up in this community and have, until now, been facing what is a very confused message. This bill is the first step in clarifying that message and moving forward to reduce, and stop wherever possible, the use of illicit drugs.

It would be an ideal situation if we could completely stop the use of illicit drugs, and the community and the government will certainly be working towards this. The community needs to have a greater understanding of why it is that people need and seek removal from the realities of life and why they seek another way of coping. Until we address those issues, it is going to be left to pieces of legislation that, to the best ability of the government, insulate the community and individuals from the damage that would otherwise be done.

The evidence is clear. The use of cannabis is very damaging to people and destructive to our community. It needs to be reduced or stopped wherever possible. This bill is a good step in that direction and is one of many steps that this government will be taking to reduce, and where possible stop, the use of cannabis.

The object of this bill is to remove the discrepancy in the message that is being sent to the community about whether or not illicit drugs are something that the community accepts. This bill is looking to reduce the uptake of cannabis and reduce the social costs that are clearly involved with that. To achieve that, we are looking to implement a policy that the coalition

committed to back in 2010 to ban the display, sale and supply of cannabis water pipes, bong components and bong kits; to limit the display and sale of ornamental hookahs to no more than three per retail outlet; and to implement a strategy to communicate to retailers and the general public how and why that is being done.

Earlier I referred to the confused message that is being sent to the community in that bongs, which assist the taking of drugs the possession of which is illegal, are freely available. One need only walk through a supermarket — a Coles, a Woolworths or an IGA; not wishing to favour any of them — to see all the different products that are on the shelves. If you asked someone in one of those supermarkets whether they thought any of the goods in the supermarket could kill or injure them, they would generally say, 'If it was dangerous, they' — being the proverbial 'they' — 'would not allow it to be sold'. The community generally assumes that the authorities and the people who can make these decisions would not allow something as damaging to the community or to individuals as cannabis is, or something that encourages the use of that drug, to be sold. But here we are, in 2011, still selling bongs that encourage the use of cannabis, which we know is a cause of major destruction in our community.

There is a great deal of confusion out there, particularly among young people, about this contradictory message. The government is taking the lead and sending a strong message to the community that this is not right and it is not going to allow things that can assist in the use of cannabis to be sold in such a way anymore. The ban will start on 1 January 2012.

One need only look at the evidence in place at the moment to see the effects of cannabis use on the community. The latest research on the damage it does is damning. In an article in the *Australian* of 9 February this year Jan Copeland described the effects of cannabis use as including:

> … educational underachievement, higher school dropout rates, impaired driving ability, the abuse of other illicit drugs and the early onset of some mental illnesses. Teenagers are particularly vulnerable.

She went on to say:

> It is by far the most commonly used illicit drug, with one-third of the population reporting that they used cannabis at some time during their lives, including 14 per cent of 12 to 17-year-olds. Almost 10 per cent of Australians used the drug in the past year.
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> …
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> Any cannabis use increases the risk of experiencing psychosis by about 40 per cent and regular use doubles this risk. Using cannabis in early adolescence increases the risk even further. The earlier onset of psychosis is also associated with a poorer lifelong prognosis, as is continued cannabis use.
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> …
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> A recent study combining three large Australian and New Zealand studies found high school dropout rates would fall by 17 per cent with no cannabis use. Possible reasons for this robust association may be that the early use of cannabis sets in train biological, individual or social processes which undermine motivation, learning or commitment to school, independent of other influences on attitudes to education.

Ms Copeland also said that:

> Public awareness of the significant risks associated with adolescent cannabis use is critical in reducing the burdens of psychotic disorders and underachievement, and their costs to individuals, families and communities.

The evidence is conclusive that cannabis use is damaging to the community and to individuals. In fact the NCPIC, which is the National Cannabis Prevention and Information Centre, issued a press release on 8 February this year which says:

> A new study has provided the first conclusive evidence that cannabis use significantly hastens the onset of psychotic illnesses during the critical years of brain development — with possible lifelong consequences.
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> …
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> The analysis, by an international team including Dr Matthew Large, from the University of New South Wales (UNSW) School of Psychiatry and Sydney's Prince of Wales Hospital, is published today in the prestigious journal *Archives of General Psychiatry*.
>
> …
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> Building on several decades of research, the finding is an important breakthrough in the understanding of the relationship between cannabis use and psychosis, Dr Large said.
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> …
>
> 'Results of this study are conclusive and clarify previously conflicting evidence of a relationship between cannabis use and the earlier onset of a psychotic illness, with evidence supporting the theory that cannabis use plays a causal role in the development of psychosis in some patients'.
>
> …
>
> 'The results of this study provide strong evidence that stopping or reducing cannabis use could delay or even prevent some cases of psychosis'.

In the face of such evidence, in any other area of the community governments would act immediately. As I said, in 2011 it is hard to believe we are still allowing the sale of implements used to deliver this particularly

damaging product. The evidence is absolutely clear that the damage done to individuals and to the community, through the drain on the health-care system, and the problems caused by psychosis are extreme.

The bill we are discussing today is a very strong step in the direction of reducing and eventually stopping that. I am certainly very heartened by the fact that the government is taking such a strong stand in this area and will continue to move in that direction, working with the health community to understand why it is that people gravitate to these drugs in the first place. This piece of legislation will assist in reducing the appeal of those drugs, and in the end the government hopes to dramatically reduce and eventually stop the use of illicit drugs in our community. I commend the bill to the house, and I wish it a speedy passage.

Debate adjourned on motion of Mr DONNELLAN (Narre Warren North).

Debate adjourned until later this day.

RESOURCES LEGISLATION AMENDMENT BILL 2011

Second reading

Debate resumed from 13 September; motion of Mr O'BRIEN (Minister for Energy and Resources).

Mr THOMPSON (Sandringham) — I am pleased to join the debate on the Resources Legislation Amendment Bill 2011, and in doing so I note the contribution of the mining industry to both Victorian and Australian history. Following the settlement of the Port Phillip district in 1835, as Batman and Fawkner brought their ships, the *Rebecca* and the *Enterprize*, into the area, Victoria was developed on the strength of the wool industry. A number of years later, in the late 1840s, there were some random discoveries of gold, but it was in 1851 or thereabouts that gold was discovered in commercial quantities in Victoria — around Clunes near Ballarat, shortly after at Warrandyte and in a number of other parts of Victoria.

Then the gold rush was on, and Victoria's population increased from some 75 000 to over 350 000 within the space of five years or thereabouts. That led to Melbourne in the latter part of the 19th century being referred to as 'Marvellous Melbourne', as prospectors, miners and suppliers flocked to the Port Phillip district and built a number of institutions which we know today, such as the Old Treasury building and Parliament House. These grand buildings were built on the prosperity of the gold rush. Melbourne was referred to as Marvellous Melbourne and was considered one of the great cities of the world. Interestingly, today we retain that position as one of the world's most livable cities, based on a range of benchmarks including planning, health, education, public transport and other aspects of urban amenity that we appreciate today.

Remarkably, too, we are at the beginning of an extraordinary 1-in-100-year mining boom that is taking place partly in other states — Western Australia and Queensland have resource-intensive mining industries. Not everyone in Victoria is aware of the number of Victorian fly-in, fly-out operators who work in the mines in the north-west of northern Australia on contracts that might be six days off and eight days on. They are machine operators, miners, engineers, geologists and surveyors who, as part of the remarkable growth of a very important industry, contribute to the domestic economy.

We also have in Melbourne the headquarters of major mining companies, including BHP, Rio Tinto and others. There have been side benefits to the IT industry, the insurance industry and the construction industry as those companies have developed their headquarters here, making Melbourne a commercial capital. Melbourne is part of this 1-in-100-year boom that is taking place, with billions of dollars of investment and forward investment being made. As part of the national economy, we are beneficiaries of the mining boom.

While in Japan, North America and some countries in Europe the ratio of debt to gross national product is in a parlous position, Australia, through fiscal prudence, particularly during the Howard-Costello years, has been able to manage its economy in a way that has left us in a very strong economic position. Back in the days of Malcolm Fraser's prime ministership a resource boom may have been about to emanate, but it never resulted. A former Treasurer of Australia — the one who made the comment 'This is the recession we had to have' as the opening of one of his speeches — made the remark that we were at the dawn of a new economic golden age. It did not arise during his tenure, even though he had a budget that apparently brought home the bacon. However, in present day times we are in a remarkable position.

Against that backdrop the bill before the house makes a number of machinery amendments that will assist mineral development and exploration in Victoria. In speaking of the role of geosequestration and mining, we have in this state the world's largest supply of brown coal, and it has undergirded our manufacturing industry for six decades. We now have a move towards more sustainable forms of energy. Yesterday in Parliament

House there was a fine presentation on developments in photovoltaic cells. However, in that wider energy efficiency focus, I will speak of the year 2002, when the Bracks government was proposing to move Victoria towards using renewable energy. Geothermal energy, which is mentioned in this bill, is one form of renewable energy that has struggled a bit in recent times, but we look forward to the good opportunities being developed in that realm that might be more environmentally friendly.

In 2002 the Bracks government proposed moving the Victorian economy towards a target of having 10 per cent of our energy coming from renewable sources by 2010. The question members on this side of the house might ask is what percentage of Victoria's overall energy supply did renewable energy comprise before that proposal was made? The answer to that question is that it was about 3.6 per cent. In the midst of a very lofty campaign the government made a commitment to expand Victoria's level of renewable energy use to 10 per cent by the year 2010. That was a modest objective.

Renewable forms of energy include solar, wind and geothermal energy, and the government's objective provided for innovation. In Victoria we all thought we were moving towards a lower carbon economy through this commitment to renewable energies. Interestingly, in May of this year members on the other side of the house would no doubt have appreciated the comments of the Auditor-General when he reviewed the outcome of that objective of the Bracks government. If I read the report correctly, my understanding was that Victoria's level of renewable energy use did not increase from 3.6 per cent to 10 per cent; it increased from 3.6 per cent to 3.9 per cent. That shows a remarkable disparity between promise and performance.

I remind the house that during a session of question time this week the lights in this chamber went out. It shows the importance of having security of supply so that industry can keep on going. We need to recognise this.

Honourable members interjecting.

Mr THOMPSON — I take on board the interjections. There is another very interesting statistic: the Victorian public service committed to saving 40 000 tonnes of greenhouse gas emissions through energy efficiency measures. It believed that by using recycled products, less paper and the new, energy-saving light globes, it could save 40 000 tonnes of greenhouse gas emissions per year. A commitment was made by the government not only to increase the level of the use of renewable energy but also to reduce greenhouse gas emissions within the public sector. There was also a very effective public advertising campaign at the government's expense involving black balloons.

I was interested in how the government's proposed savings would compare to the emissions from the bushfires that took place in Victoria between 2003 and 2006 — not the recent bushfires. According to Professor Mark Adams, the carbon emissions from those bushfires expended the equivalent of not the next 10 years worth of the government's proposed savings but rather the equivalent of 2500 years worth of those notional savings. That showed the disparity between a marketing campaign and the reality of a serious debate.

In its main purposes the bill before the house provides for the introduction of prospecting and retention licences. It provides additional transitional arrangements for certain exploration licences. It authorises certain surveys and drilling operations on land for the purposes of geothermal exploration. It provides that in certain specified cases holders of an authority must submit a community consultation plan within three months of the granting of an authority. That is an important reform, because it means that an authority is granted and then the consultation takes place, rather than a number of applicants each being obliged to embark upon the process. That will be an improvement and an efficiency. It also provides for part of a pipeline to be decommissioned.

Ms HALFPENNY (Thomastown) — I want to say that much leadership, policy development and vision is required around the issue of resource management in Victoria and also the use of resources in generating energy, but unfortunately this bill provides none of that and this government is doing nothing in that space. That is evident from what was said by the previous speaker, who really did not say anything about the legislation that we are talking about today. In fact he spoke about just about everything other than the bill before us, which is the Resources Legislation Amendment Bill 2011.

This legislation is significant, although it certainly does not address many of the immediate issues for Victoria in regard to resources. I will go through the bill and talk about what the amendments are and what they will mean. The bill will amend the Mineral Resources (Sustainable Development) Act 1990 so that applicants for prospecting licences must notify landowners within two weeks of their licence being granted. The licensee must also clearly mark out the area covered by the licence. The bill will amend the Geothermal Energy

Resources Act 2005 to allow the Minister for Energy and Resources to authorise the Department of Primary Industries to conduct surveying and drilling operations on any land to explore for geothermal energy potential. This will bring the exploration for geothermal potential into line with other Victorian laws that govern things like exploration for oil, gold and like resources.

The bill clarifies the requirements for those applying for a prospecting licence to consult with the community. Currently applicants must consult with the community prior to submitting a tender, but this amendment will require them to consult only once they have been granted a licence but before they undertake any work. A licensee must undertake community consultation in the first instance to identify the manner in which the community would like to be consulted and communicated with.

The bill also amends the Pipelines Act 2005 to clarify the processes for varying pipeline routes and amends the Offshore Petroleum and Greenhouse Gas Storage Act 2010 to bring it into line with the commonwealth offshore legislation.

Most of these changes bring Victorian legislation into line with existing or emerging laws. While the resources that lie under Victoria have been forming for millions of years, this is an area of public policy that is moving very quickly, as I have mentioned. These changes come against a backdrop of another mining boom across the country and ongoing debate about sustainable energy sources and what we need to do about that issue. It is very frustrating that the Baillieu government is moving slowly on measures that could be included in this debate about how we look at renewable energy and how we look at alternative energy sources and cleaner technologies for generating energy in this state.

Members of The Nationals in particular would be aware of the current national debate around the rights of and relationships between farmers and miners. This is a debate the Premier and the Deputy Premier appear to be at odds on. Perhaps that dispute is why this legislation fails to address issues such as the rights and protections required to preserve agricultural land as opposed to mining rights having precedence. This bill fails to address or put down markers for the future on the topic of coal seam gas. This topic will only grow as an area of interest and of attracting investment, but this measure makes no mention of it.

This bill is presented to Parliament without any accompanying regulatory impact statement. This is a bill that makes changes to the regulatory regime that are crucial for Victoria's future; however, it seems to be another piece of hastily written legislation from the government, which is still leaning heavily on its training wheels almost a year after the election. Sadly, this bill is further evidence of the coalition's hypocrisy when it comes to pledges of taking action on climate change, which it gave when it was trying to get elected.

Hot on the heels of the coalition making it all but impossible for wind farms to be developed almost anywhere in Victoria, part 4 of this bill is likely to make it more costly to compensate landowners for developing geothermal energy projects than it will be to develop new coalmining projects. Perhaps the only way to generate clean energy under this government is for a turbine to be put in front of the Minister for Energy and Resources. The hot air that he generates will probably be the only source of energy that Victorians are going to see from this government as an alternative to coal.

In conclusion, while we do not oppose this bill, we do perhaps despair a little that this is the best this government either can do or is willing to do. We are becoming well used to this government abrogating its responsibilities in this house, whether this be answering the reasonable questions put to it by the opposition or the media, or living up to and delivering on its election promises.

After 10 months it seems that miners, landowners and communities knowingly or unknowingly living above Victorian resources are set to join the growing list of constituents ready to stamp 'Fail' on the government's first-year report card.

Mr CRISP (Mildura) — I rise to make a contribution to debate on the Resources Legislation Amendment Bill 2011. The purposes of the bill are extensive, but the main purpose is to amend the Mineral Resources (Sustainable Development) Act 1990 to further provide for the introduction of prospecting and retention licences and to require that applicants for a prospecting licence give notice to land-holders and occupiers. The bill also amends a number of other acts.

I am going to focus on a couple of areas of interest to me. Principally the bill is about showing that this government is committed to providing effective industry regulation while reducing the level of overlapping regulation in the earth resources sector. The bill strengthens notice requirements for prospecting licences, clarifies surveying requirements for prospecting and retention licences and enables renewal of certain exploration licences. It also deals with geothermal energy, and there is a small geothermal resource west of Mildura.

There are mining operations within the Mildura electorate. Iluka has a mineral sands mine at Kulwin, which is east of Ouyen. With the Acting Speaker's indulgence I will talk about some of those mineral sands, because some of them have some interesting uses. The principal components of mineral sands include rutile, which is titanium dioxide, also known as titania. Those who attended the science briefing yesterday at lunchtime will know that this product is a key part of the research into organic solar cells. Titanium dioxide has a number of special uses, including as a photosynthesiser in photovoltaic cells. It can also be used in electrocoating for photoelectrolysis. This can enhance the efficiency of the electrolytic splitting of water into hydrogen and oxygen, which is one of those future fuels that we are considering for our state, our nation and the world.

Mineral sands include rutile, ilmenite and zircon. Rutile and ilmenite are principally used in the production of the titanium dioxide pigment used in paint. That is what makes it so useful in experimental organic solar cells. Less than 4 per cent of the total titanium production is used for making titanium sponge metal. Zircon is used for glazes on ceramic tiles and in refractories for the foundry industry. There has been some interest in moissanite as a source of thorium. Thorium is a very interesting element and something that I am sure we will hear a lot about in the next 20 to 30 years because it has some possibilities as a source of energy for electrical generation.

Mineral sands are located in what is called the Murray Basin, which is the old inland sea. They are at some depth because they were laid down a long time ago when rivers washed the sands down into the sea and laid them out in dunes. The Kulwin mine, for example, has around 2.4 million tonnes of the ore, which is separated on site and then transported to Hamilton, where it is further concentrated. That transportation to Hamilton currently occurs by road. However, Iluka is installing a mineral sands loader at Hopetoun so the ore can be transferred by rail, because 2.4 million tonnes needs a lot of trucks.

The life of the Kulwin mine, because it relies on a strip of mineral sands, is limited. Later this year or early next year the Kulwin resource will be depleted, and Iluka will then move its operations to a place called Woonack, which is a few kilometres south near the Calder Highway.

Iluka spent a lot of time working out how to rehabilitate the land behind the mine, and I thank the people at Iluka for taking the time to brief me on these issues and for showing me around their sites. The rehabilitation of land and consultation with land-holders are issues at the centre of this bill. It is my understanding that the experiments Iluka did, in the way the top soils and some of the subsoils were mixed together, will enhance the soils it leaves behind. That will be occurring as we speak, as the life of that particular mine comes to an end.

There is also a large investment in shifting a mine. There is a huge amount of infrastructure to be moved. I would also like to mention the community involvement. I know Iluka has been very involved in the local community; particularly the community of Ouyen, which is near the mine. Iluka is also a major sponsor of the now completed Ouyen vanilla slice competition. It has also extended its citizenship beyond Ouyen. I know that recently the Hopetoun school visited the site to look at the educational opportunities. Our mining companies are responsible for the benefits they deliver to the regions in employment as well as the support they provide to other industries. There is another mine north of Mildura which, with its requirements, has allowed considerable industry to develop around it. Any support we can give the mining industry by making its life simpler and by removing red tape and complications is to be supported.

I have a little time left. Victoria has the largest share of Australian rutile, which I am assured will play a role in future solar power generation. We have 33.2 per cent of that mineral here in Victoria. There will be plenty of work to do in that resource area. There will be plenty of land-holders to consult with because of the nature of the deposits within the Murray Basin. With those words, I am happy to commend the bill to the house, and I thank Iluka for keeping me informed of its activities.

Mr MADDEN (Essendon) — I rise to speak on the Resources Legislation Amendment Bill 2011. We do not oppose the bill, but I have a number of concerns about it. It may seem to be a fairly innocuous bill that gives a little support here and there to various extractive industries, but I am a little nervous about it because of the mechanics it has been through, where it has ended up and where it is likely to take the government in relation to these matters.

Currently there is a national debate about the influence of the mining industry and, in contrast, the needs and demands of agricultural industry. I think it was last week that in the *Australian* there was a report about how prominent the mining industry will be in this country over the next 25 years, about the demand from China and India, about what that will do to the mining industry here and about the enormous amount of money

that will be generated in this country as a result of that demand from overseas.

At the same time, with the growth of the middle class in those countries — India and China in particular — and the enormous wider growth in those countries, we can also expect, though it was not reported, enormous demand for our agricultural produce. It should not be lost on the Parliament, the government or the state that we will have an enormous degree of competition for land use in this state between the resource sector and the agricultural sector. I suppose that is not a bad thing because we will see land values increase for farmers, but the great risk, while we will not necessarily see farmers lose out financially, is that we may see the agricultural sector lose out to the mining sector.

It may not appear prominently, but I have a sense that when this matter was discussed around the cabinet table the Minister for Planning and the Minister for Agriculture and Food Security of the day did not have much input into this bill. They should have. One of the extraordinary powers that comes out of this bill is the ability of the resources minister, energy minister or whoever it may be on the day to:

> … authorise in writing any person to enter, or fly over, any land for the purpose of making a land, geothermal or geological survey on behalf of the Department.

My concern is that the minister has the power to authorise his officers, on behalf of the industry, to enter farms and undertake surveys on that land without the support of land-holders. Not only that, given that a prominent industry player may be putting pressure on the minister to authorise the department to undertake a geotechnical survey, what you have is an extraordinary authority being given to the minister, and the minister does not even have to consult with his colleagues or take the decision to cabinet. More importantly, he does not have to go to the Minister for Agriculture and Food Security. I reckon The Nationals have been done over in the cabinet room on this matter.

Traditionally in a Liberal-Nationals coalition government the agriculture portfolio in cabinet is held by a Nationals member. Do you reckon The Nationals member who holds that ministry has any say under this bill when people want to explore farms? No, they do not. What is remarkable about that? The Leader of The Nationals, as reported by the *Australian Financial Review* on 16 August this year, made comments in relation to these matters. He said:

> Protection of our prime agricultural land is paramount to us … If it did come to a choice of one before the other, then it ought be in favour of our farming communities.

The Leader of The Nationals went on to say:

> In my mind, where there is such competition, the farming community wins because it's in the state's interest in the context of our food production area that such is the case.

I suspect that it is not the case. I think The Nationals ministers have lost out in the cabinet room. No wonder they want to see this bill as innocuous, and no wonder the Minister for Energy and Resources wants a gently, gently approach. The Nationals ministers have been done over, and farmers will lose out. Not only will farmers lose out; consumers will lose out. Rank and file consumers will be paying more for agricultural produce while miners win out because it is in the vested interests of the Liberal Party. The extraordinary powers of the resources minister to make these sorts of decisions not only compromise The Nationals and the agricultural community but also compromise rank and file consumers and the purchases they make.

Not only will they compromise that; we will pay more at the cash register at Coles or Woolworths. Who will be the first to scream and say, 'We're protecting families.'? It will be the Liberal Party and The Nationals. However, they will not be protecting families, because they will have handed over our best and most productive agricultural land to the miners for the advantage of the mining industry. The mining industry will want to take those resources and sell them to India and China, and farmers on the few tracts of land left producing good agricultural produce will have to compete with those countries for the same product.

At the end of the day we will lose out, and I bet this was not even raised in cabinet by The Nationals members. They just sat there, helping themselves to the sandwiches and coffee. We have not only a Minister for Tourism and Major Events who nods off at the cabinet table but also a collection of Nationals ministers who are very happy to be in the cabinet room, who are very comfortable in the big leather chairs and who are also dropping off on a Monday morning because they had to travel down from the farm on the weekend. This is an extraordinary piece of legislation.

The other extraordinary thing about this legislation — and members may laugh when I say this — is consultation. I will tell members why. Normally when you have a major environmental issue, as part of the environment effects statement process you first put out a paper to see whether the scope of that environment effects statement will cover all the issues. However, that does not happen under this bill. We do not scope the study. We give the tender away and then say, 'You work out your community consultation plan, the brief for the consultation, the premise on which you want to

consult and the premise of the issues you want to consult about'. Here we have what government members criticised my colleagues about when we were in government, and they want to put it into legislation and give extraordinary powers to the energy minister so that at the end of the day he can shaft consumers. This is an extraordinary bill. Members should not think it is some innocuous little piece of legislation that will help industry.

This is at the same time as the government is basically closing down the wind industry in the state and giving greater entitlements to the geothermal industry. Not only that but it will allow the minister to have ultimate decision making when it comes to putting exploration over and above the productive agricultural land in this state. I think this is an extraordinary bill. The Nationals have been done over at the cabinet table, and I reckon — —

Honourable members interjecting.

Mr Wakeling — On a point of order, Acting Speaker, the member for Essendon is talking about consultation, and I thought this may be a good opportunity for the member to perhaps talk about the consultation process that he undertook with the Windsor development. I think that is important — —

The ACTING SPEAKER (**Mr Weller**) — Order! That is not a point of order.

Mr MADDEN — With those few comments I want to close my contribution to this debate. However, let me remind members that I think this bill will come back to haunt not only The Nationals and this government but all Victorians, who will pay more for their product in the near future.

The ACTING SPEAKER (**Mr Weller**) — Order! I note that the member for Essendon was not opposing the bill.

Mr ANGUS (Forest Hill) — I note that as well, Acting Speaker. What an extraordinary contribution to have to follow this morning! It gives me great pleasure to rise on this occasion to speak in favour of the Resources Legislation Amendment Bill 2011. As we have heard from various contributions on our side, particularly this morning and indeed yesterday, this bill covers a range of minor and technical amendments. I will just turn to the overall objective of the bill. The bill will amend legislation within the resources portfolio to improve regulatory certainty, streamline the operation of those acts and support administrative efficiency and consistency across legislation within the portfolio. What a very welcome objective that is. It reflects much — indeed all — of the legislative program of the new government since it came to power. Members can see that our thrust is to encourage businesses to improve efficiency and consistency and to encourage business and employers throughout the state.

As we heard the member for Sandringham declare so eloquently a few moments ago, the whole position with mining in the state of Victoria is that it has been and continues to be a very important employer and an important industry over many years. If we turn our attention to the details of the proposal, we can see there are a number of subcomponents I will touch on briefly. If we look at the licensing aspect first, we can see that the bill makes three amendments to address minor omissions from the Mineral Resources (Sustainable Development) Act 1990. The first is to provide that an applicant for a prospecting licence must, within 14 days of being notified by the minister of the acceptance of the application, provide notice to the landowner or occupier of the land affected by the application. The second is to provide that the holder of a prospecting licence or retention licence must survey and mark out the boundaries of the land covered by the licence. The third is to ensure certain exploration licences are included in the transitional provisions set out in schedule 8.

The second component is that the proposal goes on in relation to surveying and drilling operations and amends a range of things, including the Geothermal Energy Resources Act 2005. The amendment made is in order to empower the minister to authorise the Department of Primary Industries to carry out surveys and drilling operations on any land for the purpose of geothermal exploration. This particular component of the bill will ensure consistency with other earth resources legislation, such as the Greenhouse Gas Geological Sequestration Act 2008.

The third component I wanted to touch on relates to the consultation plans, and again this bill amends the Greenhouse Gas Geological Sequestration Act 2008 in clarifying the requirements for consultation plans. It removes current anomalies and also ensures that the administrative burden of submitting such a consultation plan is imposed only on the successful applicant in a tender process. I will be talking more about that in a couple of moments.

The bill goes on to deal with the variation of pipeline routes and amends the Pipelines Act 2005 to clarify existing processes for varying pipeline routes. Again I note that these changes will reduce the administrative burden. As I said at the outset, that is what this government is all about — reducing administrative

burden, freeing up business to get on with what it does best, which is generating jobs and encouraging the state economy rather than being tied up in government administration and red tape.

The next component is under the regulation-making powers. The bill amends in this instance the Offshore Petroleum and Greenhouse Gas Storage Act 2010 in order to clarify regulation-making powers to ensure consistency with the commonwealth offshore legislation. As other members have noted, this covers a range of matters such as minor and technical amendments as well as other matters. The bill aligns with the government's election commitment to include reforms to improve the effectiveness of industry regulation in the earth resources sector and to reduce the level of overlapping regulation. That is what we are about on this side of the house; we are about reducing that regulatory burden — the unnecessary red tape that so entangles businesses in this state. Certainly in the last 11 years it has entangled them more than ever, and we on this side are determined to untangle that. We want to make sure that we encourage business and employers to get on and get their businesses going, employ our fellow Victorians and make money to reinvest back into our great economy.

If we turn our attention to the detail of the bill, we can see clearly that its main purpose is to amend the Mineral Resources (Sustainable Development) Act 1990 in a couple of ways. The first of those is:

> (i) to further provide for the introduction of prospecting and retention licences;
>
> and
>
> (ii) to provide that applicants for a prospecting licence must give notice to land owners and occupiers …

That is a good, common-sense reform. Currently the legislation applies only to mining licence-holders, so this closes the loophole on that one.

The second purpose, at clause 1(b), is:

> to amend the Mineral Resources Amendment (Sustainable Development) Act 2010 to provide additional transitional arrangements for certain exploration licences.

I note in relation to this that various aspects, and indeed the bill in general, will come into operation by 1 February 2012. It particularly relates to strategic exploration licences as listed in clause 7 of schedule 8 of the act.

The third purpose of the bill is to amend the Geothermal Energy Resources Act 2005 to enable the authorisation of certain surveys and drilling operations on land for the purpose of geothermal exploration. This, as I mentioned before, brings this act in line with other pieces of earth resources legislation. It requires the minimum possible impact on private property and lives. It puts in place constraints and regulates in a most appropriate way.

The fourth purpose is one I have already touched on and relates to amending the Greenhouse Gas Geological Sequestration Act 2008 to provide that, in certain specified cases, the holder of an authority must submit a community consultation plan within three months of the grant of the authority. As we heard from previous speakers this will mean that only the successful tenderer will be required to submit a community consultation plan. That is a good, common-sense reform. Rather than requiring all parties involved to have to go to the complexity, expense and challenge of putting a consultation plan together this reform ensures that only the successful tenderer has to go to those lengths. It is a very good, common-sense reform.

The fifth purpose amends the Pipelines Act 2005 to provide for part of a pipeline to be decommissioned. Again the purpose of this aspect is to reduce the administrative burden. As I have said a number of times in my contribution, this is what we on this side of the house are all about.

The sixth purpose makes minor and technical amendments to those acts mentioned above and to the Offshore Petroleum and Greenhouse Gas Storage Act 2010 to improve their operation. There are a number of components within that, including housekeeping matters such as fixing typographical errors as well as aligning the state regulations with the commonwealth regulations. This is obviously an important aspect in maintaining consistency.

In conclusion I turn back to the minister's second-reading speech. In his opening the minister clearly stated:

> The government is committed to improving the effectiveness of industry regulation and reducing the level of overlapping regulation in the earth resources sector.
>
> This bill will further those commitments.

As I conclude in favour of this bill, that to me reflects what we on this side of the house are all about. We are here to make improvements, to simplify and to encourage business to get on with what it does best rather than having to fill in forms and deal with red tape. This will enable businesses to get on with generating employment, creating wealth and

stimulating and contributing to the Victorian economy. On that note I commend the bill to the house.

Mr McGUIRE (Broadmeadows) — I rise to make a brief contribution to debate on the Resources Legislation Amendment Bill 2011, and I state from the outset that Labor does not oppose this bill.

Let me state clearly that my position is one of aiming to deliver a better balance on the critical issues of economic development, cutting red tape for business and delivering a better quality of life for Victorians. It is vital to develop major resource industries such as mining for the economic prosperity of the state and the nation. This should be encouraged and assisted by governments. The deft touch needed here is to build the industries of the future while suitably catering for the rights of farmer and homeowners.

There are big-picture issues at play about Victoria's economic development and the vital role of mining. This is part of our cultural and business heritage and is as significant today as the gold rushes were in building Marvellous Melbourne. History has proven that it is also good public policy to have a public consultation and an education strategy to take the public with you on such matters, rather than having to fight a rearguard action when the impact of change is revealed and people take issue. These are issues of leadership, and part of the role of government is to inform the general public, outline the hierarchy of priorities and mount the case in both the state and public interest and the mechanisms that will be used to define the balance.

The bill before the house has five main purposes that I would like to put on record. The first addresses a minor omission from the Mineral Resources (Sustainable Development) Act 1990 so that an applicant for a prospecting licence must notify the landowner within 14 days of their application being accepted. That licensee must survey and mark out the boundaries of the land covered by the licence.

The second purpose is to amend the Geothermal Energy Resources Act 2005 to empower the minister to authorise the Department of Primary Industries to carry out surveys and drilling operations on any land for the purposes of geothermal exploration consistent with other earth resources legislation such as for petroleum and coal.

The third purpose clarifies requirements for consultation with communities. Currently applicants for a prospecting licence must conduct community consultation before submitting a tender. This amendment will ensure that only one round of consultation is performed by the successful tender applicant after the tender is granted but before the permission to do works is approved. I believe this is a crucial aspect of these amendments.

The fourth purpose of the bill is to amend the Pipelines Act 2005 to clarify existing processes for varying routes and to allow partial surrender of licences — for example, where a pipeline is no longer in use, thus reducing administrative burden.

The fifth purpose of the bill is to amend the Offshore Petroleum and Greenhouse Gas Storage Act 2010 in order to clarify regulation-making powers to ensure consistency with the commonwealth's offshore legislation.

Apart from these amendments a key argument the minister has raised is the reduction of the administrative burden on industry. At present the act requires the applicant for a permit or licence under a tender process to submit their community consultation plan with the application. The act also requires the applicant to consult with the community and relevant municipal councils before submitting the plan. The government's argument is that consultation before submission is inappropriate in the context of a competitive tender. The act will be amended to provide that the successful applicant will have three months to submit the consultation plan. Another point of note is that the amendment will ensure that the administrative burden of submitting a consultation plan is imposed only on the successful applicant under a tender process.

According to the explanation the minister provided in his second-reading speech, the government's intention is to ensure the integrity of the competitive tender process and to reduce the cost, time, effort and burden on unsuccessful tenderers. This proposition has merit. We need to be reducing burdensome costs on business and encouraging competition. This is clearly in the state's best interests for encouraging investment and participation and getting on with business to help create economic growth and prosperity.

The opposition nevertheless has some concerns that we wish to flag with the government. Despite the national debate on agriculture versus mining, which has divided the Premier and his deputy, this bill barely addresses this most topical of issues, particularly coal seam gas, which is emerging as a major policy issue. No regulatory impact statement (RIS) was conducted, and there is no explanation on this issue from the minister, despite the opposition's belief that it is likely to have a regulatory impact.

The bill also shifts the onus of consultation from before the tender is issued to after it is awarded and requires the company to then consult with the community about how it would like to be consulted. The compensation provisions, as outlined in part 4 of this legislation, mean that it is potentially more costly to establish renewable geothermal energy extractions than to undertake the less onerous compensation requirements for the more traditional styles of mining such as coal. It remains unclear exactly what the differences are between the two scenarios and the impact this will have on the commercial attractiveness of such ventures. The onus, therefore, falls on the government to ensure that, once the tender process has been run and won, the winning tenderer conducts genuine and meaningful public consultation and that reasonable arguments are resolved in the best interests of the state and the community.

The government will be responsible for ensuring that this balance is achieved. This is important for the credibility of these changes to the process so that mining companies can take care of business and reasonable arguments from the community can be appropriately resolved.

Mr McCURDY (Murray Valley) — I am delighted to rise and contribute to the debate on the Resources Legislation Amendment Bill 2011. I have been patiently sitting here listening to the member for Broadmeadows, and I was also quite excited to hear that the member for Essendon supports the bill and thinks it is quite extraordinary. He even supports the consultation process. I have learnt that it is never too late to learn and that you can teach an old dog new tricks when it comes to consultation, so I am pleased to hear that the member for Essendon is supportive of the consultation process.

Victoria's environment and natural resources are for all Victorians. It is our responsibility, therefore, to manage how our environment and our natural resources are used and shared amongst our communities. How we utilise those resources will affect our communities and the people within those communities. We always try to consult and consider our communities when we weigh up the options to either extract or not extract. It is about taking the opportunity to listen to people and taking the time to go through all the issues, because we do not want to be bulldozing those communities. They need to be heard, and that is what this government is doing. Certainly from a regional perspective we take whatever opportunity we can to consult with communities. We genuinely listen; we do not just say we are undertaking consultation and then ignore community members. We sit down and listen to what they have to say, and then we act on it. We try to strike that balance between community expectation, what the value of the product sought might be and what the economic benefits or losses might be.

This government continues to be transparent as it cares for our communities, because it really does care for our communities. I am pleased to be able to support that. This bill will improve the effectiveness of regulation of the resources industry and will reduce the level of overlapping regulation in the resources sector. While Australia has seen the resources sector boom, Victoria has been a relatively minor player in this field; however, we still need to have robust legislation that underpins this sector.

This bill will amend the Mineral Resources (Sustainable Development) Act 1990 and the Mineral Resources Amendment (Sustainable Development) Act 2010 by strengthening the notice requirements for prospecting licences. It will also clarify the survey requirements for prospecting and retention licences, and it will enable the renewal of certain exploration licences.

Other improvements to legislation provided for by this bill will include the amending of the Geothermal Energy Resources Act 2005, which will empower the minister to authorise the Department of Primary Industries to conduct surveys and drilling operations for the purpose of geothermal exploration. The Murray Valley is rich in natural resources both above and below the surface of the earth, and we are blessed to have an abundance of sunlight. The federal government has not seen fit to tax sunlight just yet, but I am sure if we give it enough time after it has dealt with the carbon tax, it will try to tax it as well! Certainly our communities thrive on the resources we have in the Murray Valley, both above and below the surface — from water to magnificent soil types for the production of food and fibre that our communities so diligently use to contribute economically, which supports and underpins the jobs sector. Provided we can manage these resources well, we stand to have many options.

The bill will strengthen the notice requirements for prospecting licences, clarify the survey requirements for prospecting and for the retention of licences and enable the renewal of certain exploration licences. I note that these changes will reduce the red tape and the administration.

The bill will also make amendments to the Pipelines Act 2005. Pipelines are very dear to our hearts in rural and regional Victoria, particularly those of us in the north of Victoria. We know what an impact pipelines can have when communities are not consulted or are

bulldozed, and we find that sometimes comes back to bite one on the backside, as it did recently for the former government.

Sitting suspended 1.00 p.m. until 2.03 p.m.

Business interrupted pursuant to standing orders.

QUESTIONS WITHOUT NOTICE

Parliamentary Secretary for Police and Emergency Services: conduct

Mr ANDREWS (Leader of the Opposition) — My question is to the Premier. I note the Premier's refusal on two separate occasions to declare full confidence in his Parliamentary Secretary for Police and Emergency Services, so I will provide him with another opportunity. I ask: does the Premier have full and unconditional confidence in the parliamentary secretary for police and member for Benambra?

Mr BAILLIEU (Premier) — I thank the Leader of the Opposition for his question. His premise again is wrong. I have twice done just that, and I do it again.

Honourable members interjecting.

The SPEAKER — Order! The member for Richmond is on a warning, right from the start today.

Regional and rural Victoria: government initiatives

Ms McLEISH (Seymour) — My question is to the Premier. Can the Premier outline to the house the latest in a series of initiatives taken by the coalition government to engage with rural and regional Victorians?

Mr BAILLIEU (Premier) — I thank the member for her question and for her commitment to her electorate and regional and rural Victoria. I am pleased to announce today that as part of next year's parliamentary sitting schedule, in September next year the Victorian government will host regional sittings of both houses of Parliament, in Ballarat and Bendigo.

Honourable members — Hear, hear!

Mr BAILLIEU — I note the endorsement of the opposition, and I say that on 6 September 2012, Ballarat will host the Legislative Council and Bendigo will host the Legislative Assembly. The coalition government pledged to govern for all Victorians, and that is what we are doing, not least in increasing the number of Victorians choosing to embrace the great lifestyle in regional Victoria. This will be the first time in more than 10 years that the Victorian Parliament has sat in those cities.

We think this is an important opportunity to take the Parliament to regional Victoria, to Ballarat and Bendigo. It is a further demonstration of this government's commitment to return the focus of government to the regions. This announcement comes on the eve of the government's first regional sitting of cabinet, which will occur in Warrnambool on Monday. As I have said many times, we do not just want Victoria to grow; we want Victoria to grow well, and we are delivering our commitments in that regard.

We have also delivered on our commitments to take the office of the Department of Premier and Cabinet to regional Victoria. We have pilot offices already in Ballarat and Bendigo, and those offices are operating well. We are obviously supporting regional Victoria, as the Deputy Premier has said many times, with a $1 billion Regional Growth Fund over eight years. That will provide councils with better infrastructure and services and strengthen local economies, in addition to increasing support for health, education, police and transport services. We are moving to deliver on what needs to be done in regional and rural Victoria, and that is meeting the needs of the ever-increasing number of families.

More recently, we have announced consultation processes for returning passenger rail between Geelong, Bendigo and Ballarat; begun work to unlock Avalon Airport, so long ignored by our predecessors; started an engagement with the local community about the second bridge option for Echuca; and commenced the process to finally secure a helipad service for Ballarat. Expressions of interest for the public-private partnership to deliver the Bendigo hospital were recently released. In recent months we have obviously been focused very much on repairing the damage to fabric, families and communities following the devastation of the recent floods.

On any given day, ministers can be found travelling right across Victoria. I have had the opportunity in recent weeks to travel to Mildura, to Shepparton, to Bairnsdale and to other places. What I can say is that the regional sittings will be much appreciated. I think I might have got them around the wrong way: Ballarat will be where the Assembly will be sitting, and Bendigo, the Council. I am pleased to announce those regional sittings, and I look forward to joining the opposition in that important part of Victoria.

Parliamentary Secretary for Police and Emergency Services: conduct

Mr ANDREWS (Leader of the Opposition) — My question is to the Minister for Police and Emergency Services. Given reports that the minister has met with the Parliamentary Secretary for Police and Emergency Services this week, I ask the minister: does he have full and unconditional confidence in his parliamentary secretary for police, the member for Benambra?

Mr RYAN (Minister for Police and Emergency Services) — I thank the Leader of the Opposition for his question. Insofar as the essential elements of his question are concerned, I did meet with the member for Benambra this week. It was in the course of a deputation to me which he organised over matters to do with the interests of country Victorians. It was a very productive deputation, and I am pleased to say it went very well.

Regional and rural Victoria: government initiatives

Mr BULL (Gippsland East) — My question is also to the Deputy Premier and Minister for Regional and Rural Development. Can the minister advise the house of how the coalition government is investing in local knowledge to create new prosperity, jobs and a better quality of life in country towns?

Honourable members interjecting.

Mr Ryan — Keep asking! Speaker, I — —

The SPEAKER — Order! Does the minister think it might be appropriate if I call him before he gets to his feet? I can tell this is a Thursday, and I can tell the Deputy Premier is excited to get to his feet. I call the Deputy Premier.

Mr RYAN (Minister for Regional and Rural Development) — Thank you very much, Speaker — take 2! This is a terrific question from the member for Gippsland East. As I have said before, is it not a thrill to have that wonderful part of the state properly represented in this Parliament?

As the Premier reiterated in his response, the Victorian government is committed to improving the quality of life for regional and rural Victorians, and as the house knows, we are doing so in a number of ways. We are also listening to local people to ensure that government funding is directed into grassroots projects that address local needs and link with regional strategic priorities and plans. It is in that context that I tell the house that the coalition's $9.4 million Advancing Country Towns program is intended to bring local knowledge and government resources together in nine country communities to develop local solutions that address current and future challenges for businesses and community members.

The communities benefiting from the four-year investment are a mixture of townships and groups of smaller towns. I recently had the great pleasure of being in Fish Creek — I might say in the company of a former Premier of Victoria, the Honourable Joan Kirner — to make announcements in relation to this. The four townships receiving $810 000 each are Benalla, Colac, Lakes Entrance and Robinvale. The five groups of towns receiving $890 000 each are Alexandra, Eildon and Thornton; Clunes, together with Creswick and Talbot; Heywood, together with five surrounding towns; the Mallee Track area, together with five other areas; and Meeniyan, together with a total of eight other towns — and I am pleased to say that area is in my own electorate.

What is intended is that project managers will work with local people, with business and with government for the development of funding proposals for projects that are intended to serve local needs. This program sits alongside the coalition government's record investment in regional Victoria through our $1 billion Regional Growth Fund. Since our launch of the program significant progress has been made. Local steering committees have been established, and eight of the nine project managers have already been employed. From speaking to local governments across the state in areas that are being influenced so positively by this program, I know they are delighted to see this unfolding.

These groups have already commenced bringing together local knowledge and the people in their communities to develop solutions for the advancement of the respective communities. For example, in Clunes, Creswick and Talbot the project being developed will explore how recent floods have impacted on small business, and it will work with business and community to explore practical ways to support these businesses to attract and employ local people. Indeed I had the pleasure recently of being in that lovely area to discuss these issues with the local folk.

The project in Heywood will capitalise on economic development opportunities to flow from the emerging cruise ship market in 2012. I know the local member, the member for South-West Coast, is very excited about the prospect of a cruise ship market. As an example here, there will be tours that will be supported to develop training and skills to strengthen indigenous tourism in that important region of the state.

Similarly, the program in Benalla and the other towns I have already referred to is a great one, and it will ensure we can continue working with rural and regional Victorians.

Minister for Police and Emergency Services: former adviser

Mr ANDREWS (Leader of the Opposition) — My question is again to the Premier. I ask: is Tristan Weston still employed by the Baillieu government at taxpayers' expense, and if so, what are his duties, and where is he performing them?

Mr BAILLIEU (Premier) — Again the Leader of the Opposition is asking questions I have been asked on a number of occasions, and I say again, Speaker — —

Honourable members interjecting.

The SPEAKER — Order! The question has been asked, and we are not going to be able to get an answer unless we have some silence.

Mr BAILLIEU — Mr Weston is on leave, and that has been made clear. If there is occasion to update that information, we will make that known.

Mr Andrews — On a point of order, Speaker, with the greatest of respect, I am asking the Premier to provide that update now. That is not unreasonable. This person, it would seem, is being paid by all of us as taxpayers — —

The SPEAKER — Order! I do not uphold the point of order. The Premier was giving some detailed information to the house.

Mr BAILLIEU — The point I was making was that if there is a change, then we are happy to advise of that change, but to the extent that Mr Weston has been the subject of speculation and assertion in the media and there are inquiries under way, and as I said yesterday, I do not intend — —

Mr Andrews — On a point of order, Speaker, again with the greatest of respect, the question did not relate to whether Mr Weston's circumstances had changed. That is not what the question was about. The question was about: is he paid, is he on the taxpayers payroll? It was not about whether his circumstances had changed — —

The SPEAKER — Order! I ask the Leader of the Opposition to take his seat. The Premier was answering the question — —

Mr Andrews interjected.

The SPEAKER — Order! I am not here to argue across the table with the Leader of the Opposition. I do not uphold your point of order — —

Mr Andrews interjected.

The SPEAKER — Order! I am referring to the Leader of the Opposition.

Mr Andrews interjected.

The SPEAKER — Order! The Leader of the Opposition should not argue across the chamber with the Chair when the Chair is speaking. The Premier has concluded his answer.

Honourable members interjecting.

The SPEAKER — Order! The Leader of the Opposition has pushed the barrow too far. He is on a warning, and he will only get one more.

Crime: prevention

Mr THOMPSON (Sandringham) — My question without notice is directed to the Minister for Crime Prevention. Will the minister provide an update to the house on the coalition's community crime prevention program and engagement with rural and regional Victorians.

Mr McINTOSH (Minister for Crime Prevention) — I thank the member for Sandringham for his question. I am absolutely delighted to update the house about the $39 million crime prevention package and its rollout across this state, particularly in relation to regional and rural Victoria. A key focus of the rollout of this program is about Your Community Your Say, which involves local communities in identifying and prioritising those issues of concern relating to crime and providing local solutions.

Crime and crime prevention are not just metropolitan Melbourne issues; they cross the entire state. The coalition government is committed to working with communities to identify local crime issues and develop local solutions. Certainly since becoming a minister I have travelled extensively across this state, but in particular I have had the opportunity of dealing with the inaugural meetings of my regional reference groups in a number of locations, and there are more to come.

I met with the member for Mildura and his local community in Mildura. I have been to Bendigo, I have been to Smythesdale near Ballarat and I have been to Shepparton and Geelong. I am also delighted to say

that, along with the member for Gippsland East, I will be in Bairnsdale next week, and with the member for Morwell, in Morwell, that week as well. It is going to be a significant event.

Regional reference groups are a key forum in which leaders of local communities and groups can come together to discuss these issues with the government. I met with mayors, local councillors, council chief executive officers, members of local police, members of the judiciary, members of the court staff and representatives of local government. I also met with representatives of local communities, community groups and businesses. This is about building and improving on our partnerships in relation to the rollout of this program.

As the Minister for Crime Prevention, I am absolutely committed to listening to local communities, whether in Melbourne or regional Victoria. Those programs are significant. There is the Community Safety Fund, $10 000, and grants to local communities for them to deal with things like locks, lights and fencing. Unfortunately applications closed on 29 August. We received some 376 applications.

Honourable members interjecting.

Mr McINTOSH — Probably some from your area as well! There are Public Safety Infrastructure Fund grants of up to $250 000 to local communities for them to deal with infrastructure and the anti-graffiti plan. I am proud to add this to the panoply of projects and policies the government is rolling out. I am proud to stand behind the Minister for Police and Emergency Services, who is rolling out 1700 extra police across this state. I am proud to stand with the Attorney-General in his significant reforms to sentencing. Most importantly, I am also proud to stand with the Minister for Women's Affairs and the $50 million family violence package that she is undertaking across this state.

Minister for Police and Emergency Services: former adviser

Mr ANDREWS (Leader of the Opposition) — My question is to the Premier, and it refers to his previous answer — if I can be charitable and describe it as an answer — in which he said that Mr Tristan Weston was on leave. I ask the Premier: is that leave with pay, and if so, how much are taxpayers providing to Mr Weston, who is on leave?

Mr BAILLIEU (Premier) — I repeat the answer I gave before. Mr Weston is on leave in accordance with the employment arrangements that he undertook. If there is a change of status, we will so advise.

Mr Andrews — On a point of order, Speaker, I did not seek advice about changes. I simply want to know, on behalf of all taxpayers, if this person is being paid.

The SPEAKER — Order! That is not a point of order. The member is repeating the question. The Premier has concluded his answer.

Sport and recreation: international events

Mrs BAUER (Carrum) — My question is to the Minister for Sport and Recreation. Can the minister inform the house of how the coalition government is securing international sporting events in Victoria and supporting our regional and rural communities?

Mr DELAHUNTY (Minister for Sport and Recreation) — I thank the member for Carrum for her interest in sport and recreation and for her real interest in what is going on in the portfolio, particularly in delivering major sporting events to this great sporting state of Victoria. We saw that this morning, when many members of this house were on the front steps of Parliament House in their football jumpers. We also saw it with the AFL premiership cup. The Minister for Ports had his Geelong jumper on, and the Minister for Community Services had a Collingwood jumper on. I think those two will play off in the grand final — so there is a bit of a tip!

The government is committed to ensuring that Victorians have every opportunity to see athletes compete at local, national and international levels. Springtime is a fantastic time in Victoria — it is finals time. We will see netball, football, rugby, hockey — all those sports have their finals in September. Whether it be in metropolitan Melbourne or across rural and regional Victoria, we will see people be more active in their finals. I encourage people to get along and support their teams in a responsible way.

Honourable members interjecting.

Mr DELAHUNTY — If you want a ticket to go and see a game, pay for it at the game!

We all know about the Australian Goldfields Open snooker championship — it was held in Bendigo, a fantastic regional setting for the world championship — where we saw the world's best snooker players come together with our home-grown hero, Neil Robertson, to compete. This Sunday we will see Amy's Gran Fondo, which is a bike ride in recognition of Amy Gillett, who tragically died training overseas. This event will take

place on the Surf Coast and in the Colac-Otway region, including along the Great Ocean Road. There will be 3000 athletes of all ages and abilities cycling in that area. We also have a fantastic sporting calendar coming up. Many of those events are going to be held in regional Victoria, whether it be the Jayco Herald Sun Tour or the Melbourne to Warrnambool Cycling Classic.

Last week the Minister for Tourism and Major Events, along with a few other members of Parliament, made an announcement about the 2014 FISA World Masters Rowing Regatta, which is to be held in Ballarat. This is a fantastic win for Ballarat. Whether it be in Ballarat, Shepparton or anywhere else across Victoria, we will be holding these sporting events. This regatta in Ballarat will showcase our beautiful and historic goldfields region, and we will be bringing in international competitors and spectators to the Ballarat and Lake Wendouree area.

As we know, Lake Wendouree hosted the rowing events for the 1956 Olympics. Approximately 2800 people will come to the four days of events, and it will provide a strong tourism boost for the area. The Minister for Tourism and Major Events highlighted the fact that this will provide an economic benefit estimated to be about $3.8 million to the Ballarat region, which is a fantastic result.

The 2014 FISA World Masters Rowing Regatta is another of the major events we will see coming to the state. Rowing is enormously popular in Victoria. It has not been given a lot of recognition, but we are going to give it that. Lake Wendouree in Ballarat is an iconic area. It hosted the rowing events in the 1956 Olympics, and it has held various King's Cups and the Victorian rowing championships. This side of the house is continuing to grow sport right across Victoria.

Parliamentary Secretary for Police and Emergency Services: conduct

Mr MERLINO (Monbulk) — My question is to the Premier. Can the Premier confirm that the Parliamentary Secretary for Police and Emergency Services leaked the personal email of Sir Ken Jones because he was concerned about the various acts of bastardry being perpetrated against the former deputy commissioner by the Premier's chief of staff, Michael Kapel?

Mr BAILLIEU (Premier) — I make this comment about the member's question: this is another outrageous assertion. It is speculation, innuendo, smear — —

Mr Andrews interjected.

The SPEAKER — Order! The Leader of the Opposition!

Mr BAILLIEU — And it is gossip. In that regard, I say again — —

Mr Andrews interjected.

The SPEAKER — Order! The Leader of the Opposition has been warned once. I am not going to warn him again. He asked a question, and he should wait for the answer.

Mr BAILLIEU — I say again that to the extent that the member's question deals with matters before current inquiries — —

Mr Hulls — On a point of order, Speaker, as you would be aware, pursuant to standing order 58, it is quite clear that all answers to questions must be 'direct, factual and succinct' and 'not introduce matter extraneous to the question nor debate the matter'. Quite clearly that is the path down which the Premier is going. He cannot use Parliament to plead the fifth amendment. The fact is that he has to get up and answer questions. He has a responsibility to all Victorians to stop pleading the fifth and answer the question in a succinct fashion.

The SPEAKER — Order! I do not uphold the point of order. The Premier was being relevant to the question that was asked.

Mr BAILLIEU — As I was saying, to the extent that the member's question addresses issues before current inquiries, I do not intend to engage in that speculation. There is a process in place, and that process will take its course. I make a further observation. The member's question is nonsense and, as I said, founded on speculation and assertion — —

Ms Allan — On a point of order, Speaker, I repeat the substance of an earlier point of order: the Premier is starting to debate the question. These are matters that have been extensively raised in the media; they are not fiction. After 15 questions this week it is about time the Premier answered at least one question that goes to the integrity of — —

The SPEAKER — Order! I do not uphold the point of order. The answer is relevant to the question that was asked.

Mr BAILLIEU — As I was saying, there is a process in place, and we will await the outcome of that

process. I did observe in the annual report of the Office of Police Integrity today that the director of the OPI made a point that he was frustrated about continuing gossip and speculation. I suggest that the member ought to follow that lead.

Mr Wakeling interjected.

The SPEAKER — Order! The member for Ferntree Gully is on a warning!

Mr Andrews — On a point of order, Speaker, surely it is not appropriate for the Premier to be reflecting on other members in this place in a situation where question after question has been asked and no answers have been provided — no answers whatsoever. The Premier is now having a crack at those who have asked the questions. It is his job to answer questions — just one for the week!

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

Princes Freeway, Morwell: closure

Mr NORTHE (Morwell) — My question is to the Minister for Roads. Can the minister update the house on government action to reopen the Princes Freeway at Morwell, and is the minister aware of any misleading commentary about the road reopening?

Honourable members interjecting

Ms Allan — On a point of order, Speaker, I seek your advice to the house. This is an exact repeat of a matter that was raised by the same member with the same minister — —

An honourable member — It is the same point of order!

Ms Allan — You're so funny; you should go on the road.

Honourable members interjecting.

The SPEAKER — Order! Members will come to order! It is Thursday; I would like to get this last answer. I put it to the member that I do not think it was the same question, because it relates to an update on what is happening as far as the highway is concerned.

Ms Allan interjected.

The SPEAKER — Order! I had heard enough of the point of order.

Ms Allan — Speaker, with respect, I had barely commenced my point of order. I would love to have an opportunity to complete it. The point I was making is that I am seeking advice from you. As I was about to say, the same member asked the same minister the exact same question during — —

Honourable members interjecting.

The SPEAKER — Order! This is a point of order, and I will have it heard in silence!

Ms Allan — It was addressed extensively during the adjournment debate last night. This is a matter that is already in *Hansard* for the current session of Parliament. I put it to you, Speaker, that this is an unnecessary use of the Parliament's time. This is an important issue, but the minister is engaging in unnecessary repetition about a matter that is already on the record of this house.

The SPEAKER — Order! As the member said, it was raised last night as an adjournment matter. It is not something that has been raised in questions without notice; therefore I do not uphold the point of order.

Mr MULDER (Minister for Roads) — I thank the member for Morwell for his question and for his strong representation of his community throughout what has been a very difficult period for that community, and for the clarity and the assurances that he has provided to the people of Morwell in what have been very testing and trying times.

As we know, on 10 February 2011 VicRoads, in consultation with Victoria Police and the Department of Primary Industries, closed the road due to safety concerns. It was appropriate they sought expert advice in relation to that matter.

Mr Andrews interjected.

The SPEAKER — Order! The Leader of the Opposition!

Mr MULDER — As I said, it placed an enormous burden on the community. These are very complex and difficult issues. There were concerns for business people about the impact on businesses and concern — —

Ms Thomson — On a point of order, Speaker, as this question in another form has been responded to on the adjournment, I suggest the minister not read his response to a question without notice.

The SPEAKER — Order! That is not a point of order.

Mr MULDER — As I indicated, there was enormous concern within the business community as to what the impact of the freeway closure would be, and there was much commentary surrounding that. Some of that commentary was outrageous, to say the least. On 11 May 2011 the member for Bendigo East put out a media release with a title suggesting that the Princes Freeway may never reopen. In the same release, a member for Eastern Victoria Region in the Legislative Council, Matt Viney, said the government must act fast to alleviate congestion. On 17 May the member for Bendigo East released another media release which said there was no doubt the road should not be reopened until it was safe to do so. On 24 May in the Legislative Council — —

Ms Allan — On a point of order, Speaker, section 58 of the standing orders states that a minister must not debate the question. The minister is clearly debating the question. I had the opportunity of hearing this last night, and he is again debating the matter before the house today. I ask you to bring him back to answering the substance of the question and not to proceed down this path, which is debating the matter and attacking members of the opposition.

The SPEAKER — Order! I ask the minister to answer the question.

Mr MULDER — On 24 May in the Legislative Council a member for Eastern Victoria Region supported a call for the freeway to be reopened — —

The SPEAKER — Order! I asked the minister to answer the question, not that he go back to where he left off. The minister should answer the question.

Mr MULDER — The question did relate to commentary in relation to the closure of the road; that is the issue that I was addressing. In summary, the member for Bendigo East first suggested that the freeway was a highway and then suggested — —

Mr Andrews — On a point of order, Speaker, you have very clearly indicated to the minister that he is not acting in accordance with the standing orders. I ask you to renew your advice to him. He had to read this last night. To read it a second time — what an embarrassment!

Mr O'Brien — On the point of order, Speaker, the question to the Minister for Roads clearly asked him to identify misleading commentary in relation to this important issue. As the Minister for Energy and Resources I have been involved in this issue. This is an important issue — —

Honourable members interjecting.

Mr O'Brien — That was the former Minister for Gaming. This is an important issue for the community, and the minister was specifically asked about misleading statements. The question the minister was asked was could he correct those misleading statements. I put it to you that his answer was entirely in order given the question he was asked.

Ms Barker — On the point of order, Speaker, I refer you to page 161 of *Rulings from the Chair* , which states:

> Question time is an opportunity for ministers to be questioned and provide information on government administration and should not be used as a vehicle for attacks on the opposition.

That was a ruling made by Speakers Coghill, Delzoppo and Maddigan. I suggest that the minister is out of order.

The SPEAKER — Order! I do not uphold the point of order. The minister is quoting extensively from — —

Mr Andrews — *Hansard*!

The SPEAKER — Order! *Hansard* and newspaper reports. I ask the minister to come back to answering the question.

Honourable members interjecting.

Mr MULDER — The coalition government has committed $121.5 million for the repair of flood damage to arterial roads, which includes funding for the issues at Morwell. Since the freeway was closed, all agencies and technical experts have been working on the best possible solution to allow it to be reopened. This comes following commentary from others who suggested the road should not be reopened.

There has been constant monitoring and testing of the land movement; additional drilling at the base of the Hazelwood mine area to allow more water to be drained from the area of instability; lining of the 300-metre central median drain and other strengthening works carried out, including injecting grout into underground holes; and the preparation of a traffic management plan by VicRoads in conjunction with Victoria Police. We have had involvement from Victoria Police, VicRoads, the Department of Primary Industries, International Power Hazelwood and Latrobe City Council.

We have had strong support from the member for Morwell, the Minister for Energy and Resources and the Minister for Police and Emergency Services. Geotechnical experts assembled for a technical review board have all been extensively involved to make sure that this road can be opened and opened safely in time for the school holiday period.

Ms Allan — On a point of order, Speaker — I did not want to interrupt the minister's flow — in making your earlier ruling, you clearly indicated to the house that in your view the minister was quoting extensively from a document before him. I ask that, given that you have ruled he is quoting from a document, you ask him to now make it available to the house.

The SPEAKER — Order! I ask the minister whether he was quoting extensively from a document or just from notes. It was just from notes.

RESOURCES LEGISLATION AMENDMENT BILL 2011

Second reading

Debate resumed.

Mr McCURDY (Murray Valley) — I am delighted to continue the debate from where I left off before the break. I will not start again; I will give a summary of what I was saying earlier, but I will be concise and to the point. As I was saying before the break, this bill strengthens the rights of those on the land. Although the mining and resource industries are very important contributors to our national economy, those who manage the land above and nurture our environment need to feel comfortable that all stakeholders are being considered in any process. This bill strengthens that right.

As we present this legislation it is important to note the ethics and the accountability that we see in this government. If I can briefly digress, I suggest that the rural energy strategy that we have been undertaking in Wangaratta over the last few months is another example of that. Here is another example of this government considering the rights of land-holders and making sure that consultation takes place. I might say that the Minister for Planning is continuing to show strong leadership in this and in ensuring that our communities are listened to.

In conclusion, this bill is an important piece of legislation. There are no quasi-terrorists here. There are no secret backroom deals or hidden agendas. This is about open, accountable and responsible government and reducing red tape. I commend the bill to the house.

Ms NEVILLE (Bellarine) — I join the debate this afternoon to speak briefly on the Resources Legislation Amendment Bill 2011. As many members have already indicated, this bill amends a number of pieces of legislation, and although the opposition is not opposing the bill we have some concerns about the fact that the government has failed to take the opportunity to outline and put in place a broader policy direction for the resources industry, particularly in relation to the development of clean energy technologies. Earlier we heard substantial commentary from the member for Sandringham about the issues of wind and solar energy and the renewable energy target in Victoria. I will come back to that very shortly and talk about the particular gap that this bill highlights.

It is great to see that the government is continuing on with the former Brumby government's strong support for the development of geothermal energy in Victoria. In the south-west region of Barwon, in my electorate, we have seen a lot of development and exploration in relation to geothermal energy which could provide some positive opportunities for an alternative, green or cleaner energy source here in Victoria. This is in incredible contrast with the government's other policy directions in this area. In recent weeks we have seen the government completely walk away from the Victorian renewable energy target, which as far as I know is legislated here in Victoria, but the government is going to walk away from that by basically making decisions that will see no wind energy developed here in Victoria. It will just be impossible. What we will see is not only a loss of investment and jobs but also, most importantly, a loss of the opportunity to substantially develop and build on clean energy here in Victoria.

Similarly, in relation to the solar energy industry we have seen some decisions in relation to the feed-in tariff that will impact negatively not only on that industry in Victoria but also on consumers. The hypocrisy of that is that when the former government was putting in place the feed-in tariff those opposite stated loudly and clearly right across the state, particularly to interest groups that they were trying to win over in the lead-up to the election, that we had not gone far enough. Here we are, only 12 months later, and what we are seeing is that those opposite are moving away from that position and making it even harder for anyone to develop the solar energy industry in this state.

It is great to see the government supporting geothermal energy. This is an important industry in my region and it will provide opportunities for cleaner energy in

Victoria, but this support is not enough to meet the renewable energy target and it is not enough to assist in the reduction of emissions in this state — again, a legislated target. If members look at the Department of Sustainability and Environment's annual report, they will see that it is very clear that, in contrast to what the government has said, the renewable energy target is not an aspirational target, it is a legislated target and a target that this government is required to take certain actions to meet.

What we are seeing is this government walking away from cleaner energy. We have seen the government walk away from its stated, on-the-record support for emissions reduction and its support for the issue of climate change. It is walking away from all of that. Earlier the member for Essendon said that The Nationals members must have been asleep at the cabinet table when this bill went through. I am pretty sure that the Minister for Environment and Climate Change was also asleep at those cabinet meetings. He was probably asleep during all of the discussions about wind energy and all of the discussions about the solar feed-in tariff. I am not sure where the minister was, but I can tell you now that the environment was not part of any thought he might have had in considering any of these pieces of legislation.

As we see the government walk away from climate change, emissions targets and renewable energy, what we are really seeing is the government walking away from any commitment to the environment here in Victoria and any commitment to clean energy. This bill, which just tinkers at the edges of all of this, is really a lost opportunity to make it clear to Victorians exactly what this government's commitment is to clean energy. It is a lost opportunity, but unfortunately I think that what we will continue to see over the months and years ahead is a government that is much more interested in coal than it is in renewable energies. Unfortunately Victorians now and future generations of Victorians will suffer as the government continues to walk away from clean energy options here in Victoria.

Debate adjourned on motion of Dr NAPTHINE (Minister for Ports).

Debate adjourned until later this day.

COMMERCIAL ARBITRATION BILL 2011

Second reading

Debate resumed from 13 September; motion of Mr CLARK (Attorney-General).

Mr ANGUS (Forest Hill) — It is a pleasure to rise today to speak in support of the Commercial Arbitration Bill 2011. I want to commence my comments by stating that this particular bill is another piece of legislation put forward by the new coalition government that is going to assist businesses to do business, to negotiate, to reach conclusions in commercial matters and to facilitate their efficient and effective operation in this state. As I have said a number of times in my various contributions in this place, that is the thing about members on this side of the house: our desire is to free up businesses to enable them to get on with and undertake business and to do what they do best, to generate jobs, to generate wealth, to create employment and to contribute in a positive way to the community — not only economically but also, obviously, commercially through the products and services that are generated by the whole range of businesses that operate here in Victoria.

In terms of this bill, we can see that it has a number of overall objectives. I want to touch on those and then move through a couple of other aspects of the bill. The first objective of the bill is to replace the existing Commercial Arbitration Act 1984 with a new model bill. That model bill has been agreed to by the Standing Committee of Attorneys-General and has been based on the United Nations Commission on International Trade Law's model law on international commercial arbitration. The bill has been based on that model as much as possible and supplemented by a range of provisions that are relevant to our domestic situation in relation to commercial arbitration matters. We can see straightaway that that is one of the key objectives.

The second objective is to make Victoria's commercial arbitration legislation consistent, as far as possible, with acts that have been passed in other jurisdictions, in particular New South Wales and Tasmania. In passing this bill we are going to bring ourselves in line with those states.

The third objective is to help align the domestic commercial arbitration regime with the commonwealth's International Arbitration Act 1974. That act is based on the model law and in fact was amended in 2010 to ensure that it had even greater conformity with the model bill.

The fourth objective is to create an environment that encourages better use of the domestic commercial arbitration regime. Doing that will ensure that businesses have better access to processes for the fair and final resolution of commercial disputes by impartial arbitral tribunals without unnecessary delay or expense. That is a very important aspect, and I had better be careful what I say because I know there are a number of lawyers in this place at any time. There can be significant unnecessary delay and expense when we get ourselves tangled up in litigation and arbitration matters, with red tape and various procedural things, and at the end of the day the poor old client is left holding the bill. It can certainly burn up a lot of time and money. We want to facilitate commercial activities within the state.

Another objective of this bill is to develop the model law arbitration expertise of Australian courts, lawyers and businesses and indeed to develop the country as a centre for international arbitration. There is no doubt that we have the skills and the commercial brains, if you like, within our great state, and this is an opportunity to further allow that talent to reach these sorts of commercial arbitration resolutions and go along that road. It is very worthwhile in that regard.

In terms of details of the proposal, the bill will introduce a range of key reforms. There are essentially five of these, and I will touch on them now. The first reform will be that the bill will give parties greater flexibility in structuring procedures for arbitrations, as well as imposing a duty to ensure that procedures give effect to the objective of the act and to procedural fairness. Again these are fairly fundamental matters, but they are matters that we take very seriously and that we want to be encouraging here in Victoria. The second point is that the bill will restrict the grounds for challenging the appointment of an arbitrator or an award, which again builds in more efficiencies. Thirdly, it will impose an obligation of confidentiality upon an arbitral tribunal and parties to the proceedings, except where they are excluded from that obligation by the act. Commercial confidentiality in commercial disputes is another important matter and a critical aspect of the bill.

Fourthly, the bill will grant powers to arbitral tribunals to order interim measures of protection to prevent a party taking action to circumvent a potential award against it, which is again good commercial sense. The last point is that the reforms will address the concerns about the current act in expediting proceedings and strengthening the finality and authority of awards.

If we look at its context, this bill supports the government's commitment to promote a business environment which encourages efficiency and fairness. That is what we are all about on this side of the house. There are many standing here, including myself, who have not only had experience in operating and running our own businesses but have also been advisers to different players in the commercial arena. In my case I have been an adviser for many years in relation to a whole range of commercial activities. Inevitably disputes arise from time to time, but one of the things that as an accountant I used to dislike particularly was when there were commercial matters that were in dispute and they would bog down with red tape, lawyers and so on, and it would often tie the client up into knots, certainly financially. This sort of a bill will go quite some way to streamlining those processes and procedures and assist the users of this particular system.

If we turn to the bill itself, we can see that clause 1AA outlines the purposes of the bill. The first one is:

> … to improve commercial arbitration processes to facilitate the fair and final resolution of commercial disputes by arbitration without unnecessary delay or expense …

I have talked about that, and that is the cornerstone of this particular bill, and a vital one at that. The second purpose is:

> to make consequential amendments to other Acts …

And the third purpose is:

> to repeal the Commercial Arbitration Act 1984.

We can see under clause 1AC the paramount object of the act, and that is:

> … to facilitate the fair and final resolution of commercial disputes by impartial arbitral tribunals without unnecessary delay or expense.

This repeats that point, and what an important point that is for business here in the state of Victoria.

The bill goes on under subclause 1AC(2) to state:

> This Act aims to achieve its paramount object by —
>
> … enabling parties to agree about how their commercial disputes are to be resolved … and such safeguards as are necessary in the public interest …

So there is good common-sense drafting there in relation to this particular commercial arbitration bill.

It goes on to talk about providing arbitration procedures that enable commercial disputes to be resolved in a cost-effective manner, informally and quickly. That is really what it is all about when we cut through it. We want to, as I have said before, free up commercial time so that operators of businesses are not tangled up in

myriad matters in terms of procedures in relation to any arbitration that they might be undertaking but rather can get things done in an effective, efficient, informal and quick manner. Rather than spending time being away from their core business, they can in fact get back to running their core business and generating the jobs, the opportunities and the wealth that we need to be happening here in the state of Victoria.

We can see if we go back and look at some of the policy background to the bill that there have been a number of concerns that have been well articulated. I will not go into those at this time. The bill has arisen out of the need, like so many of these particular pieces of legislation that we are bringing in. There has been a need; we have identified the need and we are addressing the need. That is what this Commercial Arbitration Bill 2011 does. It is a very effective piece of legislation, and I take this opportunity to commend it to the house.

Mr LANGUILLER (Derrimut) — From the outset I have to say that speakers — not the last speaker but those who spoke on the bill yesterday — appeared to have walked into the chamber with a mantra. The mantra was that one can be pro-business. That is fine, because we wholeheartedly embrace that, and we certainly did embrace that whilst we were in government. But what appears strange to me is: how can you be pro-business and not be pro-labour? It is workers — whether they are on farms, whether they are in offices or whether they are in services — who actually help business move forward. I put that on record because I think it is important that members of the government begin to recognise that if a business is to work well, it needs to work well in conjunction with workers, whether they wear overalls or whether they wear high heels and skirts.

We respect the outcome of the election, but let me say very proudly on behalf of those of us who were members of the government until last year that in 2001 Labor released a discussion paper, *Victoria's E-commerce Advantage*, which outlined the need to strengthen, firstly, privacy legislation; secondly, electronic transactions legislation; and thirdly, e-consumer protection and indeed protection against criminal disruption. Over the following decade what we witnessed was continual amendment to relevant legislation and investment on online resources and indeed on initiatives.

I take this opportunity to say that the growth of the internet and other electronic communications technologies is providing an array of opportunities and benefits for Victorians. Especially in the business sector, electronic commerce, or e-commerce, is enabling Victorian firms to harness information and communications technologies to overcome the tyranny of distance. Experience is demonstrating — —

Dr Napthine — On a point of order, Acting Speaker, I seek your clarification. My understanding is that we are debating the Commercial Arbitration Bill 2011. It seems that the member is speaking with respect to order of the day 4, which is the Electronic Transactions (Victoria) Amendment Bill 2011. I ask you to suggest that he concentrate on the Commercial Arbitration Bill 2011, which is the bill before the house.

The ACTING SPEAKER (**Mr Morris**) — Order! I was rapidly coming to the same conclusion. I ask the member for Derrimut to speak on the Commercial Arbitration Bill 2011.

Mr LANGUILLER — The answer is that the member is right. I have no qualms in apologising to the house. Let me say, then, in terms of commercial arbitration — —

Honourable members interjecting.

Mr LANGUILLER — It is one of those things that happens on a Thursday afternoon. My recollection is that this is the first time it has happened to me in almost 12 years in Parliament.

It is important that the Commercial Arbitration Bill 2011 will replace the Commercial Arbitration Act 1984. It is important because it will facilitate a move away from litigation, as I understand it. It will help business, it will smooth things through and it will make sure that commercial arbitration can be done by arbiters. This bill, as I understand it, will give parties the opportunity to select arbiters when and if they are required and will make provision for users of the arbitration system to object to the arbiters if need be.

Mr McGuire interjected.

Mr LANGUILLER — Of course, as quite correctly pointed out by the member for Broadmeadows, who made a very eloquent speech on the subject — better than mine! — it will reduce costs. Why would Labor not support a reduction in costs? This is exactly what we did in government. Over the course of 11 years we did everything we could to reduce red tape, make businesses more competitive and reduce costs primarily for small business. The bill is the culmination of a process of the Standing Committee of Attorneys-General in order to arrive at universal commercial arbitration law. It harmonises law and hopefully makes things easier between the states and

territories. It also aims to facilitate business at an international level. It puts Australia right where it should be.

It is interesting to note literature that I have for my other speech; it is relevant. I found a good paper by economist Dr Esposto from the University of Queensland that talks about interesting data from the World Bank on doing business in 2011. It shows that in regard to trading across borders — which includes things like procedures, documents to export, time to export, cost to export, documents to import, time to import and cost to import — Australia ranks 6th in the world, in comparison to Argentina at 115th, at one extreme, as I know only too well, and Singapore up north, which ranks 1st. These are important points of reference, and Australia rates well. What we have done over the last decade is good and is bringing Australia up to a level of being internationally competitive. Overall Australia can and should do better. We should reduce regulation and red tape, and our government up until November last year did absolutely everything it could and as much as possible.

We should improve electronic transactions, which is the subject matter of my other speech. Needless to say, when it comes to electronic transactions, helping commercial arbitration and doing business in this country, the national broadband network is significant. If you look at where we rate in terms of commercial arbitration — —

Honourable members interjecting.

Mr LANGUILLER — This is very important. I would like to see some of my colleagues do this! It is good to bring in arbitration and set the parties to doing what they can to arbitrate. It surprises me that when it comes to arbitration in business the government and members of the Liberal Party and The Nationals wholeheartedly support it. However, when it comes to industrial relations, which are just as important, which are part and parcel of doing business in this country and which we have done well for a long time — it facilitates business and makes doing business better — the government and members of the Liberal Party and The Nationals object to it.

I come to the conclusion of what one would have to say is an extraordinary contribution, which has many definitions, one of which is of course — —

Mr Wynne — You're a big picture man.

Mr LANGUILLER — That is right; I am a big picture man. We support commercial arbitration. We think that everything that can be done should be done to facilitate business, to make it more competitive, to make it more efficient and to reduce costs for big and small businesses, particularly for the small business men and women in the community. I happily commend the Commercial Arbitration Bill 2011 to the house.

The ACTING SPEAKER (**Mr Morris**) — Order! That was a contribution of great variety.

Mr SHAW (Frankston) — I enjoyed that. Well done to the member for Derrimut; that was terrific. I rise to speak about — —

Mr Wynne — Which one are you speaking on?

Mr SHAW — I thought I would go for the Commercial Arbitration Bill 2011. Is that what we are speaking on? I also have a speech on the Electronic Transactions (Victoria) Amendment Bill 2011, but we will go for the Commercial Arbitration Bill 2011. The bill supports the government's commitment to promote a business environment that encourages effectiveness, efficiency and fairness. As has been mentioned previously on this side of the house, we are mainly businesspeople on this side. The Liberal Party is the party for small business. One of the things we can do is give confidence to business and let businesspeople do what they do best — that is, put their assets on the line for the good of their families, for the good of themselves, for the good of their employees and for the good of the country.

What can we do to facilitate that? We can cut some of the burdensome red tape. We can create an environment, as this bill does, in which parties to a commercial dispute can get together to arbitrate and stay out of the law courts. We need to provide a competitive advantage for Victorians, as we hear quite often from this side of the house, because we see our competitive advantage eroded when we have people on the left who say, 'Let's close down Hazelwood'. Our competitive advantage is that Hazelwood provides the cheapest energy in the state, yet we have people on the left who want to close down that competitive advantage.

I did hear some others speak who want to bring in a carbon tax, and that is being debated and talked about at a federal level — gee whiz, as if that will not create instability in business and across the nation! From people who are not in business to elderly pensioners to businesspeople to everyday mums and dads and especially to us on this side of the house, people are concerned about that tax and that it is based on flawed premises as well.

The first objective of this bill is to replace the existing Commercial Arbitration Act 1984 with a new model bill agreed to by the Standing Committee of Attorneys-General. The second point is to make Victoria's commercial arbitration legislation consistent as far as possible with the acts already passed in New South Wales and Tasmania.

The third objective is to help align the domestic commercial arbitration regime with the commonwealth's International Arbitration Act 1974. The commonwealth act is based on the model law and was amended in 2010 to ensure greater conformity with the model bill. The fourth objective — and there are a couple of points to this objective — is, firstly, to create an environment which encourages better use of the domestic commercial arbitration regime to ensure that businesses have better access to processes for the fair and final resolution of commercial disputes by impartial arbitral tribunals without unnecessary delay or expense, and secondly, to develop the model law arbitration expertise of Australian courts, lawyers and businesses.

Going back to what government can do for businesses, we can cut the red tape, and we have talked about a few minor changes to the law which will free up and give confidence to business. Businesses are not always asking for handouts, but they are asking, 'Can you take the barriers off? Can you take those fences away? Can you take that yoke off my back so I can get up and be free to do what I do best, and that is employ people?'. Business people know how to do that; they know how to work long hours, and they know how to put their assets on the line. Many on the other side do not. Coming from union and legal backgrounds, they do not quite know the risk associated with businesses and how to reduce that burden.

If I can go back to my accounting days when I saw many clients — thousands over the nearly 20 years that we have been in business — what clients did not say was, 'Gee whiz, business is hard because no customers are coming through the door'. At times that happens, but it is mostly the regulation around federal taxes and state laws that are holding people back. It is the occupational health and safety laws and the WorkCover areas which hold people back.

Mr Nardella interjected.

Mr SHAW — I hear the member saying, 'Be careful, be careful', but these are the areas of concern that I am hearing about from businesspeople who were clients of mine. They are the complaints I am hearing from them, and I am airing them.

Cutting red tape is fantastic, and keeping the big money lawyers who charge massive amounts per day out of the courts and moving into an arbitration area would be terrific. The other day I heard about a bill for $3000 per day — unbelievable.

The bill facilitates the use of arbitration agreements to manage domestic commercial disputes and will ensure that arbitration provides a cost-effective and efficient alternative. That alternative is something that comes up in small businesses. We did not see cost efficiency in the desal plant — no cost efficiencies there. We do not see a business case for the national broadband network — no cost efficiencies there. What this bill is doing is providing cost efficiencies and an alternative to litigation in Australia.

The current uniform domestic commercial arbitration legislation across all states and territories has not kept pace with changes in international best practice and still reflects old English arbitration law. There is now a compelling need for reform, and this bill provides for up-to-date commercial arbitration in Victoria. I commend the bill to the house.

Ms GARRETT (Brunswick) — It is with great pleasure that I rise to speak on the Commercial Arbitration Bill 2011. I was a lawyer, the member for Frankston may be stunned to know, who worked in a business and helped build and run a business. I practised extensively in areas that rely heavily on good mediation and arbitration arrangements, and I believe in access to processes and structures that facilitate the fair and final resolution of disputes.

When done properly, with adequate resources and respected participants, mediation and then binding arbitration may assist parties to resolve their issues with the following key benefits: it can be cheaper and more expeditious than pursuing litigation through the court system; it can allow for more flexible negotiations and outcomes for parties than traditional court processes; and it can provide an important alternative for parties to consider and create a different path to resolution.

In fact some good old-fashioned mediation and arbitration might not go astray in the government's own backyard, particularly after today's performance in question time. Some seriously unhappy chappies are coexisting — and I use that term quite loosely — on that side of the house. The Premier may well benefit from some Chatham House rules round tables involving, say, his police minister, his parliamentary secretary for police and his own chief of staff. It might be very helpful for all concerned, including the Victorian public, to have an independent arbiter

determine just who said what to whom and when, who leaked what to whom and when, and who met with whom and when and then why, to all of the above.

It has been a wide-ranging debate this afternoon — —

Mr Gidley — My point of order, Acting Speaker, concerns relevance. This bill is about commercial arbitration, not unfounded allegations by the Victorian branch of the Labor Party about what is happening in the coalition government. I ask that the member be drawn back to the bill at hand rather than making unfounded allegations.

Ms GARRETT — On the point of order, Acting Speaker, we have had a wide-ranging and full debate, including a long dissertation from the member for Frankston about the carbon price, which I do not recall having any connection at all to the arbitration bill, particularly in circumstances where, I might add, the government of today when in opposition supported a carbon price. Nonetheless we are wandering off into the strange world of the member for Frankston. I am giving practical examples of where mediation and arbitration could be of great assistance in what is a fractious and difficult environment.

The ACTING SPEAKER (**Mr Morris**) — Order! We have just had a fairly wide-ranging point of order as well. Perhaps the member might just make some passing references to the bill.

Ms GARRETT — I think this was central to my discussion of the bill and central to a practical analysis of what this bill entails, which, as we know, is about arbitration. Arbitration can be an important tool in dealing with disputes, and certainly this is the case in relation to commercial disputes. As the house knows, and as previous speakers have said, there has been extensive work done in the lead-up to this bill by the Standing Committee of Attorneys-General. The pursuit of uniform national regulation across a range of areas is a worthy issue.

As the house is also aware, the multitude of jurisdictions in this country has led to a patchwork of different approaches and regulations across the nation, and there are some areas where a move towards a national approach is to be welcomed. This is because a national approach can, depending on the nature of the legal area under consideration, help to create a modern legal system, help to raise the standards of legal regulation and/or protections across the country, assist individuals and organisations in conducting their affairs across state and territory boundaries, and assist individuals and organisations overseas in conducting their affairs with greater ease in this country and vice versa.

This bill is intended to help create uniformity in national commercial arbitration law across Australia and is based on the central objective to deliver a fair and final resolution of commercial disputes by impartial tribunals without unnecessary delay or expense. New laws based on this model have also been or are in the process of being introduced and enacted in other states and territories across Australia. A national model law has been introduced in New South Wales. Tasmania has passed a similar law that is yet to take effect. Other states and territories either have bills before their parliaments or are set to introduce them in the near future.

The bill sets out a number of matters about access to fair and final resolution of commercial disputes by way of arbitration. These include: the establishment and composition of commercial arbitration tribunals, an issue that has dominated some of the discussion with key stakeholders in the lead-up to the introduction of this bill; the manner in which the tribunals can be selected and challenged; the process by which a default position can be adopted if the parties fail to reach agreement about the make-up of the panel; the capacity or otherwise of decisions of the tribunal to be challenged by aggrieved parties, with an emphasis on tightening the rules around appeal to ensure the arbitrated outcome has enough teeth to deliver a worthwhile dispute resolution service; the presumption of confidentiality in proceedings before the tribunal; and the capacity of the tribunal to issue orders, including interim orders, and to exercise powers in relation to both mediation and arbitration.

Of course for any arbitration system to work properly it must be adequately resourced, and we on this side of the house are very concerned about this government's ever expanding track record of talking the talk but not walking the walk. As is our modus operandi, we will be holding the government to account for its rhetoric. We also note that both the Law Institute of Victoria and the Victorian Bar have called for seed funding from the state government to create an Australian international disputes centre in Melbourne. A similar centre was created in Sydney as a result of funding from the New South Wales state government and the federal government, and it is now a self-sufficient organisation. We on this side of the house join the chorus of key stakeholders asking for the Victorian government to support such an initiative here.

Finally, as we reflect on the importance of giving people access to flexible, fair and properly constituted

and resourced mediation and arbitration services, we call on the government, as my colleague the member for Derrimut so aptly put it, not to have a double standard on this issue. As has been highlighted by many of my colleagues, members of this government have been very quick to deride and undermine mediation and arbitration in the industrial relations sphere, but they seem to have found their inner love for alternative paths to dispute resolution with respect to commercial matters. We say the principles are the same and the government should not be driven by ideology towards unions and their members on this issue but by good public policy, which means having respect for bodies such as Fair Work Australia in the work it performs and the decisions it makes.

This bill has been through a long journey to get to this house — a much longer journey than, for example, Mr Weston has taken to get fully paid leave. It will be interesting to see its forward path under a lacklustre and divided government.

Mr CRISP (Mildura) — I rise to make a contribution to the debate on the Commercial Arbitration Bill 2011. The purpose of the bill is to improve the commercial arbitration processes and to facilitate the fair and final resolution of commercial disputes by arbitration without unnecessary delay or expense, to make inconsequential amendments to other acts and to repeal the Commercial Arbitration Act 1984.

Unlike some of the other speakers I do not have a lot of experience in the commercial arbitration sector, so I will stick to the little bit I do know. The purpose of this bill is to make Victoria's commercial arbitration legislation consistent as far as is possible with acts already passed in Tasmania and New South Wales. That raises the cross-border issue again, something that border communities often face. If that issue can be tidied up, as this legislation seeks to do, then the commencement date of May 2012 cannot come quickly enough.

The bill will replace the existing Commercial Arbitration Act 1984 with a new model bill agreed to by the Standing Committee of Attorneys-General and based on international conventions. It will help align domestic commercial arbitration with the commonwealth's position so that we get the uniformity we seek and create an environment which encourages better use of domestic commercial arbitration so that business has better access to fair and final resolution of commercial disputes by impartial arbitration tribunals without delay or expense. Normally when these things spill into courts there is a great deal of expense. This reform is just about giving flexibility to business and trying to make Victoria run a lot better. It will reduce the red tape that our businesses face. As a passing comment to some of the previous speakers, given the commercial pressures that Victorian businesses are going to be under post the carbon tax there might be a little bit more demand for this than we would like.

The bill supports this government's commitment to promote a business environment which encourages efficiency and fairness. With those brief comments, I commend the bill to the house.

Mr McGUIRE (Broadmeadows) — I rise to make a brief contribution to the debate on the Commercial Arbitration Bill 2011. The purpose of the bill is to facilitate the use of non-litigious arbitration to resolve commercial disputes, ensuring that commercial arbitration is cost effective and efficient.

I note that an agreement was reached at the May 2010 meeting of the Standing Committee of Attorneys-General to update uniform legislation. Equivalent commercial arbitration acts have already been passed in New South Wales and Tasmania. South Australia, Western Australia and the Northern Territory have introduced equivalent bills into their parliaments, and Queensland and the Australian Capital Territory will be introducing their bills later this year.

As anyone who has run a business knows, the last thing you want to do is end up in a litigious situation, particularly if you are a small business owner who believes you have been wronged and where a bigger business with deeper pockets can use its clout to deny you a fair go. In this vacuum, the David and Goliath issue has given rise to litigation companies trying to bridge the gap. These are fundamental issues that are now being addressed by this legislation. By having an independent process of commercial arbitration, the battlefield is levelled in this often David and Goliath struggle.

I have long been an advocate of uniform national approaches and coordinated strategies on issues that are in the public interest. In this sense, an act to bring Victoria into line with the other states is welcomed. I also note that this bill has been based on the United Nations Commission on International Trade Law, ensuring that Victoria's position is embedded in the 21st century global community that has given rise to many of these issues.

I hope that enacting these amendments will influence and facilitate a change in behaviour that is in the public interest, lessening the impact of litigation as a blunt

instrument, which can ensure that those with the deepest pockets receive the highest justice. These amendments seek to ensure uniform access to justice and to ensure that the most deserving claims are able to be heard and resolved.

An initiative that the Labor Party and I strongly endorse is the opening of an Australian international disputes centre in Melbourne. This has significance in reaffirming Melbourne's business clout and positioning it as a truly global city. The Sydney centre has been in operation since 2009 and now operates commercially without the need for ongoing government funding. It did, however, require some foresight on behalf of governments through the provision of seed funding. During the past decade under Labor, Victoria overtook Sydney in a number of these key leadership roles.

As I am arguing, in the 21st century if you stand still, you get run over. This has emerged as a recurring theme for the coalition, and I do not want to see it occur again here. Labor understands that the Law Institute of Victoria and the Victorian Bar Council, among others, have been lobbying the state and commonwealth for that seed funding, and Labor strongly supports that venture.

I would like to place on the record that the coalition's credibility on this issue is not absolute and that earlier this year it repealed changes to the Civil Procedure Act 2010, which imposed certain non-onerous obligations on parties to follow pre-action protocols in litigation that ensured these processes were also efficient and effective. There are certain issues that should be above partisanship. I would make the point, in response to one of the previous contributions, that there are people on the Labor side who have obviously founded, managed and run businesses well, so I believe we should be above partisanship on these sorts of propositions.

These are issues that are too important for this sort of political game playing. They are issues that reinforce Victoria's position as a world-leading place to live, work and do business. It is this reputation that underwrites the state's prosperity and ensures the highest quality of life for all Victorians.

Mr McCURDY (Murray Valley) — I am delighted to rise to speak on the Commercial Arbitration Bill 2011. It is a bill that is consistent with our policies and one that is about helping business to do business. The commercial world relies on us to create a framework that allows efficiency and competitiveness, which is vital to all Victoria's businesses. What we are doing is very important; it gives confidence to those businesses and empowers them to step up and do what they need to do. This bill facilitates the use of arbitration agreements to manage commercial disputes, and it will ensure that arbitration provides a cost-effective and efficient alternative to litigation in Australia.

Let us get back to the cost of doing business. We have to do whatever we can at all times to allow businesses to do business at a competitive rate, and we must take any impediments out of the way. This is an example of the government doing this. Too often when you have a dispute and once you call in the lawyers, the dollars start racking up. It is really important that this does not happen and that we can arbitrate in these situations. We are going to support these businesses, because governments cannot be all things to all people. We have to allow the commercial sector to do its thing.

The overall objectives of this bill are to replace the existing Commercial Arbitration Act 1984 with a new bill, based on the United Nations Commission on International Trade Law, which has been agreed to by the Standing Committee of Attorneys-General. That is the first and overall objective. The second objective is to make Victoria's commercial arbitration legislation consistent, as far as possible, with the acts that have already been passed in New South Wales and Tasmania so that we can fall in line with those.

I would like to pause for a moment to talk about cross-border anomalies. For people like myself who represent constituents on the Murray River who have a border to the north, some of the cross-border anomalies that we face are very frustrating. It is another state on the other side, and where possible we want to make sure that whether you are calling a plumber or an electrician or whether you are in need of an arbitration process, the same laws apply to the same businesses. Thankfully we do not have the cross-border anomaly of daylight saving to worry about as they do further north. For those who do not live on a border and do not understand — yes, we are all Victorians, but where possible, and the planets can align, we want to make sure that people can do business similarly on both sides of the river, in my case.

A further objective of the bill is to help align the domestic commercial arbitration regime with the commonwealth's International Arbitration Act 1974 and to create an environment that encourages better use of the domestic commercial arbitration regime. That will ensure that businesses have better access to processes for the fair and final resolution of disputes without unnecessary delay or expense. Finally, the overall objective is also to develop the model law arbitration expertise of Australian courts, lawyers and

businesses and Australia as a centre for international arbitration.

Further details on the key reforms are that the bill gives parties greater flexibility in structuring procedures for arbitrations. When you are trying to settle a dispute, it is really important that there be flexible options that are seen fit for businesses to meet the challenges as they go forward. The bill also restricts the grounds for challenging the appointment of an arbitrator or an award. That can be very time wasting and expensive. These are just some of the issues the effects of which we are trying to alleviate through this bill.

The Standing Committee of Attorneys-General has had a significant role in this process. Reform of the commercial arbitration regime was originally placed on the agenda of the Standing Committee of Attorneys-General in 2002, but a piecemeal approach to this reform was not successful and the project encountered significant delays. We are getting it back on track. As I mentioned, the parliaments of New South Wales and Tasmania have passed the model bill with minor amendments, and we are moving to line up as well. There is some consistency, which is very important in reducing red tape. The reforms will expedite proceedings and address concerns about the current duty imposed on tribunals not to misconduct proceedings, which gives courts significant discretion to set aside awards.

With that, I have said enough. We have heard much in this chamber today. I will just mention that the consultation process was extensive. The external stakeholders were consulted, they being the Chief Justice of the Supreme Court, the Victorian Bar, the Chartered Institute of Arbitrators and the Institute of Arbitrators and Mediators Australia. The government has taken on board feedback from those bodies. It is with great pride that we bring this bill forward. I commend the bill to the house.

Mr NARDELLA (Melton) — I rise to speak in the debate on the Commercial Arbitration Bill 2011. We hear a lot of tripe in this place.

Dr Napthine — We're about to hear some more!

Mr NARDELLA — We are certainly going to hear some more, but the Minister for Ports is not on his feet at the moment!

The tripe is that only people on the other side of the house know anything about business. That is not only tripe; it is actually incorrect. To learn how incorrect it is, you have only to look at the origins of this bill. It was created in 1985. That was a good year in the Victorian Parliament because the Cain Labor government brought this bill to this house and at that time introduced the arbitration system for companies in this state. This bill is an amendment to the great legislation initiated by Labor members.

Work was also done over the past few years, before members of this government even thought they would become the government. The consultation process that the honourable member who just spoke referred to took place during the last term of the Bracks and Brumby Labor governments; it was not during the term of those opposite. Regardless of what they say, it is a bit hard for members of the Liberal Party and The Nationals to consult. In fact the consultation undertaken by and the work of the Standing Committee of Attorneys-General, the federal Labor government and the state Labor government was done before any members on the other side thought that they would ever get an opportunity of being on the government benches. That was because members on this side understand business and have worked with people in business to do the things that they need to do to create jobs. That is totally different from how members on the government benches believe they should act. We worked on that basis, and the arbitration system we put in place was about how we can do things with less cost for companies so that they can employ people.

In his contribution the honourable member for Frankston indicated that the only way he sees that businesses can be assisted is that two things are done. One is to make sure that the occupational health and safety laws that protect people — that is, that protect families and livelihoods — are withdrawn. The second thing that he suggests is just as bizarre: it is that the WorkCover system should be virtually abolished. He suggests that there should be no payments by companies to look after their workers, and that if their workers are injured, it is up to them, because that will drive down costs here in Victoria. That is just a falsehood. This was from a — —

Dr Napthine — On a point of order, Acting Speaker, not only is the member for Melton misrepresenting the member for Frankston but he is also straying well away from the bill. I ask you to bring him back to be relevant to the bill before the house.

Mr NARDELLA — On the point of order, Acting Speaker, it is a custom of this house that in debates members respond to the positions of members on the other side. I was responding directly to the comments that had been made by the honourable member for Frankston. Members on this side did not interrupt him in his contribution to the debate. Part of what debate in

this Parliament is about is responding to the points made by members. Also, I was talking on the bill.

The ACTING SPEAKER (**Mr Morris**) — Order! I cannot say I recall the member for Frankston making those specific points, but I concur with the interpretation of the custom. One needs to be able to respond to points made in debate. It is probably worth looking at *Hansard* later, but in general terms it would assist the house if the member for Melton could return to addressing the substance of the bill.

Mr NARDELLA — This bill is about reducing costs; it is about providing certainty for companies and providing that they do not need to go to very expensive tribunal or court systems. We on this side of the house are about reducing costs by providing processes for companies to work through so that disputes in the commercial area can be arbitrated.

I want to put on the record that the intelligence in this house is not with members on the other side. People who have worked in business are not among just those on the other side. On this side of the house we have members whose experiences in reality make the businesses and the operations of members on the other side a minuscule part of the commercial or company system in Victoria and Australia in comparison. A number of members on this side of the house have operated much bigger businesses than those that have been operated by the vast majority of members on the other side. I support the bill before the house. It is a very good bill which continues the fantastic work of Labor governments of the past and currently at the federal level.

Mr SOUTHWICK (Caulfield) — I rise to speak on this very important Commercial Arbitration Bill 2011. We have just heard from the member for Melton a diatribe about how expert members opposite are in doing business and running businesses. I make the point that running a trade union is not running a business. Being involved in the trade union movement, where a lot of time is spent in actually clogging up the courts, taking up time and ensuring that many businesses suffer and in some cases people go out of business, is not part of running a small business.

We have had a good measure of members in the federal Parliament giving very good examples of using credit cards as part of their activities in the union movement. That does nothing other than probably facilitate business, but not the sort of business that I want to talk about today. What I do want to talk about today is a very important part of what this bill will do, which is doing away with the clogging up of the courts, doing away with spending time in arbitration and ensuring that we get on with solving problems and doing what is most important — that is, allowing businesses to trade.

The first of two elements I would like to talk about today is keeping uniformity across the states and ensuring that when it comes to arbitration, business and trade, the law is consistent across all states. Most small businesses in Victoria trade on at least a national if not an international basis, and we need to ensure that the relevant laws are consistent. The second and most important element is that this bill goes a long way to supporting small business.

I will now touch on the first issue of having uniformity across the states. The procedural framework for the conduct of domestic commercial arbitration goes a long way towards uniformity. Equivalent legislation has been passed in New South Wales and Tasmania and has been introduced in the parliaments of South Australia, Western Australia and the Northern Territory. With the passage of the commonwealth legislation and the progress of most of the states and territories, it is imperative that Victoria act in order to make our state consistent and competitive.

Given the large and growing customer base of small and medium-sized enterprises, which is due to globalisation and technology — something we touched upon yesterday when debating the Electronic Transactions (Victoria) Amendment Bill 2011 — it is important that we have consistency in our arbitration processes and tribunals. It is important that, with the passage of and assent to this bill, practitioners and courts be able to draw on case law, the practices of the commonwealth and overseas practices to inform the application of its provisions.

I also draw attention to the importance of creating an environment for small business which encourages better use of domestic and commercial arbitration regimes. Among the objectives of this bill is to ensure that businesses have better access to processes for fair and final resolution of commercial disputes through impartial arbitral tribunals without unnecessary delay or expense. Often when you look at even appointing an arbitrator, you see that in terms of that process alone it can be some time before an agreement can be reached. Particularly in situations involving a small business and a larger business, quite often such delays are used as tactical measures to wear down the smaller enterprise. This bill provides an even playing field. It allows both parties to get on with it — to appoint an arbitrator as quickly as possible, to have the dispute heard, to settle the dispute and to move on — enabling both businesses

to go about doing what they have set out to do, which is to operate as businesses.

The other objective of the bill is to develop the model law expertise of Australian courts, lawyers and businesses and to develop Australia as a centre for international arbitration. These key reforms will give parties flexibility, they will structure the procedures of arbitration to ensure that there is fairness in the application of the legislation for both parties, they will restrict parties in relation to the grounds on which they can challenge an arbitrator for an award and they will impose an obligation of confidentiality upon the tribunal to ensure that there is due process. The bill also grants powers to the tribunal in terms of interim measures relating to protection to prevent any party taking action to circumvent a potential action against it.

It is very important for us to ensure that this bill receives a smooth passage. It supports our government's commitment to promote business and an environment that encourages fairness and efficiency. There have been a number of consultations, and in accordance with the decisions of cabinet there was targeted consultation with a number of key stakeholders, including the Chief Justice of the Supreme Court, the Victorian Bar, the Chartered Institute of Arbitrators and the Institute of Arbitrators and Mediators Australia. They were generally supportive of this model of implementation of the legislation. They saw it as a way of creating uniform means for potential actions across Australia, ensuring that there would be no delay in court processes. It is certainly consistent with earlier positions, and as it forms part of the model law it allows uniform legislation across the board.

We have all had experiences — or know somebody who has had experiences — that have involved the court process. Quite often courts get clogged up with very small or minor issues which cause delay, preventing people who have more serious complaints being heard. We should therefore do whatever we can to create smoother movement for people through the court process, and that is certainly what this bill is about. Ensuring smooth passage and ensuring that disputes are heard quickly, fairly and reasonably is the sort of thing we can do in this house, and it is what this Parliament should be about. It should be about making business dealings easier. In Parliament we often talk about cutting red tape, and that is what we are looking at doing as part of this process.

This is a very important bill and one that we on this side of the house all support. I commend the bill to the house and look forward to its smooth passage.

Mr MADDEN (Essendon) — I rise to speak on the Commercial Arbitration Bill 2011. Basically I want to make two very brief points on it. There is a sense of irony on this side of the chamber — and no doubt that has been reflected by other speakers — given the enthusiasm that government members have for dispute resolution and arbitration when it comes to commercial matters and the not nearly as great enthusiasm they have when it comes to industrial matters. I hope anybody who reads through *Hansard* or who has an interest in these matters notes not only the irony but also the contradiction in the position of the government members in relation to these matters.

I want to highlight some of the remarks made by the Honourable Marilyn Warren, AC, Chief Justice of Victoria, at the Australian Centre for International Commercial Arbitration reception on 13 May 2010. One of the points she made was that it is particularly important to set up an international arbitration hub, in a sense, and not only for the region. Such a hub would reflect the Sydney model, which was supported by the previous New South Wales Labor government, and would endorse and assist businesses to invest. We have seen Singapore use the model that has been established in Sydney.

This model would allow us to compete on a similar footing as centres such as Singapore, Hong Kong, Sydney and California if we made the investment in Melbourne and Victoria. I encourage the government to look at and invest in the model and make sure that we are not only a great city in which to live, work, raise a family and do all sorts of things but also, more importantly, a great centre for major events, a regional hub and a great place to do business because the cost of business has been reduced.

The cost of business would be reduced because when and if you found yourself in a commercial dispute, you would not necessarily have to spend enormous amounts of money on litigation; there would be the opportunity to have those matters considered through arbitration. I encourage the government to make that investment so that all those attributes, whether to do with events, commercial investments, housing, the amenity of Melbourne or doing business, would combine all those factors. It would make it worth investing in Melbourne and Victoria and not only easier but certainly — —

Mr McGuire — Attractive.

Mr MADDEN — Yes, very attractive. It is particularly important to make it attractive to invest, because if at the end of the day we are competing with other international cities and people have to make

decisions about where they locate, for whatever reason — —

Mr Wynne interjected.

Mr MADDEN — That is right. As my learned friend behind me mentioned, that capital is mobile, and we want to capitalise on that mobile capital, as it were, and make sure that we get investment in Victoria, that we make doing business easier and that we also make the cost to individuals at the very end of the commercial chain much cheaper.

The SPEAKER — Order! The time set down for consideration of items on the government business program has arrived, and I am required to interrupt business.

Motion agreed to.

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

Third reading

The SPEAKER — Order! As a required statement of intention has been made under section 85(5)(c) of the Constitution Act 1975, the third reading of the bill is required to be passed by an absolute majority. As there is not an absolute majority of the members of the house present, I ask the Clerk to ring the bells.

Bells rung.

Members having assembled in the chamber:

Motion agreed to by absolute majority.

Read third time.

ELECTRONIC TRANSACTIONS (VICTORIA) AMENDMENT BILL 2011

Second reading

Debate resumed from 14 September; motion of Mr CLARK (Attorney-General).

Motion agreed to.

Read second time.

Third reading

Motion agreed to.

Read third time.

DRUGS, POISONS AND CONTROLLED SUBSTANCES AMENDMENT (PROHIBITION OF DISPLAY AND SALE OF CANNABIS WATER PIPES) BILL 2011

Second reading

Debate resumed from earlier this day; motion of Ms WOOLDRIDGE (Minister for Mental Health).

Motion agreed to.

Read second time.

Third reading

Motion agreed to.

Read third time.

RESOURCES LEGISLATION AMENDMENT BILL 2011

Second reading

Debate resumed from earlier this day; motion of Mr O'BRIEN (Minister for Energy and Resources).

Motion agreed to.

Read second time.

Third reading

Motion agreed to.

Read third time.

Business interrupted pursuant to sessional orders.

ADJOURNMENT

The SPEAKER — Order! The question is:

That the house now adjourns.

Planning: Greensborough electorate

Mr BROOKS (Bundoora) — I wish to raise a matter for the attention of the Minister for Planning. The specific action I seek is for him to immediately provide greater protection for neighbourhood character from recent development applications for both medium and high-density developments in my electorate. Over the last few months there have been a number of development applications in the city of Banyule, which is in my electorate, that have caused considerable

concern to local residents. Some of those developments have already proceeded to the construction stage, and some of them are yet to be decided on by the local council and/or the Victorian Civil and Administrative Tribunal (VCAT).

I draw the minister's attention in particular to a proposed development at 33–35 Vermont Parade, Greensborough. A number of residents in the local community have contacted me about their concerns with this development. I attended a meeting in the street and I was surprised at the number of people who came out to talk to me about their concerns — there were about 40 to 50 residents who are bitterly opposed to the development at that location, where an applicant is seeking to put eight units on essentially two modest house blocks. It might not be as high density a development as those in areas like Albert Park or South Melbourne, but still residents choose to live in a suburb like Greensborough because they want to live in an area with a certain type of neighbourhood character. I think it is appropriate that the planning minister do everything within his power to ensure that that neighbourhood character is protected and that this sort of development does not proceed.

I know the matter is going off to VCAT, so I am asking the minister to look at the policy implications to see what he can do to ensure that local neighbourhood character and strategies and policies at the local level carry greater weight when VCAT considers these matters. This particular development has been knocked back by the local council because it falls down in a whole range of areas, but the applicant has decided to appeal the decision, which indicates to me that they feel they have a reasonable chance of success at VCAT. That is of concern to me and to local residents.

The council has set out the reasons for its refusal to grant a planning permit, and they include that the development does not respond to its neighbourhood character policy, that it is not sympathetic to the current building form and style, that the front setbacks are inadequate, that there is a lack of car parking provision, that it falls over in terms of site coverage and infrastructure, that it has overlooking issues for neighbouring properties, that there is insufficient private open space, and a whole range of other concerns.

That follows on from another application in my electorate at 58 Elder Street, Watsonia, which I think has a connection to the same developer. The developer is trying to put five units — three single storey and two double storey — on a small block. People in my local area are becoming concerned that there has been a flood of applications recently to develop existing housing stock as what is called medium-density housing but which my residents would call high-density housing. They are very concerned about this precedent and would like the planning minister to take whatever action he can to ensure that the great amenity of Greensborough is protected.

Schools: Sandringham electorate

Mr THOMPSON (Sandringham) — The matter I wish to raise is for the attention of the Minister for Education. Specifically I seek the opportunity for the minister to visit the Sandringham electorate, which he has done in the past, and to meet with school leaders, community leaders and parents of current and prospective students at local Sandringham electorate schools. Members of this chamber would not need to be reminded of the important correlation between the calibre of the built environment and student learning outcomes. Whether it be a metropolitan school or a school in rural or regional Victoria, it is very important that there be good physical infrastructure and amenity for our students.

When I was first elected to this place, following 10 years of Labor administration, and was invited to a Labor heartland school, I was staggered by the level of disrepair at that school. The spouting had rusted away and classroom walls had been kicked. It was very disappointing that there had not been the systematic upgrading of the learning environment for students in all schools across Victoria. This was terribly reflective of the level of neglect. Those on the other side of the chamber, in fact right around the chamber, and those people who take an interest in the physical infrastructure of local schools, need to recognise that for 21 of the last 28 years or so the maintenance of Victorian schools has been under the carriage and administration of Labor governments. It is disappointing when you see the result of that and how it is being outworked.

Under a former government there was a process of making sure that there were quality learning built environments so that all Victorian students, no matter whether they lived in a Liberal or a Labor electorate, had a good learning environment in which they could undertake their lessons. The fact that for 21 of the last 28 years that built environment has deteriorated and declined to the extent that it has is a poor reflection on those who held the reins of government during that time.

What I seek from the minister is the opportunity for him to visit a number of Sandringham electorate schools to look at some of the maintenance issues and learning environment issues so that effective pathways can be developed in consultation with local communities to provide the best possible learning environments which, in turn, will contribute to the best possible learning outcomes for all Victorian students and those in the Sandringham electorate.

Seaford Park Primary School: future

Mr PERERA (Cranbourne) — I wish to raise a matter for the attention of the Minister for Education. I call upon the minister to take action to ensure that there will be no closure of Seaford Park Primary School, which is in my electorate. This is a unique school serving the Seaford community as well as being convenient to the communities in surrounding areas. The school's small student population contributes to a harmonious and caring environment where students live and learn in an atmosphere characterised by individual attention. The school offers choice for parents who have been looking for that type of educational environment for their kids. Five years ago the school had student enrolments of over 200. The student population has decreased only within the past few years and now has an enrolment of around 150. The situation is certainly not unique to this school.

In general terms it is important for the minister's department, the Department of Education and Early Childhood Development, to carry out relevant research to find out the root cause for the small decline in student numbers. However, it may not be due to demographic changes, and I can comfortably state that that is certainly not the case with this school. Unfortunately there is widespread misinformation suggesting that the demographics in the surrounding area have changed and young families are no longer living in the area. Nothing could be further from the truth.

The two kindergartens in walking distance from the school are full, and parents are struggling to get placements at them for their children. Many of these kindergarten kids will end up seeking a place at this primary school. As the local member, I am fully aware that the area surrounding the school caters well for young working families. It is very close to shops, public transport, sporting clubs, child-care centres and many other sporting facilities. Seaford railway station is 5 minutes away. The major arterial roads are only minutes away. You can get to the growing industrial area of Carrum Downs in 2 minutes. This area is booming following the completion of the state-of-the-art EastLink Freeway.

Seaford Park Primary School is also located next to local sporting areas, which the children are certainly part of. The neighbouring $11 million state-of-the-art training facility operated by the St Kilda Football Club provides great inspiration for the schoolkids, who now have role models in the school vicinity. Seaford Park Primary School is well located to meet community expectations.

It is no secret that I have been a keen advocate for the modernisation of this school. The Labor government committed $300 000 towards the modernisation of the school. In May this year a state-of-the-art multipurpose building was officially opened following funding of $2 million from the federal government. I am disgusted by the advice I have received that the government now wishes to close this school. Parents tell me that departmental staff have been advising the teachers at the school that they will be looked after if they support the closure of this school. Shame on the government! Over the last few days my office has been inundated with calls from many concerned parents of students who attend Seaford Park Primary School. The parents are so concerned that they have managed to collect over 300 signatures on a petition demanding that the school not — —

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

Chelsea Bonbeach Train Station Group: ministerial visit

Mrs BAUER (Carrum) — I wish to raise a matter for the Minister for Public Transport, who is also the Minister for Roads. The action I seek is that the minister meet with the Chelsea Bonbeach Train Station Group and that he provide an update on the current performance of rail services to Carrum.

We are privileged to have such a wonderful, community-spirited group of some 20 core members as well as myriad volunteers — close to 100 members overall. I would like to commend the Chelsea Bonbeach Train Station Group volunteers for their commitment to assisting in the upkeep of Chelsea and Bonbeach train stations and to improving the safety, amenity and wellbeing of commuters. The committee meets once a month and holds monthly working bees which alternate between Chelsea and Bonbeach railway stations.

Recently the group planted out the Chelsea and Bonbeach railway station perimeters with over 500 medium-sized shrubs. This was complemented by a planting of ground cover grasses. Unfortunately the grasses were vandalised in the last week. The group received a commendation from the Kingston council for this work and is currently working with an arts group to beautify both railway stations. In partnership with the Kingston council the group has a vision to create a 'living fence' that screens the existing rusting cyclone fence between Argyle Avenue and the Chelsea station.

Graffiti is another issue that the group continues to work on minimising. It has been proactive in photographing and recording graffiti and entering incidents of damage on the VandalTrak database, and Victoria Police is supporting the group with regular patrols and visits to both railway stations.

Under the group's president, Paul Coniglio, the train station group works towards making the Chelsea and Bonbeach stations and surrounding environs a source of community pride. It liaises with relevant stakeholders, including local, state and federal governments, other not-for-profit organisations in the area, schools and local traders to organise a wide range of initiatives, including Clean Up Australia Day activities, tree planting and graffiti removal days.

The group would welcome the minister's travelling down to visit it to see firsthand the work that is being done. I would also appreciate an update on the current performance of rail services on the Frankston line.

Ned Kelly: skeletal remains

Mr LANGUILLER (Derrimut) — I refer this matter to the attention of the Attorney-General, who has announced that doctors and scientists at the Victorian Institute of Forensic Medicine (VIFM) have identified the remains of Ned Kelly. I understand that an exhaustive historical, forensic medical and forensic scientific exercise employing the expertise of historians, pathologists, anthropologists, odontologists, radiologists, and ballistics and DNA experts has identified the bushranger's remains among those transferred from the Old Melbourne Gaol to Pentridge Prison in 1929 and then exhumed again in 2009. As I understand it, the project involved a collaboration with the Argentine Forensic Anthropology Team — the Equipo Argentino de Antropolgía Forense, or EAAF — DNA laboratory in Argentina and other partners.

I ask the Attorney-General to provide the house with further details about the nature of the partnership between the EAAF of Argentina and the Victorian Institute of Forensic Medicine, including the nature, depth and extent of the contribution made by the EAAF, the director of which is the distinguished Luis Fondebrider, in relation to identifying Ned Kelly's remains. Primarily I want to take this opportunity to commend all the scientists and partners, including the VIFM, the EAAF and the Ambassador of Argentina, Sr Pedro Villagra Delgado, in this historical project, which is significant for all Victorians and indeed all Australians.

As I understand it, a DNA sample was taken from Melbourne schoolteacher Leigh Olver, who is Ned's sister Ellen's great-grandson, which confirmed that the remains are those of Ned Kelly. The identification was completed when the DNA sample taken from Mr Olver was compared with a DNA sample taken from remains found buried in a wooden axe box. I further understand that the investigation began when a skull believed to be Ned Kelly's was handed in to the VIFM on 11 November 2009 by Mr Tom Baxter. The skull had been taken from the Old Melbourne Gaol in December 1978, where it had been on display next to the death mask of Ned Kelly. The inscription 'E. Kelly' was written in ink on the side.

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

East Gippsland: community safety plan

Mr BULL (Gippsland East) — I wish to raise a matter for the attention of the Minister for Crime Prevention. The action I seek is that he visit East Gippsland to facilitate a discussion with local community groups on the formation of a community safety plan. I am aware that the minister has held similar forums in other regions of Victoria, and I urge him to come to my electorate — perhaps to Bairnsdale, which would be the ideal location. Community safety has obviously been a big issue throughout my electorate, and over the course of last year's election campaign it was raised quite often in a lot of townships. In Maffra, Orbost, Bairnsdale and Lakes Entrance we had community forums where the issue was raised as a matter of community interest.

Regional reference groups on crime prevention are a great initiative of this government. They bring together organisations for discussions about what they can do at a local level to address and prevent crime. This government came to office with a strong commitment to get tough on crime and introduce a much stronger focus on crime prevention, and we are clearly doing that in a range of areas. The commitment to more

police, which we have already seen commence, the commitment to putting protective services officers on our train stations, tougher laws for hoon drivers and changes in many other areas have been welcomed. However, at the local level we can certainly do a hell of a lot more to achieve a coordinated community approach, and that is what this visit will be all about.

A recent example of this approach in my electorate was discussions that took place between representatives of the police and the Department of Human Services. Those discussions led to a strong agreement for better communication in relation to public housing issues. Those sorts of closer links between agencies at a local level are what we must encourage.

It was also terrific last week to meet the new officer in charge of the Bairnsdale police station, Anthony Vanderzalm, who is a fine young man. In discussions with me, Anthony expressed a keenness to increase foot patrols within the Bairnsdale CBD. That sort of local action is certainly what we need. We need to give the community more confidence in our policing, and a visual presence certainly assists in achieving that.

I congratulate the Minister for Crime Prevention, whom I note has just walked into the house, on his recent announcement of grants of up to $250 000 being made available to local councils to fund public safer infrastructure projects to prevent crime and make communities safer. In winding up, I request that the Minister for Crime Prevention come to my electorate of Gippsland East to facilitate a discussion on crime reduction initiatives with local community groups.

Auspicious Arts Incubator: funding

Mr FOLEY (Albert Park) — I wish to raise a matter for the attention of the Minister for Innovation, Services and Small Business. The action I seek from the minister is that she direct her department to step in and assist with the survival of a small business creative sector incubator known as the Auspicious Arts Incubator.

This wonderful little organisation faces closure within weeks, having seemingly been abandoned by the Minister for the Arts, the Premier. The incubator is an innovative approach to developing businesses from start-ups in the arts and creative sectors. The Auspicious Arts Incubator is temporarily located in the Emerald Hill precinct in South Melbourne, having been forced to relocate from Sturt Street, Southbank, after suffering flood damage earlier this year. The incubator was established with initial support from Arts Victoria with a view to building its presence over time. Sadly in February this year the incubator fell victim to the deluge and floods in the arts precinct in Sturt Street and at great and unexpected cost had to move from its then home with its very small team.

The Auspicious Arts Incubator seeks to help build sustainable creative businesses by giving independent artists and small and medium arts business organisations the business, marketing and audience development skills necessary to thrive in a competitive marketplace through a sustained one-on-one coaching relationship. It is about turning creative ideas and expressions into sustainable small businesses. Over the short period of its operation the incubator has offered hundreds of emerging microbusinesses the practical and achievable support they need to turn creative artistic expression and ideas into sound businesses. It does this in a variety of ways, including by providing space for offices, training rooms and coaching locations and by providing a network of support and mentors for independent groups and individuals within the creative sector. It also seeks to build links with arts service organisations for these booming creative sector opportunities.

While the concept of business incubators has been around for a long time, the practice of arts incubators is relatively new. The most successful models can be found in the US, the UK and Canada, and the Auspicious Arts Incubator has modelled itself on these. It would be a terrible loss to the Victorian arts community, with Melbourne being the arts capital of the nation, to see this wonderful little organisation lost so soon after its inception. The arts incubator equips cultural groups and arts entrepreneurs with the skills, tools and business environment necessary to meet short and long-term objectives and to integrate facility and organisational development services and all-round effort to ensure that they are in the business of being in business.

The Auspicious Arts Incubator received start-up support from the previous government and after its flood crisis has been assisted by the City of Port Phillip with its premises. Unless assistance is forthcoming, the Auspicious Arts Incubator will close its doors at the end of this month.

Derinya Primary School: play area

Mr SHAW (Frankston) — I wish to raise a matter with the Minister for Education. The action I seek is that he visit the electorate of Frankston to observe the lack of play areas at Derinya Primary School and meet with the stakeholders concerned about the needs of the students now and in the future. I have been approached

by the principal, Jenny Roth, members of the school committee and parents, who are concerned that there are insufficient natural play areas for the students at this school.

Derinya is the largest primary school in the electorate of Frankston. It has served our community well for the last 45 years, and it will continue to do so into 2011 and beyond, except in the area of natural play space. Ten years ago, in the face of increasing enrolments, the school made a submission to the then Labor government requesting the purchase of an adjacent property at 125 Overport Road to ensure that sufficient play area would be available for the children. The school was looking ahead to its future needs, but the Labor government at the time did not have the same foresight. It rejected the submission, and the opportunity was missed. Ten years later enrolments at Derinya Primary School have increased by 25 per cent, and the stadium built recently under the federal government's Building the Education Revolution program has reduced the available play space by 30 per cent. As a result, the school has had to implement a split playtime whereby half the children play at one time and the other half at another.

Derinya's current enrolment is 670 students, and the future long-term enrolment is predicted to be consistent with this number. With the current site at just over 2 hectares, usable land on the existing school site is less than approximately 50 per cent of the area that would be provided for a new school of equivalent long-term enrolment. With two adjacent properties recently becoming available for purchase, we have a once-in-a-decade opportunity to secure the future for the wonderful Derinya Primary School and the children who attend.

I invite the minister to visit the electorate of Frankston and meet with local stakeholders at Derinya Primary School to assist in finding a resolution favourable to the school, local residents and the wider community of Frankston.

Austin Hospital: maintenance staff

Ms GREEN (Yan Yean) — I wish to raise a matter for the attention of the Minister for Health. The action I seek is for him to guarantee that patient safety at the Austin Hospital will not be compromised by his government's decision to sack 39 front-line maintenance workers at this great facility. These workers are specialist experts who keep the hospital functioning 24 hours a day, 7 days a week, 365 days a year. Families throughout Melbourne's north remember only too well that it was the Kennett government that planned to sell the Austin Hospital. On coming to office in 1999 Labor halted the sale and built a new hospital that was co-located with the Mercy Hospital for Women. Modern hospital buildings are important, but they are nothing without the people in them who provide vital services.

I want to tell the house a story about one of the workers, Peter Hennel of Humevale, who has worked at the Austin and provided loyal service since 1986. His father, Richard, worked at the Austin from 1967 to 1990. How can it be good for patient safety to lose this passion, this commitment and this corporate memory? In a cruel blow, Peter's long service is being repaid by a redundancy offer of only 10 years for his loyal 24 years service. He has told me that a number of the other 39 maintenance workers have provided 30 or more years of service, and some have provided up to 40 years of service. They are also being treated with contempt by this cruel action of the government — like Peter, they are only being offered 10 years.

Members on this side of the house will stand up for these workers and any other workers who are treated in this shabby way. We will ensure that this sort of action and cuts to health services that compromise patient safety have a light shone on them so that this government cannot run and hide and treat our loyal health workers in this way. My views are shared very strongly by the member for Ivanhoe, the member for Eltham, the member for Bundoora and also the Leader of the Opposition, who is the former Minister for Health. I have had the privilege of visiting the Austin Hospital with the Leader of the Opposition on many occasions to announce additional funding support and growth in services at this great hospital. This early in the government's term we are already seeing that the leopard across the chamber has not changed its spots. Again it is compromising our health services.

The DEPUTY SPEAKER — Order! I ask that the member does not attack the government. She is asking for an action from the minister.

Ms GREEN — I want action to support these workers and ensure that patient safety at the Austin Hospital and any other health facilities across the state is not compromised.

Recycling: manufacturing and engineering initiatives

Mr HODGETT (Kilsyth) — I rise today to call on the Minister for Environment and Climate Change to meet with local business representatives from the

engineering and manufacturing sector to discuss opportunities in relation to renewables.

I have been contacted by a business in the outer east that provides structural, mechanical and electrical engineering services. This company presents innovative business solutions, taking a whole-of-business approach. It applies its technical and business expertise to develop innovative processes and manufacturing and technology solutions. It has experience across a wide range of industries and specialises in manufacturing, recycling, waste management, materials handling, crane services and the health services sector. Whilst the business has experience across a range of industries, including recycling and waste management, it is the areas of waste recycling and renewables that it wishes to discuss with the minister.

I have been provided with some background information on the company. The company's technology development director, with whom we would be meeting, has dedicated his skills to the development of new and emerging technologies and processes for major Australian and international companies for the entire 27 years of his business career. Much of his experience has been in the manufacturing of products and designing of industrial processes. However, he has recently branched into the renewables sector, with his core competencies being mechanical engineering and process control. His most recent achievements include leading a major state-of-the-art recycling project in Victoria. I am informed that this gentleman met the minister last year at a South East Melbourne Manufacturers Alliance function and was most impressed by the minister's willingness to understand and be accountable.

I understand that the company is currently involved in an opportunity that it wishes to discuss with the minister, and it has sought my assistance to facilitate this meeting. It may also be appropriate to invite the Minister for Energy and Resources to this discussion as it involves an opportunity in relation to a commercial green, clean waste-to-energy and biochar project.

In summary, this may present a terrific opportunity right here in Victoria, using Australian technology and businesses delivering state-of-the-art technology, which would deliver enormous benefits for the state and our people. As such I call on the Minister for Environment and Climate Change to accompany me to a meeting with local business representatives from the engineering and manufacturing sector to discuss opportunities in relation to renewables.

Responses

Ms ASHER (Minister for Innovation, Services and Small Business) — The member for Albert Park has raised an issue with me regarding the Auspicious Arts Incubator in the Emerald Hill precinct. I thank the member for Albert Park for the courtesy he extended to me by letting me know that he was going to raise this matter with me. I also received a letter from him at my ministerial office today articulating his desire to see the Auspicious Arts Incubator receive further assistance.

I understand the main point he makes, which is that SMEs (small and medium enterprises) have a tough time and that SMEs in the arts area probably have an even tougher time, given commercial factors. Again I understand that his information to me is correct and that this organisation has helped a number of small and medium enterprises, assisted independent artists to organise businesses and helped through marketing, coaching and the like.

I can provide the member for Albert Park with some further information. I note in his letter and his presentation that he seemed to think it was all this particular government's fault that difficulties may be being faced by this organisation. I am advised by Arts Victoria that the Auspicious Arts Incubator's four-year, fixed-term funding was a lapsing program intended by the previous government to lapse. I am further advised that the Auspicious Arts Incubator received commonwealth funding that ceased with the change of government in 2007. Given the member's contacts, he may wish to pursue that angle as well. However, in terms of support from the state government, I can advise him that officers from Small Business Victoria in my department met with that organisation on 8 April 2011. They explained a number of the state government's small business support programs and services and discussed the particular needs of small arts businesses.

My department, the Department of Business and Innovation, has previously provided a range of support, including mentoring services, to business hubs and incubators, and there may be some opportunities for assistance at that level. I also understand from Small Business Victoria that the Auspicious Arts Incubator provided support and assistance to artists and microbusinesses that were flood affected earlier this year. The Auspicious Arts Incubator was flood affected itself, and it was willing, small as it is, to assist others.

I will ask Small Business Victoria to investigate ways of working with the organisation to assist it. I understand it has been provided with a copy of the

government's recently released *Small Business Victoria Discussion Paper*, which would allow it to have some policy input to the direction in which the government may go in terms of support or otherwise for incubators and arts businesses. On a more concrete front, I will ask Small Business Victoria to see what avenues of assistance may be available for the organisation for which the member for Albert Park has made representation.

Mr MULDER (Minister for Public Transport) — The member for Carrum had a long discussion with me prior to the adjournment debate in relation to the great work carried out by the Chelsea Bonbeach Train Station Group. It is quite heartening, given the amount of damage and vandalism we have seen around stations in the past, that we have community groups and organisations which take a great deal of pride and ownership in their railway stations.

The member for Carrum, who is a very strong community representative, has invited me down to Carrum station, which is alongside the beautiful Patterson River. I will be delighted to meet with the member for Carrum and the Chelsea Bonbeach Train Station Group volunteers so they can explain to me the role that they play. I would love to see this particular program rolled out at other stations around the network. We have more than 200 railway stations in the metropolitan area — 212 to be exact. It would be great if we could encourage that sort of participation and pride in railway stations right across the network. I am delighted to tell the member for Carrum that I will be most certainly visiting Carrum and meeting with this group.

The member for Carrum asked me also for an update on how the trains are running on that line and how the people of Carrum are being serviced and looked after by the incoming Baillieu government. I am very happy to inform the member — —

Ms Green — On a point of order, Deputy Speaker, the minister seems to be responding to more than one issue, and members are only supposed to raise one issue during the adjournment. I seek your clarification.

Dr Napthine — On the point of order, Deputy Speaker, the minister was asked in the adjournment to visit the electorate to meet with this group and to provide an update on the service levels in that area, which is one action associated with a visit to that area.

The DEPUTY SPEAKER — Order! I do not uphold the point of order. The minister's response was correct.

Mr MULDER — I inform the member for Carrum that in August 2010, under the previous Labor government, 69.7 per cent of Frankston line trains arrived on time. In the month that has just past, August 2011, nine months after the new government came to power, 88.8 per cent of trains arrived on time. This government is operating more trains on the Frankston line. There were 5959 timetabled train trips on that line in August 2011, up from 4632 in August 2010. That is a large increase of 28.6 per cent in the number of trains and a large increase in terms of trains turning up on time. I can further report that the Frankston line has the highest number of timetabled trains of Metro Trains Melbourne's 15 electrified lines. That is great news for the people of Carrum, great news for the Chelsea Bonbeach Train Station Group and a tribute to the member for Carrum and her great representation of the people she was elected to represent. She is doing a fantastic job.

Mr DIXON (Minister for Education) — The member for Sandringham asked me to visit a number of schools and school communities in his electorate. He is a great advocate for his schools. He gave a very interesting history, and he has a very good perspective because he has been a member of this place since 1992. He talked about the maintenance needs of our schools. When the Kennett government came to power in 1992 it inherited an incredible maintenance backlog. Despite the horrific financial conditions of the state then, the Kennett government turned that around and reduced it incredibly, only to see it blow out over the last 11 dark years.

We will be doing a maintenance audit of every school in Victoria at the one time, if not late this year then early next year, and we will get an idea of what sorts of maintenance issues we have been left with. We have committed an extra $100 million to maintenance over the next four years, but I fear that the need will be far greater than that figure, considering what we have been left with. I know that the member for Sandringham is concerned about his schools. He knows his schools and school communities well, and I look forward to visiting his electorate and those school communities.

The member for Frankston is also a great representative of his local schools. They know him very well already. Derinya Primary School has an issue with playground space, and an opportunity has arisen regarding land adjacent to the school. The member would like me to go down to see it. I think it is important for me to go to see these schools and these sorts of situations to get an idea of the physical situation. I am more than happy to visit Derinya Primary School with the member for Frankston.

The member for Cranbourne raised an issue regarding the future of Seaford Park Primary School. The school council has been discussing the future of that school for three years, so this is not a new thing. It is not something that has been brought about by this government; it is something that the community has been raising for quite a long while. My department has made it clear to the school council that it is very important that the council talk not only to the school community but also to the broader community about the future of the school, because the decision must come from the community and be a well-informed decision. The school council has accepted our offer of an independent facilitator to work with the school council to gather those thoughts.

There will be no bullying of schools; 180 schools were bullied into closure by the previous government. We will not be bullying schools into it. It will be a community decision. We will support the decision, if that is the decision the community wants, but we will certainly not be bullying it into any decision. Absolutely no proposals have been put to me, and absolutely no decision has been made about the future of the school. If there are any concerns or particular incidents of staff or community members feeling they are not being listened to, I invite them to raise those issues with me.

Mr McINTOSH (Minister for Crime Prevention) — I thank the member for Gippsland East for raising a matter with me. He asked me to go to his electorate of Gippsland East to facilitate a discussion with local community groups in order to develop a community safety plan. I express my profound gratitude to the member for Gippsland East not only for his hard work in his community but also for addressing the very thing that this government believes is important in developing a community action plan. I may not call it precisely that, but he is certainly on the right path.

This government is committed to local communities having their say in relation to crime prevention initiatives. The government believes that the best possible way of developing a long-term solution to crime is to involve local communities in a way that will — —

Mr Foley interjected.

The DEPUTY SPEAKER — Order! The member for Albert Park will cease interjecting.

Mr McINTOSH — Particularly when it is a joke like that.

The DEPUTY SPEAKER — Order! The minister will not respond to interjections.

Mr McINTOSH — As I said, the member for Gippsland East has hit the nail on the head in relation to developing a community action plan and taking a long-term approach. Of course there will be matters that can be dealt with in an immediate way. As I have said on previous occasions, I am pleased that we are rolling out some 1700 extra police around the state over the next four years. We are significantly reforming court processes and sentencing laws and also dealing with critical issues relating to family violence. I am pleased that the Minister for Women's Affairs has some $50 million that she will spend this year alone on important issues such as dealing with family violence.

I am very happy to accept the invitation of the member for Gippsland East to go to Gippsland and conduct a regional reference group, which will mean involving local councils, members of Victoria Police and people who deal with community and business groups. Indeed government departments will be invited as well. I look forward to going to Gippsland, talking to people from the member's local community and starting that process of discussion with the community of Gippsland East about what its issues are in relation to crime and about what the government can do to help it to solve the issues of crime that may arise in that community.

The member also touched specifically on the issue of one of his local councils wanting to make an application for a community infrastructure grant of up to $250 000 for the provision of closed-circuit television cameras. Again I am happy to work with members of his community in relation to perhaps assisting them in — I will not say facilitating — the development of that application. Of course that will be dealt with in the normal way, but I am happy to work with the local member and the council in regard to that particular matter.

It is important that the government listen to local communities. Having a local member who is prepared to stand up for his community in a rational, sensible way to get one of these regional reference groups up in his community is the proper way of going about it. In other areas, as far afield as Mildura and many other places, having the benefit of local members attending these sorts of regional reference groups and continuing the process of discussion after the minister leaves is an important part of the process. I sincerely thank the member for Gippsland East for raising this with me, and I look forward to going to Bairnsdale to visit his community.

Dr NAPTHINE (Minister for Ports) — The member for Bundoora raised an issue for the Minister for Planning with respect to the protection of neighbourhood character in the Banyule area. I will pass that on to the Minister for Planning, but I assure the member for Bundoora and the Bundoora community that under this government and the current Minister for Planning they will get a better, fairer and more open and transparent planning process than has occurred over the past 11 years.

The member for Derrimut raised a matter for the Attorney-General with regard to the excellent work being done by forensic experts on the identification of the skeleton of Ned Kelly. He outlined the cooperation between the Victorian Institute of Forensic Medicine and a similar organisation in Argentina. He sought further detailed information about that collaborative work. I will pass that on to the Attorney-General, who I am sure will be pleased to provide the member with information about that collaboration. As a Victorian government we appreciate that cooperation between the Victorian Institute of Forensic Medicine and its partners in Argentina, as I am sure does the Victorian community.

The member for Yan Yean raised an issue for the attention of the Minister for Health with regard to concerns about health and safety at Austin Hospital. I will pass that on to the Minister for Health.

The member for Kilsyth is a very hardworking and very effective local member who knows his local community and knows his local industries. He has some involvement with industries that have expertise in engineering and manufacturing; they are looking for opportunities — and also have expertise to offer — in the area of renewable products and recycling. The member is seeking that the Minister for Environment and Climate Change meet with those leaders of the engineering and manufacturing communities in his electorate — perhaps even to the point of inviting the Minister for Energy and Resources as well — to be involved in identifying and pursuing those opportunities available for creating new jobs and economic growth for the area of Kilsyth and indeed for Victoria.

I will pass that on to the Minister for Environment and Climate Change. I know the minister shares the member for Kilsyth's view about the importance of these opportunities and the fact that we do have skilled expertise available in Victoria to take advantage of opportunities in both renewables and particularly in recycling.

The DEPUTY SPEAKER — Order! The house is now adjourned until the next day of sitting.

House adjourned 4.51 p.m. until Tuesday, 11 October.