

**PARLIAMENT OF VICTORIA**

**PARLIAMENTARY DEBATES  
(HANSARD)**

**LEGISLATIVE ASSEMBLY  
FIFTY-SEVENTH PARLIAMENT  
FIRST SESSION**

**Tuesday, 6 December 2011**

**(Extract from book 20)**

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<sup>1</sup> Resigned 21 December 2010

<sup>2</sup> Elected 19 February 2011



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**Tuesday, 6 December 2011**

**The SPEAKER (Hon. Ken Smith) took the chair at 2.05 p.m. and read the prayer.**

**QUESTIONS WITHOUT NOTICE**

**Public transport: fares**

**Mr ANDREWS** (Leader of the Opposition) — My question is to the Minister for Public Transport. I note the minister's claims that he agonised and lost sleep over his decision to increase public transport fares by some 8.6 per cent, and I ask: how much sleep did the minister lose over his decision to provide \$15 million in funding to upgrade the New Street, Brighton, level crossing, ranked 223 by his own department?

**Mr MULDER** (Minister for Public Transport) — There is no doubt that increasing public transport fares is not easy. We accept that commuters and the general public find it very difficult to accept that public transport fares have increased, but, as I have pointed out throughout the day, this decision was made by the former Labor government. Not only that but the former Labor government was so proud of the fact that it had put in place measures to increase public transport fares by 3.6 per cent plus another 5 per cent that the former Premier actually acknowledged and thanked former ministers who were involved in the project. Can I just —

**Mr Andrews** — On a point of order, Speaker, the minister is clearly debating the question. He has scrapped the plan and grabbed the cash. That is what he is explaining to the house today. This is debate; it is not an answer, and you ought to bring him back to answering.

**Dr Naphine** — On the point of order, Speaker, I ask you to rule the point of order out of order. The question clearly asked about an increase in public transport fares; the answer is extremely relevant to the question. The Leader of the Opposition cannot simply rewrite the question by raising a point of order. He asked the question about increasing public transport fares, and that was being answered by the minister.

**Mr Hulls** — On the point of order, Speaker, the question was clearly about the New Street, Brighton, crossing and this minister losing sleep — tossing and turning.

**The SPEAKER** — Order! I do not uphold the point of order. The question related to public transport cost

increases and money that was made available for the New Street crossing.

**Mr MULDER** — The Victorian transport plan document contains a 'Message from the Premier' in which the former Premier, John Brumby, said:

I thank the members of the Victorian cabinet ... subcommittee ... John Lenders ... the Minister for Roads and Ports, Tim Pallas, the Minister for Planning, Justin Madden, the Minister For Regional and Rural Development ...

**Ms Allan** — On a point of order, Speaker, I refer you to standing order 58, headed 'Content of answers'. It instructs members not to debate the matter to which the question relates. The question was very clearly about the decision of the minister and this government to prioritise a rail crossing in Brighton, and I ask you to bring the minister back to answering the question without debate.

**The SPEAKER** — Order! I do not uphold the point of order. The answer was relevant to the question that was asked, and the preface to the question was in regard to public transport fare increases.

**Mr MULDER** — He also mentions the then Minister for Regional and Rural Development, and the then Minister for Environment and Climate Change, Gavin Jennings. They are all over there!

**Mr Hulls** — On a point of order, Speaker, the minister can toss and turn all he likes, but he is clearly debating the question when he is referring to previous ministers in a previous government.

**The SPEAKER** — Order! The minister was referring to a report in regard to increases in fares and public transport.

**Mr MULDER** — So it is quite clear that the architects of these fair increases sit on the other side of this chamber. In relation to the other matter that was raised, the New Street gates, there has not been any \$15 million allocated to that particular project. There was a commitment given that we would deal with the safety issues surrounding the New Street gates. We are examining all options in relation to the New Street gates. One of those options is the potential for a small underpass at a nearby road. We are still looking at that, along with boom barriers and other proposed methods that could make this particular crossing safer. There is no commitment. The question is wrong. The simple fact of the matter —

*Honourable members interjecting.*

**The SPEAKER** — Order! I ask the house to come to order. There are interjections being thrown from every which way. I do not want to have to put up with that level of interjection again.

**Mr MULDER** — It is quite obvious that the opposition is trying to draw attention away from the architects of today's fare rise by raising this silly question and trying to tie it in with a commitment that — —

**Mr Eren** interjected.

**The SPEAKER** — Order! The member for Lara is on a warning.

**Mr MULDER** — The opposition is trying to tie that in with a commitment that the government has not given. I am not sure where this information comes from, but I can tell the house that it is not correct. There has been no commitment by the government for \$15 million. The questions committee members need to work a little bit harder. They need to be able to verify the information they are going to come into this Parliament with.

We will do all we can going forward to provide the best possible public transport service for commuters and people who want to use public transport right across this state. We will examine very closely any future proposals that have been put forward by former governments in relation to any future fare increases, because we know what they were up to — —

**The SPEAKER** — Order! The minister's time has expired.

### Road safety: drink driving

**Mr HODGETT** (Kilsyth) — My question is to the Premier. Can the Premier advise the house on an innovative road safety campaign to discourage drink driving over the busy Christmas and New Year period?

**Mr BAILLIEU** (Premier) — I thank the member for his question. Road safety is an issue important to all Victorians and certainly important to every member of this house, and indeed — —

**Mr Merlino** interjected.

**The SPEAKER** — Order! The member for Monbulk is on a warning.

**Mr BAILLIEU** — There has been a longstanding bipartisan approach to road safety in this state, and the Transport Accident Commission has done a fantastic job over many years to help drive the toll down. Last

week I was pleased to join with the chair of the TAC to launch a campaign to provide a lifesaving gift for Victorians. It constitutes a small card that could save lives.

In timing with the Christmas season the TAC has released — —

*Honourable members interjecting.*

**The SPEAKER** — Order! The member for Yan Yean is on a warning. The member for Caulfield is on one as well.

**Mr BAILLIEU** — I will, and the government will, continue to take a bipartisan approach to road safety. These cards represent a gift voucher from those — —

**Ms Green** interjected.

**The SPEAKER** — Order! The member for Yan Yean is on her second warning.

**Mr BAILLIEU** — These cards provide an opportunity for people to give their loved ones a Christmas gift that may save a life. It is a simple card that allows the recipient to seek a ride home from any event in the period specified. This gift voucher from the TAC is a clever idea, and it goes with many other initiatives the TAC has taken.

There is no doubt that drink driving remains one of the critical issues and one of the biggest killers on the road, with some 25 per cent of all drivers and riders killed on Victorian roads having a blood alcohol reading higher than .05. Any initiative that seeks to address these issues deserves the support of both sides of the house. Often drivers are more concerned with the punitive outcomes of drink driving than the more serious life-changing and long-lasting consequences of drink driving. Those perceptions need to change, and this is yet another way in which the TAC will be working to assist. The gift vouchers can be downloaded from the TAC website. I urge members and the general public to embrace this innovative campaign. The vouchers are a quirky way for Victorians to give a gift that might save a life.

There is no doubt that historically the last 12 days of the year have resulted in a very large number of fatalities and casualties on our roads. That is what tends to happen during holiday periods, and we should be addressing that. Victoria Police will be running Operation Summer Stay, which will cover Operation RAID, Operation Aegis and Operation Crossroads. Police operations will be backed by a TAC campaign targeting speeding and drink driving and drug driving,

reminding drivers: 'Don't risk it'. This activity, with the existing public education and enforcement campaign, Signs, will run from 24 November to 8 January. I take this opportunity to encourage all members to promote these campaigns and to promote this life-saving gift.

### Public transport: fares

**Ms RICHARDSON** (Northcote) — My question is to the Minister for Public Transport. I refer to your decision to increase public transport fares by 8.6 per cent and, on behalf of regional Victorians, I ask: how many additional V/Line trains will be funded under the \$30 million generated by the minister's fare slug?

**Dr Napthine** — On a point of order, Speaker, I ask that you suggest to the member that she rephrase her question. In her question she referred to 'your decision'. It is my understanding that you did not make a decision in regard to any increase in public transport fares. Perhaps the member should rephrase her question so that it meets the forms of the house.

**The SPEAKER** — Order! I do not uphold the point of order. I understood the question quite clearly. The 'your' referred to the Minister for Public Transport.

**Mr MULDER** (Minister for Public Transport) — I will clarify the issue in terms of the decision. Of course we know the decision was made by the former Labor government, which imposed these fare increases on people who use the public transport network.

*Honourable members interjecting.*

**Mr MULDER** — As the Speaker would be aware, it was claimed in the Victorian transport plan that these fare increases — —

**Mr Andrews** interjected.

**The SPEAKER** — Order! The Leader of the Opposition — enough!

**Mr Eren** interjected.

**The SPEAKER** — Order! The member for Lara is on his second warning.

**Mr MULDER** — It was claimed that these fare increases, amounting to \$30 million, would fund future rail projects. The cost of a V/Line train is about \$15 million, so you would probably get two trains out of that \$30 million, which was going to fund the entire transport plan!

**Mr Andrews** interjected.

**The SPEAKER** — Order! The constant interjections by the Leader of the Opposition are not appreciated by me or by the house. In addition, the way he referred to the minister was not appreciated either.

**Mr MULDER** — In relation to V/Line trains and new rolling stock for the rail network, we continue to roll out the 38 new trains that were ordered. We continue to roll those out as I speak, while the coalition has ordered seven new trains. We all know very well that the regional rail link project was launched without a sufficient contingency and with no money for rolling stock.

**Ms Allan** — On a point of order, Speaker, I again refer you to standing order 58. The minister is now very much debating the question. He is attempting to take credit for something that he has not done, but in doing so he is debating the question. I ask that he be brought back to the question that he was asked.

**The SPEAKER** — Order! I ask the minister to return to answering the question.

**Mr MULDER** — The question related to V/Line rolling stock, and, as I pointed out, the regional rail link project announced by the former Labor government as part of its transport plan had no provision whatsoever to provide rolling stock for that project. It was going to have new railway lines without rolling stock. That is the type of decision the former government was making.

**Ms Allan** — On a point of order, Speaker. I again refer to standing order 58, with the minister again debating the question. The minister is asking about the questions of rolling stock and rail lines, when the government itself has promised additional rail lines without additional rolling stock. He cannot have it both ways. I ask that the minister be brought back to answering the question.

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

### Regional and rural Victoria: government initiatives

**Mr BULL** (Gippsland East) — My question is to the Deputy Premier and Minister for Regional and Rural Development. Can the minister advise the house of how the coalition government's record investment in regional and rural Victoria is already creating new prosperity, more job opportunities and a better quality of life for people living in regional cities and country communities?

**Mr RYAN** (Minister for Regional and Rural Development) — I thank the member for his question, and I thank him also for the great job he is doing on behalf of that wonderful electorate of Gippsland East.

This is a great story, because the coalition government is making a record level of investment in regional and rural Victoria, and it is getting results for that investment. We as a government have committed \$970 million to specific regional development programs over the next four years. That is headed, of course, by \$500 million from our \$1 billion Regional Growth Fund, \$160 million from the rural roads and bridges program, another \$20 million from the regional airports fund, plus a range of other programs.

Over the same period, on the forward estimates for 2011–12 to 2013–14, the previous government had promised regional-specific funding of only \$500 million, which is a little over half of what the coalition is now delivering. The 2011–12 budget allocation to Regional Development Victoria was a record \$180.5 million. That is a massive increase from the \$97.4 million in 2010–11 under the Labor government.

In the last few weeks the government has announced important initiatives that have been funded from the Regional Growth Fund. One hundred million dollars has been set aside within the fund for the local government infrastructure program. As you are no doubt aware, Speaker, the funding has been allocated to 48 individual regional councils on the basis of an agreed formula. Councils have been asked by the government to nominate projects within their respective areas over the course of the next four years. These are great projects.

Just to give members a feel for these, in the seat of Ripon, \$250 000 has been contributed for the air conditioning of the Ararat performing arts centre. I know the member is delighted. In the seat of Seymour, \$540 000 has been contributed towards the refurbishment of the Yea swimming pool. In the seat of Benambra, \$800 000 has been contributed towards the great Wodonga aquatic centre project. In the seat of Benalla, \$1 million is being contributed to the Benalla library and civic centre.

In the seat of Murray Valley, \$1 million has been contributed towards the Numurkah seniors community hub. In the seat of Bendigo West, \$2 million of a total of \$8 million has been contributed towards the Bendigo library and community hub project. In the seat of Ballarat East, \$1.25 million has been contributed to the total cost of the Bungaree community facility. In Ballarat West, \$1.2 million has been contributed towards the \$1.8 million program for the replacement

of the Magpie Bridge on Docwra Street. And on it goes; it is a great story.

Another example of this very successful program is the \$20 million Regional Partnerships Facilitation Fund. The program is designed to create partnerships between tertiary education providers, school communities and industry, which in turn will lead to more accessible and responsive higher education delivery throughout regional Victoria. I am pleased and proud to say that the Minister for Higher Education and Skills has recently announced a total of eight projects under this great program. Indeed just yesterday the editorial in the *Wangaratta Chronicle* praised the program and described it as:

... a ... significant step forward — and one for which the state government, GOTAFE, Melbourne University and secondary schools need to be congratulated on.

That is reflected in commentary right around the country regions of Victoria.

The biggest story, though, is that over the past 12 months, according to the figures released recently by the Australian Bureau of Statistics, 21 200 jobs have been created in regional and rural Victoria compared with about half that during Labor's last 12 months.

### **Rail: protective services officers**

**Ms RICHARDSON** (Northcote) — My question is to the Minister for Public Transport. I refer the minister to the *mX* article of last Friday in which he said that passengers would be locked out of toilets being built for protective services officers (PSOs) but that he will be using these toilets because, 'I don't plan to get caught short'. I ask: why are Victorians being locked out of these toilets while paying an additional 8.6 per cent in public transport fares?

**Mr MULDER** (Minister for Public Transport) — The member asked why commuters will be paying an extra 8.6 per cent. As I pointed out very early in the piece, that decision was made by the former Labor government; it was locked into the forward estimates and was sitting in the budget papers for us when we came to office. It is a great opportunity to talk to the house in relation to the great initiative that the coalition put forward prior to the election of putting two protective services officers on each and every metropolitan railway station from 6 o'clock until the last train at night, seven days a week, and in major regional centres as well.

This policy has been embraced by the community throughout the state. Members of the community will

now have the opportunity to travel safely at night and to get out at a railway station, walk onto the platform and see Victoria Police protective services offices standing there. They will see them controlling the car park and the area around it, ensuring that the years of beatings, abuse and antisocial behaviour, which depicted the manner in which the former government dealt with railway safety, remain in the past. The situation was absolutely out of control. The measures we have taken will ensure that that high level of safety — —

**Ms Allan** — On a point of order, Speaker, I refer you to sessional order 6, headed ‘Content of answers’, and to the requirement that ministers’ answers are to be relevant. The minister is straying far and wide from addressing the issue of public conveniences for the PSOs. Perhaps you could bring him back to addressing the issue of public conveniences for the benefit of the house.

**The SPEAKER** — Order! The issue regarding PSOs was raised in the question. I do not uphold the point of order.

**Mr MULDER** — We are working through the process at the moment, looking at each of the stations and working out which facilities will be required by the protective services officers to ensure that they can carry out the work we are engaging them to do, which is to protect the public. I believe even the opposition would think it was only right and fitting that we provide appropriate levels of service and appropriate facilities for protective services officers at stations.

**Mr Hulls** — On a point of order, Speaker, in relation to sessional order 6, which makes it quite clear that all answers must be direct, factual, succinct and relevant, I ask you to draw the Minister for Public Transport back to the question. He was asked specifically why he would have a special toilet — —

**The SPEAKER** — Order! I do not uphold the point of order. The minister has finished his answer.

### **Road safety: drink driving**

**Mr THOMPSON** (Sandringham) — My question without notice is directed to the Attorney-General. Could the Attorney-General advise the house of what action the Victorian government is taking to reinforce the road safety message to Victorian drivers that they should not drink and drive?

**Mr CLARK** (Attorney-General) — I thank the honourable member for his question. It is a timely question because we are approaching the Christmas season. Unfortunately it is a well-established fact that

particularly during the Christmas season there can be a devastating combination of alcohol and driving, which can have tragic consequences for those involved, particularly young people in the community. It is important to send a clear message that drinking and driving do not mix.

The issue has arisen in recent times that while there have been longstanding laws in Victoria that prohibit driving while having a certain blood alcohol level, there are no laws that prohibit people actually consuming alcohol while they are in the process of driving. This was a matter that the Premier undertook some weeks ago that the government would look at and seek to tackle. I am pleased to be able to inform the house that the government does intend to introduce legislation to the house to make it clear that one should not be consuming alcohol at the same time as one is driving, because this does send a very unfortunate message, particularly for young people. We are trying to establish that separation between drinking and driving.

The Premier has referred to other actions that are being taken to tackle the road toll, including the report card and also the Transport Accident Commission’s continuing effective campaigns against drinking and driving, which, as the Premier indicated, have traditionally enjoyed bipartisan support. The TAC made it clear in relation to its latest campaign that it is important to send a message about low levels of alcohol consumption as well. We want to send a clear message that there needs to be this separation between drinking and driving, so we intend to bring legislation to the house that will make it an offence for a driver to consume alcohol while they are driving. Similarly, it will be an offence for the passenger accompanying a learner driver to be consuming alcohol, because allowing that also sends a very unfortunate message.

This is closing a gap that exists in Victorian legislation. Other states, including New South Wales, Queensland and Tasmania, already have legislation to this effect on their books. We hope that this measure the government is introducing will enjoy bipartisan support. We appreciate the cooperation with the government that the opposition has shown to date in considering its position and being willing to consider fast-tracking this legislation. We hope we will have the support of the opposition so we can get this legislation through the Parliament and onto the statute book in the lead-up to the Christmas season, when unfortunately there is this temptation to combine drinking and driving, with tragic consequences. We will be able to send a very clear message that people should not be mixing drinking and driving.

**Rail: timetable**

**Ms RICHARDSON** (Northcote) — My question is to the Minister for Public Transport. I refer to the minister's much-publicised new Metro train timetable introduced earlier this year and the fact that nearly two out of every three new train services are now travelling in the opposite direction to peak passenger demand, and I ask: are empty trains travelling backwards what the minister meant when he said he had put public transport in Victoria back to where it should be?

**Mr MULDER** (Minister for Public Transport) — I thank the member for Northcote for her question in relation to the introduction of the new May timetable that brought on board 635 new services. No doubt when you look at the performance of the network you can see that since those new services have been introduced the network performance has improved dramatically. In actual fact I can report to the house that in the recent month of November, Metro once again met its punctuality targets. Also, when you look at the last quarter, whether it is Metro, Yarra Trams or V/Line, you can see that the network is improving. It is improving slowly. We know we have a lot more work to do, but it is improving slowly. In relation to the trains that are going in the opposite direction, I would have thought the shadow minister would understand that in order for a train to come into Melbourne it has got to go out the other way first. It has to go that way before it can come back in!

**Consumer affairs: dangerous toys**

**Mrs VICTORIA** (Bayswater) — Can the Minister for Consumer Affairs inform the house of steps the government is taking to protect Victorian children and families from dangerous toys in the lead-up to the very busy Christmas period?

**Mr O'BRIEN** (Minister for Consumer Affairs) — I thank the member for Bayswater for her question and for her interest in keeping not only the children of her electorate safe but also the children of Victoria safe in the lead-up to the busy Christmas season. Obviously the coalition government does place a high priority on these matters. We are very happy to talk about the efforts that the coalition government, through Consumer Affairs Victoria (CAV), is taking to try to ensure that dangerous products that pose a risk to our children are off the shelves, particularly in the lead-up to Christmas.

Consumer Affairs Victoria has been extremely active. It has undertaken a blitz on 370 retailers and wholesalers right across Victoria. It has been right throughout

metropolitan Melbourne and through 27 regional towns and seized over 10 000 unsafe products that could have posed choking, strangulation or other dangers to the health of our children.

There is a set of mandatory standards that are in place under Australian consumer law to ensure that products which are aimed at children are safe for them, and this is particularly important for toddlers up to the age of three years. There are specific standards that are put in place because children of that age are obviously very adventurous. When a child plays with these things they try to put them in their mouth, and we need to make sure that the products they are given are actually safe.

I was very pleased to attend Consumer Affairs Victoria today with Robert Caulfield from Kidsafe Victoria and Paul Hodgson from the Australian Toy Association. We inspected a number of the dangerous toys that had been seized by Consumer Affairs Victoria. There were yoyo balls that had cords that breached mandatory standards and posed a risk of strangulation. There were aquatic 'grow' toys, which expand in liquid and can easily choke a child. There were so-called monkey bikes, which breach the standards. The Leader of the Opposition says he banned them. The trouble is that they are still out there. That is why we have inspectors out there going right throughout Victoria getting them off the shelves and out of harm's way. Over 10 000 products have already been seized this year, and I should point out that there are very heavy penalties that apply to retailers who sell products in breach of mandatory safety standards. There are fines of \$220 000 for individuals and fines of up to \$1.1 million for corporations.

Consumer Affairs Victoria and its colleagues at the ACCC (Australian Competition and Consumer Commission) have been very active. This year alone we saw one organisation taken to court and \$230 000 in fines and costs ordered against it — plus injunctions. We have seen the ACCC take action against one particular well-known retailer resulting in \$400 000 in fines being applied against it for selling products that put kids at risk. This is a very serious matter.

Today it was good to see these toys going into a compactor and being crushed and put out of harm's way. I had on the high-vis vest; I almost felt like I was a member of the Brumby government at a photo opportunity. But the difference was that I was actually doing something constructive; I was getting rid of these toys. I was getting them off the shelves and away from where they could do harm to our kids. It is important that, while CAV is active in the lead-up to Christmas, parents also take care. I ask them to please check the

labels on toys to ensure the toys are appropriate for the age of their children and ensure that they are safe. In that way all Victorian children and their families will have a safe and happy Christmas.

### **Rail: Terang level crossing**

**Ms RICHARDSON** (Northcote) — My question is to the Minister for Public Transport. I refer the minister to his decision to fund a level crossing upgrade in his electorate ahead of hundreds of other more dangerous level crossings, and I ask: given that the only venue serviced by this crossing is the Terang racing club, which has stabled and trained the minister's own racehorses should the race he sponsors, the Terry Mulder Plate, be renamed the Terry Mulder Trough?

**Mr MULDER** (Minister for Public Transport) — In relation to the Dalvui Lane level crossing, it was a commitment I gave in opposition to the community in relation to what is a very serious road safety issue at that location. School buses use that location, and milk tankers use that location. Not only that; there was confusion in relation to the lights around the harness racing venue and the lights of an approaching train, particularly when there was fog about. I felt it was important that that level crossing be upgraded, and it has been upgraded.

**Mr Andrews** interjected.

**The SPEAKER** — Order! The Leader of the Opposition!

**Mr MULDER** — In relation to other matters that were raised by the member for Northcote in her question: no. 1, it is not the racing club; it is the harness racing club; no. 2, I have never at any stage had a horse stabled at or trained from that venue — never, ever at any stage. Do your homework!

**The SPEAKER** — Order! The minister will direct his answer through me!

**Mr MULDER** — In relation to level crossing upgrades, there is no doubt that there is the ALCAM (Australian level crossing assessment model) modelling, but there are also occasions when level crossings fall outside the ALCAM modelling. In fact members of the opposition and ministers in previous governments have given commitments to level crossing upgrades that did not rank right up the top in terms of the ALCAM modelling. I think Epsom — —

**Ms Allan** interjected.

**Mr MULDER** — Yes, it was announced by the former Minister for Regional and Rural Development. Quite often the situation arises where there is a major upgrade on a long section of line and as part of the business case the department decides that particular crossings will be upgraded. That happens around the state.

**Mr Andrews** interjected.

**The SPEAKER** — Order! The Leader of the Opposition is on a warning.

**Mr MULDER** — The ALCAM model is used as guidelines. There will always be circumstances where a crossing will fall outside those guidelines. We are committed to level crossing upgrades. We have made significant commitments to crossings on Rooks Road, Mitcham Road and Springvale Road and to two on Anderson Road that were taken out of the regional rail link project by the former government. They were taken out of the project and reinstated by the coalition. We believe it was important for safety, it was important for the rail network and it was particularly important for pedestrians and cyclists who use those crossings, which are right in Labor heartland. I had great delight in going to Sunshine and reinstating those two level crossings that were taken out of the regional rail link project by the former government. I do not hear anyone on the other side complaining about that decision, which was made by the coalition government.

### **Princes Pier: restoration**

**Mr SHAW** (Frankston) — My question is to the Minister for Major Projects. Can the minister advise the house on the status of the Princes Pier redevelopment project?

**Dr NAPHTHINE** (Minister for Major Projects) — I thank the member for Frankston for his question. Princes Pier will reopen to the public on Monday, 12 December, for the first time in 20 years. Princes Pier was originally opened in 1916 and was the departure point for many Australian troops during both World War I and World War II. It was also the arrival port for American troops during World War II, and it was the first landing port for many post-World War II migrants who came to Australia, made their lives here and helped build this great state and country. I congratulate and thank the contractors and workers who undertook this project, which involved 196 metres of new decking, significant repairs to underwater pylons and refurbishment of the gatehouse.

While credit and congratulations go to those workers, contractors and tradespeople, this project is another classic case of the Baillieu government having to fix the problems inherited from the previous Labor government. This restoration project was originally announced by the then Deputy Premier, John Thwaites, in April 2006. Mr Thwaites said the project would cost \$14 million. He said — —

**Mr Foley** — Stage 1!

**The SPEAKER** — Order! Warning 1! The member for Albert Park is on a warning.

**Mr Foley** — On a point of order, Speaker, question time is not a time for the honourable member to reflect on the efforts of previous governments. If he chooses to do so, he should remind the house that Princes Pier was a multistage project. Stage 1 was announced as a \$14 million project, with stage 2 following — —

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

**Dr NAPTHINE** — As I said, John Thwaites announced the project would cost \$14 million and would be completed by 2007. In 2007 the then Minister for Major Projects, Theo Theophanous, announced there would be a major delay — —

**Mr Hulls** — On a point of order, Speaker, the precedents in this house are quite clear. We are asking you to follow these precedents. The minister is clearly debating the question; this could not have been clearer. I ask you to bring him back to answering the question.

**Dr NAPTHINE** — On the point of order, Speaker, I am outlining the circumstances of the project we inherited and had to fix.

**The SPEAKER** — Order! I do not uphold the point of order. The minister was relaying facts to the house with respect to the history of the Princes Pier development.

**Dr NAPTHINE** — In 2007 there was a major delay, and the minister then said the project would be completed by 2009. Then 2009 came along, and another former Labor Minister for Major Projects, the member for Tarneit, was forced to admit that the project — —

**Ms Allan** — On a point of order, Speaker, I refer you to standing order 58, 'Content of answers', under which questions should not be debated. Given the question only asked for an update on the Princes Pier redevelopment and its opening under this government,

the minister is clearly debating the question in his answer. He is including material that falls outside the scope of the question. I ask you to bring him back to answering the question before the house.

**The SPEAKER** — Order! I do not uphold the point of order. The answer was relevant to the question that was asked, which was in regard to the redevelopment of Princes Pier.

**Dr NAPTHINE** — In 2009 the then Minister for Major Projects, the member for Tarneit, was forced to admit that the project cost had blown out by \$20 million and that it would take until 2011 to complete. In summary, it was four years late and \$20 million over budget on a \$14 million budget — a 140 per cent blow-out in cost. Fortunately — —

**Mr Hulls** — On a point of order, Speaker, answers have to be succinct. Ministers are not allowed to simply stand up and make stuff up. I ask you to bring the minister back to the question. He has form in this area for making stuff up — —

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

**Dr NAPTHINE** — The Princes Pier development has now been completed by this government without exceeding the budget we inherited. The question now is: what is the future use of Princes Pier, which has been the subject of this \$34 million redevelopment? When one searches the documents and the business case for this project, which was developed by the previous government, nowhere in that business case, with three ministers, is there — —

**Ms Allan** — On a point of order, Speaker, standing order 58 requires that ministers not debate the question. The question was about the opening of the Princes Pier redevelopment; it was not about business cases and what they may or may not have included some many moons ago. The minister is clearly debating the question, and I ask you to bring him back to answering the question that he was asked.

**The SPEAKER** — Order! I do not uphold the point of order. I believe the minister was answering the question.

**Dr NAPTHINE** — It was certainly many moons ago and many millions of dollars ago when the previous government started this project. At the time there was nothing in its documentation about the future use of the redevelopment of the pier \$34 million later and no plans about who would manage it, who would run it and for what purpose. We can draw three

conclusions: firstly, the Baillieu government is fixing up problems inherited from the previous Labor government; secondly, you cannot trust Labor to run major projects.

**The SPEAKER** — Order! The minister's time has expired, and the time allocated for questions has also expired.

## STANDING ORDERS COMMITTEE

### Members: use of social media and reflections on the Chair

**The SPEAKER** — Order! The Standing Orders Committee has had a preliminary meeting to discuss members' use of social media and the rule preventing reflections on the Chair. The committee will shortly call for submissions which, in summary, will cover: the use of hand-held devices, including for social media, from the chamber and committee hearings, whether existing standing orders need updating to reflect the use of social media and whether the rules preventing reflections on the Chair are still appropriate. I ask and encourage all members to make submissions.

At this stage the committee draws to the attention of all members that current rules prevent any reflections on the office of Speaker, other than by a substantive motion. This applies to all reflections, whether made in or outside the chamber. Any such reflections may also amount to a contempt and could have serious consequences for the member concerned.

### EMERGENCY SERVICES LEGISLATION AMENDMENT BILL 2011

#### *Introduction and first reading*

**Mr RYAN** (Minister for Police and Emergency Services) — I move:

That I have leave to bring in a bill for an act to amend the Country Fire Authority Act 1958, the Metropolitan Fire Brigades Act 1958, the Victoria State Emergency Service Act 2005, the Emergency Management Act 1986, the Emergency Services Telecommunications Authority Act 2004, the Forests Act 1958 and the Summary Offences Act 1966 and for other purposes.

**Ms GREEN** (Yan Yean) — I ask the minister for an explanation of the bill.

**Mr RYAN** (Minister for Police and Emergency Services) — The bill is designed to ensure that the

delivery of our emergency services meets the contemporary needs of Victorian society.

**Motion agreed to.**

**Read first time.**

### CONTROL OF WEAPONS AND FIREARMS ACTS AMENDMENT BILL 2011

#### *Introduction and first reading*

**Mr RYAN** (Minister for Police and Emergency Services) — I move:

That I have leave to bring in a bill for an act to amend the Control of Weapons Act 1990 and the Firearms Act 1996 and for other purposes.

**Mr MERLINO** (Monbulk) — I ask the minister for a brief explanation of the bill.

**Mr RYAN** (Minister for Police and Emergency Services) — The bill is intended to ensure that Victorians have appropriate services provided to them under these two important pieces of legislation and that those needs are met by the contemporary structure of our legislative program.

**Motion agreed to.**

**Read first time.**

### ASSOCIATIONS INCORPORATION REFORM BILL 2011

#### *Introduction and first reading*

**Mr O'BRIEN** (Minister for Consumer Affairs) — I move:

That I have leave to bring in a bill for an act to re-enact the law providing for the incorporation of voluntary associations and the registration of other bodies as incorporated associations and to make provision for the corporate governance, financial accountability and other matters relating to the rules and membership of those associations, to repeal the Associations Incorporation Act 1981 and for other purposes.

**Ms D'AMBROSIO** (Mill Park) — I request that the minister provide a brief explanation of the purposes of the bill.

**Mr O'BRIEN** (Minister for Consumer Affairs) — This bill will assist to re-enact the associations incorporation legislation. It provides for better clarity as part of the government's regulatory reform package and

will ensure that the legislation is much easier to use and more relevant to incorporated associations.

**Motion agreed to.**

**Read first time.**

**AUSTRALIAN CONSUMER LAW AND  
FAIR TRADING BILL 2011**

*Introduction and first reading*

**Mr O'BRIEN** (Minister for Consumer Affairs) — I move:

That I have leave to bring in a bill for an act to re-enact with amendments laws relating to fair trading and consumer protection, to regulate certain businesses, to repeal the Fair Trading Act 1999, the Disposal of Uncollected Goods Act 1961, the Carriers and Innkeepers Act 1958 and the Landlord and Tenant Act 1958, to make related and consequential amendments to other acts and for other purposes.

**Ms D'AMBROSIO** (Mill Park) — Again I request that the minister provide an explanation of the purposes of the bill.

**Mr O'BRIEN** (Minister for Consumer Affairs) — With the commencement of the Australian Consumer Law earlier this year it is appropriate to re-enact the fair trading legislation in this state to take account of those changes at a national level. It is also an opportunity to update the act and include further benefits for consumers in Victoria, particularly small businesses, by providing them with better access to conciliation and mediation services.

**Motion agreed to.**

**Read first time.**

**PORT MANAGEMENT AMENDMENT  
(PORT OF MELBOURNE CORPORATION  
LICENCE FEE) BILL**

*Introduction and first reading*

**Dr NAPTHINE** (Minister for Ports) — I move:

That I have leave to bring in a bill for an act to amend the Port Management Act 1995 to provide for the imposition of a licence fee on the Port of Melbourne Corporation and for other purposes.

**Mr PALLAS** (Tarneit) — I ask for a brief explanation of the bill.

**Dr NAPTHINE** (Minister for Ports) — I am happy to provide a brief explanation. The bill will replace the former Labor government's unfair, inequitable and administratively costly and clumsy freight infrastructure charge with a simpler, fairer licence fee.

**Motion agreed to.**

**Read first time.**

**ROAD SAFETY AMENDMENT (DRINKING  
WHILE DRIVING) BILL 2011**

*Introduction and first reading*

**Mr CLARK** (Attorney-General) introduced a bill for an act to amend the Road Safety Act 1986 to prohibit the consumption of intoxicating liquor while driving and to provide for related matters and for other purposes.

**Read first time.**

**BUSINESS OF THE HOUSE**

**Notices of motion: removal**

**The SPEAKER** — Order! Notices of motion 3 to 11 will be removed from the notice paper unless any member wishing their notice to remain advises the Clerk in writing by 6.00 p.m. today.

**PETITIONS**

**Following petitions presented to house:**

**Victorian certificate of applied learning:  
funding**

To the Legislative Assembly of Victoria:

This petition of certain citizens of the state of Victoria draws to the attention of the Legislative Assembly the Baillieu government's axing of \$48 million funding for the Victorian certificate of applied learning program.

In particular we note:

1. VCAL provides an important learning alternative to the VCE for students across Victoria;
2. secondary schools stand to lose up to \$125 000 in funding per school which will impact heavily on teachers expected to deliver the support and services despite having inadequate time and resources to do so;
3. funding has been axed despite strong objections from principals, teachers, parents and students across Victoria.

The petitioners therefore request that the Baillieu government immediately reverse its decision and restores funding to this vital program as a matter of urgency.

**By Mr FOLEY (Albert Park) (252 signatures).**

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**By Ms GRALEY (Narre Warren South) (1012 signatures),  
Mr HULLS (Niddrie) (990 signatures) and  
Mr WYNNE (Richmond) (157 signatures).**

**Moonee Valley Racecourse: development**

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 to reject the Moonee Valley Racing Club's master plan.

In particular we note:

1. Moonee Ponds and the surrounding localities do not have sufficient infrastructure or public amenities to cope with an influx of up to 6000 or more new residents;
2. that any consideration for rezoning should be complemented with a comprehensive environmental effects statement that takes into account the effects of any of the proposal's impacts on the surrounding region including 'beyond the immediate surrounding neighbourhood';
3. that should any alternative proposed redevelopment be considered, there is a thorough and adequate consultation with the surrounding community, conducted in a manner that comprehensively explains the impact on Moonee Ponds and the surrounding area.

The petitioners therefore request that the Legislative Assembly urge the Baillieu government to urgently prevent the Moonee Valley Racecourse redevelopment in its current form.

**By Mr MADDEN (Essendon) (2334 signatures).**

**Epping Road, Epping: duplication**

To the Legislative Assembly of Victoria:

This petition of certain citizens of the state of Victoria draws to the attention of the house the Baillieu government's refusal to fund the Epping Road project in the 2011 state budget.

In particular we note:

1. Epping Road services some of the most rapidly growing areas in Australia;
2. the intersection of Epping, O'Herns and Findon roads is recognised by the RACV as one of the worst in Victoria; and
3. the project continues to receive strong community support.

The petitioners therefore request that the Legislative Assembly urge the Baillieu government to fund and commence work on the Epping Road project as a matter of urgency.

**By Ms GREEN (Yan Yean) (52 signatures).**

**Planning: green wedge development**

To the Legislative Assembly of Victoria:

This petition of certain citizens of the state of Victoria draws to the attention of the Legislative Assembly the current review seeking to turn green wedge land into commercial and housing developments.

The protection, nurturing and enhancement of green wedge land has been supported by both political parties for over 30 years in recognition of the important role that open space plays in improving the mental and physical health of the community and maintaining the livability of Melbourne. They are the lungs of our city.

We are concerned that the current review of the green wedge, which only looks at opportunities for commercial and housing development, does not get the balance right because it does not consider the impact that bulldozing green wedges will have on the environment, the mental and physical health of the community and the livability of Melbourne.

We are concerned that once gone the green wedges are gone forever and that future generations will regret the destruction of the green wedge.

The petitioners therefore request that the Baillieu government stop the current review which only recognises green wedges as a development opportunity, agree to strengthen and grow rather than reduce green wedge space and works with the community to enhance and improve Melbourne's green wedges.

**By Ms GREEN (Yan Yean) (22 signatures).**

**Planning: green wedge development**

To the Legislative Assembly of Victoria:

This petition of certain citizens of the state of Victoria draws to the attention of the Legislative Assembly the Baillieu government's plan to turn land zoned rural conservation into commercial and housing developments.

In particular we note:

1. green wedge open space plays an important environmental role as well as maintaining the livability of Melbourne;
2. it appears that this government only recognises this land as a development opportunity, this despite bipartisan support and protection for green wedges in Parliament for over 30 years;
3. no commitment has been made to provide the infrastructure that new commercial and housing developments would need, such as roads and schools.

The petitioners therefore request that the Baillieu government immediately stop the current planning review and agree to work with the community to enhance and improve Melbourne's green wedge.

**By Ms GREEN (Yan Yean) (26 signatures).**

**Tabled.**

**Ordered that petition presented by honourable member for Niddrie be considered next day on motion of Mr HULLS (Niddrie).**

**Ordered that petition presented by honourable member for Essendon be considered next day on motion of Mr MADDEN (Essendon).**

**Ordered that petition presented by honourable member for Richmond be considered next day on motion of Mr WYNNE (Richmond).**

**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 Doncaster on 24 November be considered next day on motion of Mrs VICTORIA (Bayswater).**

**Ordered that petition presented by honourable member for Albert Park be considered next day on motion of Mr FOLEY (Albert Park).**

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE**

***Alert Digest No. 15***

**Ms CAMPBELL (Pascoe Vale) presented *Alert Digest No. 15* of 2011 on:**

**City of Greater Geelong Amendment Bill 2011  
Criminal Procedure Amendment (Double Jeopardy and Other Matters) Bill 2011  
Members of Parliament (Serious Misconduct) Amendment Bill 2011  
together with appendices.**

**Tabled.**

**Ordered to be printed.**

**COUNTY COURT OF VICTORIA**

**Report 2010–11**

**Mr CLARK (Attorney-General) presented report by command of the Governor.**

**Tabled.**

**SUPREME COURT OF VICTORIA**

**Report 2010–11**

**Mr CLARK (Attorney-General) presented report by command of the Governor.**

**Tabled.**

**DOCUMENTS**

**Tabled by Clerk:**

Coroners Court of Victoria — Report 2010–11

*Financial Management Act 1994* — Report from the Minister for Planning that he had received the Report 2010–11 of the Architects Registration Board of Victoria

*Fisheries Act 1995* — Report 2010–11 of the Special Investigations Monitor under s 131T

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

Greater Bendigo — C151

Greater Geelong — C127 Part 2

Hobsons Bay — C86

Melton — C84 Part 2

Moyne — C35 Part 2

Murrindindi — C29 Part 1

Port Phillip — C73

Whitehorse — C94

Yarra Ranges — C107

Statutory Rules under the following Acts:

*Police Regulation Act 1958* — SR 130

*Residential Tenancies Act 1997* — SR 129

*Supreme Court Act 1986* — SRs 132, 133

*Transport (Compliance and Miscellaneous) Act 1983* — SR 131

*Subordinate Legislation Act 1994*:

Documents under s 15 in relation to Statutory Rules 126, 127, 128, 129, 130, 131, 132, 133

Documents under s 16B in relation to the:

Amendment to the Keno Technical Standard under the *Gambling Regulation Act 2003*

Exemption from s 65A(1) of the *Road Safety Act 1986* for persons participating in the Valvoline Shepparton Springnats 2011 at Shepparton Showgrounds

*Wildlife Act 1975* — Report 2010–11 of the Special Investigations Monitor under s 74P.

The following proclamations fixing operative dates was tabled by the Clerk in accordance with an order of the house dated 8 February 2011:

*Education and Training Reform Amendment (School Safety) Act 2011* — Part 1 and section 5 — 24 November 2011 (*Gazette S379, 22 November 2011*)

*Farm Debt Mediation Act 2011* — Whole Act — 1 December 2011 (*Gazette S379, 22 November 2011*)

*Justice Legislation Amendment (Protective Services Officers) Act 2011* — Whole Act — 28 November 2011 (*Gazette S379, 22 November 2011*).

## ROYAL ASSENT

Messages read advising royal assent to:

**29 November**

**Independent Broad-based Anti-corruption Commission Bill 2011**

**Justice Legislation Amendment Bill 2011**

**Mines (Aluminium Agreement) Amendment Bill 2011**

**State Taxation Acts Amendment Bill 2011**

**Victorian Inspectorate Bill 2011**

**6 December**

**Liquor Control Reform Further Amendment Bill 2011**

**Public Interest Monitor Bill 2011**

**Sex Work and Other Acts Amendment Bill 2011.**

## BUSINESS OF THE HOUSE

### Program

**Mr McINTOSH** (Minister for Corrections) — I move:

That, under standing order 94(2), the orders of the day, government business, relating to the following bills be considered and completed by 4.00 p.m. on Thursday, 8 December.

Business Names (Commonwealth Powers) Bill 2011

Children's Services Amendment Bill 2011

City of Greater Geelong Amendment Bill 2011

Leo Cussen Institute (Registration as a Company) Bill 2011

Planning and Environment Amendment (Schools) Bill 2011

Public Prosecutions Amendment Bill 2011.

Members may note that it was originally proposed that we would deal with seven bills, including the Parks and Crown Land Legislation Amendment Bill, during the course of this sitting week. After discussions with the opposition in relation to the Road Safety Amendment (Drinking while Driving) Bill 2011, which the Attorney-General has just read a first time and which will hopefully be debated later this day, the Attorney-General has decided to remove one of the bills from the government business program to enable that urgent piece of legislation to be dealt with properly during the course of this sitting week.

Another matter I want to mention is that obviously the grievance debate will be held tomorrow, and that debate will progress in the normal way. I am very confident that this business program will be adequately completed by 4.00 p.m. on Thursday.

In relation to another matter, it has been a practice of this house of ancient note for members to give Christmas felicitations in the house in the lead-up to the

Christmas period. By agreement between the opposition and the government, that practice, which was last undertaken in 2004, will not be continued this year.

**Ms ALLAN** (Bendigo East) — I rise to speak on the government business program that has been outlined by the Leader of the House. It is interesting to note that this is one of those rare weeks where we have a number of items on the legislative program, with the addition of the Road Safety Amendment (Drinking while Driving) Bill 2011, which has just been first read in the house and which it is anticipated will be debated later this day. This week we have seven bills before us for consideration, which is a bigger program than usual. We do not have too many weeks during which seven pieces of legislation are debated, and the opposition looks forward to scrutinising all of those bills.

However, I once again put on record our concern that we anticipate that the ability of our members to scrutinise these bills and speak on matters contained in them will be curtailed by the government having second-reading speeches at 4.00 p.m. on Thursdays. The convention and practice in the past was to have them at 4.00 p.m. on Thursdays to ensure that it was outside the time allotted for consideration of bills. No doubt it will become the practice of this government to do so on Wednesday nights after dinner, and I anticipate that will be the practice again this week. The opposition does not support this for the reasons I have indicated.

Time set aside to debate bills is precious time, and this week seven bills that require scrutiny are before us. A number of people on our side are very keen to speak on the Road Safety Amendment (Drinking while Driving) Bill 2011. There are also the Children's Services Amendment Bill 2011 and the City of Greater Geelong Amendment Bill 2011, to name a couple of bills, that I am sure will attract a lot of attention and interest from members of the house, so it does not make sense to curtail the time available for debate by having second-reading speeches on Wednesday evenings rather than at 4.00 p.m. on Thursdays. It makes sense to do so only if you are a member of a government that is interested in gagging and stifling debate and stopping the opposition at every turn from doing the job it is there to do — that is, to scrutinise legislation and hold the government to account as is part of the Westminster system and tradition.

Over the course of this year the government has done away with many traditions and changed the rules. Government members lost a vote on a bill when a member decided she could not support the

government's changes to the Equal Opportunity Amendment Bill 2011. She decided not to vote on that bill, and the bill was lost. The government then changed the rules so it could get that bill through. We have seen a government minister fall asleep and miss a vote on a bill, and the house continued its debate. We have seen this government abandon practices and conventions. Government members have tossed them to the wind in their efforts to stifle at every opportunity any debate the opposition would like to bring forward.

Then there is that item on the notice paper that opposition members would dearly love to debate — that is, item 274 standing in the name of the Leader of the Opposition — but of course the government has gagged debate on that item as well.

**The SPEAKER** — Order! The member will stick to the debate that is before the house.

**Ms ALLAN** — Certainly, Speaker. On the government business program and canvassing the matters of the government business program, there are many items that the opposition would dearly love to canvass if the government had not applied its gag as crudely as it has. We can understand why; they are sensitive matters. They go to who said what to the member for Benambra or the Deputy Premier.

**The SPEAKER** — Order! If the member continues in this vein, I will sit her down again.

**Ms ALLAN** — Second-reading speeches could be held after 4.00 p.m. on Thursdays, if the government wanted. That was the practice in all the previous parliaments in which I have served. Second-reading speeches, by convention, were held after 4.00 p.m. on Thursdays. We know the reason the government is changing that. It is that The Nationals members want to get home. They do not want to hang around and do the hard work. It is the tail wagging the dog. They are not keen to do the job they are elected to do. They just want to skedaddle out of here at the first opportunity. With those comments I indicate to the house that the opposition will not be supporting the government business program.

**Mr HODGETT** (Kilsyth) — I rise to support the motion on the government business program outlined by the Leader of the House. It is another terrific, well-thought-out and planned government business program for this sitting week, the last of the year. It is a terrific program of six bills plus an additional one — the Road Safety Amendment (Drinking while Driving) Bill 2011.

**Mr Hulls** — That would be seven.

**Mr HODGETT** — That would be seven in total — it is good to hear the member finally getting good with numbers — six bills plus the Road Safety Amendment (Drinking while Driving) Bill 2011. We on this side of the house have a number of speakers who wish to make worthy contributions to the debate on all of these pieces of legislation so as to allow adequate scrutiny of the bills. In particular we have a number of speakers who are prepared to make a contribution to debate on the Road Safety Amendment (Drinking while Driving) Bill 2011, but in the interests of time and the intention of having this bill pass through both houses in this sitting week, we seek the cooperation of the opposition in seeing this very important road safety initiative put in place for the Christmas and New Year period. I believe opposition members support the bill, and I trust that they will stick to their word and allow passage of the bill through the house today in order that the Legislative Council can deal with the bill this week so we can get the legislation in place.

I commend the motion before the house; I support the government business program, which is a solid program. There is no rest for coalition members. We are not winding down for Christmas, as opposition members do. We are happy to get stuck into this work. Whilst the work of this house is very important, like others in the coalition, Liberal members are very keen to get back out to our electorates on Thursdays so we can get on with the work of attending to our constituents' inquiries in addition to the hard work we do in this house. I commend the motion to the house.

**Mr HULLS** (Niddrie) — It is always great to follow the member for Kilsyth. Interestingly he is talking about figures and numbers. Here is a bloke who is known as Pete Pay Packet; he has got more pay packets than Imelda Marcos has shoes.

*Honourable members interjecting.*

**The SPEAKER** — Order! On the motion before the house.

**Mr HULLS** — It is good to follow him. This is an outrageous government business program, and I cannot support it.

*Honourable members interjecting.*

**The SPEAKER** — Order! The member for Kilsyth has had his go, and the member for South Barwon will go if he keeps that up.

**Mr HULLS** — One of the most important things for an opposition — and the public expects this — is its ability to scrutinise and analyse legislation to ensure

that it meets community expectations. You just cannot do that when debating time is being cut from under you. This has become one of the most undemocratic parliaments in a long time. Even former Premier Jeff Kennett allowed more debate in this place than this Premier does. This government and the way it is dealing with Parliament makes Jeff Kennett look transparent. It makes him look like a freedom fighter compared to the way Parliament is conducted under this government.

We now have a situation where it is becoming the norm for second-reading speeches to be taking place when we should be debating important legislation. The only reason that is being done, as the member for Bendigo East appropriately pointed out, is that members of The Nationals want to go night-night on a Thursday. They want to get back on the farm and under the doona instead of debating relevant, appropriate legislation. To allow them to do that, what this government has now done is make it the norm for second-reading speeches to be taking place when we should be debating very serious issues.

The other reason the opposition is vehemently opposing this business program is that something else has become normal under this government, and that is the failure to brief members of the opposition in a timely way on legislation. Yes, the opposition has a very important role to play in scrutinising legislation, but the opposition has to get briefed in the first instance in relation to bills. It was absolutely the norm under the former government for ministers to proactively seek out — —

**Mr Kotsiras** interjected.

**The SPEAKER** — Order! The Minister for Multicultural Affairs and Citizenship, enough!

**Mr HULLS** — It was protocol for ministers to proactively seek out shadow ministers to advise them in a timely way when briefings were due — —

**Mr Kotsiras** interjected.

**The SPEAKER** — Order! The Minister for Multicultural Affairs and Citizenship will withdraw those words. I have told him before that I will not have those words used in the house.

**Mr KOTSIRAS** (Minister for Multicultural Affairs and Citizenship) — I withdraw.

**Mr HULLS** — That is certainly not happening under this government. It is important to send the government a message that as an opposition we have a

crucial role to play on behalf of the people of Victoria, but we can only play that role when there is some goodwill shown on behalf of the government. There has been no goodwill shown at all. We see that all the time, by the way, during question time. Question time has become an absolute farce in this place. It is obfuscation time; it is certainly not answer time. This carries over into the way the whole of the Parliament — —

**Mr McIntosh** interjected.

**The SPEAKER** — Order! The Minister for Corrections.

**Mr HULLS** — As we can see, we now have sitting on the government benches a year after the last election nothing but a rabble that wants to shut down the Parliament. It wants to shut down debate in this place. It thinks that because it is getting close to Christmas time members of the opposition will simply walk away with their tails between their legs. We are not prepared to do that. We have a very important role to play, and we will continue to play it. We will continue to oppose mickey mouse government business programs that have no substance and on which no appropriate briefings are given to members of the opposition. The fact is that members of this government will learn their lesson, and, if we have to, we will make them learn it the hard way.

**Mr CRISP** (Mildura) — I rise to support the government's business program. We have seven bills to debate today, and the important one is the Road Safety Amendment (Drinking while Driving) Bill 2011. We are going to deal with that bill very shortly, I hope, and get it to the other place so that we can send a clear message about Parliament's commitment in relation to safe habits over the Christmas period and from then on. I also note that we have removed the Parks and Crown Land Legislation Amendment Bill 2011 from the program in order to make room for the drink-driving bill debate. However, there are a couple of matters I need to raise that relate particularly to the members for Bendigo East and Niddrie and their concerns about the time given for debate.

On Thursday afternoon of the last sitting day opposition members could not fill the speaking list. They could not provide a speaker, so all this rot about speaking time stands in front of everybody as the hypocrisy it is. They missed the call. Members can have a look at *Hansard*. It was the government that had to carry the business at the end of the day because the opposition could not find someone to speak on a bill. All that has been said before is just a load of rot. If the opposition wants to do the work, its members should be here to take the call

and let us have these debates. I support the government's business program.

**Ms DUNCAN** (Macedon) — It is a pleasure to rise following the member for Mildura and a little galling to hear him accuse the opposition of missing the call. I do not believe any of our members have been sleeping during critical debates or have missed divisions — —

**Mr Weller** interjected.

**The SPEAKER** — Order! The member for Rodney!

**Ms DUNCAN** — No minister of ours was having briefings with departments and ignoring the bells for 3 minutes, presumably assuming they applied to everybody in this house except herself. It is galling to hear the member for Mildura suggest that this opposition is not prepared to debate bills. What we are seeing increasingly — and this is a point that we continue to make as an opposition, because it is a very important point which needs to be made each time — is this government, in its arrogance, seeking to do second-reading speeches on Wednesday evenings instead of, as we have heard, after 4.00 p.m. on Thursday so as not to take away from the period of time set aside to debate bills.

As we have heard today, there are seven bills for consideration this week. That is a substantial number of bills, and of course the opposition welcomes that. What the opposition does not welcome is the reduced period available for debate on these bills and, more importantly, as was noted by the Deputy Leader of the Opposition, the lack of briefings given to the opposition. It is appalling that there is a lack of briefings available, especially as the coalition came to government promising to be open and transparent.

A few weeks ago a report card done in one of the daily newspapers described the open and transparent promise as a sham, and we have seen that played out every sitting week this year. It is an absolute sham for this government to suggest that it is being open and transparent when everything it does is designed to do the opposite of that. There is no better illustration of that than what we see here during question time after question time. It is also interesting to hear that new members — who know nothing of protocol or the standing and sessional orders — are the most vigorous with their interjections.

We are hearing a few bleats from The Nationals members opposite, but we know that this government's members are doing all they can to avoid scrutiny. What we are seeing again today is a bill the government says

it has to introduce in haste, presumably in the lead-up to Christmas — that is, the Road Safety Amendment (Drinking while Driving) Bill 2011. Whether this is a good bill or a bad bill I personally would not know because I have not been given the privilege of having a briefing on it. I know, for example, that while you can drink alcohol while you are driving — —

**The SPEAKER** — Order! I remind the member for Burwood that those microphones are not for playing with. If the member snaps it off, he will be paying for it. I ask the member to take that as a warning and to please leave it alone.

**Ms DUNCAN** — The member for Burwood is often snapping things off. I will just return to the reason that the opposition is opposing the government business program. We have had this road safety bill introduced in haste. I would not know, for example, whether there is sound evidence to suggest that people consuming alcohol while they are driving is having an impact on road safety in this state. Is it different from someone drinking a can of lemonade, or — as a friend of mine was pulled over for many years ago — from brushing hair while driving? Are these road safety issues? We would not know. If the government considered it so critical to deal with this bill in the lead-up to Christmas, it raises the question of why it would introduce it in such haste and deny the opposition an opportunity to understand the purposes of the bill and what improvements to road safety it will ensure. It is for these reasons that the opposition opposes the government business program.

#### House divided on motion:

#### *Ayes, 44*

Angus, Mr	Mulder, Mr
Asher, Ms	Naphine, Dr
Baillieu, Mr	Newton-Brown, Mr
Battin, Mr	Northe, Mr
Bauer, Mrs	O'Brien, Mr
Blackwood, Mr	Powell, Mrs
Bull, Mr	Ryall, Ms
Burgess, Mr	Ryan, Mr
Clark, Mr	Shaw, Mr
Crisp, Mr	Smith, Mr K.
Delahunty, Mr	Southwick, Mr
Dixon, Mr	Sykes, Dr
Fyffe, Mrs	Thompson, Mr
Gidley, Mr	Tilley, Mr
Hodgett, Mr	Victoria, Mrs
Katos, Mr	Wakeling, Mr
Kotsiras, Mr	Walsh, Mr
McCurdy, Mr	Watt, Mr
McIntosh, Mr	Weller, Mr
McLeish, Ms	Wells, Mr
Miller, Ms	Wooldridge, Ms
Morris, Mr	Wreford, Ms

#### *Noes, 43*

Allan, Ms	Hulls, Mr
Andrews, Mr	Hutchins, Ms
Barker, Ms	Kairouz, Ms
Beattie, Ms	Knight, Ms
Brooks, Mr	Languiller, Mr
Campbell, Ms	Lim, Mr
Carbines, Mr	McGuire, Mr
D'Ambrosio, Ms	Madden, Mr
Donnellan, Mr	Merlino, Mr
Duncan, Ms	Nardella, Mr
Edwards, Ms	Neville, Ms
Eren, Mr	Noonan, Mr
Foley, Mr	Pallas, Mr
Garrett, Ms	Pandazopoulos, Mr
Graley, Ms	Perera, Mr
Green, Ms	Pike, Ms
Halfpenny, Ms	Richardson, Ms
Helper, Mr	Scott, Mr
Hennessy, Ms	Thomson, Ms
Herbert, Mr	Treize, Mr
Holding, Mr	Wynne, Mr
Howard, Mr	

#### Motion agreed to.

## MEMBERS STATEMENTS

### Kaye Harrison

**Mr MADDEN** (Essendon) — I take this opportunity to congratulate Kaye Harrison, who celebrated her recent retirement after 37 years of commitment to her vocation as a kindergarten teacher at St Andrews Anglican Kindergarten in Aberfeldie. When I say the word 'vocation' I mean vocation. I would like to put on the record that fortunately Kaye was able to be a kindergarten teacher for our four children. Kaye has done an outstanding job and has entered into her retirement after an excellent contribution to the Essendon community. I note that many of the members of the Essendon community whose children attended St Andrews over those 37 years would also like me to put their thanks on the record.

### Essendon Historical Society

**Mr MADDEN** — I also want to put on the record that the Essendon Historical Society has released its 2012 calendar called 'The Making of the City', which celebrates 150 years of local government in the Essendon-Moonee Valley area.

### Rotary Club of Strathmore: sportsman's night

**Mr MADDEN** — As well as that, I recently attended the Rotary Club of Strathmore's sportsman's night, which was also attended by the local community

to raise funds to help adolescent cancer support. I congratulate each of the Rotary members who were given the responsibility of putting together a table in order to make up the funds to support the night and contribute to the treatment of adolescent cancer treatment.

### **White Ribbon Day**

**Mrs FYFFE** (Evelyn) — The purpose of White Ribbon Day on 25 November was to draw attention to the high levels of violence against women. Domestic violence is a terrible thing in our society, with reportedly one in three women over the age of 15 experiencing physical or sexual violence at some point in their lives. Sadly, Yarra Ranges has the dubious honour of having one of the highest incidences of domestic violence in the east. The Mail news group, in conjunction with Yarra Valley community health, undertook a six-week Stop the Violence campaign to draw attention to the problem of domestic violence. This campaign saw the Mail devote full-page and double-page spreads solely to the issue and brought to light the living hell many local women and children have to endure every day. These spreads were designed to give hope to victims of domestic violence.

The Mail documented the work of local organisations, including Anglicare and Anchor, which counsel victims and provide emergency housing. Articles also included prevention-based avenues, such as counselling services for men to control their anger issues. I commend Kath Gannoway, Melissa Meehan and all the journalists and staff for the professional and caring approach they took to this tragic and critical issue in our community.

### **Politicians clay target shoot**

**Mrs FYFFE** — On Friday, 25 November, I was delighted to attend the annual politicians clay target shoot hosted by Field and Game Australia at the Melbourne Gun Club in Lilydale. I was joined by colleagues from both sides of the house for a very enjoyable few hours of friendly competition. As always, Field and Game Australia put on a terrific day, providing coaching in safety, gun handling and target shooting. The highlight of the day was the fiercely contested clay target competition.

### **Buses: Melton**

**Mr NARDELLA** (Melton) — I call on the government to develop and expeditiously introduce bus services in new developments in the Melton area, specifically in the suburb of Atherton in which the Toolern estate and Waterford estate, which is down

Station Road in Melton South, are located. With a 6.5 to 7 per cent growth rate in the Melton area, blocks are being sold, houses are being built and families are moving into these estates on a daily basis. There needs to be a plan for this growth to give families an opportunity to use public transport instead of having to buy another car.

Links to the Melton railway station timetable and trains are needed. This is a critical aspect of the new bus services that should be developed. It is also important for students to be able to avail themselves of buses to get to schools, and these estates are quite far away from both Staughton College and Melton South Primary School and even Exford Primary School, which will be servicing these areas in the very near future. I call on the Baillieu coalition government to develop and fund these new bus services as the next stage of development of public transport within the Melton township.

### ***Grey Gardens***

**Mrs VICTORIA** (Bayswater) — Last week I had the pleasure of attending a performance of the Production Company's *Grey Gardens*. The Production Company continues to present an excellent standard of musical theatre in a style that allows the audience to focus on the consistently high quality of the cast and orchestra. Congratulations to Jeanne Pratt, Ken Mackenzie-Forbes, Nancye Hayes, Pamela Rabe and all those involved.

### **Government: achievements**

**Mrs VICTORIA** — In the 53 weeks since the last state election the coalition has got on with the job of fixing the raft of problems left by Labor. Amongst all the black holes discovered since November 2010, the government has already implemented a range of savings designed to bring Victoria back to a state of financial stability. We have stuck to a responsible agenda in the face of baseless, ignorant attacks from those opposite. We have made decisions that will restore public confidence in the state government — something that was seriously lacking under Labor.

### **2011 Arts Portfolio Leadership Awards**

**Mrs VICTORIA** — Last week I attended the 2011 Arts Portfolio Leadership Awards. These awards recognise excellence within Victoria's art agencies, including the National Gallery of Victoria, the Arts Centre Melbourne, the State Library of Victoria, the Australian Centre for the Moving Image, Museum Victoria — my congratulations to MV on achieving nearly 800 000 visitors to the Tutankhamun

exhibition — the Geelong Performing Arts Centre, the Melbourne Recital Centre and Public Record Office Victoria.

### **Knox Community Arts Centre**

**Mrs VICTORIA** — Congratulations to the amazing Richard Mitchell and all at Knox Community Arts Centre on a brilliant revamp and opening night. The old gal looks just terrific. It was a fantastic night headed up by Deborah Conway and her band. Congratulations to everybody who made this possible

### **Sisters of Mercy Melbourne Congregation**

**Ms CAMPBELL** (Pascoe Vale) — On Sunday, on behalf of the Leader of the Opposition, I had the honour of attending an event to celebrate the work of the Sisters of Mercy Melbourne Congregation from its establishment in 1857 to 2011 and to commemorate the establishment of its new institute from December 2011. In the words of Kathleen M. Tierney, RSM, congregation leader, who gave the occasional address:

... we are also celebrating the establishment of the Institute of Sisters of Mercy of Australia and Papua New Guinea — the new congregation whose foundation day will be 12 December 2011 — Catherine McAuley's foundation day so many years ago in Ireland.

We acknowledge and celebrate who we have been as Sisters of Mercy, living and working in the Melbourne, Ballarat, Sale, Sandhurst and Tasmanian dioceses and in Pakistan. In the states of Victoria and Tasmania we have worked with government and non-government agencies working to effect change. We give thanks for the opportunities that we have had to share our lives and ministry in the service of the church and in the service of our God.

We stand on the shoulders of those who have gone before us. We remember the many founding sisters and the sisters who have been role models for us, who nurtured and cared for us.

Our Mercy tradition has been to work in partnership with the lay people who share our ministries and who are now taking the lead in many of our ministries.

I say, on behalf of the opposition and this Parliament, well done for over 150 years of service and good luck with the new institute and your continued work in education, health and welfare.

### **Justice for Refugees: graduation**

**Mr CRISP** (Mildura) — I had the pleasure last Friday of attending, on behalf of the Minister for Crime Prevention, the Justice for Refugees youth project graduation. The aim of the project is to help these young people understand the negative consequences of crime while addressing the issues of violence, antisocial behaviour, vandalism and graffiti. The youth project is

run by I EmPower and Mr Abeselom Nega, CEO of I EmPower. The project targets disengaged youth from refugee communities aged 18 to 24, and 26 local young people participated in the program.

### **Wakefield Transport Group: award**

**Mr CRISP** — On another matter, congratulations to the Wakefield Transport Group for its commendation at the 16th annual DCN Australian shipping and maritime industry awards. The award was received for the supply chain integration carried out by Wakefield, Brands and Seaway for Australian Vintage Flexibank, a contract to deliver wine to England in containers. The award is particularly down to the hard work of Ken Wakefield and his endless efforts for the continuation of rail freight.

### **Mildura: parliamentary education visit**

**Mr CRISP** — Well done to parliamentary officers David, Mark and Baron on their visit to Mildura last week to educate schoolchildren on the workings of the Victorian Parliament. Many schools participated in the two-part program. From my observation the school students, mostly from grades 5 and 6, responded and enjoyed the experience. It was a very worthwhile exercise for Mildura.

### **John Arnold and Glenn Milne**

**Mr CRISP** — Finally, well done to John Arnold on being re-elected mayor of Mildura and to Glenn Milne being elected as his deputy. John has served Mildura well, and I am sure he will continue to work for the best possible outcomes for Mildura Rural City Council.

### **Police: Sebastopol station**

**Ms KNIGHT** (Ballarat West) — During the last election campaign the now government promised the people of Sebastopol a police station. This was confirmed in a response to a question on notice from the Minister for Police and Emergency Services, who stated that the government committed to invest \$2.5 million to upgrade the police facilities at North Ballarat and Sebastopol to enable them to function fully as police stations.

It now seems that this election commitment is in jeopardy and that the people of Sebastopol may not get the police station that was promised to them. The *Courier* revealed recently that the police station promised to Sebastopol may in fact go to the Ballarat West growth zone. My response to this is that I agree that the Ballarat West growth zone may need a police

station in the future, but not at the expense of Sebastopol.

I would say loudly and clearly to the Minister for Police and Emergency Services that the people of Sebastopol are very unhappy that the police station promised to them may end up in what is currently an empty paddock in the west. I would say loudly and clearly to the Minister for Police and Emergency Services that the people of Sebastopol will not allow their police station — the police station they were promised, the police station they expect — to go to the west without a fight.

I join with the people of Sebastopol in saying, 'Fulfil your election commitment, and tell us when we will get our police station'. I strongly urge the Minister for Police and Emergency Services to get on with the job of establishing a fully functioning police station in Sebastopol and North Ballarat and to allocate funding for a police station in the Ballarat West growth zone in the next budget.

### **Rail: level crossings**

**Mr WATT** (Burwood) — I note with interest the hypocrisy that has become the norm among members of the opposition, particularly those who were members of the previous government over the 11 long, dark, miserable years of hard Labor. Members opposite sat silently as problem after problem piled up in Victoria. I read with interest the *Waverley Leader* of 18 October 2011, in which the member for Clayton is reported as saying that he felt the crossing was being neglected because it is in a Labor seat. For many years the member for Clayton has ignored his constituents regarding this crossing and others. Residents are entitled to wonder why the member for Clayton chose to neglect Clayton for 11 years.

It is clear that the coalition is acting on removing level crossings in numerous electorates of members of the opposition, including the road crossing in Springvale that is on the border of three electorates — Clayton, Mulgrave and Lyndhurst, which are all represented by members of the Labor Party. The member for Clayton, along with the Leader of the Opposition and the member for Lyndhurst, failed those electorates' residents for 11 long, dark, miserable years while in government. The coalition government has listened to Victorians and is fixing the problems caused by Labor.

### **Monash Croquet Club: Christmas celebration**

**Mr WATT** — On 26 November I attended the Monash Croquet Club Christmas celebration in Electra

Avenue, Ashwood. Unfortunately the competition was rained out, but I still managed to fit in a couple of games of boggle and enjoy the hospitality of the club.

### **Batesford Reserve, Chadstone: soccer project**

**Mr WATT** — On 28 November I was pleased, along with the now former mayor of Monash, Greg Male, to open the Batesford Reserve soccer project in Chadstone.

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

### **Yuroke electorate: government performance**

**Ms BEATTIE** (Yuroke) — I rise today to condemn the Baillieu Liberal government for one year of inaction in Victoria, particularly in my electorate of Yuroke. The Baillieu Liberal government was elected on the empty rhetoric of 'Fix the problems. Build the future'. You would think that after one year in office it might have at least done something to fix the problems and build the future, but you would be wrong.

I am staggered by the Baillieu Liberal government's lack of action in my electorate of Yuroke. Where is the 24-hour staffed ambulance promised by the government for Craigieburn? I cannot find it. Why is it continually ignoring the death trap that is Somerton Road, Greenvale? I witnessed another accident there this week. Why will it not commit to duplicating Craigieburn Road west? When will it upgrade parking at the Craigieburn railway station?

When will Mr Baillieu deliver a jobs plan for Victoria? He said he would govern for all Victorians, but the lack of investment in Melbourne's northern suburbs shows us what Mr Baillieu and the Liberal Party really think of the northern suburbs. Shame on the government! It has not taken very long for the Victorian people to see this government for exactly what it is — full of spin, empty rhetoric, mantras and three-word slogans. That is all there is.

### **Canterbury Windows and Doors**

**Ms WREFORD** (Mordialloc) — Recently I had the honour of opening the new offices, showroom and manufacturing premises of Canterbury Windows and Doors, which is in my electorate. It is a \$12 million investment that provides 130 jobs in the local area, and it demonstrates business confidence in Victoria, particularly in my electorate, where infrastructure like the Dingley bypass is going to help businesses. Thirteen per cent of business in Victoria is manufacturing; in my

patch that is up to 31 per cent. How much will that fall after the carbon tax arrives?

### **Rotary Club of Mordialloc: 40th anniversary**

**Ms WREFORD** — Recently I had the pleasure of attending the Rotary Club of Mordialloc's 40th birthday celebrations. What was encouraging was the attendance of some of its founding members, including John Dawe and Jack Cooper. Some of the highlights of the club's 40 years include an airshow at Moorabbin Airport with six other clubs and 40 000 visitors, as well as golf days, lots of volunteer projects assisting people overseas, delivering meals on wheels and much more. Well done!

### **Mordialloc electorate: creative writing competition**

**Ms WREFORD** — On Wednesday, 16 November, I attended a creative writing competition that was held jointly between the Kingston University of the Third Age and Parkdale Secondary College. It was a fantastic community event that was attended by people from the Mordialloc Rotary Club and local businesses. The Mordialloc Writers Group was also involved. There were professional writing workshops and awards. Congratulations to all, particularly competition winners Vanessa, Talia, Aliza and Kelsey.

### **Planning: Williamstown development**

**Mr NOONAN** (Williamstown) — Recent comments made by the Minister for Planning indicating that he had accepted virtually all of the recommendations of the Port Phillip Woollen Mills Advisory Committee are simply wrong, as is the minister's assertion that the Hobsons Bay City Council will determine the Williamstown site's future. In time the council will be responsible for assessing a planning application for the site — but only after the minister uses his numbers in the upper house to ram through a highly contentious planning amendment which will set new planning controls for the site. These new controls deliberately ignore a number of key recommendations from the independent advisory committee's report, including mandatory maximum height limits ranging from 10 to 25 metres across the site, a \$900-per-dwelling levy for community infrastructure such as footpaths and landscaping, and the appointment of a design review panel to ensure that the development enhances the historic streetscape of Williamstown.

By not mandating these controls in the planning amendment the minister knows full well that the developer can still submit plans to council to build its

multi-tower, highly intensive residential apartment block along similar lines to its original concept design whilst avoiding the requirement to make a modest community contribution or have the design scrutinised by a design review panel. Is it any wonder that the council described this decision as deeply disappointing? It knows that if the minister leaves the door open for 16-storey towers on this site, then the developer will pursue them and fight the case out at the Victorian Civil and Administrative Tribunal.

### **Fire Awareness Awards**

**Mr NORTHE** (Morwell) — I wish to acknowledge the Latrobe bushfire recovery community jobs project, which was the recipient of the education award as part of the 2011 Fire Awareness Awards. This project was established following the 2009 bushfires, which severely impacted the Latrobe Valley region. GippsTAFE, as the lead agency, in partnership with a number of agencies and community organisations, helped with the rebuilding of bushfire-affected communities whilst at the same time creating new jobs. A workforce of 42 was established through the project, and a range of training qualifications and skills were gained by the participants.

Many local communities benefited from the project, with walks and trails reinstated, fences re-established and public places and parks restored. Crew for a day was another aspect of the program, which assisted residents with duties such as wood splitting, landscape work and general clean-ups. It was a fantastic initiative that provided practical outcomes for bushfire-impacted residents.

The ever-popular Callignee and Traralgon South stitch and chat group was also the recipient of a special incentive grant, which is a great testament to the team that has done an amazing job in providing community members with the opportunity to participate in a range of art and craft activities post the bushfires.

### **Ambulance Victoria: community hero awards**

**Mr NORTHE** — On another note, Michelle Smale from Traralgon and Sue Whitbourne from Lindenow were recently honoured at the 12th annual Ambulance Victoria community hero awards. Michelle and Sue placed themselves in a precarious position following a motor vehicle accident on the Princes Highway in April of this year. Despite heavy traffic, both ladies assisted those in need, including an occupant of a car who was in cardiac arrest. I commend both courageous ladies on their amazing efforts. They are true community heroes.

### **Chewton: swimming pool**

**Ms EDWARDS** (Bendigo West) — On Saturday, 3 December, I was pleased to officially reopen the refurbished Chewton pool. Almost two years ago the residents of Chewton were told without consultation that their outdoor pool would be closed and later demolished. The announcement provoked an unprecedented tsunami of opposition, which led to a consolidation of community action by residents and others to reverse that decision. The people of Chewton are not strangers to having to fight for their community assets, and the campaign was mounted to ensure the future of Chewton's outdoor pool. This campaign was led by Rose Darling, who was a tireless vocal, passionate and determined force from the beginning.

The fundraising efforts of the community were extraordinary. They included an ugly man competition and concert, a seafood banquet and an auction that raised \$10 000 in just one week. With the support of over 60 businesses and sponsors, working bees, volunteer efforts of many and donations from other people the outdoor pool has been restored to its former glory.

Local pools are not just about swimming; they are the heart and soul of a community such as Chewton during the summer period. The pool brings people together, and that is what keeps communities strong. What has come of this fight with the Shire of Mount Alexander is the recognition by many powers that be that Chewton is not a suburb of Castlemaine but is its own entity with its own uniqueness and is a community that is a force to be reckoned with. Without community assets such as local pools, small towns and communities will have nothing to attract people to live in them and will be subsumed by larger nearby towns.

With hard-won support from the Department of Sustainability and Environment and the shire, and with the whole community behind the campaign, Chewton now has one of three community-operated outdoor pools — —

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

### **Stretch Kontelj**

**Mr KATOS** (South Barwon) — I am pleased to advise the house that on 24 November this year Geelong lawyer and Geelong council's longest serving councillor, Dr Stretch Kontelj, OAM, was named the Australian Corporate Lawyers Association's 2011 corporate lawyer of the year.

Dr Kontelj is the legal director for the Asia-Pacific region of optometry group Specsavers. The judges paid tribute to Dr Kontelj's commercial, legal and academic experience and noted his contribution to the community as a Geelong councillor, former mayor, member of the Refugee Review Tribunal and legal officer with the Royal Australian Air Force. Dr Kontelj was recently appointed to the Barwon Region Water Corporation, and in that position he will make a significant contribution to the community. I congratulate Dr Kontelj on his outstanding achievement.

### **Committee for Geelong: 10th anniversary**

**Mr KATOS** — Last night I was honoured to be among 300 guests to celebrate the 10th anniversary of the Committee for Geelong. The Minister for Ports was the guest speaker. It was inspiring to see the room filled with Geelong's community and business leaders, who were there to acknowledge the achievements of the Committee for Geelong over the last decade. The Committee for Geelong is a respected non-political lobby group that works closely with government at all levels to advocate for social and economic advancement, thereby improving community wellbeing and promoting prosperity in the region. Congratulations to Michael Betts, Peter Dorling, the founding chairman, Jim Cousins, AO, and past and present members of the board. Perhaps the only disappointment of the evening was that none of the Labor members opposite bothered to turn up.

### **Geelong Art Society: student exhibition**

**Mr TREZISE** (Geelong) — On 18 November I had the pleasure of opening the Geelong Art Society annual Victorian certificate of education art exhibition. The exhibition has been running for three years, and this year it featured works from 16 schools within the Geelong region. The brainchild of Geelong sculptor and society assistant secretary, Jacinta Leitch, the exhibition is designed not only to highlight local student artwork but also to link the Geelong Art Society with local schools. This in turn provides students with an open opportunity to learn from professional artists from the society. The artworks were ably judged by artist Jill Shalless and sculptor Viktor Cebergs.

This year's awards went to students Alia Armistead, Joe Collings-Hall, Genevieve Tobin, Phoebe Alexander, Libby Clark, Claire Cato, Emily Scicluna, Chantelle Parrot, Rebecca McGavin, Audrey Moore and Chloe Lilkendey, although I have to say that all the works deserved to be displayed. I take this opportunity to congratulate the Geelong Art Society on its work and commitment to local Geelong art. I commend Alan

Langdon, the president of the society, and the hardworking committee for their dedication not only to the society but to the historic Shearers' Arms gallery. It was a job well done by all.

### **BreastScreen Victoria: Moorabbin clinic**

**Ms MILLER** (Bentleigh) — It was a pleasure to open the new breast screening clinic and training centre in Moorabbin with the Minister for Health last week. This is a joint partnership between BreastScreen Victoria, Holmesglen TAFE and Southern Health that will provide services to enable more than 8000 BreastScreen appointments every year for local women in Bentleigh and neighbouring suburbs. I encourage all women aged between 50 and 69 to be checked every two years.

### **Monash Medical Centre: children's centre**

**Ms MILLER** — I would like to commend the Baillieu government on its successful delivery of election commitments during the last year. The Labor Party failed the people of the Bentleigh electorate and the people of Victoria for 11 years by mismanaging the transport network and the health system and failing to manage the state's finances. We in the Baillieu government are delivering what we promised. We are fixing the problems in public transport and building the Monash children's hospital — and the process is already under way. This year the Baillieu government moved swiftly to secure three pieces of land that are adjacent to the current Monash hospital. Securing those three pieces of land will enable the best children's hospital to be built. The alternative is a dogleg-shaped hospital that Labor advocated would have cost precisely the same amount of money — \$250 million — and would have turned out to be a less-efficient hospital in the long term for the children of Melbourne's south-east.

Labor had 11 years to build this hospital, and it did nothing. Talk is cheap, and we have put our money on the table. We have bought forward \$8.5 million of funds to get those pieces of land. That was allocated in the budget, and that is real money. I am disappointed that the previous government did not allocate one cent. In contrast we are getting on with the job and delivering on our commitments to the people of Victoria.

### **Eltham Preschool: environmental education award**

**Mr HERBERT** (Eltham) — It is with pleasure that I rise to congratulate Eltham Preschool on receiving the 2011 Environmental Education award in recognition of

excellent sustainable practice in early childhood teaching. Those who are fans of the great American singer Aretha Franklin may have picked up that this award spells 'respect', and that is what the staff, parents and children at Eltham Preschool have shown for the environment with their wicking garden beds. Eltham Preschool is a great preschool in my electorate, and its innovative approach to maintaining the garden there is testament to this fact. Facing difficulties in watering and protecting their children's garden over holiday periods, the preschool took a creative approach to garden maintenance and conservation by implementing a new wicking process, which greatly increases the efficiency of water use and reduces wastage.

Special mention for this project must go to Jo Barker, the preschool director, and a parent, Kathryn Irwin, for coming up with the idea for the wicking garden, and Carolyn Pickburn from Edendale Farm and Sue Dyet for helping the preschool children who selected and grew the seedlings.

I am especially pleased to congratulate Eltham Preschool on achieving this award, coming as it does so soon after I judged the preschool's scarecrow to be the best at the Eltham Rotary Town Festival a couple of weeks ago. Its scarecrow was another fine example of practical sustainability, as it can easily be reused. I look forward to seeing it in a different outfit at the festival next year. Eltham Preschool's sensitive approach to the environment is one that can spread out across Eltham.

### **Murray-Darling Basin: federal plan**

**Mr WELLER** (Rodney) — The Murray-Darling Basin draft plan is yet more proof that the federal Labor-Greens coalition is driven by ideology rather than by fact. Tony Burke, who is the federal Minister for Sustainability, Environment, Water, Population and Communities, says that if we do not return more water to the Murray, it will die from salinity. Let us look at the facts. The salinity levels at Morgan in South Australia exceeded 800 EC (electrical conductivity) 42 per cent of the time from 1975 to 1985. We have seen EC levels drop continually since then through land care programs, salt interception schemes and better farming practices. In 1988 the average EC at Morgan was 583; in 1999 the figure was 577. What about in the last 12 months? It has been variously less than 100 and up to 460, with an average of less than 350 EC. This is in a flood year when you would have expected a spike, because in flood years the floodwaters mobilise the salt on the flood plain and send it into the river, and traditionally you see a spike, as we did in 1983 and in 2003.

It is clear that the federal Labor-Greens coalition is hell bent on decimating the communities of northern Victoria for no environmental gain. The draft plan in its current form could see 420 000 megalitres taken from productive use. This is the equivalent of taking out Tatura and all of the Central Goulburn region.

### **Dromkeen: children's literature collection**

**Ms DUNCAN** (Macedon) — Last Friday I had the pleasure of again attending the Dromkeen literary luncheon at the magnificent Dromkeen National Centre for Picture Book Art at Riddell's Creek. Dromkeen has been bringing children and books together on this beautiful site for over 30 years. By way of background, this homestead and the magnificent collection of children's literature contained within it were the vision of Court and Joyce Oldmeadow, who purchased the Dromkeen homestead in 1973 and made their home the home of this world-renowned collection of Australian children's literature. Original artwork and manuscripts of some of Australia's best children's writers are contained there.

Scholastic Australia has been funding this collection since 1978, and I pay tribute to Ken Jolly, AM, chairman of the board of that organisation, Dick Robinson, the CEO, and John Oldmeadow, the director and brother of Kaye Keck, the daughter of Court and Joyce Oldmeadow, who managed this collection so well until she sadly and suddenly passed away in 2010. So much of what Dromkeen is today is due to Kaye and her family.

Scholastic Australia has decided to relocate this magnificent collection along with all of the magnificent sculptures on the property to another institution and, while that will be a great loss on one level, it is critical that this collection be maintained and continue to develop into the future. Schools can still visit Dromkeen throughout 2012, and for any school that has not yet been, I would strongly urge them to attend and to take advantage of its current location.

### **Regional Victoria Living Expo**

**Ms RYALL** (Mitcham) — Victoria's first ever Regional Victoria Living Expo will be held in Melbourne during April 2012. The expo will highlight the many benefits of living in regional and rural Victoria and showcase the best that our great regions have to offer. The Baillieu coalition government stands firmly behind, and is acting to boost jobs and opportunities in, regional Victoria. Imagine what could be achieved if all parties shared the coalition's deep

commitment to the people of regional Victoria and the regions.

The previous government did not share this commitment and nor does it now it is in opposition. At a conference hosted recently by Deakin University, the subject of which was 'Hard Labor — the crisis of social democracy in the Australian states', the former chief of staff to two former ministers, the member for Mill Park and a member for South Eastern Metropolitan Region in the other place, Mr Jennings, was there and he gave a lecture titled 'Victorian Labor's defeat — inevitable or avoidable?'. No doubt members opposite are still pondering that question, given their policy-free zone except for an AFL Grand Final public holiday.

A former parliamentary secretary for infrastructure, Mr Carli, was at the conference too, and his topic was 'Off the rails? Labor and public transport'. We all know that the former Labor government took Victoria's transport system well and truly off the rails, with the \$2 billion infrastructure black hole, the bungled myki smart card and the mismanaged regional rail link. A further topic was 'Country Labor — a few sheep short in the top paddock or all foam, no beer'. The opposition knows the answer to that — not enough sheep and all foam, no beer. It is time Labor got behind the regions and supported them in the way the coalition government does.

## **ROAD SAFETY AMENDMENT (DRINKING WHILE DRIVING) 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 Road Safety Amendment (Drinking while Driving) Bill 2011.

In my opinion, the Road Safety Amendment (Drinking while Driving) 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 amends the Road Safety Act 1986 to establish two new offences, namely:

- (a) consuming intoxicating liquor while driving a motor vehicle; and

- (b) consuming intoxicating liquor while accompanying a learner driver.

The bill will give members of Victoria Police the power to issue and serve a traffic infringement notice under that act with respect to these offences.

**Human rights issues**

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

The bill does not engage or limit any of the rights under the charter act.

**Conclusion**

There are no human rights protected by the charter act that are relevant to the bill.

Robert Clark, MP  
Attorney-General

*Second reading*

**Mr CLARK** (Attorney-General) — I move:

That this bill be now read a second time.

This bill amends the Road Safety Act 1986 (the act) to reinforce the road safety message to drivers in Victoria that they should not drink and drive.

The amendments introduce two new offences of

- (a) consuming intoxicating liquor while driving a motor vehicle; and
- (b) consuming intoxicating liquor while accompanying a learner driver.

The Premier announced recently that the government would introduce changes to close the loophole under Victorian law that allowed people in Victoria to consume alcohol while they are driving a motor vehicle.

Drink driving continues to be a significant contributor to death and trauma on our roads. The substantial penalties for drink driving reflect the seriousness with which the community views this behaviour. This government is determined to reduce the damage to Victorian families by the reckless disregard that drink drivers have for the safety of others.

It is inconsistent with the road safety message to the community about drinking and driving that a driver can lawfully consume alcohol while driving a vehicle in Victoria.

It would also be anomalous to prohibit people from drinking alcohol while driving without also preventing

those who are instructing learner drivers from consuming alcohol. The act currently requires a person providing instruction to a learner driver to be under the prescribed alcohol limit. Commercial driving instructors are required to be alcohol free while instructing a learner driver. This prohibition on instructors of learner drivers is consistent with the intent of the act that learner drivers receive instruction from people who are not impaired or distracted by alcohol.

Learner drivers also need a clear message not to drink and drive.

These offences will have a maximum penalty of 10 penalty units but if a driver receives a traffic infringement notice, the penalty will be 2 penalty units.

The government has moved to have these amendments in force before the Christmas-New Year holiday period commences. It is particularly important to reinforce the 'Don't drink and drive' message during the festive season when many Victorians will be driving to social engagements and holiday destinations. By reinforcing that message, we can help reduce trauma and save lives on our roads.

I commend the bill to the house.

**Debate adjourned on motion of Mr MERLINO (Monbulk).**

**Debate adjourned until later this day.**

**APPROPRIATION MESSAGES**

**Message read recommending appropriation for Road Safety Amendment (Drinking while Driving) Bill 2011.**

**ROAD SAFETY AMENDMENT (DRINKING WHILE DRIVING) BILL 2011**

*Second reading*

**Debate resumed from earlier this day; motion of Mr CLARK (Attorney-General).**

**Mr MERLINO** (Monbulk) — I rise to speak on the Road Safety Amendment (Drinking while Driving) Bill 2011. I saw this bill for the first time yesterday at 1.00 p.m., and I saw the second reading for the first time at 8.00 a.m. today. Road safety is a critical issue and one that demands the very best of our governments and our parliaments and the very best public policy. The impact of road trauma is immense. When things go

wrong on our roads, families, workplaces and communities are devastated. The effects of injuries and fatalities on our roads are felt for years, and many thousands of people in Australia feel those effects for the rest of their lives.

Let me say at the outset that the Labor opposition does not oppose this bill, and it will play its role in expediting its passage through the Parliament this week. Labor has a proud and successful record on road safety, and it will not allow those opposite to portray Labor as anything less than fully committed to driving down the road toll. This bill is not without merit, and there are Victorians who will indeed welcome it. However, is this the most pressing road safety issue before us? Is this the most significant thing we as a Parliament in our last sitting week this year, can do to reduce the road toll? Is the substance of this bill reflective of its incredibly rushed passage through the Parliament?

This bill is unfortunately a reflection of the Baillieu government's entire approach to road safety. This government is more interested in spin over substance and grabbing the headline as opposed to doing the hard work in developing and implementing innovative and — can I stress — evidence-based strategies to reduce the road toll. The year 2011 has been one of lost opportunity and lost momentum on road safety, following a decade of action on road safety that saw the road toll fall under Labor by more than 35 per cent, from 444 fatalities in 2001 to a record low of 288 last year. As of today, this year's road toll is exactly the same as it was this time last year, and all of us in this house hope we can create a new record this year.

What have we seen from the Baillieu government? One of the first decisions it made in relation to road safety was the disgraceful reversal of funding for the road safety experience centre, and I will talk more about that later. There has also been the introduction of the road safety camera commissioner, which will not save one life on our roads; slogans for numberplates; an extension of Labor's hoon driving legislation; claiming credit for road safety projects of the previous Labor government; and a delay of almost 12 months in the delivery of the Arrive Alive action plan. By the way, Deputy Speaker, there is an acknowledgement in the conclusion of that much-delayed action plan document that the plan is basically in a holding pattern. Towards its end that document, which was released a short while ago, says:

... the strategy is currently being reviewed.

Following an extensive program of community and stakeholder consultation, the strategy will be updated and released in 2012.

The Baillieu government still does not have a comprehensive road safety strategy. To conclude the year, in a desperate bid to appear to be taking action on road safety in the lead-up to one of our most critical periods — the Christmas and New Year summer holidays — the government has introduced this bill. Its urgency is apparently so great that it has to be rushed through both houses this week. It went to cabinet yesterday morning, and shadow cabinet ministers were briefed at 1.00 p.m. yesterday, not by the relevant department, as would usually be the case, but by advisers of the Attorney-General. I thank the Attorney-General and his staff for that briefing, but it just exemplifies the rushed nature of this bill. Cabinet considered it, there was a briefing for myself and the shadow Attorney-General, and at 2.00 p.m. we brought it to our shadow cabinet meeting.

The bill is so imperative that advice from the Transport Accident Commission was not sought. I contacted the TAC directly yesterday, and it did not know a thing about it. I was told the TAC had not been asked to provide a brief to the government. It is of such grave public policy import, requiring such lightning action, that the advice of the leading experts in the field, Monash University Accident Research Centre (MUARC), was not required. The ministerial advisers yesterday admitted that no external stakeholder was consulted over this critical and urgent legislative change. Parliament's Road Safety Committee and Scrutiny of Acts and Regulations Committee have both been sidestepped in the haste to introduce this bill.

I will just pause for a moment to note in relation to Parliament's Road Safety Committee that that much-delayed Arrive Alive action plan update document, released last month, says this of the committee:

The parliamentary Road Safety Committee has played an integral role in advising and making recommendations to Parliament on road safety issues in Victoria since its inception in 1967.

The committee considers a broad spectrum of issues and views, and seeks expert and community opinions, resulting in the introduction of many road safety initiatives that have seen significant reductions in deaths and serious injuries on Victorian roads.

That is a fact. Over many decades the work of Parliament's Road Safety Committee has played a vital role. I have said that before during previous road safety debates: Victoria has a proud international reputation of being at the forefront of innovative and successful road

safety policy. The critical ingredient is that it has been evidence based. The evidence base has been the absolute core ingredient of everything we have done in road safety over the last four decades, whether it has involved Parliament or its Road Safety Committee; the work of our road safety partners, Victoria Police, VicRoads or the Transport Accident Commission, or other road safety organisations such as MUARC.

What does this urgent bill do? As the Attorney-General just outlined in his second-reading speech, this short bill amends the Road Safety Act 1986 to create a new road safety offence for drivers who drink whilst driving a motor vehicle, carrying a maximum penalty of 10 penalty units. This offence relates to only the driver of the vehicle; it does not extend to passengers consuming alcohol in a vehicle that is being driven. In that respect it is similar to legislation in New South Wales and Queensland and different from legislation in Tasmania, where the provision applies to everyone in the vehicle, and Western Australia, where a broader prohibition applies — it does not specifically talk about consuming alcohol but is a general prohibition on drunkenness.

The bill inserts two new sections into the Road Safety Act 1986: section 49B, the offence of consuming intoxicating liquor while driving; and section 49C, the offence of consuming intoxicating liquor while accompanying a learner driver. That second offence is an appropriate offence to have in the legislation. The standard of proof is beyond reasonable doubt. As was explained in the briefing yesterday, an infringement notice will be issued in circumstances where a police officer witnesses a driver consuming alcohol. Whether the container contained alcohol will be a matter for the police officer to determine at the time — that is, through what the officer saw or through smelling the contents of a container. We were advised that it does not relate to open cans of beer in the cabin of the vehicle or to other passengers drinking alcohol.

Private land is also covered by the bill, but as direct observation by a police officer is required, the range of circumstances in which this could apply — for example, someone who is driving a tractor and drinking a beer at the same time — are limited. Drinking while sitting in a car with your keys in your pocket is not covered; however, the penalty could apply if a police officer witnesses a driver drinking while starting or attempting to start a vehicle.

I understand the point the Attorney-General made about messaging around drinking and driving and the importance of getting those messages out at this time of the year, but one of the issues I have with the bill is its

enforceability. There is no doubt that this will be a difficult thing to enforce. For example, it is almost impossible to discern the difference between a driver holding and drinking from a can of Coke Zero and a driver holding and drinking from a can of Jim Beam Black. I encourage members to look at the cans of those two products and imagine how difficult it will be for police to discern whether someone is drinking alcohol or simply a soft drink.

That brings us to another issue — that is, distraction within the cabin. I know that the Monash University Accident Research Centre has done a lot of work around distractions whilst driving. Eating and drinking whilst driving are certainly distractions, and we should discourage those activities, but in terms of distractions whilst driving there is no difference between drinking a can of light beer and drinking a can of Coke. My question is: how many times will police pull over drivers for drinking Coke before this legislation is deemed by the men and women in blue to be completely useless?

It is my contention and the contention of the opposition that this is window-dressing. As I said at the start, it does have some merit, but when we compare it to the various road safety measures we could introduce as a matter of urgency, this is a low priority. It is not substantive road safety policy, but did we really expect anything different from the government that has given us on-the-spot fines for swearing and legislation to protect a minister from people being mean to him? As far as the penalties go, this is another example of spin over substance. There are no demerit points for these offences. If the bill is so significant, why is it that a repeat offender cannot lose his or her licence for these offences? You could be fined for these offences week after week, month after month, but you would never be at risk of being taken off the road for this behaviour.

The government's rationale for introducing the bill is that it is all about messaging — that creating this penalty better aligns drink-driving messaging with the law. This government's track record on road safety messaging is appalling. For much of the period of the former Labor government those opposite, particularly the now minister for transport, were friends of the hoon. There are dozens of quotes from then shadow ministers dog whistling about speed cameras, speeding and running red lights. There was constant dog whistling that it is okay to speed or to run a red light and constant bagging of our road safety camera system as a revenue raiser — a view categorically rejected by successive Auditor-General reports.

One of the first things this government did about road safety was publish the sites of mobile speed cameras. What did the Auditor-General say in his most recent report on the road safety camera program in relation to this message from the Baillieu government? He said:

Given the connection between speeding and road trauma, and the demonstrated effect of cameras in reducing speeding, there is a likelihood of increased adverse road safety outcomes as a result of this practice.

The Auditor-General found that the government's action was inconsistent with the general road safety message and that this would have a negative outcome. In the context of road safety, a negative outcome means fatalities and injuries.

An article in the *Age* of 16 November, under the headline 'Government ignores watchdog's speed camera safety call', states:

Monash University professor of accident research Max Cameron said he was surprised the government had not stopped disclosing camera sites in line with the Auditor-General's findings.

'Some people view the published sites as telling them where the cameras aren't and really that's the key issue and that's what the Auditor-General found', Professor Cameron said.

'There used to be a view that it wasn't all that much of a problem publishing the sites because to a large extent people didn't make a mental record of all those but there are some chronic speeders who really capitalise on the information to know they can speed with impunity everywhere else and that's really a major issue'.

This government does not do road safety messaging well or in the best interests of Victoria's road users. The ministerial advisers also conceded that most people think this is already an offence. We are changing the behaviour of a small group of people, and that is important, but the offences created by this bill are hardly groundbreaking. We are told that there is a need as a matter of urgency to get this road safety bill through this Parliament in our last week of sitting. As far as the Baillieu government is concerned, this is the most crucial road safety initiative it can deliver! Where is the compelling case that this is the most urgent, critical and effective road safety legislation? Is this truly the most effective initiative on road safety we can deliver in the lead-up to Christmas? Or is this more about pretending to be doing something — to be able to say to the community that in our last sitting week we introduced and passed urgent road safety legislation? It is undoubtedly the latter.

Earlier in the year Victorian Labor became so concerned that this government had completely dropped the ball on road safety that it delivered a comprehensive policy document of its own entitled *Below 200 by 2020*. We did so in the hope that the

government would pick up on the initiatives in it. Indeed we offered those ideas to the government to continue the important progress that had been made on road safety over the last decade. *Below 200 by 2020* continues Labor's leadership and innovative thinking on road safety. I will outline some of those initiatives.

The first initiative is funding the road safety experience centre. That is a world-first facility for educating young people about the realities of road trauma and the importance of safe driving habits. The tragic loss of young life, particularly over the last couple of months, has highlighted the need for all of us to do more to engage with young people. That was the key thinking around *Below 200 by 2020* and the announcement of then Premier John Brumby that we would fund the creation of the road safety experience centre. The centre was able to be fully funded. The Transport Accident Commission actuaries informed the government at the time that its surplus premiums were estimated to be in the order of \$150 million. We wanted that money invested back into road safety; that was not a call on the budget.

When we first raised the issue with the current Premier through the media he said that it was a nice idea but that the government did not have the money. He should tell that to the families of those young people who lost their lives over the course of the last couple of months — that is, that the best he can do is introduce this legislation and not deliver something as innovative and proudly Victorian as the road safety experience centre.

Some of the initiatives in our policy documents included recognising and rewarding new drivers by providing a free three-year licence if the four-year probationary period was completed with no road offences, giving a tip to good behaviour; providing new drivers who attended the road safety experience centre with a free driving lesson; requiring drivers convicted of serious driving offences to attend the centre; piloting the use of intelligent speed assist devices in vehicles of recidivist or dangerous speeding offenders; creating the position of a minister for road safety to oversee the implementation of road safety initiatives; and reducing the TAC premium for people registering a new 5-star car.

The latter initiative is an important idea. We need to take the next step in improving the quality of Victoria's fleet, and a significant increase in cars with greater safety features will significantly reduce road trauma. *Below 200 by 2020* states:

Research shows that if each motorist upgraded their vehicle to the safest in its class, road trauma would immediately drop by up to one-third. The voluntary Stars on Cars program was launched in 2009 to provide Victorian motorists with more vehicle safety information when buying a new car.

We need to build on that. One of our ideas was to reduce the TAC premiums to encourage people to purchase a safer car. That would make an immediate and massive difference on our roads. Another initiative was to introduce a graduated licensing system for new motorcycle riders. That has been a great initiative of the former government for P-plate drivers, but we need urgently to do something for motorcycle riders. I again refer to our policy document:

Although motorcycle and pillion passenger deaths have dramatically decreased since Labor's first Arrive Alive strategy began on average over 40 Victorian riders are killed and about 900 are seriously injured each year.

We have to do more through the graduated licensing system. We have to do more to encourage the take-up of people wearing appropriate safety wear when they ride a motorcycle. Other initiatives include introducing additional speed advisory technology along roads to alert drivers to their speed and setting up a new fund targeting safety improvements on category C roads in regional Victoria. As you would know, Deputy Speaker, they are generally two-lane sealed roads with shoulders that connect populated centres, which are of particular concern. As members on both sides of the house have acknowledged, the number of deaths on regional roads is significantly higher than the number of deaths on our metropolitan network based on the proportion of population.

Other initiatives include setting up a trial hotline similar to the dob-in-a-hoon hotline to enable affected motorists to report tailgating to authorities, introducing a trial for break-in radio warning systems, introducing cameras at level crossings to minimise the risk of train and car collisions, and continuing the rollout of truck exclusion lanes, which is a great hobbyhorse of the former Minister for Roads and Ports. We are talking about EastLink, the Monash-West Gate freeway and the M80 Western Ring Road, when construction is completed. These things make a real difference.

Another initiative was working with stakeholders to develop industry standards for safety clothing for motorcyclists, as I mentioned, and increasing the use of speed warning devices inside heavy vehicles. These are the measures that will make a real difference. When Labor was last in government these initiatives were strongly advocated for by our road safety partners VicRoads, the TAC, Victoria Police, the Monash University Accident Research Centre and international innovative movements. All of these measures were being raised with us, and we took that knowledge from our time in government to produce the document that we released about six months ago. Those are the measures that we should moving on with urgency.

The Baillieu-Ryan government has a responsibility to bring about real and positive change in driving behaviour in Melbourne and throughout regional Victoria. Unfortunately only a limited number of those initiatives which I outlined from *Below 200 by 2020* have been taken up. If this government is serious about improving road safety and continuing to drive our road toll down, it has to be at the forefront of real and effective change. Slogans on numberplates and banning the traveller may be headline-grabbing issues, but they do not deliver on changing behaviour. That is the challenge for all of us. Today the road toll is exactly the same as it was this time last year. We must all be concerned about reducing the road toll and reducing the impact of serious injuries.

Those initiatives — a slogan on a numberplate, the bill we have before us today — are not the same as building a road safety experience centre to teach good driver behaviour to new and young drivers. They are not the same as tough sanctions for tailgating or rewards for Victorian drivers to positively change behaviour and educate people about the dangers of risky driving. This bill — and it is symbolic of the entire year of this government when it comes to road safety — fiddles at the edges. This government continues to leave the road safety field all but vacant.

Safety is paramount. No-one in this house or in this Parliament is saying it is not, but it takes more than legislation by headline to drive the road toll down. For 12 months now, the Baillieu government has dodged the hard work of developing meaningful public policy on road safety. It is simply not putting the funding or the time into getting it right. Victorian road users deserve better.

Whilst we will not oppose the bill and whilst we will play our part in expediting its passage through the Parliament, I, for one, am getting sick and tired of a government that seems to prefer pretence over substance. Pretence over substance: that is what it is about. We need to drive the road toll down. Whilst the opposition will not oppose this bill — as I said, it has some merit — it pales into insignificance when you compare it to the road safety initiatives we outlined six months ago, which we have been calling on the government to implement.

We have this holding document that the government released a couple of weeks ago which says at its conclusion that the government is going to take another 12 months to deliver a comprehensive road safety strategy. Cards, numberplate slogans and minor bills are not going to drive down the road toll. We may find at the end of the year that the road toll is similar to what

it was last year, or it may be a little bit higher or a little bit lower, but if as a Parliament we are serious about making massive inroads into the road toll and the devastating effects of road trauma on the Victorian community, then we need to do more than this. This cannot be the best that this government can offer up to be urgently passed in the final week of Parliament this year.

**Mr THOMPSON** (Sandringham) — As the current chair of the Victorian parliamentary Road Safety Committee, I am pleased to contribute to the debate on this bill. I acknowledge the attendance in the chamber of other people who have served on the committee, including on the other side of the house a former chair of the committee. There has been a long tradition within this place of a bipartisan approach to road safety measures, and there have been some major world-leading reforms introduced into this place.

For every road crash there are often multiple injuries, and the net effect of the deaths and injuries related to road crashes is great suffering for families and communities. It has been estimated that there were some 33 900 people killed or injured on Australia's roads last year. In the course of the 20th century there were 100 000 Australian war dead, but the number of people killed on Australia's roads over the equivalent period totalled over 200 000. That is a little-understood fact, but it is one that imposes upon this legislature the requirement to exercise a very high level of diligence and a very high level of vigilance to ensure that we achieve stronger and better road safety outcomes.

There have been campaigns in other jurisdictions for a 'Vision Zero' road safety approach — that is, a vision that one day we might have zero deaths and injuries on our roads. During recent parliamentary hearings I was impressed by the words of one particular contributor to a motorcycle safety inquiry, who spoke about the imperative of being 100 per cent 'in the zone' as a rider. I think that is an important lesson for all of us in the chamber and for every motorist on Victorian roads: you need to be 100 per cent in the zone of concentration.

The bill before the house goes a step closer to achieving that. Outlawing concurrent drinking and driving will increase the likelihood of a motorist being 100 per cent in the zone. The bill goes one step further, too, by proscribing drinking by an attending driver who is supervising a learner driver. The supervising driver will also be outlawed from drinking and driving.

Like a number of other members of this chamber, I got my licence in the early 1970s, in the days of the large beer barns in the outer suburbs of Melbourne, when the

test of public sobriety was being able to walk a straight line. Since then there have been massive reforms in the form of the introduction of random breath test legislation, the .05 legislation and zero blood alcohol levels for early probationary drivers, on which Victoria, through the leadership of this chamber, has led the world in road safety reforms. That is something we can take some bipartisan spirit and sense of accomplishment from.

A number of years ago I was travelling up the Hume Highway when I arrived at an accident scene and saw the dying moments of a person who had been severely injured. A few years later I ended up, by chance, speaking to the father of that person, which I only realised when the date, time and place of an accident he mentioned correlated with my recall of that serious accident, and I saw how this event had taken its toll on a mother, a father, a sister and a brother in those particular circumstances.

The legislation before the house, once it has received royal assent, will send a message to the people of Victoria prior to Christmas. If it saves one life or averts one serious injury, then the purposes of the bill will have been well fulfilled. Road safety in terms of road engineering, vehicle manufacture and the training of drivers — whether they be motorcycle riders or car drivers — is part of an ongoing program. The fundamental thing we need to concentrate on is ensuring that motorists are 100 per cent in the zone, and this legislation will go one step further towards achieving that and aligning Victoria more strongly with New South Wales, Queensland and Tasmania. I strongly support the bill.

**Mr HELPER** (Ripon) — Thank you, Acting Speaker, and I appreciate the anticipation with which you have been awaiting my presentation on this bill —

**Mr Tilley** — We all have.

**Mr HELPER** — That is terrific to hear!

It is just extraordinary that after 12 months in government the best this government can come up with in terms of road safety are numberplate slogans and this poor excuse for road safety legislation. It is atrocious legislation, partially because, I suspect, it has been so rushed and mainly because this government wants to govern using slogans and headlines rather than real substance. When that comes together with the all-important issue of road safety it reflects really badly on this government. The second-reading speech says:

The Premier announced recently that the government would introduce changes to close the loophole under Victorian law that allowed people in Victoria to consume alcohol while they are driving a motor vehicle.

It is not against the law to have a blood alcohol level below the legal limit while driving a motor vehicle. How can it be against the law to consume alcohol when driving a vehicle or instructing a learner driver when one does not have a blood alcohol level in excess of the legal limit?

**Mr Tilley** interjected.

**Mr HELPER** — It is not closing a loophole. Such a loophole simply does not exist. Such an offence does not exist. It is not an offence in this state to drive with a blood alcohol level below the set maximum. How can cracking down on the practice of consuming alcohol whilst driving be closing a loophole if the driving is done by someone who has a blood alcohol level that is below the set maximum?

It would have been extraordinary if the government had just outlined a simple and small piece of evidence from any expert who supports this legislation and says it is useful, meaningful and enforceable — and I will come to that point in a moment — road safety legislation. Two government members have spoken during this debate in support of the bill, and thus far we are still waiting to hear the tiniest shred of evidence that suggests there is an expert to be found. I do not care if that expert comes from the university of Uzbekistan! I could not care less. I ask government members to find me an expert who actually says this legislation is likely to have any positive impact whatsoever on road safety.

I will move on. The bill really smacks of the nanny state mentality that has beset the coalition during its nearly 12 months in government. It is terribly sad for the community of Victoria to see this. It introduces an offence that has no basis of support in relation to the positive influence it would have on our roads and the reduction of our road toll. It intrudes into people's lives.

I freely confess to having a stubby on the way home after a hard day's work as a mechanic before I came to this place. I thoroughly enjoyed it. I reckon there are a truckload of tradies who lay bricks all day long, shovel trenches all day long, cart hay all day long or do things in whatever profession or walk of life where they get hot under the collar in our climate who think, 'Gee whiz, it's a terrific thing to enjoy a cold beer on the way home!'. People should enjoy one beer but make sure it is not two beers. They should make sure it does not increase their blood alcohol level beyond the legal limit. But it is an absolutely ridiculous intrusion into people's

lives to say that even though people are not over the legal blood alcohol level the consumption of alcohol is somehow or other evil.

We have to think about where this is actually going and what else will be affected. One morning it may tickle the fancy of the Premier to stick his nose into people's lives even further. It is currently illegal for people operating a fishing boat to be over the legal blood alcohol limit. The logic in this legislation is that we should ban the consumption of a tinnie in a tinnie when we are boating along.

**The ACTING SPEAKER (Mr Weller)** — Order! I remind the member that this is the debate on the Road Safety Amendment (Drinking while Driving) Bill 2011.

**Mr HELPER** — I am giving an example of the excesses in relation to where this nanny state government may take such legislation in the future.

**The ACTING SPEAKER (Mr Weller)** — Order! I am giving some guidance: this debate is on the Road Safety Amendment (Drinking while Driving) Bill 2011.

**Mr HELPER** — I appreciate your guidance, Acting Speaker. I will continue with providing an example of other legislation that limits or sets a maximum blood alcohol level, such as legislation in relation to boating, which may become subject to a similar assault by this nanny state government sticking its nose into other people's affairs and may reduce people's rights. The example I was providing relates to the hypothetical future banning of the consumption of alcohol on boats. I would like the minister to actually rule that out so that Victorian fishers and boat users can have confidence for three years that this government will not go down that peculiar path.

I will go to the issue of enforcement. What an absolute joke it is to expect Victoria Police to be able to detect somebody drinking from a container of alcohol while that person is driving, for example, at 100 kilometres an hour! There could be a poor policeman on the side of a country road trying to see whether somebody is having a drink of coke or a drink of beer. The absolutely ridiculous unenforceability of this legislation should lead the government to consider it as a joke and a farce that sends the wrong road safety message rather than the right road safety message. I suspect there will not be too many people who will not put one and one together and put a stubby holder over their can of beer. Gee whiz! How will the constabulary establish that under a stubby holder is a can of beer that someone is consuming while they are travelling at 100 kilometres

an hour or at the legal speed limit in whatever area they may be?

I suggest that this legislation is very much about the Premier waking up one morning, after somebody had tapped him on the shoulder, saying, 'Hey! We're really pretty light on in terms of having done anything at all about road safety — our bumper bar slogan is not really preventing deaths on our roads at all — so we'd better look like we're doing something. I know! We'll rush a useless piece of legislation into the Parliament in the last sitting week and pretend that that is a substitute for real action and real evidence-based deliberation in terms of improving road safety in this state'.

Yes, we are all committed to improving road safety in this state and, yes, we are all opposed to and in no way, shape or form condone drink driving, but this is not simply about drink driving; this is about consumption of alcohol. It is legal to drive a vehicle with a legal blood alcohol level of below .05, so the consumption of alcohol up to that limit cannot be illegal. It smacks of stupidity, it smacks of the nanny state and it smacks of the possibility of intruding into other areas where blood alcohol levels are also stipulated, such as boating. It is a sad state that has as its government a group of people who are committed to spin but not committed to evidence-based legislation. Evidence-based, progressive legislation has a real impact on road safety and on reducing the road toll and the horrible trauma it causes.

**Ms MILLER** (Bentleigh) — It gives me great pleasure to speak on the Road Safety Amendment (Drinking while Driving) Bill 2011. I begin by commenting on the arguments that members of the opposition have brought to the table. The member for Monbulk said it was difficult to differentiate between a can of soft drink and a can of alcohol. I say to the member that common sense should prevail, and anybody who gets into a motorised, powerful vehicle, such as a car, should take a common-sense approach. I do not believe that argument is worth the weight and emphasis the member was trying to place upon it. I think it is a matter for all Victorians to have the common sense to think before they drink.

We also heard from the member for Ripon. He does not understand the importance of rectifying this gap in the bill. He mentioned the words and the slogans the current government is putting in place. I think Victorians had enough of 11 years of spin and slogans, and they woke up. We are now in government, and we are here to fix the problems.

The people of Bentleigh are very passionate about this topic. I have in front of me some newspaper articles, one of which identifies a case where a motorist was driving down Centre Road in Bentleigh and crashed into a jeweller's store at about 1.50 a.m. Only moments before, that driver had caused a car accident in Vickery Street. According to the TAC (Transport Accident Commission):

25 per cent of all drivers and motorcyclists killed on Victoria's roads over the last year were 0.05 g/100 ml or over. The majority of drivers are heavily intoxicated, registering more than three times over the legal limit.

Here we have statistics that talk about speeding and accidents often being caused by the influence of alcohol. This bill needs to make a very clear point of difference between the drinking of a driver and the drinking of a passenger. The TAC has been doing a marvellous job over the last decade. As one of the previous speakers indicated, the road trauma statistics did not change between 2000 and 2011, so the TAC is clearly sending out a message to the Victorian people. That message is that whilst the figures have not improved, there is still more to be done, and the Baillieu government is taking a step to get more done by rectifying this gap with this bill.

As a former nurse working in emergency departments, I remember on many occasions having males and females of all ages — teenagers and older, generally speaking — coming in who had been impacted upon by the influence of drugs or alcohol. Quite often they were injured in a motorised vehicle, whether that be a motorbike or motor car. I saw firsthand the devastation that road trauma can cause to an individual's life, their partner's life, their family life and, more importantly, the impact on that individual's future. Some of those people were no longer able to function like normal people in that they were mentally or physically impaired, and that impairment is a life-changing experience.

Firstly, cheap drugs and alcohol are more available and accessible, and Victorians are mad about driving cars — we all love our cars — so it is important that we take this step and address this gap in the legislation to encourage people to realise that common sense tells us that we should not drink alcohol at all in a vehicle. Secondly, we are taking a good step forward to identify that it is not okay to do so.

I have several articles from the *Herald Sun* website with me: one of 15 August 2009 headed 'Driver crashes, burns'; one of 5 September 2010 headed 'Huge blitz on smash hot spots'; one of 16 January this year headed 'Whitehorse area is speed central'; and one of

8 April 2009 headed 'Day boozers a danger'. On the front page of today's *Age* I was disappointed to read yet another article on road trauma. The caption reads:

Kyra was crying and begging him to stop.

The article tells us of a vehicle travelling at 180 kilometres per hour. Statistics from the TAC suggest that alcohol may have been involved in this accident, but we do not know it for a fact. Yet on the front page of today's *Age* — in black and white and colour — is an article which says enough in itself.

The people of Bentleigh are supportive of this legislation. As I said, they have had firsthand experience, and I commend the bill to the house.

**Mr PALLAS** (Tarneit) — It gives me great pleasure to rise to speak on the Road Safety Amendment (Drinking while Driving) Bill 2011. Let me reflect upon some of the contributions that have been made in this place around this bill. The member for Sandringham said the state of Victoria has been party to great innovations — what he described as world-leading road safety initiatives. Let me assure you, Acting Speaker, that this is not one of them. This is more akin to Shakespeare's play *Much Ado About Nothing*. If you want to talk about substantively addressing the genuine need in our community to seek to continually bring down the road toll, you do not talk about things like the fatuous ideas of the member for Bentleigh, who tells us in her words it is not okay to drink at all.

What are we talking about here? Are we talking about alcohol-affected driving? No. Clearly if somebody is breaking the law, there are already well-established legislative measures available. We are effectively talking about drinking a single can whilst driving a vehicle. I can understand an argument being brought to this place that says drivers being distracted by eating or drinking non-alcoholic or alcoholic beverages constitutes a risk on the road and that therefore as a community we should say all risks that distract a driver should be removed. That is a policy debate the community could well be encouraged to engage in. But simply to take this fatuous, spinning-the-wheels approach towards a serious area of public policy is a demonstration that the government genuinely has no idea what to do next, as the member for Monbulk has said.

I have to congratulate the member for Monbulk on at least leading genuine community engagement and policy engagement around what a genuine road safety policy should look like. He has taken us through a discussion about those things and about what should be done in this community, but all we get from the

government are glib one-liners and what is nothing more than a media event. How can we view seriously the government's action in bringing forward a road safety strategy, engaging the opposition on a Monday and seeking to have the legislation debated on the Tuesday in this place other than concluding that the most important thing in prosecuting the legislation of this Parliament is simply — —

**Mr Clark** interjected.

**Mr PALLAS** — We hear from the Attorney-General that it is important that we have the legislation on the statute books by Christmas. What an outstanding, visionary Attorney-General we have. Surely, if it is important — —

**The ACTING SPEAKER (Mr Weller)** — Order! The member for Tarneit knows it is improper to respond to interjections.

**Mr PALLAS** — Perhaps it is improper for the Attorney-General to raise his voice on things he has little knowledge of.

**The ACTING SPEAKER (Mr Weller)** — Order! The member for Tarneit well knows that he should listen to the Acting Speaker and that it is wrong to respond to interjections.

**Mr PALLAS** — I accept that and apologise, Acting Speaker. I also recognise that when bringing forward legislation in this place perhaps there should be an appreciation of the time lines that are required and the processes of engagement of members of this Parliament who have a responsibility to their constituencies. The Attorney-General says it is important to have this bill in before Christmas. When did he work out that the government needed it? When did he get advice that said it needed it? When we put forward legislation in this place in a road safety context we negotiated with all the road safety partners. That included Victoria Police.

I see the member for Benambra here. I saw him in a huddle with the member for Hastings, and I imagine they would have been having enormous difficulty wondering how they would enforce such a visionary piece of legislation. Perhaps we will have the 'Hello, hello, what's all this then' approach to enforcement. We see somebody drinking from a can in a vehicle but we cannot make out what is in this can so we had better apprehend them on the chance that perhaps they are breaking the law by committing a heinous offence. That offence is not the offence of drinking more than the prescribed alcohol limit; it is simply drinking. Drinking has now become a crime in this state. This bill

demonstrates that this government's idea of priority and preference is falling away.

We are not concerned just about its failure to negotiate with a vital road safety partner in Victoria Police; what about the Transport Accident Commission and what about Monash University Accident Research Centre? What are the road safety benefits of this proposal? We have not heard one word in this chamber about what those benefits are. We have heard effectively nothing more than protestations of faith from the government that it is sending a message to people about drink driving.

The second-reading speech states that this bill is intended to encourage drivers to exercise good judgement and be more attentive when driving, reducing trauma and saving lives on our roads. I thought this was a bill that prohibited the consumption of alcohol by the driver, but apparently this is a bill that encourages people to exercise good judgement and be more attentive. This is a bill about driver distraction. It is not a bill, apparently, about alcohol consumption below prescribed alcohol limits. This is a confused piece of legislation. It is tawdry and nothing more than dog whistling in the basest possible terms.

We have a genuine problem in this state. If we accept that every life we lose on our roads is one too many, then we are obligated as legislators — and on that side of the chamber as the executive arm of government — to come up with good policy that does something to save lives on our roads, not just with legislation that gives us an opportunity to sit around bleating about our commitment. Those on the other side of the chamber must remember that in 2005 the Auditor-General told us there were some very substantive things the community could do to build a consensus around road safety. He suggested we could stop the destructive debate around speed cameras being effectively a revenue-raising opportunity for government. He dismissed that case, but it failed to convince those opposite when they were in opposition.

In 2011 the Auditor-General was prescient and developed massively improved skills of persuasion, because although he said exactly the same thing as he had said in 2005, the opposition had transformed itself into a government and was now convinced, not out of the need for good public policy, not out of a sense of obligation to the community and not out of a belief in road safety. This was a government that had essentially revealed how tawdry its approach towards road safety was. It was, as the Royal Australasian College of Surgeons said before the 2006 election, an opposition that was prepared to trade blood for votes. That is

undermining the way this government goes about its business. This legislation is about stunt and statement, not about the practical application of a road safety strategy aimed to protect the community into the long term.

The member for Monbulk has demonstrated that Labor has a clear view about what needs to be done. In order to cajole this government out of its lethargy and its sloth and to try and do something in a genuine way that might actually save lives on our roads, we produced a range of initiatives, but not one of those initiatives even warranted substantive policy and legislative engagement from this government. Today we have a road toll that demonstrates that we have not made further inroads into that toll at this point, but I do not gain any comfort from that. What I regard as being perhaps the most obnoxious thing is not that this is a government that is doing nothing, the greatest failure is not so much a failure to act but a failure of creating the pretext of action when real action is needed.

This piece of legislation is largely irrelevant in the broad sweep of things. There is so much more that could be done. We will not oppose it because it does not matter. If the government thinks that the priority of this Parliament should be committed to these issues, we will allow it to waste its time in government, but so much more could be done. We do not oppose this bill, but we await some real action from this government.

**Mr SOUTHWICK** (Caulfield) — I rise to speak on the Road Safety Amendment (Drinking while Driving) Bill 2011. This is a very important bill that has been brought to the Parliament in haste to ensure that we can get this legislation through in time for the busy Christmas period — the time when people celebrate and have fun but unfortunately also the time when we see lots of road trauma and increased fatalities on our roads. I would also like to take this opportunity to congratulate the Attorney-General, who is currently at the table, and the Premier, on bringing this bill to the chamber because it seeks to close an important loophole in the law that currently allows drivers to drink alcohol while driving a vehicle.

The bill amends the Road Safety Act 1986 to make it an offence for any person to consume alcohol while driving a vehicle or while acting as an accompanying driver instructing a learner driver to drive. These new drinking while driving infringement offences will carry a penalty of 10 penalty units or a penalty on a traffic infringement notice of 2 penalty units.

This piece of legislation that we are currently bringing before the chamber is all about sending a very

important message to our drivers. It is telling drivers that it is unacceptable to drink while driving and that drivers need to act responsibly when they are behind the wheel. Quite often we have young passengers with us on the road. The last thing we want young passengers to see is a driver driving down the road with a beer in their hand, potentially sending a message to that young person that that sort of behaviour is acceptable.

I would like to take this opportunity to mention that I am pleased that the opposition is supporting this bill. I think it is important that it recognises that we need to send this very clear message to all drivers about how important it is to save lives and reduce the number of road fatalities. Certainly there has been bipartisan support for this over a long time — for many years in fact — when it comes to reducing the road toll, which is what we are fundamentally talking about here.

I would like to add that it was very interesting to hear the contribution of the member for Ripon, who spent most of his time attacking the legislation and talking about how on many occasions he would have a beer on the way home and how he could not see any reason at all for bringing in this legislation. In addition to that, on 3AW this morning we heard Shaun Leane, a member for the Eastern Metropolitan Region in the other place, speaking casually about pulling into a bottle shop on the way home and buying a traveller. These are not the sorts of behaviours that we, as elected members of Parliament, should be promoting. It is not the sort of example we should be setting, and we should not be saying that this sort of behaviour is appropriate and should be tolerated. I think we should be leading by example. I would question both of these sorts of comments, which were made in this house and on radio quite frivolously and without showing any level of responsibility.

I would also like to make a point in relation to the contributions of the members for Monbulk and Tarneit, who spoke about the difficulty of enforcing the proposed amendments and said it is difficult in some cases to distinguish between a can of Jim Beam and a can of Coke Zero. Its being difficult does not mean we should not do it, and there are many times when you have to make the hard decisions and lead by example with good policy. That is what this government is all about — leading by example, with good policy, and sending a very clear message.

I also add that just by bringing this to the attention of the house — not through lots of dollars spent on advertising campaigns, which was done under the previous government — and by talking about the

legislation, already in a couple of weeks we have had headlines that are talking about behaviour. The headlines that people have been reading are all about educating others that this sort of behaviour is not tolerable, and they include an article in the *Herald Sun* on 22 November that was headed ‘Victorian Premier Ted Baillieu to close drink-driving loophole’, an article in the *Age* on the same day headed ‘Baillieu to fix drink-driving loophole’, and another article about a ban on drink-driving behind the wheel. These sorts of headlines in our newspapers are more powerful than any advertisement on page 3 or all the other sorts of messaging you get. We know for a fact that it is good, sound messaging that changes the way in which people behave and that we need reinforcement to be portrayed very clearly in the media and then spoken about in the homes.

Finally, I would like to say that this sort of behaviour needs to change. We need to educate our young people. We need to educate them that this is intolerable and that drink driving certainly is not acceptable in the state of Victoria. I commend the bill to the house.

**Mr NARDELLA** (Melton) — We heard from the honourable member for Caulfield that we have had headlines. On such a serious issue the honourable member for Caulfield is after headlines! He is not after an evidence-based approach to road safety. He is not after taking expert evidence through the processes of this Parliament, nor is he interested in hearing from the experts of the TAC (Transport Accident Commission), the Monash University Accident Research Centre or the police. It is all about the headlines. The headline for this dithering government is that in regard to road safety, it is not fair dinkum. It is not fair dinkum because it does not do the hard work. It is more important to rush this bill through the cabinet to get the headline and to rush it through this Parliament before Christmas. Government members do not know what it will do, and they do not have any evidence with regard to what it will do. However, it will do one thing — it will get a headline, because that is all this government is about. It is about the headline. It is about the spin about road safety and the spin about bipartisanship.

Let me inform honourable members about bipartisanship. Bipartisanship is when one side of the house not only talks with the other side of the house but works with the other side of the house to make sure that the things that are needed to reduce loss of life, suffering and injuries on the roads are thoroughly discussed and worked through using an evidence-based model. Further, it is done between the parties and within the Parliament through the Road Safety Committee to make sure that experts give evidence to

honourable members on both sides of the house and that there is consensus in the main in regard to what we will do. We then implement those measures, for which there is consensus, that need to be put in place to save lives and to reduce injury on the roads.

That has not occurred in this instance, because it is all about headlines. It is all about making sure that this government is seen to be doing something. It is not about bipartisanship or working with us or with the community or working with the TAC or the police or Monash University; it is about the headlines. It is about trying to demonstrate that this dithering government is actually doing something positive.

When we talk about bipartisanship, we think about 1066 in 1970 — 1066 people lost their lives in 1970. There were many, many more injuries at that time. We then implemented, in a bipartisan process through the Road Safety Committee — the Liberal Party and The Nationals were then in office — the introduction of the mandatory wearing of safety belts. We had a bipartisan process to implement .05 legislation, then to make reductions in regard to .05 for P-plate drivers. That is what bipartisanship is.

Bipartisanship is when you get the experts in before committees, before all the parties and before all the honourable members who are genuinely interested in road safety within the state to protect the community, to work out the best way of implementing the changes and the laws that need to be put in place to protect motorists, passengers and pedestrians in Victoria. It is not a process such as this, where it goes through cabinet yesterday, nobody has heard about it before then, and it is rushed through the Parliament today and will be rushed through the upper house on Thursday so the government can get a headline.

Through our bipartisan approach we have become a leader, not just in Victoria, not just in Australia, not just in the Pacific and the Pacific Rim, but in the world. When I was on my Commonwealth Parliamentary Association trip, a public hearing in regard to road safety was being held at Westminster. The minister was there, and I communicated with him about the things that we were doing here in Victoria in regard to the specific aspect that they were looking at. He said, 'Yes. My people are talking to your people in Victoria, because you are the world leaders'. We are the leaders because we did the hard work. We did not just think these things up off the top of our heads. We did not just get a thought bubble going, take it to cabinet and then put it straight into the Parliament without any evidence about what it would do. The position and the strength of this Parliament and the strength of the Victorian

community are that we get these measures through after the evidence has been put before the Parliament.

It should be about reducing the road toll. All honourable members believe in reducing the road toll — the deaths, injuries and property damage that occur on our roads. But instead of looking at some of the other major issues, some of the other real issues, this government looks for a headline. The member for Rodney, who is in the chair at the moment, will remember this, being a member of The Nationals. For 11 years the mantra was 'Fix country roads, save country lives'. The Acting Speaker is giving me the thumbs up on that. That was intended to refer to major issues for which we would get bipartisan support — for example, on the Melton Highway, Melton, where there have been too many deaths and too many injuries. I have talked in Parliament about how we can engineer the accidents out of that road. We need traffic lights quite urgently in Ferris Road, Melton. These are the types of things that, with a bipartisan approach, can reduce the carnage on the roads.

WestLink is the outcome of a bipartisan position. It will not get a headline, but in a real sense it takes trucks off local roads, which takes that risk out of local roads and means that Victorian motorists are much safer in the western suburbs. They are hard issues. They are the issues that you have to commit money to. They are the issues that you have put on your thinking cap for. They are the issues on which you have to make submissions to Infrastructure Australia. They are the issues that are too hard for this government to make, because it wants only a headline. This government wants a headline instead of having to do the hard work of reducing the road toll, reducing the injuries and reducing the carnage that occurs on a daily basis.

Those are the things we on this side of the house are concerned about in relation to this legislation. We certainly support it — this side of the house will support anything that will reduce the road toll within Victoria — but the process is wrong. The process whereby you have a thought bubble is wrong. The process whereby you do not involve the experts is wrong. It is also wrong that legislation which is much more urgent and could be introduced is not being introduced before the Christmas period, which is a very dangerous time for motorists in Victoria. When we talk about bipartisanship we recall that there was bipartisanship when we introduced the 120 hours requirement for young drivers.

We can see the changes in the road toll and injuries that occur with that bipartisan approach. There are people walking the streets today who are alive because of that

process of bipartisan legislation. There are families who are not grieving today because we followed the right process by taking a bipartisan position through the work of the Road Safety Committee to make sure that those processes were put in place. This is good legislation. I am not knocking this legislation, but I am knocking this government for being duplicitous, for being the headline hunter of Victoria, for instituting and putting in place spin with this type of legislation instead of having a look at some of the other aspects that occur with a motor car. For example, such distractions as GPS devices, mobile phones, videos in cars and cigarettes are important matters that should be dealt with by the Road Safety Committee. We support this bill and wish it a speedy a passage.

**Mr ANGUS** (Forest Hill) — I rise to also speak in support of the Road Safety Amendment (Drinking while Driving) Bill 2011. We can see, as other members have noted, that the overall objective of the bill is to close a loophole in the law that currently allows drivers to drink alcohol while driving a vehicle. We can see that this is a very simple and clear bill, which will endeavour, as I said, to close the loophole that currently exists.

I am sure there is virtually no doubt at all in the mind of anyone in this place and in the broader community about the clear nexus between alcohol and road deaths and trauma; it is basically an indisputable fact. We can look back to a whole range of statistics that bear that out, and the tragedy that surrounds the mixture of drink driving and road trauma. We can look back as recently as a couple of years ago to see from the Transport Accident Commission statistics in 2009 alone in relation to drivers and motorcyclists killed in that year that of the total, 25 per cent of them had blood alcohol levels in excess of .05. There is no doubt that there is a clear nexus between drink driving, road trauma and road deaths.

This bill will send a clear message to drivers. The point we need to be reinforcing in this place is that it is a privilege to be driving on Victorian roads — indeed on any roads, but especially in the Victorian context. It is not only a privilege but also a great responsibility to be in charge of a motor vehicle. We need to be sending a clear message to all road users, including both riders and drivers, that drinking whilst driving is not what we want to see.

If we turn to the details of the proposal itself, the bill will amend the Road Safety Act 1986 and will make it an offence, firstly, for any person to consume alcohol while driving a vehicle and, secondly, for any person to consume alcohol while acting as an accompanying

driver who is instructing a learner driver. These are very good, common-sense provisions, covering both drivers and those accompanying learner drivers. These new drinking while driving infringement offences will incur penalties of 10 penalty units, or 2 penalty units for a traffic infringement notice. They will be deemed to be traffic offences subject to the enforcement powers of the Infringements Act 2006.

Many residents of Forest Hill, and probably many residents in Victoria more broadly, would be surprised to know that the matter we are dealing with today is not currently an offence. Most people would be surprised to know that drinking alcohol whilst driving is not currently an offence. That is why this legislation is so important and why it deals with this matter so comprehensively.

If we turn to the bill itself, we see that clause 1 outlines clearly the purpose of the bill:

The purpose of this Act is to amend the Road Safety Act 1986 to prohibit the consumption of intoxicating liquor while driving and to provide for related matters.

Clause 3 inserts new definitions as required. Clause 4 inserts new sections after section 49A of the Road Safety Act 1986. New section 49B inserts an 'Offence to consume intoxicating liquor while driving', and new section 49C inserts an 'Offence to consume intoxicating liquor while accompanying a learner driver'. Both offences are clearly outlined, as are the penalties associated with them.

If we look at other jurisdictions, we see that Queensland dealt with this matter many years ago, as did New South Wales. The simple sentence in the New South Wales legislation states that, 'A driver must not consume alcohol while driving', which is very straightforward and clear. Tasmania also dealt with this some years ago. Its act goes further and deals with passengers as well, but the relevant section states, 'No person shall drive a motor vehicle whilst he is consuming intoxicating liquor'.

In conclusion, this is undoubtedly a good initiative. It sends a clear message to the community. As other speakers have noted, a lot of alcoholic refreshment is imbibed during this festive time of the year, and it is an important time for all of us as road users. This piece of legislation encourages all Victorians not to mix alcohol with driving, and that is a noble aim to be promoting in this place and in the broader community. With that, I conclude and commend the bill to the house.

**Ms GREEN** (Yan Yean) — I am not surprised that the member for Forest Hill was only able to manage a

contribution to debate on this bill of half the normal length. The bill is the result of a thought bubble that the opposition was advised of on Sunday. It is no substitute for a comprehensive road safety strategy, which after one year in office this government has failed to deliver or even look like delivering.

While we were in government we were absolutely committed and passionate about driving the road toll down. It was something that we were able to do, in cooperation with the community but not in cooperation with those on the other side, who constantly talked it down. While in opposition, the coalition talked down red light cameras and encouraged civil disobedience against them, saying they were cash cows and revenue raisers. It indulged in dog whistle politics in order to get a headline and was not part of the work of driving the road toll down.

We had a strategy called Arrive Alive, which drove the road toll down. It was worked through with the community and the experts, including the Transport Accident Commission, the well-respected Monash University Accident Research Centre and the Road Safety Committee. As a number of other speakers have said, Victoria is respected worldwide for the things it has done. However, you do not deliver change and drive the road toll down with a thought bubble arrived at 48 hours before, where there has been no consultation and where the Transport Accident Commission and the experts have had no input. The Transport Accident Commission did not even know about it. The Victoria Police Association did not know about it. I would think the police did not know about it. Does this house really think that at this time of year the community wants police resources to be diverted by a new mickey mouse measure that says a police officer has to determine what someone is drinking when they look into a vehicle travelling along any of Victoria's roads? In Melbourne the vehicle would be driving slowly because of the congestion and the lack of investment in roads by this government.

Those police officers, rather than responding to the serious road safety matters that occur at this time of year, such as hoon driving, driving over .05 or speeding, will be diverted to determine whether that green can in the hand of someone who has been playing sport and is on their way home is a Heineken or the energy drink V. The police officers will diligently follow through on the new measure that has been passed through the Parliament, and then they will say, 'Oh, I'm so sorry, Sir, I can see you're on your way home from a basketball match drinking a can of V. Please go on your way'. There might be a situation where a mum is driving her kids home and a police

officer thinks, 'That blue can she has in her hand looks like a gin and tonic to me', but when the mum is pulled over it is found to be a can of Schweppes lemonade.

This is what the police are going to be faced with. They will be faced with a Coke Zero in the hand of a tradie on the way home from the Bridge Inn Hotel in Mernda. The tradie will walk out of the Bridge Inn Hotel with the black can, get in the car and take a sip, and the police officer will think, 'The Parliament has delivered this new measure. I had better pull this guy over'. He will pull him over and say, 'That looks like a can of Jim Beam Black, Sir. I'm sorry — no, it's a Coke Zero'. The community does not want these nanny state measures or the diversion of police resources from the serious business of driving down the road toll.

This is an absolutely absurd measure. If it had been researched and talked through with people, it would still be an absurd measure and I am sure it would not have ended up here. We are not talking about other distractions in the car — serious distractions like hot coffee, putting on lipstick or juggling a hamburger. There are all sorts of other things that might occur in the car. Passengers will still be allowed to drink. Ministers in the passenger seats of ministerial cars heading out that gate on Thursday night to celebrate Christmas will still be able to have their traveller on the way home, but this bill implies that the tradie from the Bridge Inn Hotel in Mernda who has decided that he will have a few sips of light beer before he gets home is a bigger threat to road safety than anyone else on the road. It is an absolute joke, and the community will see it that way. We are telling tradies that they cannot have their travellers anymore, and we are telling them how to live their lives. It is a nanny state.

I know about road safety firsthand. As a firefighter I have turned up to many instances of road trauma. I have seen more road trauma firsthand than most people in this place have seen. It is a serious issue, but we have ill-informed baby backbenchers coming in here and saying the most ridiculous things. The member for Caulfield talked about the instance of a young person drinking while driving. Young people are not allowed to drink while driving. They are subject now to the 0.00 regime. They are not allowed to have any blood alcohol content. This bill is not for them. The member for Bentleigh tried to imply that this was about banning all consumption of alcohol, but it is not.

When Labor was in government we had the safer roads infrastructure program, the safer roads program, the black spot program and the grey spot program, which addressed road safety infrastructure concerns to try to prevent deaths occurring at certain places. What have

we seen from this government? We recently saw quite a performance in this house by the Minister for Roads. Before I go to that, I might quote the statistics from the last 10 years as a result of the Arrive Alive strategy, which was delivered by the Bracks and Brumby governments. In 2001 the road toll was 444. In 2004 it was 345. Every year since 2007 the road toll in Victoria has been under 300. Every one of those deaths is a tragedy, but the total is coming down — despite the greater number of vehicles on the road — because people are being more careful, vehicle design is better and there have been appropriate legislative changes in this place that have made a difference.

Money needs to be spent on roads and road safety. We saw the absolutely absurd situation whereby the Minister for Roads tried to say he had a strategy. The action plan is on the website. It contains a lot of initiatives, such as working with country newspapers to talk the toll down and seeking suggestions from the public in relation to numberplates displaying a clear road safety message. Today we heard that there will be a voucher to get home. The government has the P-plate driver project and the speed zone review project. We also heard the minister claiming credit for road infrastructure safety upgrades, including \$530 000 for a new roundabout at the intersection of Midland Highway and Clunes-Creswick Road. That was announced and funded by the Labor government on 5 October 2010. In that same question time a \$4.5 million road safety boost for the Macedon region was announced by the Labor government, which was funded on 7 October 2010. Also in October 2010 there was the allocation of \$4.5 million for the upgrade of Donnybrook Road in my electorate.

The government has nothing to claim on its watch — nothing to take credit for and no road safety improvements. Instead of \$30 million per annum being spent on outer suburban arterial roads, this year's budget delivered a \$25 million cut. Tradies have to work hard to build the houses in our community and they have drive on congested, unsafe roads, but they are the biggest threat to this state! They cannot have a sip of light beer on the way home. The government is trying to use this bill as a way of covering up its own failure to fund roads and road safety.

**Mr GIDLEY** (Mount Waverley) — It is my great pleasure to rise to make a contribution to the debate on the Road Safety Amendment (Drinking while Driving) Bill 2011. I want my contribution to focus on a couple of key areas of the bill. Firstly, I want to focus on the messages the bill sends. Secondly, I will focus on how the bill will improve road safety. Thirdly, I want to look

at alternative views and alternative road safety strategies.

Members' support of the bill comes down to whether they think it is appropriate for Victorians to consume alcohol while they are driving a vehicle. You can examine all of the different scenarios in the world, but that is the real question before the house. We on this side of the house do not believe it is appropriate for somebody to consume alcohol while they are driving a vehicle. It is that simple. To achieve that aim the bill amends the act and introduces new offences, which include an offence for any person who consumes alcohol while they are driving or in charge of a vehicle, if they are either attempting to start or drive a motor vehicle, or if there are reasonable grounds to believe they will attempt to start or drive a motor vehicle.

It will also be an offence for a commercial driving instructor teaching a person in charge of a vehicle to consume alcohol, or if any person consumes alcohol whilst they are an accompanying licensed driver. These are pretty clear-cut areas. If somebody is what could be classified as an 'accompanying licensed driver' — that is, a person who is instructing a learner driver — we do not believe it is appropriate for them to be consuming alcohol. That is the view of this side of the house and we have made that very clear. We do not believe it is appropriate for somebody who is attempting to start a motor vehicle to be consuming alcohol. We have made that very clear, and the bill makes it very clear.

This is an improvement to road safety in Victoria, but there are other states that have introduced similar measures. It just astounds me that given the simple matters before the house and given the very clear and effective way that similar laws have been able to be implemented in other states that those opposite believe it is not possible for Victoria Police to implement this law. Clearly it is possible; it happens in other states. The precedent is there and information about its effectiveness is there.

The only thing which can really be understood is that this is a clear diversion by members of the opposition, because in their own hearts they believe it is appropriate for people to consume alcohol while they are instructing a learner driver and they believe it is appropriate to consume alcohol while driving a motor vehicle. They are using every single excuse in the book to divert attention away from that fundamental point. The coalition has made its position very clear. It is something that the majority of Victorians will support, and it is a shameful example of why the opposition is in opposition and how out of touch it is.

The bill not only implements this particular initiative, but it also builds on the coalition's road safety strategy. In the last budget there was a \$601 million boost for roads to improve road safety. A couple of key examples include \$15 million to create overtaking lanes on the Princes Highway west of Colac. What a joke was the proposition put forward by the opposition that we are not improving road safety. There was \$5 million for planning works on the duplication of the Princes Highway from Colac to Winchelsea. That is clear evidence of a commitment to road safety initiatives, whether it is in this bill or whether it is in the provision of funding to improve the condition of our roads and to improve road safety.

The other key area where the coalition has focused on road safety, and which this bill builds on, is improving the public's confidence in the speed camera system through the initiatives that have been put forward. We know the history of this. We know how public confidence in road safety cameras was decimated by the incompetent Bracks and Brumby governments, which resulted in speed cameras being turned off secretly on the West Gate Bridge because they were inaccurate. We know that point-to-point cameras were turned off on the Hume Highway because they were inaccurate. It is insulting to sit in this house and listen to lectures from opposition members, who when in government caused so much damage to confidence in the road safety camera system. Fundamentally they destroyed confidence in the speed camera system. I cite two very clear examples of that by referring to cameras on the Hume Highway and the West Gate Bridge. Everybody knows that and the coalition has taken the steps outlined to restore confidence in the speed camera system.

It is just another example of members opposite crying crocodile tears. They were not prepared to intervene in the West Gate Bridge dispute, which would have saved lives, because of a demarcation dispute involving their union mates. They are a bunch of hypocrites who just talk the talk but do not walk the walk. This is an important bill to improve road safety, and I commend it to the house.

**Ms THOMSON** (Footscray) — I rise not to oppose the bill but to ponder why we have it before the house in this way and with this timing, given the short notice provided to the opposition and with the briefing occurring only yesterday. It just demonstrates that this bill is totally without substance. If the government really cared about road safety, it would come up with a comprehensive strategy and it would outline the things that it would address as part of that road safety strategy to ensure we are encompassing everything we need to

ensure we are protecting and educating the public in road safety.

There are many measures that make up part of a road safety campaign. We need to deal with the educative process. Where is the government on the educative process? Where is the centre for road safety? What did the government do with it? It defunded it. We need a centre that provides education for young people and which provides an opportunity for offenders to go back and learn more about road safety, whether it is through speeding or drink driving or being distracted in the car and learning how to deal with the things that are thrown your way when you are behind the wheel and you have to take responsibility — whatever the reason.

Where is the educative program? It is gone. Where are the discussions with the experts about how best to build a comprehensive strategy? They are not in the bill. This is the magician's hat. You look into it and you cannot see anything, but if you wait a minute, the government will pull out a rabbit so that it has something just before Christmas which demonstrates that it is a government that cares about road safety. This bill is rubbish. It is meaningless. It is not considered legislation. If it were considered legislation, the government would have been able to provide the data to the opposition about how it is working in other states, what percentage of people are being picked up for drinking while they are driving, what kind of police resources are being utilised in that exercise and how it is working as compared with other measures that are taken by traffic police as they do their duty in apprehending drivers who are over .05 and speeding and hoon drivers and enforce all the other bits of legislation we have.

We had a comprehensive road strategy plan, and under Labor from 2001 through to 2010 we saw a drop in the road toll. We went from 444 deaths in 2001 to 288 last year — and I think it may have been even less. What has happened in the last 12 months? What has been the record of this government? There has been no drop at all in the road toll; it has remained static. Why? Because this government has not done its job in sitting down with the experts to look at a strategy that it can bring to the Parliament and which it can take to the community. It could have done that.

This legislation may have been a component of that, but to act in isolation just before Christmas with a bill that has been rushed into this chamber is not considered legislation. It is not about road safety; it is about spin. It is about being able to say, 'We care about road safety. We have a bipartisan approach to road safety'.

No, the government does not care, not when it briefs the opposition the day before the bill is introduced into the house and not when it is considered by cabinet the day before the bill comes into the Parliament. This is not cooperation or collaboration over road safety. It should be. We should have a bipartisan view on road safety, because every life matters and it is not just those who die but those who are injured and damaged, perhaps for life, because of road carnage. But this is not part of a strategic strategy at all; this is a sham.

The government should be ashamed of bringing this legislation into the Parliament, saying, 'Here's our major road safety initiative for 2011. We're going to make the police get their binoculars out and check to see what's being drunk in cars as they go by, saying, "Oh! Is that a can of beer?"'.

**An honourable member** — Ginger beer!

**Ms THOMSON** — Yes! Is this going to work? I can tell members I do not believe it will, and those opposite are bringing no evidence for it to this Parliament. In this debate the member for Forest Hill said this was a simple bill. Yes, it is a simple bill — a simple bill without evidence. If this measure works, then the government should bring the evidence of that to the Parliament. This has not been done. This is a measure where those opposite have said, 'We need a road safety message for Christmas. Let's bring an urgent bill into the Parliament. We'll ban drivers drinking alcohol in cars. That's what we're going to do'. The notion of drivers not being able to consume alcohol while instructing a learner driver is a great and important measure, but it is one measure amongst many we need to develop for road safety.

We heard from the member from Yan Yean about the importance of roads, and the way people use those roads is crucially important. Where is the infrastructure plan for building the roads that will ensure that people travel as safely as they can? We are still waiting for it. This is a government that is really about spin. It is about coming in with a last-minute piece of legislation that is not even thoroughly thought out. Government members have just had a look around and said, 'They've done this in other states; why don't we just do it here?'. Around the world a lot of measures are taken or legislated for which people go back and undo or massively change because those measures have not worked. Why does the government not come to the Parliament with the evidence so we can properly consider the legislation coming before this house? The reason it cannot do that is that it does not have that evidence, because it has not had time to produce it.

This is not serious legislation. It is legislation about the government's image, not about road safety. If it were about road safety, it would come with more measures and with the data and evidence to back it up. This legislation has none of that. It is simplistic, and it was done to appease those who say, 'The road toll might increase over the Christmas period. We need to have something for that'. Be serious. Look at the measures.

Labor has a document that those opposite could simply lift to create a road safety strategy that looks at carrot-and-stick approaches to people driving safely. All the measures we put in place while we were in government were about lowering the road toll, but what did we get from government members when they were in opposition? 'Speed cameras are about revenue raising'. Every week we heard that speed cameras were about revenue raising, yet what happened within a month of those opposite coming into government? What did they say? 'Speed cameras are an integral part of our road safety toolbox'. They knew all along, for all the years they were in opposition — having had report after report from the Auditor-General — that speed cameras were about road safety. But what did they tell the electorate? They told the electorate what they thought the electorate wanted to hear: 'They're revenue raisers.' Now what do they do? They come into this Parliament with a flimsy piece of legislation, saying, 'This is about road safety, about making our roads safer and making our drivers more attuned to what they need to do'.

This is an absolute sham. If government members want to talk about road safety and if they want a serious road safety strategy, then they should create a real one. They should create one that looks at real measures that will make a difference to the way people use their cars and the way passengers behave in cars. We are talking about drinking in cars, but I tell you what: a crying baby in the back seat of a car is as much of a distraction as taking a sip out of a can.

What are we really talking about here, then? If we really are serious about road safety, the joint parliamentary committee should be used to complete some work which would be bipartisan and would enable the creation of the kind of legislative, educative and infrastructure programs that would make a difference to the way people use automobiles on our road system and that would ensure that people take safety into account, drive carefully and protect the people they are travelling with as well as themselves and other drivers. This is not that legislation. You would think that after 12 months in government those opposite could do better.

**Mr WAKELING** (Ferntree Gully) — It gives me great pleasure to rise to contribute to this debate on the Road Safety Amendment (Drinking while Driving) Bill 2011. I am absolutely appalled by the contributions of those opposite. They have sought to politicise this issue. They have sought to talk about spin. This bill is about people. It is about Ebony Dunsworth, a resident of my community who lost her life at 16. This bill is about her mother, Helen Crichton, who lives with the fact that she has lost her child. This bill is about the fact that that mother is devastated to know that in this state people are allowed to drive with beverages in their hand or beside them, something they are not allowed to do in other states. That is what this bill is about. It is about people and about saving lives.

I recently attended the annual Knox BMX festival, at which Ebony had been a prominent participant. I saw the tragedy visible on the faces of her family members, on the faces of her friends and on the faces of people such as Tony Richardson, who had helped train that young girl when she was so young. I talked to friends of mine who volunteer there for St John Ambulance and who had previously patched Ebony up. That is what this bill is about; it is about people and about saving lives. If we can do this one thing — if we can pass this important piece of legislation and so fix the problem, the existing loophole — then we can say to Helen Crichton, ‘We listened. We got it wrong in the past, we identified the problem and we have fixed the problem’. The problem was identified on approximately 21 November, and I am very pleased to see that this government has taken the very first opportunity to fix the loophole. I commend the bill to the house.

**Mr McGUIRE** (Broadmeadows) — I rise to make a contribution in the public interest to the debate on the Road Safety Amendment (Drinking while Driving) Bill 2011. Labor does not oppose this bill, because no-one wants to risk a life on our roads. Every road death is a tragedy for the individuals, families and communities affected, but unlike the Baillieu-Ryan coalition, generations of Victorian governments have upheld the duty to encourage systemic behavioural change to deliver the greatest good for the greatest number. On this criterion the bill fails Victorian families, Victorian communities and Victoria’s proud tradition as an international leader on road safety. It lacks the considered evidence base and coordinated strategy that has been Victoria’s trademark. Victoria’s international standing has been achieved through decades of strategies that have often been controversial and hard won. Importantly they have included the support of the media to send the message to the community, along

with coordinated education campaigns echoing key messages.

Road safety is a matter of life and death; it is too important for gesture politics. I am concerned that the bill epitomises how the Baillieu-Ryan coalition has squandered its first year in power on gesture politics. I am concerned that the bill lacks the scientific research detailing the impact it will achieve. I am concerned that there is no evidence explaining why this initiative should be Victoria’s highest and most urgent priority for road safety. I am concerned that this is another example of gesture, lacking substance — the defining attribute of this coalition, the hallmark of the Hollow Men.

The least Victorians deserve is credible strategies and comprehensive campaigns, not a rolling public relations campaign that costs the government nothing but again places the onus on police. A key reason is that road safety campaigns must have credibility, not spin, to maintain public and media support. This is a critical ingredient that this government takes for granted at its peril. The most significant media campaign on road safety, dubbed ‘1034’ — the figure representing the number of people killed on Victorian roads in 1969 — was when legendary editor of the *Sun News-Pictorial* Harry Gordon took up the crusade to help end the slaughter. The campaign influenced the introduction of compulsory seatbelt legislation in Victoria the following year, an initiative so visionary it was a world first. It inspired ongoing media campaigns that have contributed to the reduction in Victoria’s road toll today to the extent that it is about one-third of 1034.

There has long been collaboration in the public interest with the media on road safety. I have played a collaborative role in the past, reporting binge drinking habits then witnessing the ritual burn-offs and hooning in Melbourne’s outer suburbs in the 1970s — the danger was palpable.

Maintaining such media campaigns and coordination depends on their credibility. Crucial to this credibility is that road safety campaigns be evidence based, strategic and coordinated, not last minute and ad hoc. Such credibility has saved lives and helped establish and build Victoria’s reputation on road safety. This should never be jeopardised, but already the media is becoming sceptical. In an *Age* article of 8 September this year under the headline ‘Populist speed camera stance leaves coalition in a jam’ Josh Gordon reported on the coalition’s backflip on speed cameras. Referring to the speed cameras, Gordon wrote:

In short, they are an easy target, one the state coalition was only too happy to cynically exploit in opposition in a classic

example of hip-pocket politics. In 2009 the then shadow and now Minister for Roads, Terry Mulder, said speed cameras represented a 'treasured pot of gold for John Brumby'.

...

In August the coalition introduced legislation to establish a new public office: Road Safety Camera Commissioner. As pointed out by Broadmeadows MP Frank McGuire, the purpose was not to boost road safety, or to change driver behaviour or to save lives. 'The commissioner is a part-time officer who will conduct reviews and assessments, undertake investigations and receive complaints', McGuire told Parliament. 'This is the Baillieu-Ryan regime's grand plan on road safety'.

These are the critical issues. The number of last-minute questions at question time today, particularly for the Premier, and the government's rush to introduce the bill expose the coalition's lack of vision and lack of a plan for road safety, a lack evident in so many other critical areas of responsibility — creating jobs and building infrastructure, to name only two.

What does the bill actually do? It amends the Road Safety Act 1986 to do two things only: prohibit the consumption of alcohol while driving and prohibit the consumption of alcohol while instructing a learner driver. That is it: it is a gesture, nothing more. After more than a decade in opposition, where is the coalition's comprehensive road safety plan? The bill creates a traffic infringement with a maximum 10 penalty units for the offence of drinking while driving or instructing a learner driver, enabling police to issue fines where they witness a driver or instructor in the act of consuming alcohol. The offence relates only to the driver of a vehicle; it does not extend to passengers consuming alcohol in a vehicle that is being driven.

The minister's second-reading speech indicates that the bill is intended to encourage drivers to exercise good judgement and be more attentive when driving, reducing trauma and saving lives on our roads by putting these changes in force before Christmas. As a stand-alone proposition it has merit, but it is the lack of a comprehensive strategy that is the critical issue. The second-reading speech also indicates that the government 'is determined to reduce the damage to Victorian families by the reckless disregard that drink drivers have for the safety of others'.

However, there are key gaps between the government's rhetoric on road safety on the one hand and the changes effected by the bill on the other, particularly when we look at the broader issue of the raft of road safety initiatives that have been left languishing by a government that has not been delivering on its promises. To conclude the year in a desperate bid to

appear to be taking action on road safety in the lead-up to one of our most critical periods — the Christmas and New Year's summer holidays — the government has introduced this bill. Its urgency is apparently so great that it has to be rushed through both houses this week. It went to cabinet yesterday morning, and the shadow road safety minister and the shadow Attorney-General only received a briefing and saw the bill for the first time at 1.00 p.m. yesterday. We saw the second-reading speech at 8.00 a.m. today.

Looking at what the bill actually does, the opposition is seriously concerned at the government's claim that this is the most effective road safety reform we could implement in the lead-up to Christmas — or is this more about pretending to do something? This is another gesture lacking in substance. I say that because, as the minister's staff explained on Monday of this week when we saw the bill for the first time, an infringement can be issued in circumstances in which a police officer actually witnesses a driver consuming alcohol while driving. Determining whether a container, from which a person is witnessed by a police officer to be consuming, contains alcohol would be a matter for the police officer to determine by observation at the time. It does not relate, for example, to open cans of beer in the cabin or to other passengers drinking. This is not the substantive road safety policy Victoria deserves, but we did not really expect anything different from a government that has imposed fines for swearing and introduced legislation to protect the minister from people being mean to him, especially as the government's first salvo in the war on drugs was not a crackdown on trafficking but simply another gesture — banning the bong. A seasoned street cop described this measure to me as another public relations exercise that will not result in any change in behaviour.

As far as the penalties go, this is another example of spin over substance. The bill provides a maximum of 10 penalty units for people who are witnessed by police to be consuming alcohol whilst driving, but there are no demerit points attached to the infringement. So repeat offenders can be issued with any number of fines but will not risk losing their licences, which sends the wrong message to young drivers. This bill and the penalties it creates for the offence cannot, no matter how many times a drinking driver is fined, lead to a loss of licence. This begs the question: how serious is this government about addressing the message on drink driving when this bill will impose only a traffic infringement?

The offence under this bill can hardly be compared to the community-wide initiatives which Labor has championed. The bill cannot be meaningful compared

with the road safety experience centre, which would teach good driving behaviour to new and young Victorian drivers. Such a centre would show them the impact of distracted or bad driving practices and let them hear firsthand the experiences of victims of road trauma and those who work to save the lives of those who are injured on our roads.

In summing up, Victorians deserve much more than just the government playing politics, especially when it comes to life and death. Victorians deserve at least a coordinated, comprehensive strategy that is evidence based and not ad hoc headline hunting that may ultimately corrode the invaluable media support.

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

**Ms WREFORD (Mordialloc)** — I rise in support of the Road Safety Amendment (Drinking while Driving) Bill 2011. Despite all the education and reforms on road safety, there are still too many deaths and injuries. We as a coalition government are committed to safety on our roads. This bill is about fixing an anomaly around drink driving that sends mixed messages — that is, the current legislation allows people to drive a car and drink an alcoholic drink at the same time. We need to fix this loophole. Queensland, New South Wales and Tasmania amended their legislation some time ago, and New South Wales is on target for a record low road toll.

We are sending an important safety message, and introducing the bill before Christmas is very good timing, given that we do not want to be sending out mixed messages at a time when people are having parties. However, this morning on radio 3AW Shaun Leane, a member for Eastern Metropolitan Region in the other house and former tradie, admitted to drinking while driving a couple of times. However, a family who resides in the electorate he represents recently lost a daughter to drink driving and has been campaigning to change that law. That is not a message that anyone should be relaying on 3AW this close to Christmas.

Labor is obviously confused. On the one hand it speaks in support of the bill, but on the other hand it speaks against it. Those opposite talk about an infringement not being enforceable. It is only enforceable if someone is caught in the act of drinking an alcoholic beverage while driving. The problem with the current law is that it sends a mixed message. On one level we say you should not drink and drive, yet the law currently allows you to do so.

The member for Tarneit said the opposition will not oppose the bill because it does not matter, but it does

matter. The member for Ripon wanted to know if experts supported this measure. Legislation was implemented in New South Wales after expert advice was given to the New South Wales Minister for Roads and Transport, the Honourable Carl Scully, at an alcohol summit. The member for Yan Yean said that the police were not advised, yet they were. The member for Melton said in his contribution that he wants expert research and evidence for something that is just plain common sense.

The current loophole in this legislation is totally out of line with community expectation. It is common sense that a multipronged approach to road safety be implemented, and that is what we are doing. Let us enact the legislation before the holidays. If it saves one family trauma, then that would be a good thing. It will not cost any lives to implement it. It will not hurt, but it might help. We are taking action and voting for it. This bill will add to the suite of road safety messages. I commend the bill to the house.

**Mr EREN (Lara)** — I wish to make a contribution on this very important bill, the Road Safety Amendment (Drinking while Driving) Bill 2011. I say at the outset that we will not be opposing the bill before the house, but we think it is inadequate and not well thought out. Before I start my contribution proper I want to put on the record that this legislation is:

... lazy drafting from a lazy government and a knee-jerk action designed to create a cheap headline, but shows no consideration for the impact these actions will have on the Victorian community, particularly those in country Victoria.

**An honourable member** — Who said that?

**Mr EREN** — That was a statement by the member for Malvern on 21 November 2007. I put it to the house today that this legislation is exactly that. Journalist Jacqueline Felgate came across this anomaly — I suppose that is what you could call it — and suggested some ideas and worked towards making this government, which is a lazy government that has no ideas, change the policy. What did the government do? This is a knee-jerk reaction to a suggestion that was made by a journalist. She has done her job. But this government is obviously not doing its job.

When I was the chair of the Road Safety Committee — and I acknowledge that the Acting Speaker is the current chair of the Road Safety Committee — we did some tremendous bipartisan work. We implemented a lot of road safety policies that continue to save a lot of lives on our roads.

A lot of politics was certainly played by the then opposition before the last election. Various ministers of the coalition government, on numerous occasions when in opposition, are on the record as having called speed cameras cash cows and revenue raisers. They claimed that Labor's policy gave no consideration to the community. The then opposition members whinged and whined and used all the jargon, but what did they do when they were elected to government? The first thing they did was increase the number of speed cameras and the penalties for speeding. This is a government that clearly does not think about the policies it introduces into this place. This is a flimsy bit of legislation.

I put on the record that the bill amends the Road Safety Act 1986 to establish two new offences: firstly, consuming intoxicating liquor while driving a motor vehicle; and secondly, consuming intoxicating liquor while accompanying a learner driver. That is it. Forget about the distractions posed by any other beverage you may have in the car, whether it be a hot coffee, a can of Coke or any other drink, or for those people who smoke in their cars — when their children are not in them of course — the distraction may be cigarettes. Forget about all those other distractions!

This is probably a piece of legislation that is going to be very hard for the police to implement. I ask the minister if, in summing up, he can clarify something in relation to chocolates that have alcohol in them. I know there are certain chocolates that have a high concentration of alcohol, and at Christmas time a lot of people have these types of chocolates. If there were a box of those chocolates in a vehicle while a person was driving and they happened to have three or four of those chocolates, which did not increase their blood alcohol content to above .05 — it is not illegal to drive with a blood alcohol content if it is below .05 — would that attract a fine? What we are talking about is alcohol that is not in an alcohol container as we know it but is in chocolate. How are the police going to monitor that? It is still alcohol; it is actually in the chocolate. I would like some answers in relation to some of the technicalities that are not covered in this bill. As we can see, it is a very flimsy bill. It contains just two items.

People who wanted to escape this fine, if they were driving and drinking beer or any other alcoholic beverage and their mate sitting next to them was not, could pass their can on to their mate and say, 'I'm not drinking from that container; my mate is'.

When you think about it, if you really wanted to save lives on the road, you would make sure you had an Arrive Alive strategy and you would make sure you had science-based policies with facts and evidence

behind them rather than a policy which was a knee-jerk reaction to something somebody said and which the government introduced so it would look good before Christmas, so it could say it had fulfilled its obligation and so it could say, 'No more lives will be lost on the roads as a result of this bill'.

I think it is wrong for government members to say that, because it is just too simplistic. Road safety experts would cringe at that claim, because there are no conclusive studies and no research that has been done in relation to this bill. For government members to say this is going to save lives before Christmas and all that sort of stuff is, I think, wrong. The government needs to do a lot more. It obviously needs to think about the issue and listen to the experts out there who are continually giving governments advice.

We are not going to oppose this legislation — of course we are not. We will obviously support anything that comes before the house that will improve safety on the roads, but as the opposition we feel that this is a flimsy piece of legislation that is not going to be as effective as the government claims it will be. If anything — and the government knows this — it should be looking at getting advice from experts and making decisions on the basis of that expert advice, which it should bring before the house so we can contribute to increasing safety. We all want to save lives. There is no question about that. The government wants to save lives, and so do we. That is where the bipartisan approach comes into it.

I ask the minister in his summing up to confirm whether eating alcoholic chocolates would count as consuming alcohol and whether that would attract a fine.

**Mr CLARK** (Attorney-General) — I thank those honourable members who have made constructive contributions to the debate on this bill, and I thank the leadership of the opposition for facilitating its coming before the house today and being debated. It is a straightforward bill that is designed to tackle a specific issue that has been identified in relation to our road safety law. It is designed to fix that problem and to help make our streets and roads safer, particularly in the lead-up to the festive season. As the member for Ferntree Gully made clear, this is a bill about people and it is a bill about doing whatever we in this Parliament can do to avoid the trauma and tragedy that unfortunately is brought about by people who drink and drive on our roads.

It was unfortunate to hear the response of the Labor opposition to the bill. Opposition members clearly had

no concrete criticisms of the bill, so what did they resort to doing? They resorted to trying to damn it with faint praise and talking about a whole lot of other things they said should also be on the agenda, and they asked why the government was not out consulting about it. The answer is because we want to get this legislation on the statute book and in place before Christmas.

From the lead speakers of the opposition, the member for Monbulk was willing to say that this was, as he put it, 'a bill not without merit'. It is a pity that other speakers on the other side of the house did not get to that point. We had the member for Tarneit telling the house that this legislation does not matter and 'If the government wants to waste its time on it, we will let it'. We had the member for Yan Yean saying the bill is an absurd measure and an absolute joke.

We are seeing a divided and disorganised opposition, with the lead speakers saying one thing and the tail-end speakers saying another about this legislation — and unfortunately saying it in very derogatory terms that undermine the strength and the bipartisan nature of having a clear and strong road safety message. The member for Broadmeadows acknowledged in his contribution the importance of sending clear and strong messages and also rightly referred back to the 1970s reforms, such as the introduction of the compulsory wearing of seatbelts. We had the members for Footscray, Derrimut and Yan Yean raising arguments about how the police are going to see what is going on and others asking, 'What about lemonade?', and, 'What about alcoholic chocolates?'. Unfortunately you can just imagine some of those members standing up in 1969 and opposing the seatbelt reforms that were so successful in cutting the road toll, asking how on earth the police, in implementing the legislation that was being brought in, could be expected to see anybody in the back seat of a car who was not wearing a seatbelt.

**Ms Green** — On a point of order, Acting Speaker, I am sorry but I need to ask the Attorney-General to withdraw that comment, particularly in relation to me. I have always supported road safety. It is an insult to me as someone who is a Country Fire Authority volunteer and has turned up to road accidents on many occasions to say that I would not support a sensible measure like seatbelts. I have always supported seatbelts; I have never driven without one. I ask the Attorney-General to withdraw that highly insulting comment about my attitude to road safety.

**Mr CLARK** — On the point of order, Acting Speaker, my remarks were not directed at the personality of the member for Yan Yean. I was making a point in debate about the logical extension of her

remarks and the remarks of the member for Footscray. It is an entirely legitimate point to make in parliamentary debate, and there are no grounds whatsoever for the honourable member to seek any withdrawal of any remarks I have made.

**Ms Green** — Further on the point of order, Acting Speaker, the Attorney-General needs to withdraw unconditionally. I have taken offence.

**The ACTING SPEAKER (Mr Thompson)** — Order! I was following the debate. I am not sure whether there was a direct comment made towards the member for Yan Yean in relation to the question of the support or non-support of seatbelt legislation in the 1970s. I heard generic remarks made across the opposition benches, but I do not recall a specific comment that the member for Yan Yean would not have supported that legislation. Therefore I do not uphold the point of order.

**Ms Green** — On a point of order, Acting Speaker, the Attorney-General did mention the member for Yan Yean. He said, 'I can imagine those opposite in 1969', and he mentioned me specifically as the member for Yan Yean. He said we would have opposed seatbelt legislation in 1969. I take offence at the Attorney-General casting that aspersion upon my commitment to road safety in this state.

**The ACTING SPEAKER (Mr Thompson)** — Order! With respect to the member, I did not pick up that specific point. I heard the minister speak generally about those on the opposition benches in relation to a number of measures that were being made. I did not hear that specific point. Accordingly I stand by the ruling I have made. The *Hansard* record may reflect further upon that.

**Ms Allan** — On a point of order, Acting Speaker, to just clarify, it has been the practice of this house that if a member has taken offence at something that has been said in the house, the offending members have been required to withdraw their comments unconditionally, with or without caveats in relation to whether the Chair or Acting Chair had heard those comments. Clearly the member for Yan Yean has indicated she has taken offence. It would be simple and would allow the debate to continue if the minister were asked to withdraw his comments. Then we could move on and deal with the substance of the issue.

**Mr CLARK** — On the point of order, Acting Speaker, Speakers and others who have presided in the chair have from time to time made reference to the fact that the taking of offence needs to be done in a

bona fide manner and directed towards matters that genuinely reflect on the character, personality or other attributes of the member who takes offence. They have cautioned against using points of order and requests for withdrawal to stem the proper flow of debate. You have already ruled on that issue, Acting Speaker. I do not believe anything that has been put to you in the point of order raised by the member for Bendigo East alters your previous ruling.

**Mr Wynne** — On the point of order, Acting Speaker, I do not wish to extend the debate further than it has been extended, but I listened while I was downstairs to most of the Attorney-General's contribution to debate. Members on both sides of the house are committed to trying to get a bipartisan outcome. I think the Attorney-General in his summing up cast a broader net, particularly when he drew upon initiatives of previous governments and when reflecting on the contribution of some of my colleagues in this debate, particularly in relation to questions regarding seatbelt legislation.

In his contribution he raised issues about casting negative comments in relation to some of the contributions made by my colleagues, who pointed out what they believe to be the deficiencies of the bill and how it will be implemented by Victoria Police. He certainly did mention my colleague the member for Yan Yean in his broader contribution, particularly in relation to seatbelt safety and so forth. It has been the normal practice of the house that when a member believes offence has been caused, the aggrieved member rises to indicate that they have found the contribution of a member offensive. I submit to you, Acting Speaker, that this is only in the context of a debate where we have always sought to have a bipartisan position. I think in this context the Attorney-General in his summary has strayed a bit. He has made comments about the positions of members of the opposition which I find unfortunate and not normally the practice of the Attorney-General. I submit to him and to the house that in this context the member for Yan Yean has taken offence, and we can move on if the Attorney-General will withdraw the comments that the member for Yan Yean finds offensive.

**Mr McIntosh** — On the point of order, Acting Speaker, you have already made a ruling that whatever the offence taken, it was a matter of commentary of a generic nature rather than being directed at any specific member. I ask you to adhere to your previous ruling.

**The ACTING SPEAKER (Mr Thompson)** — Order! Earlier when I ruled on the point of order I said I was not aware during my chairing of the debate that

there was a specific aspersion made towards the member for Yan Yean in relation to her position on the compulsory wearing of seatbelts. The *Hansard* record will throw further light on that, and I stand by my earlier ruling. Noting the time, I adjourn the house for the dinner break.

**Ms Allan** — On a point of order, Acting Speaker, I will return to this issue after the house resumes from the dinner break, because you have made a ruling that completely contradicts standing orders and rulings from the Chair where a member can ask for a withdrawal of a comment. Sessional orders say a member has a right to draw the Chair's attention to the remarks even if the Chair has not heard the remarks — —

**The ACTING SPEAKER (Mr Thompson)** — Order! I have adjourned the house for the evening meal break. The Attorney-General will have the call after 8 o'clock.

**Sitting suspended 6.35 p.m. until 8.02 p.m.**

**Ms Allan** — On a point of order, Acting Speaker, before the dinner adjournment — I appreciate there was a different member in the chair — the house was in the middle of a discussion regarding the member for Yan Yean having taken offence at comments made by the Attorney-General and the member had asked that those comments be withdrawn. It is a requirement under standing orders, and indeed the practice of this house, that if a member takes offence at comments, those comments should be withdrawn immediately. The Acting Speaker did not require the member to withdraw, which, as I said, flies in the face of what is required under standing orders and the rulings from the Chair. I am refreshing for you, Acting Speaker, the member for Yan Yean's request — and I am sure she is happy to do so herself — that the Attorney-General be asked to withdraw. I am happy to go through, but equally happy not to do so, the list of examples in standing orders and rulings from the Chair that support the case we are making before you.

**The ACTING SPEAKER (Mrs Victoria)** — Order! I thank the member for Bendigo East for refreshing us on what happened prior to the dinner break. As she so rightly points out, another Acting Speaker was in the chair before the break. As such, I will ask that this matter be referred to the Speaker so that he may reflect upon *Hansard* and make a ruling accordingly.

**Ms Green** — On a point of order, Acting Speaker, I seek your indulgence, because I did take offence very much at the offensive remarks made by the

Attorney-General suggesting that had I been in this chamber in 1969, and I was expressly named as the member for Yan Yean. I ask the Attorney-General to withdraw, because I took offence at the remark he made and, as is the practice in this house that I know you are fully versed in, it is necessary that if a member takes offence, the person who made the comment withdraw unconditionally.

**The ACTING SPEAKER (Mrs Victoria)** — Order! I thank the member for Yan Yean for her contribution. However, it is not mandatory that a withdrawal be made. As I was not in the chamber — and I do know what others are going to say; I do not want to pre-empt anything — I did consult the clerks. It is not mandatory that a withdrawal be made. I have made a ruling that this matter will be referred to the Speaker, who will assess what is in *Hansard* and come back and give the house a ruling.

**Ms Allan** — On a point of order, Acting Speaker, we could relieve the Speaker of an additional burden. This could be resolved right now, because it is mandatory — a requirement — and I am happy to go through the evidence. Under standing order 120, headed ‘Objection to words’ — —

**The ACTING SPEAKER (Mrs Victoria)** — Order! I have sought clarification from the clerks on this matter, and I have been told that the course of action I am taking is an appropriate one. I have made a ruling, and I will be referring this matter to the Speaker for his consideration, and he will come back to the house on this point of order.

**Ms Allan** — I request that as part of that referral to the Speaker an examination be made of the assistance and advice that is given to the panel of Acting Speakers, given that this flies absolutely in the face of what is contained in the standing — —

**Mr McIntosh** interjected.

**Ms Allan** — Have you got your grumpy pants on over there?

I suggest that if this is allowed to stand as a precedent in *Rulings from the Chair*, it will provide a great deal of difficulty going into the future.

**The ACTING SPEAKER (Mrs Victoria)** — Order! I appreciate the member’s view, and I have made a ruling.

**Mr CLARK** — Let me put the argument in generic terms to avoid any possibility of offence to sensitive members on the other side of the chamber. If one were

to argue that this bill not be enacted because police would have difficulty in determining whether in various instances a person was consuming alcohol or some other beverage, then a similar argument could have been raised by a member who was present in this chamber in 1969 during the debate on a bill to provide for the compulsory wearing of seatbelts was enacted on the basis that it would be difficult for police to detect whether people in the back seats, or indeed in the front seats, of cars were actually wearing their seatbelts. For that reason it does not seem to me that there is merit in an argument that this law should not be enacted because of the issue of how the police would go about enforcing it.

As I have said time and again, this bill is about sending a clear message that drinking alcohol and driving do not mix and that they should not be mixed when people are in the driving seat of a car or when there is an instructing driver sitting next to a learner driver. We have had other arguments raised about chocolates and such like and what constitutes intoxicating liquor. For the benefit of members opposite, ‘intoxicating liquor’ has the ordinary meaning of the words. In New South Wales and Queensland similar terminology has been used, and they have had their laws on the statute books operating effectively to send that clear message in those states, and the government believes it is time that a similar message be sent in this state.

As I have said previously, this is a straightforward bill to remedy a specific identified problem in our road safety legislation. We have had suggestions from members opposite that there should be greater consultation. The member for Monbulk listed a large number of very important bodies that play a significant role in improving road safety in this state. Of course they have a role to play on complex or contentious reforms and matters requiring substantial research and so forth, but the simple position is that if we were to take the advice of the member for Monbulk and go out and consult extensively with all these bodies on what is a very straightforward solution to a problem that has become manifest, we would not get this law on the statute book before Christmas, we would not be sending a message that drinking and driving do not mix, and we would not be doing what lies within our capacity as a Parliament to tackle the road toll.

I get back to the point that the member for Ferntree Gully made very clear in his contribution to the debate — that is, that this bill is about people’s lives. It is about the threat to those lives, the loss of those lives, the trauma caused to those who are left behind and to those who are seriously injured in road accidents. We appreciate the fact that the leadership of the opposition

has agreed to expedite this bill through the chamber. We struck an arrangement to have about eight speakers a side, a summing up and the bill then going to the upper house. We appreciate the opposition agreeing to that. On that basis I wish the bill a speedy passage.

**Motion agreed to.**

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

*Third reading*

**Motion agreed to.**

**Read third time.**

## PLANNING AND ENVIRONMENT AMENDMENT (SCHOOLS) BILL 2011

*Second reading*

**Debate resumed from 26 October; motion of Mr CLARK (Attorney-General).**

**Mr WYNNE** (Richmond) — I rise to make a contribution on behalf of the opposition to the debate on the Planning and Environment Amendment (Schools) Bill 2011. The opposition does not oppose this bill. The purpose of the bill is to implement an election promise of the now government to remove the requirement for non-government schools to pay GAIC (growth areas infrastructure contribution) in growth areas. I want to firstly touch upon what I think is quite a difficult challenge for this government — it was a challenge during our period in government as well — and that is the extraordinary success of Victoria as a state of destination, not just for intrastate travellers but also for people who want to move here from interstate and international migrants.

It is very clear that when people make judgements about where they want to live, work and raise their families there are a whole range of factors that come into play. There is no doubt that the very clear public policy position that was reached — wrongly in my view — by the New South Wales government that in effect the shutters were up for migration into New South Wales was to the net benefit of this state. I do not think there is any doubt about that. In part that was the response of the New South Wales government to increasing growth pressures. But also, as people who know the geography of New South Wales are aware, it is very constrained in terms of its capacity to manage new subdivisions and open up new areas of land for potential housing. It is to the great detriment of New

South Wales and to the benefit of this state that we have been open and inclusive — and I say that in a very bipartisan way — in relation to interstate and international migration, and we are all the better for it.

The diversity of Victoria and its hard-won reputation as a place where communities are welcome is something of which we can in a bipartisan way be justifiably proud. The extraordinary increase in population and the attraction Victoria has, particularly for people seeking to migrate to this state, around research, the sciences, medical research and the Australian Synchrotron are emblematic of what we have been able to construct and offer as extraordinary opportunities to bring people back to this state.

In the past members may recall me mentioning what I have tagged the billion-dollar boulevard of Flemington Road. We recently had the opening of the world-class Royal Children's Hospital, which is located near the extraordinary research facilities that line Flemington Road up into the Melbourne University precinct. That will be topped off by, in my view, one of the top five cancer treatment and research facilities in the world, on which construction is about to commence at the old dental hospital site. The Peter MacCallum Cancer Centre and various other magnificent icons of this state will be housed in that facility. That has attracted some of the best minds, some of the best researchers and some of the best academics in the country to come to Victoria. Why is that important? It is important that people understand that growth pressures really are one of the issues that governments have to manage.

If you think about our growth areas and why the GAIC bill was important in this context, you realise that it was part of understanding that everybody has to contribute to both the physical and the social infrastructure of our growth areas. In essence that was at the core of the GAIC bill, and that bill was hotly debated in the last term of government. We all remember that very well: it became a deadlocked bill for quite a period of time, and eventually, after further negotiations, it passed through the Parliament. The context of today's debate is much more restricted. Rather than what is provided for in GAIC itself, the bill before the house seeks to deal with exemptions pertaining to non-government schools. The GAIC scheme applies only to primary and secondary non-government schools, not preschools or tertiary education facilities, so it is very narrowly targeted.

From speaking to my colleague the shadow Minister for Planning, Mr Tee, a member for Eastern Metropolitan Region in the other place, my understanding is that this bill will affect a relatively small number of school sites; I think it is less than 10.

We are not absolutely certain about that, but I believe it is between 6 and 10 school sites. So it is relatively contained, but nonetheless I think it is important that this anomaly that currently exists between government and non-government schools in growth areas be resolved.

The bill requires that subdivisions for different purposes be done separately, and I think that is an important thing. In effect it is not done in globo, and land for housing and land for schools must be subdivided separately in order to apply the GAIC exemption correctly. Often what you find in some of these subdivisions is that when the land is subdivided it may be part of a housing development or there may be other social facilities that attain to that subdivision. I think it is important that where you are seeking to annex out a particular purpose — in this context, that being non-government schools — it be clearly indicated within the subdivision process. It should be separately identified and taken out of the subdivision process.

As it stands, the GAIC payment is made once at one of three stages — that is, the subdivision plan compliance stage, the purchase of land stage or during the building works. I note that there is an issue about which we are concerned and about which we will seek clarification when the bill is between the houses. Perhaps the Parliamentary Secretary for Local Government, the member for Mornington, who I think is managing this matter on behalf of the government, will be able to address this matter. The current government announced this proposition in October of last year — well before the election — and people are clear about that. The question is: when this legislation is enacted will it be prospective or retrospective? This is not clear from the bill, and it is something that needs to be clarified.

On behalf of the opposition I seek some clarification of that question because if that is not the case, the opposition will potentially seek to address that question in the upper house. If the contribution of the parliamentary secretary can clarify that question now, we would be able to settle that matter relatively quickly; however, at the moment it is certainly not clear to us. As it stands, this bill will not pass the upper house during this session because of the timing and the business that needs to be transacted in that house.

It seems to me at best curious that the government did not bring this matter forward expeditiously and earlier than it did, as we now find ourselves in a situation whereby this bill will not be enacted and will not become law until some time around February or March of next year. The bill has been sitting on the notice

paper for some period of time, and it is a relatively curtailed, modest bill that is tightly targeted. I am wondering why the bill was not introduced earlier and why certain other bills were given priority over what is, on any reasonable reading, a relatively contained bill that the opposition obviously would not oppose.

In summary, the opposition seeks clarification on the question of whether this bill, when it receives royal assent, will be applied prospectively or whether it will apply retrospectively from the time the government announced its policy position. We would be grateful for some clarification on that. With that contribution, I wish the bill a speedy passage.

**Mr MORRIS** (Mornington) — I am pleased to rise to speak on the Planning and Environment Amendment (Schools) Bill 2011 and to support the government in its implementation of this policy commitment, which is yet another policy commitment made and about to be delivered by the Baillieu government.

Before I go any further, I will just address a couple of issues raised by the member for Richmond. In terms of the timing of the bill in the legislative program, that is a matter for the Leader of the House. However, I find it rather curious that for the last three sitting weeks the opposition has attacked the government business program, saying there were too many bills on the program and that it did not have time to debate anything. Now the member opposite is asking the government why it did not bring the bill forward earlier. I simply make that observation. However, in terms of the actual timing that is a matter for the Leader of the House.

With regard to the other matter raised, the retrospectivity or otherwise of the legislation, the short answer is no, the bill is not retrospective, but from the time the growth areas infrastructure contribution (GAIC) was established until now it has not been triggered, so there is no need for retrospectivity in the legislation. In that sense the legislation is prospective.

To return to the bill, it is, as I said, the implementation of a policy commitment. I am sure many members who were here in the last Parliament will recall the passage of the growth areas infrastructure contribution legislation and the intent therein to fund essential infrastructure on the fringe in Melbourne's growth areas. It always seemed rather strange to me that on the one hand you would introduce a tax to fund essential infrastructure, and I do not believe there is daylight between either side of the house on the necessity for that, while on the other hand taxing the very

infrastructure that it was proposed to introduce, because schools are essential infrastructure.

As the minister said at the time this bill was announced, that was a shameful tax. By introducing and hopefully passing this bill we will remove that tax, and we will create a situation where parents and students have the opportunity to make their choice of schools in an environment which is totally free of the influence of a tax, which to some extent skews the decision. In these sorts of things you need — and I hate to use the phrase because, (a), it is overused and, (b), it has connotations in this context — a level playing field in terms of these decisions. People need to be able to make their decisions without external factors. It is particularly important here, because essentially one-third of all Victorian students attend non-government schools.

The proposal in this bill is based on a number of principles. The first principle is that exclusions from the requirement to pay GAIC for education should apply uniformly to both government and non-government schools for all three GAIC triggers. Secondly, we believe a school provider should be able to subdivide to develop land for a school without triggering a GAIC liability, which is not the case at the moment. Thirdly, it is important to say that the proposed exclusions do not remove the land from the GAIC scheme. Indeed the member for Richmond touched on that, because clearly if a school development does not proceed on a particular piece of land or if further down the track the land ceases to be used for the purposes of a school, GAIC should be triggered, and given the way the legislation is drafted, that is what the case will be. Fourthly, we took the view that the proposed exclusions should not apply retrospectively.

GAIC was introduced during the last Parliament. It was intended to require people who subdivide, purchase or proceed to develop land within the growth areas to make a contribution to the provision of essential infrastructure. The original bill had a rather chequered career. The first draft that was considered by the Parliament was, one would have to say, a less than stellar effort and was quite rightly rejected in the other place. That led to some interesting discussions on whether a bill was dead when it was rejected in the other place, but as we all know eventually an improved version was passed. But I think it needs to be said that the version that was passed was far from perfect in the eyes of the then opposition, the now government, and we have had to set about and do some considerable renovations to the structure of the charge. This renovation in terms of the application for independent schools is the second change that has been made.

Earlier this year the Planning and Environment (Growth Areas Infrastructure Contribution) Bill 2011 was passed by both houses, and that legislation implemented the government's commitment to enable 100 per cent of the GAIC liability, triggered by a dutiable transaction, to be deferred until some development occurs. What that means in real terms is that a parcel of land which is onsold and may not be developed for 10 years or more will trigger the charge only at the point where it is developed, rather than up-front. In that context, a dutiable transaction is a transfer of land or a land-rich transaction in terms of the contribution. Section 201RA of the Planning and Environment Act 1987 tells us that there are three triggers for GAIC: the issuing of a statement of compliance, the making of an application for a building permit to carry out building work on the land or the occurrence of a dutiable transaction.

One of the key things driving this legislation is our belief that all schools should be treated equally, and clearly under the existing GAIC scheme they are not. A different framework applies, and a different outcome is achieved. The bill sets up a regime where two exclusions are added to the section of the act so that the subdivision of land or the issuing of a building permit specifically for a school will not trigger a GAIC liability. The reason behind that is that many Victorian families want to have the opportunity to choose the best education for their kids. As I said, about one-third of Victorian children are in the non-government system. Many of these are low-fee schools; they service many low-income families as well as the more comfortably off. We believe families should have the right to choose the sort of education they want for their children, whether they want to send them to a government school or a non-government school. The implementation of this bill will facilitate that choice.

In conclusion, this is good legislation. It implements an excellent policy commitment, and I commend the bill to the house.

**Mr CARBINES** (Ivanhoe) — I am pleased to make a contribution to the debate on the Planning and Environment Amendment (Schools) Bill 2011. The bill which is before the house looks to pick up on matters of the subdivision of land for the purpose of establishing or acquiring a site for a school or carrying out building works relating to a school, including ancillary purposes which will not be actions that give rise to the liability to pay a growth areas infrastructure contribution (GAIC). We note that the GAIC scheme imposes a requirement for persons subdividing, purchasing or undertaking building works on land in Melbourne's growth areas to

contribute to the provision of essential infrastructure in those areas.

While I represent an electorate that many would consider to be in inner Melbourne, the seat of Ivanhoe, and it is not an area that is covered by the growth areas infrastructure contribution scheme, it is an area that is affected by a lack of investment in such growth areas. Ivanhoe is in the northern suburbs of Melbourne, some 8 kilometres from the central business district and the GPO. It is an area where we feel the effects of a lack of infrastructure investment in the outer northern suburbs, for example, or where there has been significant growth as Victorians have looked for more affordable housing opportunities.

While that is welcome, there also needs to be an equivalent increase in investment in services in those areas. That is part of the reason why a growth areas infrastructure contribution scheme was introduced. It was to ensure that people who were looking to find affordable housing in the outer suburbs would also be able to have the benefits of public infrastructure in those places. We note that GAIC did not apply to government schools, for example, and that this bill aims to ensure that non-government schools are exempt from having to make a GAIC contribution.

I will give a couple of examples of how infrastructure investment in the growing outer northern suburbs has an effect on the livability of the communities that I represent in the electorate of Ivanhoe. One example is in the area of hospital infrastructure and health services, in particular the Austin Hospital, which has greater demands in its emergency department now than ever before. The number of patients that the emergency department sees has almost doubled. Many of those people are coming from the outer northern suburbs, which are covered by the growth areas infrastructure contribution scheme.

These people are coming to the Austin not only because it is a great public hospital but also because there has been limited continued investment by the current government in the Northern Hospital at Epping. Projects there have not been continued, which means people in those outer growth areas have to come in to Austin Health for their health services. They are entitled to use those services, but the problem that comes from not investing in services in areas where people live is that they are then drawn to other communities, which puts greater pressure on livability and access to services for communities such as mine in Ivanhoe.

Another example is problems caused by a lack of infrastructure investment in public transport. It is great

that there are affordable housing opportunities for people in places like Mernda and Doreen. When I used to live in Epping and around Greenbrook, you could drive at 100 kilometres per hour along McDonald's Road because it was essentially an open highway. These days it is wall to wall, and you are down to 60 or 70 kilometres per hour. It is shopping centres and housing all the way through to Whittlesea and beyond. That is great for people, but unless we are making a contribution to public infrastructure, assets and services, then we are not providing people with the opportunity to have a livable community. They are then drawn to other suburbs, such as those I represent in the electorate of Ivanhoe, and that puts greater pressure on the services that are there to provide for people in these communities.

Public transport is an example of why a GAIC fee is important and needs to be made available to provide these services. We now have hundreds of thousands of people living in these outer northern suburbs who, because of a lack of public transport infrastructure, are driving their cars through the Ivanhoe electorate, and along Rosanna Road, and putting greater pressure and stress on the capacity for people to move around in my electorate. These days it is difficult to get from Heidelberg to Ivanhoe in peak time. If you want to get from Rosanna Road to Upper Heidelberg Road to pick the kids up from school and take them home, it can be diabolical. It can be 30 to 40 minutes just to cross some key arterial roads because of the pressure of the desire of people in these growth suburbs to get across town, to get to work themselves and to meet their obligations and commitments. In many cases they do not have a public transport options to do that.

That is why having a growth areas infrastructure contribution scheme is critical if it is being used to provide an investment in services in those communities. Those people are paying taxes, so they are entitled not only to the affordable housing they have chosen to pursue but also to the services that go with it. They rely on governments and the taxes they pay to contribute to that. There are also those who land bank and sit on opportunities to make some money down the track. That is all well and good, but in doing so these people should also ensure that the legacy they leave is a greater contribution to services in those communities in the long term; otherwise we are just going to continue to throw the pressure and burden back on a number of inner city suburbs to try to meet that need, a need that creates livability pressures for people in my electorate of Ivanhoe. We have seen that through a lack of transport infrastructure that sees more and more cars being driven from the outer growth areas. People who live in areas like Doreen and Mernda, for example, are

driving their cars through places like Rosanna, Heidelberg and Ivanhoe, and that disrupts livability in those areas. That is a critical point.

It is important that non-government schools are provided with opportunities. I use that term broadly; it includes Catholic as well as independent schools. I support the idea that these schools should not have to provide a GAIC contribution. I was at St John's Primary School in Heidelberg last week with Archbishop Denis Hart and the CEO of Catholic Education, Stephen Elder, a former member in this place. They are people I worked with closely in my former role with the Minister for Education in the previous government, Bronwyn Pike. We did a lot of work with Catholic Education, and it was good to be with them and Jenny Macklin, the federal member for Jagajaga, to open the redevelopment facilities of St John's Primary School.

The point that the representatives from Catholic Education were making to the parents and students who were at the school assembly was about the great sacrifices that parents who choose to send their children to independent or Catholic schools make every day, the pressure that they are under to meet their commitments and the desires and aspirations they have for their children. It is only reasonable that Catholic schools should have the opportunity, like government schools, to not have to pay the growth areas infrastructure contribution scheme, which is a tax. The effect of that tax flows on to parents, who are already making significant contributions to their children's education. That is the only way those costs can be borne by organisations like Catholic Education. Those points were succinctly made by Stephen Elder. I think the parents really warmed to the acknowledgement of their contribution and the sacrifices they make on behalf of their families.

I certainly commend the fact that this amendment will pick up on an anomaly and an inconsistency to ensure that when we are planning in the future and we want to provide incentives for Catholic education organisations and Independent Schools Victoria — Michelle Green being the chief executive there — to continue to invest in education in growth areas just as much as we in the Labor Party lobby and encourage the government to invest in public education in those areas that are so important to people who are seeking to start their lives in places affordable to them and in which they can raise a family and pursue their dreams, that services are made available to them. We need to make sure that happens, because if it does not, the people of the Ivanhoe electorate, for example, will wear the costs through more traffic, more congestion on the transport

system and more demand on the public health system because of appropriate services not having been provided in the greater growth areas.

**Ms McLEISH** (Seymour) — I rise in support of the Planning and Environment Amendment (Schools) Bill 2011. This was introduced towards the end of October, some five or six weeks ago. I think the member for Richmond indicated that he thought it had been hanging around on the notice paper for a very long time, but it has actually been only five or six weeks. Like the member for Mornington I am quite cognisant of the fact that each sitting week we have considerable debate about the busyness of our government business program. Perhaps that is one of the reasons this was not pushed through with absolute urgency.

Six months ago I rose to speak in support of the GAIC (growth areas infrastructure contribution) bill, otherwise known as the Planning and Environment Amendment (Growth Areas Infrastructure Contribution) Bill 2011, which was about the amendments that the coalition government was committed to making to GAIC. These two bills are obviously very closely linked, and I am pleased to speak on this bill because, as with the previous bill, it will allow the coalition government an opportunity to deliver on yet another of its election commitments. That is always a good type of bill to be speaking on. We are committed to making sure that we deliver those commitments. Six months ago we aimed to make GAIC fairer by ensuring that it would be paid only by those who choose to develop the land. This time our focus is on its application to non-government schools. The bill is short, fairly simple and specific. It has a fairly clear purpose, which is to remove the requirement for a non-government school to pay the growth area infrastructure contribution on land that it currently owns. We are talking about primary and secondary schools, not preschools or tertiary institutions.

I begin by reminding the house a bit about the GAIC bill itself. GAIC is applied to land which was brought inside the urban growth boundary in 2005–06 and in 2010, as well as to future inclusions in the urban growth boundary. The scheme requires a person who is subdividing, purchasing or undertaking building work on land in the contribution area to contribute to essential state infrastructure needed for the development of new suburbs. We heard a bit before about what some of those things might be. They might include a school, community centre, hall or recreation facility. The contribution amount is set in legislation. Another important element of the contribution is that it is a once-only contribution, and it is imposed when the first GAIC event occurs in relation to the land in the

contribution area unless there is an exclusion or unless an exemption applies. If there is an exclusion or exemption that applies, GAIC is imposed when the next GAIC event occurs.

My electorate includes the southern part of the Mitchell shire, which is particularly subject to GAIC, especially around Beveridge, which is part of that urban growth area. With some of the logical inclusions there may be additional areas that pop into that category. There used to be an exemption stating that an area designated for the purpose of a school would be exempt from GAIC. The subdivision of land solely to provide a site for a government school is not an event that triggers GAIC. We are talking here about the establishment of a government school not being an event that triggers GAIC. However, there are different requirements, as it stands, for government and non-government schools in terms of triggering GAIC. This could be seen as quite discriminatory. Prior to the election, along with other changes we proposed regarding GAIC, the coalition committed to putting all the planned schools in the area on an equal footing so that government and non-government schools would be subject to the same condition.

If you think about how an area grows, you can see that what often happens in many areas around the outer fringe of Victoria and in other states is that the first school established is a non-government school. They are jumping in there, being on the front foot and establishing themselves and their business. What this also does is provide those communities with additional educational options. Figures indicate that about one-third of people in the communities in Victoria elect to send their children to non-government schools. That is quite a large number — one in three.

When we are talking about non-government schools we need to keep in mind we are not talking about elite schools. We are talking about a large Catholic education system, which is very low cost. In many small towns, even those with only 1000 people, you will often see that at primary level a Catholic school as well as a government school. We are not talking about elite schools by any stretch. You will see that many other denominational schools have used these new suburb opportunities to develop and extend their footprint in those areas.

As I mentioned, under the existing scheme the trigger event for schools to pay GAIC would be a building permit. You would have school buildings or ancillary buildings, and these might be recreational halls, change rooms, chapels or places of worship. There is a difference at a non-government school because there is

also a component that relates to a subdivision to create a lot for that school.

In relation to the consultation around this small bill that we are introducing, both the independent and Catholic schools have been very supportive. The chief executive officer of Independent Schools Victoria, Michelle Green, has said the exemption of non-government schools from paying GAIC will mean that fees will not be unfairly inflated for parents moving into new areas. If those schools had to pay a tax, they would be looking for a method of recovery and would probably need to inflate their fees for people in those new areas. The legislation will ensure that that will not happen.

Ms Green has mentioned, as I have, that more often than not independent schools are the first to be established in some of those areas. In addition to the independent schools, the Catholic Education Office has also welcomed the bill, saying it will mean more dollars going into Catholic schools and therefore more resources and improved learning opportunities for students, rather than their being subjected to a tax and needing to pass it on.

A few assumptions underlie the bill. The exclusions from the requirement to pay GAIC should apply uniformly to government and non-government primary and secondary schools. A school provider should be able to subdivide and develop land for a school without triggering the GAIC liability, and when you look at some of the comments from the independent and Catholic schools, you can see why that makes good sense. The proposed exclusions do not remove the land from the GAIC scheme, so if a school owns some land but chooses not to develop it at the time, or it does not proceed or it ceases to be used as a school, the next GAIC event will trigger that GAIC liability. It does not mean that it is lost forever; it is only if it does not become a school or an ancillary building. The proposed exclusions will not apply retrospectively; the events that have happened and existing GAIC liabilities are not affected.

This is an election commitment by the coalition government to put government and non-government schools on an equal footing with regard to GAIC on land which they own currently in growth areas. The bill ensures that the development and purchase of land for a school does not trigger a GAIC liability and that both government and non-government schools are treated equally. It will also ensure that new residents have access to quality choices in education when moving into growth areas. You might ask why we would do this when we have already moved the initial GAIC amendments. This was an area that we wanted to

double-check to make sure we got it right so we did not have to revisit because we rushed into something. It pleases me that the bill will come into effect on the day after it receives royal assent.

**Mr PANDAZOPOULOS** (Dandenong) — I rise to speak on the Planning and Environment Amendment (Schools) Bill 2011, a bill that corrects an anomaly in the Duties Act 2000. The purchase of land for religious, charitable or educational purposes is not covered by duty, and this bill removes any payment of fees or taxes on new independent school subdivisions. I hope the bill will add certainty for those who are planning in growth areas in the future where the growth areas infrastructure contribution (GAIC) applies.

It is important to say that the principle of GAIC is appropriate. It is a debate that has been around for a long time — since I was on the state executive of the Municipal Association of Victoria and chaired the planning committee some 20-odd years ago. The first development contributions were made, and there was a recognition that developers made a windfall as land is converted from, basically, outer suburban farmland to subdivisions and that some of it should be returned to the community so we are not taken back to the days when I grew up in the northern suburbs. We had moved out of Richmond to Thomastown, where roads were still unmade and footpaths, reserves and playground areas really did not exist. People from the development industry made the windfall, but at the end of the day the community and the taxpayer had to pay for a whole lot of services, and it took a long time for those communities to catch up.

We have seen an evolution of development contributions, which is what GAIC is all about, and I guess this is part of that continuous evolution and a recognition that now the development industry builds into its costs a number of activities that are of benefit to the public but also a recognition that over time it has learnt to design estates that are of benefit to the developer in making their developments a lot more attractive in order to be able to compete with a whole lot of other subdivisions in the urban growth corridor.

I hope the development industry, in being approached for the possibility of new independent schools wanting to access or buy some land, will be considerate of the community purpose that independent schools serve. I think we have had an evolution in that sort of argument as well — that is, government versus independent schools. Of course the primary responsibility at a state level is the government school system. We are the predominant financier and manager of the public school system, but we also need to recognise that parents, as

they do in the public education system, vote with their feet, and many choose the private education system, where costs are quite high for families. It is a very big commitment. The reality is that every year private school fees tend to increase at a much higher rate than the inflation rate, which puts immense extra pressure on families. Anything that reduces up-front pressure on families is of benefit, and I would hope that schools which benefit from this reflect that.

As the president of Independent Schools Victoria has said, it will take some of the pressure off, and I hope we see that on an ongoing basis. Parents not only pay school fees at private schools; there are also many voluntary contributions, including contributions for building school projects. They are a regular thing in a parent's annual fee payment. Then there are the extra costs associated with the extra activities that children undertake in those schools.

As we debate the growth of independent schools in the growth corridors, good planning also needs to be undertaken in relation to the provision of government schools. In her considered contribution the member for Seymour mentioned that often the independent schools are first out there and that is often because government has been too slow to react. I think all governments are guilty of that. When I first became the member for Dandenong my electorate used to take in most of the electorate of Narre Warren South, a little bit of the southern part of the Gembrook electorate and a little bit of the northern part of the Bass electorate, which are all growth areas at the moment. In those areas we had to undertake community campaigns to ensure that public schools were available so that a clear choice was available for local communities, where two in three parents choose to send their kids to public school.

In providing a big benefit to the development of new independent schools in growth areas we should also ensure that commensurate effort is put in where the majority of kids go, which is the government school system. Because they are new housing estates in growth areas the majority of families are even more financially stressed than those that choose to pay the higher fees at independent schools, and it is the choice they make. Often as a result of that the public school option is the only one that the vast majority of parents can afford, so we need to make sure that whilst we are encouraging private schools in growth areas we are also doing good planning.

I have direct experience with this from some of the campaigns we ran for new schools in what is now the city of Casey, when I noted that the department's data is always behind the reality on the ground. When you

do a census every four years you are not gathering all the data, because it is hard when you are looking at the thousands of extra houses that are going into these areas. The way we got those schools in the past was by having community residents doorknocking each house and doing very detailed parent surveys, which was a smart approach. You would ask, 'Do you have school-age kids? Are they primary? Are they secondary? Do you send them to private school? Do you intend to send them to a government school? What is their age profile?'. We took that data to the department's southern metropolitan region office to convince it that its data at the time was way out of whack. This was in the Kennett years.

While the private schools will be market players — and they have an incentive under this bill — it is really important that we do not limit the choices that parents make in the outer suburbs through the lack of provision of and planning for new schools. When you look at the phenomenal growth there has been and the number of new schools that have been built in growth corridors — just government schools in the last decade — you see that when compared to the previous decade it is an extremely large number. As well we have seen record population growth in Victoria that affects that.

At the end of the day this bill corrects an anomaly. It is also an election commitment, and obviously our role in opposition is to ensure that the government delivers on its election commitment. I note from the minister's second-reading speech that, whilst the bill's provisions predominantly relate to educational purposes, there are specific exclusions, although I have not been able to find in the bill what those specific exclusions might end up being — what extra or ancillary types of subdivision might occur that would be beyond educational purposes. Obviously if the purpose concerned were religious or charitable, it would not be covered anyway. This bill corrects an anomaly, as I said, and I hope it provides confidence to the independent schools sector, enabling it to plan ahead in the new growth areas.

**Ms MILLER** (Bentleigh) — I would first like to acknowledge the contribution just made by the member for Dandenong. His comments constituted a relatively thorough contribution, so I thank him for it.

It gives me great pleasure to speak on the Planning and Environment Amendment (Schools) Bill 2011. This is significant legislation for Victorian families and certainly for families in Bentleigh, the electorate I look after. It is planned that the bill will implement the government's policy, and its commitment, to remove the requirement for non-government schools to pay a growth areas infrastructure contribution (GAIC) on

land they currently own in growth areas. This is very important. Many Victorian families choose to live in growth areas, and this amending bill is going to bring about a huge financial contribution. I have my family in the house this evening, along with the children of family members, and I know that my family's members have made a significant sacrifice to educate their children, and those children have benefited from that. This bill will certainly have an impact on families in growth areas, as it will on my own.

Thirty-seven per cent of all Victorian students are educated in non-government schools. Many of the schools are low-fee schools, and families might choose to send their children to either those schools or government schools. This bill is very important because it ensures that the purchase and development of land for schools will not trigger a GAIC liability. It also ensures that government and non-government schools are treated equally under the GAIC scheme. This means this amending bill will have a significant impact. We are righting a wrong left by the previous Labor government which allowed this tax to be levelled on schools. The tax in turn was passed onto families, and I have to say today, more than ever, families in Victoria — and certainly the families in my electorate — are finding things financially tough. Removing this tax is therefore a good thing.

There are three typical events that may or may not trigger GAIC. The first is the subdivision of land to create a lot to be used for a school. Where a government school is concerned a subdivision, as a subdivision solely to provide a lot for a public purpose, is an excluded subdivision under section 201RF(b) of the Planning and Environment Act 1987. That subdivision is not a GAIC-related event; there is no trigger of a GAIC liability in such an instance. A second event is the purchase of land for the purpose of establishing a school.

Under the existing legislation the purchase of land for religious, charitable or educational purposes or by a corporation or body of persons established for such purposes will also not incur the GAIC fee. The third situation is the making of a building permit application for a school. This, as a GAIC-triggering event, incurs a liability. In the existing legislation there is a difference between government schools and non-government schools; the difference pertains to whether events related to them trigger the tax liability or not.

Our bill is consistent with the Baillieu government's commitment to the Victorian people — and our election policy commitment — to remove the requirement for non-government schools to pay GAIC

on land they currently own in growth areas. There are many growth areas in Victoria, and as I said many families choose to live in them, which is a wonderful thing. That families will be getting this financial benefit is very important for them.

As I said, 37 per cent of all Victorian students are educated in non-government schools. I am on a bipartisan education committee in this Parliament, and we speak to many students, teachers and staff in different organisations associated with the education arena. All of them would be in agreement that these amendments to the principal legislation are a significant contribution and will definitely decrease financial burdens. Certainly from a Catholic school perspective such people can see that there will be more money going into the Catholic schools and into the resources of Catholic schools, and there will be improved learning opportunities for the students in those schools. That is a very important thing.

As you know, Acting Speaker, as a family man, the children of today are tomorrow's future. I am sure any parent wants to give their children the best opportunity and enable them to put their best foot forward in life, and they can do that through education, whether that be in a government school, a private or independent school, or a Catholic school. Whatever school may be concerned, here in Victoria every parent wants the best for their child. The amendments made by the bill will certainly contribute to the opportunity to give that to them.

The bill also means there will be no need for the raising of fees. With the federal Labor government's introduction of a carbon tax, several principals of schools in my electorate have come to me and asked, 'How am I going to pay my bills? The cost of lighting, heating and cooling is going up'. These costs schools incur through these taxes will be passed on to parents. As I said, principals have asked, 'How am I going to pay?', and the answer is that they will pass that cost on to parents. There seems to be a belief in the house this evening that the former coalition government was responsible for closing more schools, but that is not the case. In the 11 long years of the previous Labor governments, it sold off more schools than the coalition government.

Let us make this point very clear. There are a lot of struggling families in Victoria, and the bill will ease their burden. That was one of our election commitments. We went to the election telling the Victorian people, 'We will ease the burden, fix the problems and build the future'. These schools are our future. They are the future for our children and for our

children's children. That is why this bill is so important, now more than ever. I reiterate that there will be a significant cost saving for families. It will decrease the need for schools to raise their fees and take the pressure off families. That is important because today, more than ever, families are feeling how tough it is out there. Taking the pressure off these parents will take the pressure off their children. The children will be in a relaxed, friendly environment within the school that they choose to go to, and this is a good thing.

The bill ensures that new residents in Victoria have access to quality choices in education when they are moving into a growth area. As I said, this could be a government school, a non-government school, a Catholic school or an independent school, and that is a significant thing. Again, there are many aspects of education that need improvement, and we are certainly working on those things, but this is an important reform. It will ensure that parents who choose to send their children to a non-government school are not unfairly put at a disadvantage. It has taken the Baillieu coalition government to identify this problem. We will rectify the problem — fix the problem — and we are building for the future. That is a very important thing.

The bill ensures that the development and purchase of land for a school will not trigger a GAIC liability. As we go along in the years ahead and understand more about how the carbon tax will impact on our daily lives, we will certainly see some differences in the education sector. The cost of living will go up, costs will be passed on through the education system and the Victorian people will see that. This is one step of many. We will ease the cost of living for families in Victoria and make sure that children get a decent education. I commend the bill to the house.

*Applause from gallery.*

**The ACTING SPEAKER (Mr Morris)** — Order! I ask for silence in the gallery, or people will be removed.

**Mr McGUIRE** (Broadmeadows) — I rise to make a brief contribution in the public interest on the Planning and Environment Amendment (Schools) Bill 2011. Simply put, it aims to correct an anomaly and provide certainty. The bill seeks to exempt independent schools from making a growth areas infrastructure contribution (GAIC). Schools, whether independent or state, are social infrastructure and provide public good. It is therefore right that schools should be exempt.

I note that a review of taxation arrangements for independent schools in Australia is currently under

way. It is worth noting that a similar review was conducted by a court in the UK, and it was found that tax concessions for independent schools should be indexed against the overall public benefit offered. This should be measured against two key principles: firstly, the nature of the purpose itself must be of benefit to the community; and secondly, those who may benefit from carrying out the purpose must be sufficiently numerous and identifiable to constitute a 'section of the public'.

To this extent the UK review found that there must be identifiable benefits; it must be clear what those benefits are; the benefits must be related to the aims; and the benefits must be balanced against harm. It went on to declare that the benefit must be to the public or a section of the public. Where benefit is to a section of the public, the opportunity to benefit must not be unreasonably restricted by geographical or other factors or by ability to pay fees. A finding that caught my eye was that people in poverty must not be excluded from the opportunity to benefit. Any private benefits must be incidental.

The UK review suggested that independent schools could offset and increase their public benefit through the provision of scholarships and bursaries; arrangements under which students from local state schools can attend classes in subjects not otherwise readily available to them; sharing of teachers or teaching facilities with local state schools; making available, whether via the internet or otherwise, teaching materials used in the school; making available to students of local state schools other facilities such as playing fields, sports halls, swimming pools or sports grounds; and making those last facilities available to the community as a whole.

Labor does not oppose the bill. I have raised this analysis and the findings of the UK review because they are worth noting, and I urge the government to consider the findings of the Australian review. The goal we all want to achieve is better social infrastructure in growth areas. We cannot afford to leave people and communities feeling isolated and marginalised at the end of the line. This is a theme I have raised repeatedly, given the history of my electorate of Broadmeadows and the generational failure of governments to deliver the necessary infrastructure, which was only rectified under Labor. This was particularly enhanced by the \$60 million investment in the schools regeneration program. The cities of Hume and Whittlesea, which make up Melbourne's north, have a desperate need for more public infrastructure.

I join with my colleague the member for Ivanhoe in the call for greater funding for the Northern Hospital,

which is vital for the growth of these areas and the people whose labour underwrites Victoria's prosperity and makes a major contribution to maintaining Melbourne as the world's most livable city.

As the opposition lead speaker also did, I seek clarification that the bill will not just address the prospective effects but will be applied from the time the government announced it. With this clarification, Labor wishes the bill a speedy passage through the Parliament.

**Mr THOMPSON** (Sandringham) — I am pleased to join the debate on the Planning and Environment Amendment (Schools) Bill 2011. This is an important bill that will relieve educational organisations that are planning to develop new schools in growth areas of the obligation to pay the growth areas infrastructure tax, which will facilitate the development of facilities in local school precincts. It does not apply to preschools or universities but to primary schools and secondary schools within the growth corridor areas.

In the Sandringham electorate we have contended with growth issues over a long period of time. From the days of early settlement the question has been asked in rhetorical terms that if one said, 'O, call back yesterday, bid time return', what would be the optimum level of development that one would return to within the Sandringham electorate, where differential levels of development have taken place? If one said, 'O, call back yesterday, bid time return', would it be to the 1850s when the Moyseys in Beaumaris had a run and when Charles Ebdon, Victoria's first Auditor-General, had established his home at Black Rock, which was named after a place in Ireland near where his wife was from? Would we call back yesterday and bid time return to the 1890s, when there were closed subdivisions more of acreage than hundreds of acres? Or would you go back to the 1920s, 1940s, 1960s or 1970s, when there was the commencement of infill development and increased demand on local services?

As a result of the 1 million extra people or thereabouts who will be coming to the city of Melbourne over the next 20 years, we will be seeing increasing demand on goods and services within the Sandringham electorate, an urban middle-Melbourne metropolitan electorate. There will be issues such as parking around railway stations, overcrowding on trains, demand for places at local schools which a number of years ago may have been contemplated for closure and demand on local hospitals, including from those on the emergency waiting list at Sandringham Hospital.

These will all be relevant questions as we look at the infrastructure that is necessary to support developing communities. Education is of fundamental importance, and relieving educational institutions and organisations of the tax burden will enable those voluntary community charitable organisations to develop at a greater pace and provide the necessary and requisite infrastructure for local areas. I might add that the development of infrastructure is an issue that affects not only the outer urban areas but also areas like Sandringham.

We are seeing at the moment plans to build a new railway station at Southland, which will provide better ease of access for people who use the Frankston railway line, such as the residents of the Patterson area, Bentleigh and Moorabbin, who will be able to move into the Southland precinct by train rather than by motor vehicle. Further south, in the electorate of Mordialloc, residents of Parkdale and Mordialloc will have the chance to travel by train to go shopping.

It is also important for there to be continuing development of local shopping precincts in areas such as Highett and Cheltenham so that they are able to maintain their business mix and serve their local communities with the goods and services that people in those areas seek. There is an issue in the Sandringham electorate around the Highett and Cheltenham area, where some land will be coming online for redevelopment. It is imperative that the roads in that area be of a suitable capacity to absorb the high-density traffic. Bay Road, servicing Southland to the east, and Beach Road, servicing it to the west, are experiencing higher levels of traffic. Over the last nine years VicRoads has not been able to keep up with the requests for traffic remediation measures. Nevertheless, in the last few years new traffic lights have been installed at Park Road, Reserve Road and Tulip Street. Lights will soon be commissioned on Bay Road, Sandringham, to service Sacred Heart Parish School.

These aspects of infrastructure, including road traffic remediation measures, will make it easier for people to live in an urban electorate that has seen significant increases in its population base and in the volume of vehicle movements. Bay Road is not the only area we are concerned about. Requests have also been made by local residents in relation to other intersections, such as the intersection of Reserve Road and Weatherall Road, the intersection of Beach Road and McGregor Avenue near Central Avenue, and the intersection of Tulip Street and Bluff Road. People are taking their lives into their own hands at times to break into the heavy streams of traffic at those intersections. More needs to be done to examine these issues and to promote the

free, smooth and safe movement of traffic in those areas.

Victoria is developing at a rapid rate, and an ancillary aspect of that has been the build-up of cases at the Victorian Civil and Administrative Tribunal (VCAT). According to one media report, there is a backlog of up to 12 months. No-one would regard this as an acceptable time lag in light of the holding costs of real estate. More needs to be done to examine what can be done to reduce the long-term build-up on the planning list at VCAT so that development can take place smoothly, so that developers can have certainty as to what their liabilities and holding costs will be and so we can move forward and provide the necessary infrastructure. Good investors and developers can provide footloose opportunities for development to take place with the necessary infrastructure also in the outer areas of Melbourne.

I note that the contributions in this debate have dealt with the outer-lying areas of Melbourne. I refer to the contribution of the member for Geelong on the other side, who mentioned the development that will be taking place at Armstrong Creek shortly. It is a magnificent tract of land which is close to one of Victoria's major cities. It is important that as that development takes place there be appropriate levels of infrastructure to accompany that development.

The bill before the house provides exemptions for primary and secondary schools as educational institutions, and I look forward to seeing what they hope to achieve as a consequence. I am pleased to support the bill before the house, which will provide better opportunities for learning institutions so that the education side of the equation can be covered. However, more work needs to be done to free up the planning process so that constructive development can take place.

**Mr NARDELLA** (Melton) — I rise to speak on the Planning and Environment Amendment (Schools) Bill 2011. It is a great pleasure to follow the honourable member for Bentleigh on this particular bill. She talked about easing the cost of living and how this bill will make kids and students happy. What a load of rot! This bill is about taking the tax liability — that is, the growth areas infrastructure contribution (GAIC) — away from private education providers.

We will not be opposing this bill, but it is interesting that the government has taken this particular policy position. It took this policy to the election. I saw the press release — it is a very nice press release — which was supported by Stephen Elder, a former member of

this place, when the government announced its position on this earlier this year. The bill will help private institutions by not requiring them to pay the tax, and it will save them about \$10 million over the next four years.

The member for Bentleigh said this particular measure is going to keep fees down and it is going to make it cheaper for families to send their kids to private schools if and when they are established in the growth areas in the outer suburbs that my electorate covers, such as Melton. The member for Keilor's electorate covers part of Melton as well.

**Ms Pike** interjected.

**Mr NARDELLA** — As the member for Melbourne says, it is utter rubbish.

**Ms Pike** interjected.

**Mr NARDELLA** — That is correct. If you have a look at what GAIC does, you see that it basically provides a 20 per cent contribution to the infrastructure needs of these growing outer suburbs. What this government is doing is saying that kids in the outer suburbs can be sent to wealthy private schools — government members always trot out the low-fee schools, but it is really the wealthy private schools that they are talking about, like the Westbournes and the Xaviers, if they want to go out there and create another campus in the growth areas, and the Haileyburys, which has a number of campuses.

The government is saying that this bill is going to keep the fees of these 'low-fee' schools down. Given that their fees have been going up by an average of around 6 or 7 per cent a year, regardless of the support or the 25 per cent contribution that the state government is now providing to them, the fees will certainly be beyond the means of working-class families.

It really means that these schools which will require infrastructure, will not be providing any financial contribution towards that infrastructure. What is that infrastructure? It is things like school buses, and it is things like parking around schools. School representatives are forever knocking on the doors of members of Parliament seeking to get parking for parents — essentially mums — to drop off their kids safely. That infrastructure provision will be paid for not by the schools, which sometimes do not plan effectively for these things, but by either the state or the municipal council. The schools are not going to make contributions to roadworks, to the pools they use or to the libraries.

Certainly in Caroline Springs, which used to fall within my electorate but is now covered by the electorate of the member for Kororoit, there is a joint-use facility, which is a fantastic facility, between the shire of Melton and Mowbray College, which is a fantastic college. GAIC assists with the construction of those facilities, yet private schools will not need to make that contribution. In regard to sportsgrounds, in our term of government we initiated quite a lot of shared sportsgrounds. Again, some of that initial work was done at Caroline Springs between Christ the Priest Catholic Primary School, Mowbray College and Lakeside Primary School. Those things partly came out of GAIC, to which these schools will now not need to contribute. GAIC also provides funds for health services for kids, including mental health services and other support services and infrastructure that assists schools to operate in these outer suburban areas.

When members opposite talk about reducing the cost of living, I want to know how that is the case, for example, for apprentices, for whom this government has increased TAFE fees by \$200. That is not reducing the cost of education services to families and the people undertaking that upskilling, nor is getting rid of the Victorian certificate of applied learning coordinators. The cost of living for these families is actually being increased, not decreased, by this government.

This bill provides assistance to private organisations in the purchase of land. It is not retrospective, as the member for Sandringham said; it is prospective, but it is not going to ease the cost of living or fix any of the problems that are being experienced in growth areas like Melton, Hume, Whittlesea, Casey and Wyndham. In Melton and Wyndham the growth rate is around 6.5 to 7 per cent. It is not just the highest growth area in Victoria; it is the highest growth area in Australia. Many years ago we had the demographer Bernard Salt talking about Queensland having been the fastest growing area for the previous 30 years and saying it would remain so for the next 30 years, but in fact it is Melton and Wyndham that are the fastest growing areas in Australia.

GAIC is extremely important in assisting with the provision of infrastructure for these growing communities, particularly railway stations — and the private schools, especially, rely on the public transport system to get their students to the schools. The 20 per cent contribution assists with that, but this government knocking off, for example, the Toolern railway station and knocking off the Caroline Springs railway station, which would have serviced Mowbray College and the other Catholic schools in Caroline Springs, is not going to ease the cost of living. Toolern railway station was

fully funded in the previous government's forward estimates.

The 20 per cent contribution is no longer going to assist in providing those families with the wherewithal and the financial backing to send their kids to those schools. This stuff is just a furphy. This government is saying one thing, but when you have a look at the government's actions you can see it is not assisting these families to provide a better education for their children.

I will talk about educating the children. It is very interesting that this government talks about 'the right children', because in terms of dog whistles this government is taking its lead from Tony Abbott, the leader of the federal opposition, in regard to who the right kids are. The right kids go to independent schools and should do the Victorian certificate of education, the International Baccalaureate or whatever else the government wants to develop in Victoria. But this legislation will not assist the parents of working-class kids and middle-class kids who want to send their children to private schools. As I said, we are not opposing the legislation.

**Debate adjourned on motion of Mr KATOS (South Barwon).**

**Debate adjourned until later this day.**

## PUBLIC PROSECUTIONS AMENDMENT BILL 2011

*Second reading*

**Debate resumed from 27 October; motion of Mr CLARK (Attorney-General).**

**Ms HENNESSY (Altona)** — I am very grateful for the opportunity to rise to make a contribution to the debate on the Public Prosecutions Amendment Bill 2011 and in particular to outline the Labor opposition's position in respect of this bill. In short, the opposition does not oppose this bill, and I will go through the reasons for that.

The fact is that there is not a great deal in the bill. I appreciate that the government has characterised this bill as representing a significant degree of reform. That is a proposition that the opposition quite comprehensively rejects, because this is a bill that is reasonably cosmetic in nature in respect of restructuring the Office of Public Prosecutions (OPP). I am not the only one who thinks that is the case. The solicitor for public prosecutions, Craig Hyland, has described this

bill as business as usual. I must say that the opposition lines up with Craig Hyland on this matter. We say this bill is effectively business as usual, and it is upon that basis that we do not oppose it. As I said, this could hardly be characterised as wide-ranging reform. It is not heavy in terms of substance; it is not heavy in terms of institutional change. It is for these reasons that we do not oppose it.

Before I turn to the provisions of the bill, I will mention a number of our concerns. I must say these are not concerns that the Victorian opposition holds exclusively in this respect. These concerns go to the way in which this government has dealt with senior law enforcement officers. This is an issue which the Office of Public Prosecutions has not been immune from, and we have some serious concerns in respect of the government's conduct in relation to the use of the Vincent report. As I have said, if there is one thing this government has been consistent about, it is being heavy on rhetoric about being open and transparent but very light on substance.

On a number of occasions this government has engaged in unprecedented interference in law enforcement agencies. We are debating a bill about the Office of Public Prosecutions. This is an institution that has not been immune from what is now emerging as a *modus operandi* that this government has adopted. These are issues that have been canvassed in a whole range of reports but most spectacularly in the recent OPI (Office of Police Integrity) report *Crossing the Line* — and that is to say nothing of what might be characterised as a concerted campaign to undermine the previous Director of Public Prosecutions, Mr Jeremy Rapke, QC.

This is a government that launched the inquiry headed by former Supreme Court judge, Frank Vincent. Justice Vincent is an honourable man. He was a spectacular judge who made a wide-ranging contribution to the community in a number of forums, particularly in the western suburbs area I represent and subsequently in the tertiary education field. He is a well-known champion of children's rights. He is a man I hold in high regard, so any criticism I make of the process of the Vincent review is in no way intended to impugn the integrity, capability or confidence of Frank Vincent. However, I must say this: by suppressing the Vincent report the government has effectively failed to show confidence in the Victorian people. It has failed to show any confidence in the fact that the Victorian people are ready, willing, able and entitled to understand this government's intervention in the Office of Public Prosecutions.

Part of the dilemma that we have when debating this bill is that the bill, according to the government's version of events, has been precipitated by the Vincent review, yet the opposition, the Parliament and the Victorian public at large have been denied any information about what issues the Vincent review canvassed and what recommendations might have been made during the course of the review. It strikes me that not only is it demonstration of the government's ongoing commitment to breaking its election promise to be open and transparent but it also effectively impugns the Office of Public Prosecutions under cover of a shroud of secrecy. It asks us to come into this Parliament and debate a reasonably cosmetic restructure of the Office of Public Prosecutions while having absolutely no idea of what the precipitating factors might be.

It might be that some of those are legitimate factors, and there is a possibility that we remain alive to the hope that the government might come out and be open and honest about the issues canvassed in that review. However, it strikes me as being reasonably weak-fisted to try to champion yourselves as the saviour of the Office of Public Prosecutions but deny the Parliament and the Victorian public the reasons and the information that may have precipitated the bill. I understand that there may be legitimate reasons for the government not releasing all of this report, but the government has released none of it — not even an edited version. It has provided no explanation around any of the detail or why it may not have released any of this information.

We have also seen in this very chamber, Acting Speaker, as you would be aware, a reasonably contested debate about how the issue of the Deputy Premier and the conflict of interest in the consideration of the Vincent review was handled by the cabinet. This is a bill that has a pretty tawdry history, and the circumstances that come before it not only reflect dishonourably upon the government but effectively entrap the Office of Public Prosecutions in that dishonour. In my view that is very unfair.

We have also seen spectacular speculation surrounding the reasons for Mr Rapke's resignation. I should say that when I use the term 'resignation' I do so in inverted commas. It is probably more likely than not that that resignation was procured under some duress. I must say with a degree of disappointment that when the Attorney-General was asked these questions in the chamber he was less than forthcoming in being open, honest and transparent about the circumstances of Mr Rapke's resignation. Again, that serves no-one's

interests, and I do not think it serves the interests of the credibility of this bill.

As I said, we can hardly describe this bill as a response to deep public concerns, because no public concerns have been made transparent other than we know there was a campaign to undermine Mr Rapke and that various individuals at the Office of Public Prosecutions have possibly had their reputations highly unfairly and significantly tarnished. There has been no explanation as to whether there is any truth or doubt in respect of those issues, and a review has been undertaken of one of the most important bodies in this state yet Victorians have been denied any information around what the content of that review might have told us.

Then, all of a sudden, we see this bill arrive. As I said, if one believes the spin, it is meant to be a grand restructure of the Office of Public Prosecutions, largely precipitated by the suppressed Vincent review. When we go through the content of this bill, which I will do very shortly, we see that the changes are reasonably cosmetic and were described as business as usual by Mr Craig Hyland, yet Victorians are none the wiser as to the circumstances regarding the significant changes in that office.

In turning to the bill before us, I again make the point that it is a bill that is very light on reform, and, as I said, any suggestion by the government that it is anything but that is highly contested by the Victorian opposition. In the second-reading speech the attorney refers to the precipitating factors of this bill as being 'the difficulties of recent times', but in the absence of understanding what information the government may have had before it we do our best to proceed.

Effectively this bill defines the public prosecutions service as the Director of Public Prosecutions (DPP), the chief Crown prosecutor, Crown prosecutors including senior Crown prosecutors, associate Crown prosecutors, the solicitor for public prosecutions and the Office of Public Prosecutions. It confirms effectively that the DPP is the head of the public prosecution service in Victoria. There is no major change there. It confers on the DPP overall responsibility for the conduct of public prosecutions, control over the chief Crown prosecutor, the solicitor for public prosecutions, Crown prosecutors and associate Crown prosecutors.

I am conscious as I share all these terms and go through the substantive provisions that I am certainly not trying to transform my contribution into an episode of *Crownies*, a show which I secretly enjoy, I must concede, but it is important, given that they are

significant officers, that we identify what change of powers will occur under this bill.

The bill preserves the Director of Public Prosecutions as a Governor in Council appointment and continues to enshrine the solicitor for public prosecutions as having administrative responsibility for the OPP. In doing so it determines that the Solicitor for Public Prosecutions still undertakes a management role and does so on behalf of the DPP. The government has argued that this is to enable the Director of Public Prosecutions to focus on his role of chief prosecutorial decision-maker in this state. There is a slight redefinition of the Solicitor for Public Prosecutions. The bill makes it clear that part 3 of the Public Administration Act 2004 applies to those officers. It retains the existing functions of the Solicitor for Public Prosecutions and makes the chief Crown prosecutor the standing deputy for the DPP in the event that he is absent.

The bill also amends the way in which the chief Crown prosecutor manages the performance of Crown prosecutors and associate Crown prosecutors. It adds a new requirement that Crown prosecutors and associate Crown prosecutors are to be accountable for executing their functions and duties, and it also has quite an interesting turn of phrase. It imposes a new obligation that these officers perform 'in an effective, economic and efficient manner'. I think that is a reasonably interesting obligation to impose upon such people.

I am not for a moment suggesting that the Attorney-General would be trying to infer that the Crown prosecutor and the associate Crown prosecutors are performing their roles in a wasteful manner, but if there is one concern I have about the use and insertion of that language in this scheme it is that all public officers have an obligation to ensure that there is an efficient and effective use of public resources. That is a public sector-wide obligation. However, what is critically important, particularly in the context of the Office of Public Prosecutions, is that the overriding obligation must always be to act in the public interest. I think that is a point worth emphasising, and the insertion of measures requiring prosecutors to be more efficient and not act in a wasteful manner strikes me as a little trite and perhaps not a necessary obligation to include in this bill.

The bill also seeks to change the existing processes around how a Crown prosecutor is removed from office. No doubt there are issues that have been canvassed in the Vincent report that would provide us with some greater insight in terms of what are some of the public policy imperatives the government might

argue in support of this inclusion, but, as I said, we are none the wiser because that report has been suppressed.

In essence, the changes contained in this bill are minor. Whilst the Committee for Public Prosecutions will be abolished — a committee consisting of the DPP, the chief Crown prosecutor, the Solicitor for Public Prosecutions and one independent member of the Director of Public Prosecutions office — it will be replaced by a Director's Committee. However, in terms of the associate Crown prosecutors, the bill seeks to alter the appointment process for new associate Crown prosecutors. I accept that that was a matter of some public speculation, particularly in respect of the former DPP. Currently associate Crown prosecutors are Governor in Council appointments, and this bill seeks to alter that so that in future associate Crown prosecutors are appointed directly by the DPP after consultation with the Director's Committee.

The bill also seeks to modify the functions of the Office of Public Prosecutions, and I think that is important. The appearance of staff of the Office of Public Prosecutions in proceedings on behalf of the DPP is done subject to any relevant guidelines established by the Director's Committee.

The issue that engages my mind is that there is nothing in the legislation that would have made the slightest difference in respect of the issues canvassed regarding Mr Rapke. If these changes had been in place at the Office of Public Prosecutions at the time that there was some public commentary — others would characterise it as a concerted campaign to undermine Mr Rapke — none of it would have made any difference, either in respect of the operation of Mr Rapke's work or the appointment of associate Crown prosecutors.

If anything, removing the Attorney-General from some aspects of the appointment process might for some members of the office exacerbate issues that might arise with the office in the future. But as I have earlier argued, there is secrecy shrouding the whole issue of the Vincent report, and we still do not understand the circumstances around Mr Rapke's resignation. We do not know if he was pushed from office; we do not know if he went of his own free will; we do know that this government has now started to accord itself quite a reputation regarding intervention in law enforcement institutions. I must say, as a person who became relatively engaged in the political process during the Kennett era, that Bernard Bongiorno's name — he is now a respected Supreme Court judge — does come to mind.

What I do think is critically important is that when there are backroom campaigns against significant senior important law officers, when people's reputations are trashed, when their activities are brought to bear before all in the newspapers every single day, governments have an obligation to stand up for them. The government's obligation is to ensure that we have confidence in our law enforcement institutions. It should not be an active participant in or the precipitator of the undermining of senior law enforcement officers. That is a modus operandi that is not only highly inappropriate but is damaging to the confidence in which people hold our law enforcement institutions.

As I said earlier, this bill will not alter in any significant way the manner in which the Office of Public Prosecutions will operate. This office performs incredibly important work on behalf of the people of our state. Despite the rhetoric of this government, this is a bill that simply tinkers around the edges in a way that the opposition does not believe will have any major effect. Confidence in the OPP is critical, but let us not have governments that go around and smear and with the power of innuendo destroy people's professional reputations. If this were a government that was serious about strengthening confidence in the OPP, it would have been open about the Vincent review, it would have conducted a public conversation around its concerns and it would have engaged the Victorian community in what its ambitions and concerns were for the Office of Public Prosecutions. Instead we have nothing but speculation and intrigue.

I hope that now this matter is behind it, this government will attempt to be a greater champion for integrity in law enforcement agencies and institutions and stop making coded implications about other people in the process. On that basis, the opposition does not oppose the bill. I wish it a speedy passage through the house.

**Mr SOUTHWICK** (Caulfield) — I rise to speak in the debate on the Public Prosecutions Amendment Bill 2011. It is a pleasure to stand before the house and speak on a bill which is all about restoring confidence in law and order. On many occasions I have stood in this chamber and spoken about law and order. It is an issue that the government went to the election on, and it is something that the government continues to deliver on. It has been given a mandate by the Victorian public to do so.

The Office of Public Prosecutions (OPP) is the key law enforcement body in this state; there is none higher. This bill is very much about building the strength of the important work of Victoria's public prosecutions service, which has a key role in the separation of

powers between the prosecution functions and the support functions of the Director of Public Prosecutions. The bill will unify the existing DPP officers into an integrated public prosecution office under the DPP to allow the core business of prosecution of offences on behalf of the Crown to proceed. Currently the bill also looks at providing for the appointment of a deputy to act as the DPP when the DPP is on leave or not available. It allows the CCP (chief Crown prosecutor) to stand in for the DPP in their absence.

I will speak shortly about some of the key objectives of this bill. What we are doing here is ensuring we can have confidence in the abilities of the highest body in this state for dealing with public prosecutions. We can also remove some of the clogging in our court system, streamline the process and ensure that the public has a very clear picture of the way cases are prosecuted and that these prosecutions continue to be carried out in the best and speediest manner. The previous speaker, the member for Altona, spoke about the inclusion of the words 'efficient and effective' in the legislation. She felt that those words should not be included. I would think that when dealing with a public office such words would be an important inclusion in any legislation. Efficiency and effectiveness are the keys when we talk about public policy.

I wanted to talk about some of the objectives this bill seeks to achieve and the context in which it was introduced. Earlier this year the Attorney-General announced that the structure, operations and management process of the OPP would be revised in relation to the current need and in light of experience gained in other jurisdictions over a period of 17 years. This announcement was made following the inquiry by former Justice Frank Vincent into Victoria's public prosecution officers. I am glad that Frank Vincent has been mentioned, and I would like to take the opportunity to say what a great appointment that was. Frank Vincent is a great man who is held in the highest regard. He was given the proper opportunity to look into this matter and ensure that the inquiry was done in a prudent and correct manner. On a personal note, I could also say that I had the privilege of serving with Frank Vincent at Victoria University when he was chancellor. I hold him in the highest regard.

As we have heard from the opposition, the report has not been released; however, Mr Vincent recommended that the role relationships between the DPP, the CCP and solicitor for public prosecutions need to be examined. This bill provides the legislative response to that recommendation, and we are streamlining the process. We are ensuring that there is clarity in terms of

public prosecutions in the state, and we are ensuring that it is done in an effective manner. As I mentioned, we went to the election with law and order first and foremost among our election commitments. What we are doing here via this bill is tidying up the manner in which the office of the highest prosecution body, being the Director of Public Prosecutions, operates. We are streamlining it. We are ensuring that it will operate in an efficient and effective manner. We are making sure through this bill that the Victorian public can again have confidence in this high office.

It is a very important bill. As I mentioned, it is a bill on which we have taken very good advice from people who are held in the highest regard. With this bill we seek to ensure that there will be a proper process and that we build on the strengths of this office over a long time. The separation of powers is very important. The operational functions and prosecutorial element of the DPP need to be separated and streamlined, and that is what this bill does. It is a very important bill. I congratulate the Attorney-General on its introduction. He has done a lot of work on it to ensure that he has got it right. We have got it right. We will continue delivering these very important parts of our election promises in relation to law and order. I commend this bill to the house.

**Mr FOLEY** (Albert Park) — I rise to make a contribution in the debate on this important bill, the Public Prosecutions Amendment Bill 2011. Deputy Speaker, I will be guided by you as to whether I should continue or should await a further opportunity to make my riveting contribution on this important bill.

**Business interrupted pursuant to sessional orders.**

## ADJOURNMENT

**The DEPUTY SPEAKER** — Order! The question is:

That the house now adjourns.

**Ms Garrett** — On a point of order, Deputy Speaker, I draw your attention to sessional orders adopted by this chamber requiring ministers to provide a response to adjournment debate matters within 30 days. On 13 September I raised an important matter for the Minister for Planning, seeking that he attend a meeting with me, local council representatives and the John Street residents group regarding the proposed development of what is locally known in Brunswick as the Tontine site. As I have not yet received a response from the minister, I ask that you write to him and seek an explanation for this delay and a response to my adjournment matter.

**The DEPUTY SPEAKER** — Order! I will bring the matter to the attention of the Speaker.

**Ms Garrett** — On a further point of order, Deputy Speaker, again I draw your attention to sessional orders adopted by this chamber requiring ministers to provide a response to adjournment debate matters within 30 days. On 29 June I raised an important matter in this place for the Minister for Public Transport calling on him to make a clear commitment in relation to funding for bike infrastructure. As I have not yet received a response from the minister, I ask that you write to him and seek an explanation for this delay and a response to my adjournment matter.

**The DEPUTY SPEAKER** — Order! I will bring the matter to the attention of the Speaker.

**Ms Green** — On a point of order, Deputy Speaker, I draw your attention to sessional orders adopted by this chamber requiring ministers to provide a response to adjournment debate matters within 30 days. On 15 September I raised an important matter for the Minister for Health, asking him for his assurance that patient safety at the Austin Hospital would not be compromised by his government's decision to sack 39 front-line maintenance workers at this great facility. At the time, in his capacity as the minister handling questions for the minister in the other place, the Minister for Ports said he would refer the matter to the Minister for Health. As I have not yet received a response from the minister, I ask that you write to him and seek an explanation for this delay and a response to my adjournment matter.

**The DEPUTY SPEAKER** — Order! I will bring the matter to the attention of the Speaker.

**Ms Edwards** — On a point of order, Deputy Speaker, I draw your attention to sessional orders adopted by this chamber requiring ministers to provide a response to adjournment debate matters within 30 days. On 12 October I raised an important matter in this place for the Minister for Energy and Resources requesting that he meet with Central Victoria Solar City. As I have not yet received a response from the minister, I ask that you write to him and seek an explanation for this delay and a response to my adjournment matter.

**The DEPUTY SPEAKER** — Order! I will bring the matter to the attention of the Speaker.

**Ms Edwards** — On a further point of order, Deputy Speaker, I again draw your attention to sessional orders adopted by this chamber requiring ministers to provide a response to adjournment debate matters within

30 days. On 9 November I raised an important matter for the Minister for Health regarding the Baillieu government's election commitment to fund \$10 million towards Castlemaine hospital. As I have not yet received a response from the minister, I ask that you write to him and seek an explanation for this delay and a response to my adjournment matter.

**The DEPUTY SPEAKER** — Order! I will bring that matter to the attention of the Speaker.

**Mr McGuire** — On a point of order, Deputy Speaker, I draw your attention to sessional orders adopted by this chamber requiring ministers to provide a response to adjournment debate matters within 30 days. On 4 May I raised an important matter for the Minister for Health calling on him to secure the \$50 million investment needed to fund the Northern Hospital. As I still have not received a response from the minister, despite numerous requests, I ask that you write to him and seek an explanation for this delay and a response to my adjournment matter.

**The DEPUTY SPEAKER** — Order! I will bring the matter to the attention of the Speaker.

**Mr McGuire** — On a further point of order, Deputy Speaker, I draw your attention to sessional orders adopted by this chamber requiring ministers to provide a response to adjournment debate matters within 30 days. On 16 August I raised an important matter for the Minister for Planning, requesting that he end his cover-up of the details that led to my assessment in this place and in the *Age* that the Baillieu-Ryan regime has effectively established a favour bank for secret deals and opened the door to potential corruption on infrastructure to the value of \$200 million. As I have not yet received a response from the minister, I ask that you write to him and seek an explanation for this delay and a response to my adjournment matter.

**The DEPUTY SPEAKER** — Order! I will also bring that matter to the attention of the Speaker.

**Ms Allan** — On a point of order, Deputy Speaker, I draw your attention to sessional orders that were introduced by this government and brought into this chamber that require ministers to provide a response to adjournment matters that were raised by any member of this house within 30 days. On 14 September I had the opportunity to raise a matter in this place for the attention of the Premier. I was seeking from the Premier that he respond to my correspondence regarding the highly inflammatory comments made against me by a member for Northern Victoria Region in the other place, Mr Drum. Disappointingly, I have

yet to receive a response from the Premier, despite the introduction by him and his government of this new 30-day rule.

I ask that you write to the Premier to seek an explanation for this delay and for why he has broken his commitment to this house to respond within 30 days.

**The DEPUTY SPEAKER** — Order! I will also bring that matter to the attention of the Speaker.

**Mr Languiller** — On a point of order, Deputy Speaker, I draw your attention to sessional orders adopted by this chamber requiring ministers to provide a response to adjournment debate matters within 30 days. On 26 October I raised a matter for the attention of the minister at the table, the Minister for Environment and Climate Change, and I have not received a response. I think it is important that this matter, which relates to an environmental issue in Brimbank Gardens that has incidentally had state coverage in the *Sunday Age* and coverage in New South Wales in the *Sydney Morning Herald*, be responded to.

The environmental issue is of concern to the community in the western suburbs, and I draw to your attention, Deputy Speaker, that this matter has not been responded to by the minister responsible for the environment. As I have not yet received a response from the minister, I ask that you write to him and seek an explanation for this delay and a response to my adjournment matter.

**The DEPUTY SPEAKER** — Order! I will bring that matter to the attention of the Speaker.

### **Essendon Airport: emergency services flight paths**

**Mr MADDEN** (Essendon) — I raise an issue for the Minister for Police and Emergency Services. The request I make of the minister is that he meet with the new Chief Commissioner of Police, Ken Lay, to seek to have the police commissioner direct the police air wing to sign up to what is known as a fly neighbourly agreement. Such agreements are undertaken by the aviation services that fly in and out of Essendon Airport. Currently residents in the community surrounding Essendon Airport are frustrated by some of the flights being undertaken by operators at the airport, particularly the emergency services aircraft that are not subject to curfew.

Members of the community realise and appreciate that the emergency services need to use the airport at irregular times and outside the curfew, but the concept

of a fly neighbourly agreement, which most of the aviation services have signed up to, encourages pilots and operators to use flight paths which have the least impact on the surrounding neighbourhood and the residents in that community. Currently the helicopters at the northern end of the Essendon Airport are by far the noisiest traffic. Their flight paths have a significant impact on the noise footprint in the area and therefore on people day and night.

With a little bit more attention being paid by some of those pilots and their not cutting corners, as they often tend to do when they are leaving and returning to the airport, the noise impact would be reduced. Also, if they were to use other flight paths, which I am informed would not delay their transit to any of their important destinations, and have a more neighbourly flight pattern, that would show respect for some of the elements that the community has raised. By undertaking a more courteous arrangement in relation to the flight paths — —

**Mr R. Smith** interjected.

**Mr MADDEN** — The member opposite seems intent on interjecting. The issue here is about courtesy and consideration as well as the effective operation of the emergency services at Essendon Airport.

### **Water: restrictions**

**Ms RYALL** (Mitcham) — I wish to raise a matter for the attention of the Minister for Water. The action I request is for the minister to inform the community in the Mitcham electorate of the basis of the decision to change water restrictions and what those water restrictions mean for each household. We have seen a long period of drought over many years, which has resulted in tight restrictions and water savings being required of all community members. We also saw a response to the drought from the former government in the form of billions of dollars of Victorian money being spent on the north–south pipeline and the massive desalination plant, something that Victorians are paying for and will continue to pay for at just under \$2 million per day for the next 30 years — and water is yet to be drawn from the plant.

Over the years of drought the people in the Mitcham electorate and the state of Victoria generally have learnt and practised good water-saving management. Indeed my household has reduced its water use significantly and instigated water savings through the use of tanks. In recent times we have seen well above average rainfall, and I know people are keen to understand what the new regime means, what the restrictions are and what the

government will do to make sure that the status of water management is monitored and that any future restrictions are adapted accordingly. I would appreciate the minister's response to this request.

### **Fortuna Villa site, Bendigo: future**

**Ms ALLAN** (Bendigo East) — I raise a matter this evening for the Minister for Regional and Rural Development regarding the future use of the historic Fortuna Villa site in Bendigo. The action I am seeking from the minister is that he make a clear statement to the Bendigo community on the government's behalf about its intention. Does it intend to either accept or reject the offer from the commonwealth government that is currently sitting on the table to have what is known as a first right of refusal on the rejuvenation of the Fortuna Villa site?

The site is the location of a historic building, which has played an important role in the history of Bendigo as a goldmining city. The building was the former home of the quartz king, George Lansell, and the home, outbuildings and grounds have historic features in their architecture. For many decades the Department of Defence occupied the site but moved out only a few years ago. In vacating the premises the commonwealth made it clear that it did not intend to keep the property as a commonwealth managed or owned site. The commonwealth wrote to the former Victorian government offering it the opportunity to be first responder on any future use of the site. I also make the point that the community very much wants to see the Fortuna Villa retained as a community asset, as was evidenced by the 5000 people who attended an open day a couple of years ago to look at the site.

The Labor government examined this issue closely. An assessment was undertaken on the buildings and surrounds of what would be needed to start a new chapter in the history of the Fortuna Villa. A proposal was put to the commonwealth, part of which was a vision for it to be retained as a community asset. As part of that proposal the previous government made a \$7 million funding commitment to invest in the future of the site. This commitment was not matched by the then Liberal-Nationals opposition. Now in government the coalition has, after 12 months, failed to make it clear whether it will or will not take up the commonwealth's offer. As a result the site and its future are in limbo.

Disappointingly, the local Liberal-Nationals representative, Damian Drum, a member for Northern Victoria Region in the other place, has been desperately trying to muddy the waters, claiming this is a matter for

the commonwealth. Nothing could be further from the truth. The commonwealth is waiting, as it has been for some time, for an answer from the Victorian government. Its intention is clear. What it needs is an answer from the Victorian government. Only the Victorian government can answer the question about what it intends to do with the Fortuna Villa site, and that is why the following points need to be addressed. Does the Victorian government support the retention of Fortuna Villa as an asset to be used by the local community? Will it repeat the expression of interest in the site? Is it prepared to make a financial contribution towards the restoration of the Fortuna Villa site? These are important questions about the future — —

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

### **Mornington Peninsula Legacy Club: funding**

**Mr MORRIS** (Mornington) — I am pleased to rise tonight to raise a matter for the Minister for Veterans' Affairs, and the action I am seeking from the minister is that he find a way in which support can be extended to the Mornington Peninsula Legacy Club to assist it in the exceptionally valuable work it does in supporting our veteran communities.

I am sure that no-one in the house needs to be reminded of the work that Legacy does. It is a group of veterans, current serving servicemen and women and volunteers from across the board who together support widows and children of those who have given their lives in the defence of this country and who lost their lives as a result of their military service.

The Mornington Peninsula Legacy Club has a long and proud history. While the current name of the club has only been around since 1995, prior to that it was the Melbourne Legacy-Peninsula Group, founded in 1954. While its head office is in my electorate, the group covers an area that might be described as the greater Mornington Peninsula, extending from Edithvale in the north to Hastings in the east and down to Portsea in the south-west, so it covers a very big area. It has some 120 members and serves the needs of 2300 widows, children and disabled dependants.

The club undertakes a variety of tasks including advocacy for pensions and welfare, provision of financial assistance, the support of widows clubs, children's education and camps, disabled and dependants' camps, transport dependants and junior legatees holidays. However, like many other community groups, the Mornington Peninsula Legacy

Club suffers from the challenges of attempting to provide adequate communications and support services.

Essentially, the action I am seeking from the minister is that he assist the club in providing communications to its members and clients and, in that way, support the exceptionally valuable work it does for the Mornington Peninsula community.

### **Schools: Ivanhoe electorate**

**Mr CARBINES** (Ivanhoe) — The matter I raise is for the Minister for Education, and it relates to the Heidelberg schools regeneration project and the threat to current community facilities related to those schools. The action I seek is for the minister to meet with me, as the local member of Parliament, Banyule City Council and the affected sporting and community organisations to ensure continued community use of facilities at Banksia-La Trobe Secondary College.

Banyule City Council is keen to have a discussion to make sure it can provide the ongoing service of those facilities to the local community. I have been in many discussions with the council, and I have offered my support to lobby to do that. We have raised these matters many times with the Department of Education and Early Childhood Development, and we have repeatedly lobbied the government and the department to meet with the local communities to consult with and involve us in the decisions that affect those community facilities. A number of local organisations, including the Spectrum migrant resource centre, the Waterdale Players drama society and the Ivanhoe East Basketball Club, use the facilities associated with the school.

For months now we have been saying that we need to meet with those organisations and provide them with some ongoing security and support. Banyule City Council is keen to find a way to be able to manage those community facilities in the future, and I am keen to assist those community groups to do that, but we have met with a deafening silence from the government and the Department of Education and Early Childhood Development, which have the ability to resolve these matters and work for the best interests of these community organisations and the parents who volunteer to provide opportunities for young people in our area.

I note that Banyule City Council, at its meeting last night, indicated that a letter had been written to the Minister for Education seeking an urgent meeting with respect to the vacant schools in Heidelberg West and Bellfield and the community use of those facilities, and that no response had been received. Last night at its

meeting, Banyule City Council again reiterated that it would seek a meeting with the Minister for Education and me, as the local member of Parliament, to again try to reach a compromise agreement about how we will provide some security for these community organisations so that council is able to manage these facilities in the future.

Places Victoria now seems to be saying that it is running these facilities and that the Department of Education and Early Childhood Development is trying to wash its hands of any responsibility it has to manage them and involve the community. It is not acceptable to let these matters fall through the cracks. The government needs to show some leadership. It is a basic role of members of Parliament, of governments and of councils to meet and discuss such matters and work through them. We have a council and a local member committed to providing these services on an ongoing basis to the local community. We need a government that is committed to sitting down, meeting with us and discussing these matters. I hope the Minister for Education will respond positively to this request and not wait until after Christmas.

### **Tourism: Rodney electorate**

**Mr WELLER** (Rodney) — I wish to raise a matter for the attention of the Minister for Tourism and Major Events regarding the impact of the January and February 2011 flood events on the tourism industry in the Murray River region in north central Victoria. I ask the minister to advise whether there is any assistance available through the tourism flood recovery program to help encourage visitation to several exciting festivals and events planned for 2012 in the Rodney electorate. In particular I seek funding on behalf of a number of tourism bodies in my electorate to help market their events to the broader community.

These events include the Riverboats Music Festival, formerly known as the Riverboats Jazz, Food and Wine Festival, the Southern 80 waterskiing event, the Echuca-Moama Celtic Festival, Steam Rally Echuca and the Echuca-Moama Winter Blues Festival. Each of these events plays a critical role in attracting tourists to our wonderful region, which has experienced significant hardship as a result of the flood disaster. As the minister is aware, the flood emergency at the beginning of this year had an enormous impact on the township of Rochester and to a lesser extent Echuca, both of which are located in my electorate.

The flood recovery effort, particularly at Rochester, is ongoing, with some residents still unable to return to their homes. Whilst the region's major tourism

businesses may not necessarily have been impacted upon directly by the crisis, the simple fact that it occurred in the region has had a profound effect. As the minister well appreciates, tourism regions like mine are vulnerable to public perceptions of health and safety, and an emergency like the one we experienced can potentially result in a downturn in visitation to our area. The January and February flood event was fuelled by considerable inaccurate reporting in the media far and wide, and it was this perception rather than the reality which most affected tourism stakeholders in my electorate.

The Victorian coalition has done a terrific job in ensuring that regions like mine that are reliant on tourism have not been shunned by visitors. However, it is important that this support be ongoing. I would appreciate the minister's advice as to whether any funding is available to assist community festivals and events in the Rodney electorate to maximise their potential to encourage visitation to the region in 2012.

### **Planning: Southbank development**

**Mr FOLEY** (Albert Park) — The matter I wish to raise is for the attention of the Minister for Planning. The action I seek from him is that he not approve the proposed 71-storey development currently before him. It is known as the Queensbridge Tower development at 9–15 Queensbridge Square, Southbank, and is before him under planning permit TPM 2011/31. With the greatest of respect, I suggest that the minister should, as an alternative, refer the matter to a panel reporting to him for advice on this issue. Such advice should be in regard to whether the project's terms of reference adhere to the Southbank structure plan approved by the City of Melbourne and the Department of Planning and Community Development, which plan is itself reflected in part in the current draft amendment approved by the minister to the City of Melbourne planning scheme referred to as C171.

I do so not because the proposed tower at Queensbridge Square is badly designed but because, after consultation with the Southbank Residents Association, the City of Melbourne and a large number of members of the community, it is clear that many believe this development proposal is in the wrong place and will result in an overall loss of amenity to the booming Southbank community.

The specific concerns that have been raised with me — and I believe members of my community have raised them directly with the Premier and the minister — go to a number of issues, the first of which is height. The proposal exceeds the maximum height specifications

set out in the Southbank design and development overlay by a whopping 65 storeys, or 115 metres. The setback of the 71-storey proposal is on a site that is less than half the size of a soccer pitch, and the building will be only 8 metres away from its substantial and existing neighbour, Freshwater Place. There are other concerns which have been raised with me and which I understand have been raised with the minister and others in government, and they essentially regard the 592 residents it is proposed will live in the development. There are issues regarding amenity efficiency, traffic, public transport, streetscape, public open space, wind, and environmental and heritage implications for the 1890s Queensbridge Hotel.

I conclude my remarks by looking to the future and the kind of high-density, high-rise Southbank we want. There is no doubt that that is the future, and indeed the current reality, for Southbank. Is it one in which we endlessly shovel in larger buildings on top of one another, or is it one where the vertical community we are creating becomes part of something bigger — a Southbank which has a heart and soul that will complement the world-class location it enjoys with its world-class arts precinct, a Southbank that contributes to the vibrancy of Melbourne by allowing high-rise, high-density streetscapes with a local heart that encourages engagement with its built form, the river and the precinct for a glorious community future.

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

### **Fishing: Operation Rotor**

**Mrs BAUER** (Carrum) — I wish to raise a matter for the Minister for Agriculture and Food Security. The action I seek is for the minister to report on the progress of Operation Rotor, which has seen fisheries officers focus considerable efforts on the illegal take of snapper from Port Phillip and Western Port bays. My electorate of Carrum covers 14 kilometres of coastline from Aspendale to Seaford. We are fortunate to have some of Melbourne's best beaches and waterways on our doorstep, and we have a number of fishing, lifesaving, yachting, sailing, motorboat and rowing clubs along the length of our coastline.

The Patterson River Launchingway at Carrum is Victoria's busiest boat launching facility, with tens of thousands of boat launches taking place each year, providing Melburnians with access to the bay for fishing and recreation. Snapper season is currently in full swing, and the bay is heavily used by recreational and commercially operated boats. On some weekends up to 300 trailer boats will have launched at the

launchingway in Carrum by 3.00 a.m., and the horizon of the bay will be dotted with a sea of boats. Most recreational and commercial fishers do follow fishing regulations, abiding by and respecting bag limits. However, there are some who still flout the law.

I enjoy recreational fishing with my family and cooking fresh snapper that my sons proudly bring home after successful morning or afternoon fishing expeditions in the bay. I have been out fishing with my sons, and a few weeks ago I proudly landed my first two snapper under strict instruction from my 13-year-old son, Dougie. It was pleasing to see fisheries officers out and about specifically targeting people angling for snapper both on the water and at the launching ramps.

The annual migration of snapper to our bays creates fantastic fishing opportunities and results in a huge increase in anglers. It has been reported that around 211 tonnes of snapper are caught by recreational fishers in Victorian waters each year, with a large percentage of that coming from Port Phillip Bay. A worrying statistic, however, is that over the past few years, there has been a dramatic increase in the number of people attempting to conceal their illegal take from officers.

I welcomed the announcement in October of the launch of Operation Rotor, which has fisheries officers targeting recreational anglers who conceal snapper in excess of their daily bag limit. As part of Operation Rotor anglers discovered breaching these catch limits face multiple fines of up to \$366 on the spot, or \$10 000 and six months imprisonment. I thank the minister for his leadership and his interest in the protection of our fisheries, and I look forward to receiving an update from him on the success of Operation Rotor so that I can communicate this to the Carrum electorate.

### **Public transport: city of Moreland**

**Ms CAMPBELL** (Pascoe Vale) — I raise a matter for the attention of the Minister for Public Transport, and the action I seek is that all of the city of Moreland be designated zone 1 for public transport fares. The fact is that not all of Moreland is included in zone 1, and we want to make sure that we continue to improve the public transport system. With all the additional money that will be hauled in with the fare rise in the new year we will have the opportunity to make public transport better in Moreland, should the government decide to pick up on this initiative.

The reason I am asking this is that the northern area of Moreland has a very clear dividing boundary, which is the Western Ring Road. To the west it is the Moonee

Ponds Creek and to the east it is the Merri Creek. Considerable improvement was made last year by the Labor government in relation to fares and zoning, and I want the new government to continue with the great vision and great public transport experience that is available to people in this state.

Currently zone 1 stops at Glenroy and Fawkner stations. One station north of Glenroy on the Craigieburn line is Jacana station. Moving zone 1 to the Western Ring Road would enable the Jacana station to better utilise its parking and allow more people to park more easily instead of travelling south from the northern area of the municipality to go to Glenroy station to buy a zone 1 ticket.

On the Upfield line Gowrie station is a staffed station, and is a very good public transport interchange. To have the zone 1 ticket extended only a little bit further north from Fawkner station, which is principally in the Fawkner cemetery, to Gowrie station would make it better in terms of parking and provide better public transport with the bus interconnect, and of course it is a staffed station. Zone 1 on the trains means that many people outside Moreland drive to Glenroy station to avoid paying an extra \$5 for a zone 2 ticket, which has local parking and traffic implications. A recent survey at Glenroy station showed that 52 per cent of those who drove came from north of Moreland.

### **Bushfires: recovery services**

**Ms McLEISH** (Seymour) — I call on the Minister for Mental Health, who is also the Minister for Community Services and the Minister for Women's Affairs, to consider the current issues facing women and families who were impacted by the 2009 Black Saturday fires. If possible, it would be greatly appreciated if the minister were able to find time to visit Kinglake in the new year to meet with the women involved in the community recovery process to gauge the current level of health and, in particular, mental health. The road to recovery for those impacted by Black Saturday can be long and varied, and the path travelled by one is not necessarily the path travelled by all. We all have a different history, different experiences and different mechanisms for coping and developing resilience and indeed for bouncing back from adversity.

Just after the fires many women residing in impacted communities stood up and worked with others to help the recovery process. In Kinglake this was typical and many women stood up and worked hard to make a difference, often neglecting themselves. I know the minister is aware of many of the issues particularly with

regard to mental health as prior to the election she visited the area and met with a number of women involved in community recovery.

One initiative arising out of the adversity the bush to beach retreat. The weekend is run by local women for local women who have been affected by the fires. It is widely believed they were the first post-disaster gatherings worldwide of women across all ages, from 18 to 82 years, in affected areas. The gatherings offered a time for support and encouragement and to top up their reserves, which is so crucial for improved paths to recovery. Recently, with the support of the government and my office, the third retreat took place at Lorne with some 148 women from 22 fire-affected areas who were supported by 15 practitioners. The feedback I received was that there had been a noted deterioration of mental health, with increases in family breakdowns, alcohol consumption and anxiety and depression.

Typically women look after everyone else rather than themselves. This feedback is consistent with what I hear from other communities as well.

Shortly I expect to receive written feedback about the retreat and women's health in these impacted areas. I am happy to pass these reports to the minister for her attention and as a precursor to her anticipated visit next year. I think the trip will be beneficial for the minister to really understand where these communities are positioned at the moment and to look at strategies we can adopt.

### **Responses**

**Ms ASHER** (Minister for Tourism and Major Events) — The member for Rodney raised a very important issue with me. He spoke about the impact of the floods at the beginning of the year, specifically on the local tourism industry, and he has asked me to outline any possible help for the local tourism industry in Echuca. In fact he focused on community festivals and very brazenly asked me for support for five events. This man is never moderate in his requests of government and he has been a very strong advocate for his electorate and a very strong advocate for tourism in his electorate. I visited Echuca just after the floods, and I was able to see firsthand the damage that they had caused but also to see the resilience of the tourism industry.

I am delighted to advise the member for Rodney that the coalition government, through the Tourism Victoria flood recovery program, has allocated \$125 000 to support a range of events in the Echuca region during 2012. The first event the member mentioned was the

Riverboats Music Festival, and there will be \$42 500 allocated for that. That event will be held from 17 February to 19 February 2012, when there will be food, wine, music — the lot — available in his region. My information is that the 2011 event attracted 4000 visitors and generated \$1.4 million for the local region. I am confident that we will be able to build on that in the future.

On top of that allocation there are four other events which will receive funding as a consequence of the member for Rodney lobbying so hard for them; \$82 500 will be allocated for event development and marketing for the four local events that he has raised with me. They are the Southern 80 waterskiing event, the Echuca-Moama Celtic Festival, the Echuca steam rally and the Echuca-Moama Winter Blues Festival. As I always say on these occasions, one of the drivers of this funding is that we want visitors to go to country regions because that is what boosts the economy. We are interested in people from Melbourne going to these regions for events, and we are interested in the interstate market. If we can get the international market, all well and good, but obviously we are looking at the overnight stay which triggers the economic value, in this case to the Echuca region.

I might add in a broader context that this flood recovery funding will help a number of other regions — Gippsland, the Grampians and other areas in the Murray region. All of this is part of the \$2.5 million tourism assistance package. There was a \$1 million recovery package announced by the Premier in January, and a further \$1.5 million was allocated in the last state budget. This funding tonight comes out of the flood recovery moneys, and, as I said earlier, the aim is to promote regional tourism destinations affected by the floods. Again, I congratulate the member for Rodney on his very strong advocacy for his constituency overall and for these five particular events. I am delighted to inform him that he has secured funding for them.

**Mr WALSH** (Minister for Agriculture and Food Security) — First, I will respond to the member for Carrum and the issue she raised about Operation Rotor, which is a program that fisheries officers from the Department of Primary Industries (DPI) have been operating in Port Phillip and Western Port bays this year during the snapper season. I am informed by the member that this year she caught her first two fish, which were about 3 to 4 kilograms. The member is now one of the nearly 800 000 people who are converted recreational fishers; she enjoys going out with her sons fishing for snapper. The important issue here is that the snapper season has been on and has been extremely successful in Port Phillip Bay and Western Port bay this

year; recreational and commercial fishermen have had fantastic results. There have been big fish and a lot of fish. It is very important, however, that the department does its work in making sure people stick to the bag and size limits, enabling everyone to have the opportunity to enjoy their fishing.

I congratulate the DPI fisheries officers on what they have done this year through Operation Rotor. They have made something like 4000 inspections on both bays this snapper season — in effect in the last two months. They have issued 132 warnings and 130 on-the-spot fines to people who have not been doing the right thing. Those who have not been doing the right thing face on-the-spot fines of up to \$366 or, for more serious offences, up to \$10 000 and/or six months imprisonment.

Four people have been found committing serious offences, and the department will be taking those people to court. In one instance fisheries officers seized a boat in which the angler had concealed large quantities of snapper. What happens is that fishermen put false bottoms in the boats and try to store extra fish there. They are not doing the right thing; in that particular case the angler was identified by fisheries officers. With the change we recently made to the legislation governing fishing, these fishers, if found guilty, face a ban from fishing of up to 12 months.

Throughout the snapper season this year DPI officers have done a great job with Operation Rotor. I commend the member for Carrum for raising the issue with me and also for the fact that she is now a successful recreational fisher in the bay. I hope she enjoyed eating those fish.

The other issue raised with me was raised by the member for Mitcham. It was about water restrictions and the changes the government has recently announced to them. As we all know, the previous Labor government did not plan for Melbourne's future water needs, and it had left Melbourne seriously exposed to problems before the rain came. It put in place a desal project that is going to cost Melbourne water customers dearly for the next 27 years. They are going to pay nearly \$2 million a day for the next 27 years —

*Honourable members interjecting.*

**The DEPUTY SPEAKER** — Order! The member for Albert Park is out of his place and is using unparliamentary language. I ask him to desist.

**Mr WALSH** — It is going to cost Melbourne Water customers nearly \$2 million a day, whether water is taken from the plant or not. We all know — and you

are very well aware of this, Deputy Speaker — about the saga of the north–south pipeline project and what a disaster that has been. Earlier this year I asked the Melbourne water businesses to review their drought response plans and what should be the rules for the various water restriction stages, not only in Melbourne but right across Victoria. In October they came back with a draft containing their drought response plan and reviews of water restriction levels. That draft was put out for public comment for a month, and public comment was received on it. Last week, at the end of spring, I announced the new rules around water restrictions and what level of water restrictions Melbourne was going to be on.

With Melbourne water storages at a bit over 65 per cent, we felt it was prudent to lower water restrictions from stage 2 to stage 1. Before we go any further we would like to see the Thomson Reservoir with more water in it. The Thomson Reservoir is at a bit over 53 per cent; in an ideal world we would like to see it fill a bit more. One of the challenges we all know about is that the construction of the desal plant is late. The completion of this magic desal plant that the previous government initiated, which was going to solve all the issues, is most likely going to be at least 12 months late. As a government we felt it was prudent, therefore, to be sensible about the announcement we would make on water restrictions.

We have therefore announced that Melbourne water customers will now be on stage 1 water restrictions. Under the new water restriction rules, stage 1 restrictions mean people will be able to water their garden with a hand-held hose at any time, while other forms of watering, such as manual or automatic watering systems, can be used on odd or even days. People can water in those ways on alternate days between 6.00 a.m. and 10.00 a.m. and between 6.00 p.m. and 10.00 p.m. That means they will have 28 hours per week to water their gardens, and included in that they will be able to water their lawns. By watering in the hours between 6 and 10 in the morning and 6 and 10 at night, I think the people of Melbourne will be able to do whatever they would like to do with their gardens in the future. I know that these changes have been welcomed by the majority of people across Melbourne. Some people were saying we should not change the water restrictions at all; some were saying we should not have any water restrictions at all. I think the decision the government has made is a sensible one.

**Mr R. Smith** interjected.

**Mr WALSH** — A great interjection. I am sure the member for Mitcham will relay back to her constituents

those new rules, and they will be pleased with what the government has done to keep some balance in how water restrictions are set in the future.

**Ms WOOLDRIDGE** (Minister for Mental Health) — I am pleased to be able to respond to the member for Seymour on her important adjournment matter. She has been a very strong advocate for her community, which has suffered terribly over recent years in the face of some real challenges. She continues to advocate very strongly for their needs as they deal with the aftermath of the terrible bushfires.

It is an important time. I would be pleased to visit Kinglake to meet with this very impressive group of women. I met with them last year, and I remember Jodie and Lesley and a number of others clearly articulating the challenges that their community faced. There is no doubt that individually they faced challenges as well, but their passion and commitment was about their community and how they could continue to get support around their community for the recovery efforts.

We know that often women are so active in these sorts of times. We also know that with trauma often it can take years for the impact of trauma to start manifesting in individuals. For some it is quick, for some it takes a long time to come out and for others it does not. I think the recent bush to beach retreat showed evidence that many of these women who have carried so many of the activities in the community for so long are now starting to feel the impact of it themselves. It is important that we remain vigilant about the services that are provided to Kinglake and the broader communities affected by the bushfires so that that support continues.

I am pleased that the VBAF (Victorian Bushfire Appeal Fund) continues to support a number of initiatives and that case management is going on. Many of these were due to finish earlier this year, but we have been able to extend those services upon recognising the need in the community for them to continue. There are the individual support and community support activities through the bushfire community support program, the counselling services and the drop-in centre. Many of these are funded through part of next year, so it would be timely at the beginning of next year to talk about where to from here. The Austin trauma centre is due to finish at the end of the year, but there will be ways to continue to see the specialists at the Austin trauma centre through using the Access to Allied Psychology Services or VBAF vouchers, which will continue to keep that connection.

I am pleased that Dr Rob Gordon, a clinical psychologist who is a specialist in trauma and recovery as a result of trauma, will be conducting a community information session early next year. It will be an opportunity for the community to once again connect into that sort of support. The Australian Centre for Grief and Bereavement still does group work and provides individual support, as does Berry Street through its youth outreach and counselling services, and there are still the VBAF counselling and wellness vouchers.

So there are a number of initiatives, but as I have said, we need to remain vigilant. The member for Seymour continues to be an advocate to make sure that this community and those affected by the bushfires stay at the forefront of our minds. Other emergencies have come since then, but the needs of her community are very much at the forefront of her mind and she continues to ensure that the government support is there in the long term to support the community recovery that is so urgently needed.

**Mr DELAHUNTY** (Minister for Veterans' Affairs) — I thank the member for Mornington for raising this matter with me tonight. He is a strong advocate for his electorate and in this case particularly for veterans within his community. I had the pleasure of walking the Kokoda Trail with the member for Mornington.

**An honourable member** interjected.

**Mr DELAHUNTY** — Yes, we are still friends — we sure are. He understands a lot about history and the service of our veterans. In his adjournment matter tonight the member for Mornington highlighted the important work done by the Mornington Peninsula Legacy Club, which he tells me was established in 1995. Its head office is in his electorate. The work it does covers a large area — the Mornington Peninsula — and involves many activities. He highlighted the important work done by veterans, who in this case are volunteers, under the Legacy banner.

I am pleased to announce tonight that 37 veterans organisations across Victoria will share in more than \$415 000 to deliver projects and initiatives to enhance the wellbeing of Victoria's ex-service personnel, their dependants and surviving war widows. The Victorian government is proud to join with the Victorian Veterans Council to provide funding from the latest round of grants under the Anzac Day Proceeds Fund. The Victorian Veterans Council advises me about the distribution of the fund moneys which are collected on Anzac Day.

Grants under the Anzac Day Proceeds Fund primarily focus on projects which provide welfare support to veterans and their dependants. Welfare is defined as the provision of monetary or other assistance to veterans and their dependants assessed as being in need. This includes veterans and dependants who are sick, disabled or require care or assistance — and unfortunately there are many of them. Our veterans have sacrificed so much for us, so this initiative is about giving something back to those who have served. In many ways the initiatives that are being funded are simply providing practical assistance, such as accommodation or special medical care, for veterans and their loved ones. That is why the Victorian coalition government is proud to partner with the Victorian Veterans Council on this vital program, which provides a boost not only for the welfare initiatives of veterans organisations but also for the veterans community, which depends on them.

Some of the organisations that will be funded in this round include the Ballarat RSL sub-branch which will provide financial assistance through the veterans social inclusion, health and support program, and the Colac Legacy Club, which will offer transport options to enable Legacy widows and ex-servicemen to engage in social interaction, weekly shopping trips, lunches and bowling and to attend medical appointments and RSL meetings. The Vietnam Veterans Association of Australia will also receive funding to provide a range of welfare services, including assistance with living expenses, home and hospital visits to help overcome social isolation, and the production of a newsletter. Importantly the Mornington Peninsula Legacy Club, which the member for Mornington spoke about, will be provided with a \$4600 grant to continue the good work it does in the production of publications and newsletters about club activities.

The Victorian coalition government is keen to work with the Victorian Veterans Council and key ex-service organisations and community groups to ensure that the sacrifice of our veterans is never forgotten and that our veterans community continues to be cared for.

**Mr DIXON** (Minister for Education) — The member for Ivanhoe raised with me an issue regarding surplus school sites due to the Heidelberg regeneration project and asked that I meet with him, stakeholders and local community groups that are interested in using those facilities. In the new year I or one of my staff will meet with the member and the stakeholders. I know the project and the area quite well. An outcome of the Heidelberg regeneration project is that two primary schools and a secondary school have been closed in the

southern part of the catchment area that is served by the new Charles La Trobe College.

Charles La Trobe College is in the northern part of the catchment, and there have been some issues regarding the ability of parents in the southern area to take their children to the new school. The school is quite a long way away for parents, and a high percentage of them — I think something like 40 or 50 per cent — do not have cars, so they have been unable to get their children to the new school. A lot of parents have therefore been looking at other schools further to the south, and there are real issues with overcrowding at Ivanhoe Primary School because of this.

There are aspects of the regeneration that are laudable, but some aspects implemented by the previous government have left a number of families high and dry. As I said, there are a number of buildings that have been left vacant. The process that occurs after the department declares that the buildings exceed their educational requirements is to offer them to other state government instrumentalities, and if none are interested in those buildings, they are then offered to local government. If the local government, in this case Banyule City Council, is not interested in the buildings or the land, they are then put out to public tender. During that process some of these groups may be interested and be able to fit into one of those slots, and we will certainly explore those options with the member and those groups in the new year.

**Mr RYAN** (Minister for Police and Emergency Services) — The member for Essendon raised an issue for the Minister for Police and Emergency Services requesting that the minister meet with the Chief Commissioner of Police and have him instruct emergency services aircraft pilots to be more courteous in their flight patterns when responding to emergencies.

The member for Bendigo East raised a matter for the Minister for Regional and Rural Development about the government's intentions regarding the future of Fortuna Villa.

The member for Albert Park raised an issue for the Minister for Planning asking him to withhold approval of the development known as Queensbridge Towers.

The member for Pascoe Vale raised a matter, which has clearly arisen only in the last 12 months, asking the Minister for Public Transport to designate all of the city of Moreland as zone 1.

I will ensure that all of those respective ministers receive those requests.

**The DEPUTY SPEAKER** — Order! The house now stands adjourned.

**House adjourned 10.56 p.m.**

