

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

LEGISLATIVE ASSEMBLY

FIFTY-SEVENTH PARLIAMENT

FIRST SESSION

Wednesday, 29 June 2011

(Extract from book 10)

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By authority of the Victorian Government Printer

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The Honourable ALEX CHERNOV, AO, QC

The Lieutenant-Governor

The Honourable Justice MARILYN WARREN, AC

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Minister for Ports, Minister for Major Projects, Minister for Regional Cities and Minister for Racing	The Hon. D. V. Napthine, MP
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Minister for Mental Health, Minister for Women's Affairs and Minister for Community Services	The Hon. M. L. N. Wooldridge, MP
Cabinet Secretary	Mr D. J. Hodgett, MP

Legislative Assembly committees

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

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

Joint committees

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Heads of parliamentary departments

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

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

Parliamentary Services — Secretary: Mr P. Lochert

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FIFTY-SEVENTH PARLIAMENT — FIRST SESSION

Speaker: The Hon. K. M. SMITH

Deputy Speaker: Mrs C. A. FYFFE

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

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The Hon. E. N. BAILLIEU

Deputy Leader of the Parliamentary Liberal Party:

The Hon. LOUISE ASHER

Leader of The Nationals and Deputy Premier:

The Hon. P. J. RYAN

Deputy Leader of The Nationals:

The Hon. P. L. WALSH

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

The Hon. D. M. ANDREWS

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

The Hon. R. J. HULLS

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

¹ Resigned 21 December 2010

² Elected 19 February 2011

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Wednesday, 29 June 2011

The SPEAKER (Hon. Ken Smith) took the chair at 9.35 a.m. and read the prayer.

PETITIONS

Following petitions presented to house:

Geelong High School: funding

To the Legislative Assembly of Victoria:

The petition of certain citizens of the state of Victoria draws to the attention of the house the need for significant upgrades of facilities at Geelong High School.

In particular, we note:

1. the previous Labor government approved and funded a master plan for the school, which has been completed;
2. the need for Geelong High School to replace portable classrooms with permanent buildings;
3. Geelong families deserve the highest quality education facilities and the lack of funding by Mr Baillieu shows he does not understand the needs of the community;
4. no Geelong schools received funding in the 2011–12 Victorian state budget for building works.

The petitioners therefore request that the Legislative Assembly urge the Baillieu government to urgently fund the much-needed upgrade of the Geelong High School.

By Mr TREZISE (Geelong) (316 signatures).

Planning: Geelong development

To the Legislative Assembly of Victoria:

The petition of concerned citizens draws to the attention of the house the City of Greater Geelong’s recent decision to approve amendment C73, otherwise known as Caddys Road subdivision, and the negative implications this will have on Serendip Sanctuary.

The petitioners therefore request that the Legislative Assembly of Victoria call in the City of Greater Geelong’s recent decision approving amendment C73 and overturn the decision to build high-density housing on the parcel of land in question.

By Mr EREN (Lara) (1454 signatures).

Bayside P–12 College: facilities

To the Legislative Assembly of Victoria:

The petition of certain citizens of the state of Victoria draws to the attention of the house a decision by the Baillieu government to reduce the scope of Bayside college’s stage 2 building works at the Newport campus.

In particular, we note that this decision will result in:

1. a reduction in the planned building upgrade to the Paisley campus;
2. ageing buildings receiving a facelift, rather than being rebuilt.

The petitioners therefore request that the Legislative Assembly urge the Baillieu government to reverse its plans to reduce the scope of Bayside college’s stage 2 building works at the Newport campus.

By Mr NOONAN (Williamstown) (223 signatures).

Schools: Doreen

To the Legislative Assembly of Victoria:

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

In particular, we note:

1. there are now almost 1000 students enrolled at government primary schools in Mernda and Doreen, with that figure set to increase in the years to come;
2. there are no government secondary colleges in Mernda or Doreen;
3. land has been purchased by the previous Labor government for a secondary college to be built in Cookes Road, Doreen.

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

By Ms GREEN (Yan Yean) (5 signatures).

Tabled.

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

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

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

DOCUMENTS

Tabled by Clerk:

Auditor-General:

Allocation of Electronic Gaming Machine Entitlements — Ordered to be printed

Municipal Solid Waste Management — Ordered to be printed

Multicultural Victoria Act 2004 — Victorian Government Reporting on Multicultural Affairs Report 2009–10

Subordinate Legislation Act 1994 — Documents under s 15 in relation to SR 35.

MEMBERS STATEMENTS

Torquay Froth and Bubble Literary Festival

Mr KATOS (South Barwon) — I recently had the pleasure of opening the Torquay Froth and Bubble Literary Festival, which is now established as an annual event on the regional calendar and is receiving more interest from not only the local community but also literary lovers across the region. Torquay is the perfect place to celebrate literature, and the festival brings together literature lovers of all ages from across the region to delight in the works of some of Australia's most acclaimed authors, poets, performers, illustrators and playwrights. I wish the festival committee continued success and hope that the festival continues to grow to become an iconic event for Torquay and the Surf Coast in the years to come.

Croatian community: independence celebrations

Mr KATOS — It was my absolute pleasure to represent the Minister for Multicultural Affairs and Citizenship at the Croatian Statehood Day celebrations in Corio over the weekend. It was fantastic to see so many members of Victoria's Croatian community celebrating the anniversary at the Croatian Community Centre of Geelong. The community centre has worked tirelessly to promote Croatian culture for almost a quarter of a century. It is a great example of community spirit, and it is host to other community groups for which it provides use of the facilities.

The Croatian community in Geelong is facing an ageing population. It began to lobby the previous Labor government in 2005 for land for an ethno-specific aged-care facility. For five years there was inaction and dithering from the members for Geelong and Lara. In June of last year a delegation led by Mr Joe Pavlovic

met with the then Leader of the Opposition, and within a matter of weeks the community had a commitment from us for land at the former Barton Street campus.

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

Banyule Homestead: future

Mr CARBINES (Ivanhoe) — I rise to voice my support and the support of the residents of the Ivanhoe electorate for the Banyule Homestead at 60 Buckingham Drive, Heidelberg. There is a potential land grab and development that would ruin the integrity of the site. The property is located on the eastern side of the road and is one of the most prominent sites as viewed from the abutting parkland, known as Banyule Flats Reserve. The subject site is a 9101-square-metre parcel of land occupied by the Banyule Homestead which enjoys an A-grade status in the heritage citation and is listed on the Victorian Heritage Register. The main building was constructed in 1846, with more recent additions made in the late 1990s. From 1977 until it was sold by the Kennett government in 1995 the homestead was used for National Gallery of Victoria exhibitions, mostly of the Heidelberg School of artists. I remember attending many sessions there as a local school student.

We are now concerned that Heritage Victoria is considering planning applications and subdivision proposals for that site. There is talk that this is being hidden away behind a smokescreen of funding some redevelopment and maintenance on the site, but really it is about destroying the integrity of this historic site, a land grab and trying to make some money. I am very supportive of Banyule City Council's application to oppose these planning applications. I wish the council well with that, and the local community will continue to fight hard to protect the integrity of the Banyule Homestead for the future. I expect and hope that Heritage Victoria will reject these planning applications.

Former government: performance

Mrs VICTORIA (Bayswater) — How arrogant and bitter the opposition is. A recent announcement about an upcoming increase in the cost of water attracted a wave of criticism from those opposite — how misguided! The opposition leader suggested that this government should take responsibility for the decisions it makes. If only he and his colleagues had practised in government what they preach in opposition. Labor still takes no responsibility for myki, smart meters or its decision to commit taxpayers money to the

horrendously expensive desalination plant, costing Victorians nearly \$2 million every day. While the Baillieu government is fixing Labor's mess, the opposition is sitting on the sidelines spinning its way into irrelevance — but this time without taxpayers money to fund that spin.

Circus Oz: *Steampowered*

Mrs VICTORIA — Last week I proudly launched the latest production by Circus Oz, *Steampowered*. The circus artists were as amazing as ever, but what I found truly astonishing was the number of Labor members of Parliament who were there, having gladly accepted their free tickets even after ridiculing the amount of money the Baillieu government invested in Circus Oz through the recent state budget to enable the establishment of a new home where this company can continue to create dazzling displays of circus art for the world to enjoy. I hope they enjoyed the show and that they now realise how expensive it is to produce shows of this calibre.

National Gallery of Victoria: European art exhibition

Mrs VICTORIA — I congratulate Gerard Vaughan and everyone at the National Gallery of Victoria along with the Austrian lending institutions and WienTourismus on creating a genuine once only exhibition of some of the finest works of European art. To assemble so many Klimt, Schiele, Hoffmann and Loos pieces in one place has been a labour of love for many, and it can be seen only once.

Golden Square Primary School: funding

Ms EDWARDS (Bendigo West) — One of the most successful school mergers in the state is in jeopardy because the Baillieu-Ryan government will not commit the money to allow planning for a new school to proceed. The Maple Street and Laurel Street primary schools in Golden Square are operating as one school, but they must now operate from two campuses for longer because of the failings of this government to recognise the importance of continued funding for planning processes. The community is shocked and dismayed at the government's refusal to assist in any way.

To go to the next stage of planning requires some funding so that architects can continue to be employed. This amalgamation has been very successful because the school community has worked hard to make it happen. There was overwhelming support for the merger in the community. Operating two campuses is

in itself an expensive exercise, and it will be even more difficult until the government puts its hand in its pocket and gives the school extra money to run two campuses. The merger has been a very positive experience, but the school desperately needs to be on one campus so that it can consolidate its resources.

The process needs to keep rolling, but it is stalled on the master plan. The school expected to be given some money after a phone call from the education department some weeks ago advising that some money would be forthcoming to proceed with planning. This was to have been a drip-feed of funds, but nevertheless it would have been something to keep the school going. However, several weeks down the track and near the end of second term there is still no cheque in the mail.

A member for Northern Victoria in the other place, Damian Drum, is very aware of this situation because the principal is in regular contact with him, yet he has failed to convince the education minister of the urgency of this funding. He has failed the people of Golden Square, as has this dithering government.

Floods: government assistance

Dr SYKES (Benalla) — North-eastern Victoria is a great place to call home and a great place to visit. The many attractions of north-eastern Victoria include our beautiful waterways, such as Lake Buffalo, Lake William Hovell and the Goulburn Weir.

Unfortunately the recent floods between September and February caused significant damage to our waterways and infrastructure. Goulburn-Murray Water has undertaken a lot of clearing work and replaced no-boating buoys in Lake Buffalo and Lake William Hovell to ensure safe use for recreational boating and fishing. Similarly, the Shire of Strathbogie, which is responsible for sections of the Goulburn River and the Goulburn Weir near Nagambie, has cleared many tree trunks and other hazards to navigation.

It would be extremely beneficial to both Goulburn-Murray Water and the Shire of Strathbogie to have some of their costs reimbursed. I am aware that the coalition government has made many types of grants available to flood-affected communities, and one of these is specifically for waterway and infrastructure repairs. I will be asking the Minister for Ports for an update on these particular grants this week.

Tourism: north-eastern Victoria

Dr SYKES — On the broader subject of north-eastern Victoria, I encourage all members of this house to come to north-eastern Victoria during the July

break. We have fantastic snow resorts, including Mount Buffalo and its splendid chalet. We have glorious river valleys and many wineries and restaurants. I urge members to come and visit north-eastern Victoria — it is a truly magnificent part of the state.

Cranbourne: men's shed

Mr PERERA (Cranbourne) — It was with great pleasure that I joined men's shed coordinator Les Smith and others at the launch of the Botanic Gardens Retirement Village men's shed in Junction Village, near Cranbourne, last week. It was also a great pleasure to work with Les and his team in securing funding under the previous Labor government for the construction of the men's shed. I congratulate Les Smith and his team on their fine efforts in getting the men's shed to where it is today. I wish Les and his team all the very best with their future endeavours.

John Holmes

Mr PERERA — It is my great pleasure to nominate Frankston North resident John Holmes for the 2011 Victorian Senior of the Year Award. Mr Holmes is 71 years of age. He resides in the electorate of Frankston North and has played an integral part in making Frankston North an even better place to live.

For many years Mr Holmes has been very active in assisting and guiding many individuals around the Frankston North area, and he is always full of energy and enthusiasm. For many years Mr Holmes has also been making his way to Mahogany Rise Primary School in Frankston North, basically every Friday afternoon, where he has put smiles on the faces of many students by taking the opportunity to fix their bicycles. He also collects parts from unused and donated bicycles and puts them together so that children from the Frankston North area can enjoy ownership of their own bicycles. It is all thanks to Mr Holmes. Mr Holmes was behind the decision to establish and drive a men's shed for the Frankston North area. He started this exciting idea from scratch.

Special Olympics: Australian athletes

Mr BATTIN (Gembrook) — I would like to congratulate the entire Special Olympics team who are currently in Athens competing for their country. Of the more than 130 athletes from across the country there are more than 30 Victorians. It is great to see these athletes given the opportunity to compete at the highest level. This government was pleased to support the event, and we look forward to welcoming the athletes

home and the many athletes who will compete in the national titles in Melbourne in 2014.

Buses: Gembrook electorate

Mr BATTIN — On another matter, it is pleasing to see that this government is delivering yet again to the residents of my electorate. In just under 48 hours, residents in the north of the Gembrook electorate will be able to use public transport without having to purchase two tickets. Local residents who for many years have been catching the 683 bus from Warburton to Chirnside Park will be able to do so with one purchase of a zone 2 ticket. I know that many families look forward to this. In the words of one young traveller, 'I'll be able to afford an extra sausage roll every day'.

Rythdale-Officer-Cardinia football and netball club: facilities

Mr BATTIN — On another matter, another election commitment will be delivered with funding for the Rythdale-Officer-Cardinia football and netball club grounds. The committee looks forward to having the opportunity to build new change rooms and social facilities to ensure that its members have the best facilities to go with the new oval provided by the Cardinia council.

Police: Emerald station

Mr BATTIN — On another matter, the coalition delivers again, with the progress under way for Emerald police station. For a decade the local community have called for a 24-hour police presence and the Baillieu-Ryan government will deliver. We are working closely with local residents, local police command and the local council to ensure the community feels safe 24 hours a day, after a decade of rising crime.

Operation Newstart: Geelong

Mr TREZISE (Geelong) — On Friday, 24 May I had the privilege of attending the inaugural graduation of students who have completed Operation Newstart in Geelong. For the information of members, Operation Newstart is an early intervention program targeting 14 to 17-year-olds who are experiencing schooling problems or are in conflict with the law. The program is a joint initiative of Victoria Police, the Department of Education and Early Childhood Development and Save the Children.

Operation Newstart is a great program that is designed to challenge each participant in a process of change through outdoor adventure activities, vocational

orientation visits and working sessions with parents or carers and teachers. At Friday's graduation the following young people graduated: Jack Lanyon, Dylan Christensen, Ashley Phillips, Bailey England, Siahn Graham, Jamie Lee Morphett and Jo-Anne Stokes.

I take this opportunity to congratulate all these young people and wish them well for the future. I would also like to commend and congratulate Jill Rush, Warwick Knuckey and Leading Senior Constable Andy Brittain for their active participation in Geelong's first Operation Newstart. To all I say: a job well done. I look forward to attending many more graduations of Operation Newstart participants for years to come.

Crime: statistics

Mr MORRIS (Mornington) — The report of the Ombudsman on the release of Victoria's crime statistics is but the latest in a long line of recommendations to the government and Parliament, and it indicates that the reporting of crime in this state did not meet the mark. As the deputy chair of the Drugs and Crime Prevention Committee in the 56th Parliament, I am well acquainted with the shortcomings of the system. In at least two inquiries, the first into high-volume offending and recidivism by young people and the second into assaults in public places, difficulties with statistics were a significant impediment to the committee's work. The Ombudsman has noted that as long ago as 2000 the committee highlighted a number of concerns about crime statistics. The committee followed that report with another in 2002 that recommended a bureau of crime statistics and research be established in Victoria. The Bracks government failed to act.

There are at least two issues with the current practices in crime reporting. The first is that published crime statistics are based on reported crimes and therefore are influenced by the proportion of actual offences reported to police. The second is that operational priorities of police have an impact. A high level of police activity in a specific area will deter crime and it is likely to increase the number of reports of offences. Conversely, an area with a low level of police activity might well have an apparently low crime rate, because many offences go unrecorded.

Clearly credible crime statistics are an essential part of any serious crime prevention strategy. I commend the Premier's commitment to implement the Ombudsman's recommendation — —

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

Ballarat East electorate: government commitments

Mr HOWARD (Ballarat East) — Residents of my electorate are concerned about a number of projects this government has committed to but where no action appears to be happening. In regard to Ballarat-Buninyong Road, the Baillieu government when in opposition committed \$4.5 million to improve traffic flow there, and although Simon Ramsay, a member for Western Victoria Region in the other place, has advised that the money is in the budget, he failed to advise that less than a quarter of that funding, only \$1.1 million, has been allocated for this project for the coming financial year.

I am also very disappointed to see that the \$2 million to upgrade the Whitehorse Road intersection, which I fought to have allocated in the current Brumby budget, is yet to result in plans, let alone action. Likewise the \$2 million, again allocated in the budget for this financial year, for a new police station in Daylesford is yet to be provided under this government.

Yes, planning for these projects involves complexities, but constituents have a right to feel confident that progress is being made. Residents in Mount Clear and Mount Helen, as well as awaiting action on the Ballarat-Buninyong Road, are rightly concerned that the promised fire station for Mount Clear-Mount Helen, an identified high-fire risk area, has not been funded in the first Baillieu budget. While four new fire stations are to be built in the Deputy Premier's Gippsland South electorate, the people of Mount Clear-Mount Helen are required to wait for a fire station. The residents of Ballarat East deserve better.

Eagle Point Primary School: upgrade

Mr BULL (Gippsland East) — I recently joined the Minister for Education at the official opening of the upgraded Eagle Point Primary School. Enrolment numbers at the school have doubled over the past three years and the extension will provide much-needed space for future growth. I congratulate staff and students as well as members of the local community and builders who contributed to the successful project.

Nowa Nowa men's choir

Mr BULL — I had the pleasure of attending the Mitchell River Rotary Club's changeover dinner where incoming president, Garry Dixon, presented a cheque for \$500 to the Nowa Nowa men's choir, a singing group with a wonderful history. James Haig, who was born in Scotland and is of Maori descent, is a trained

opera singer and was behind the group's formation 14 years ago. Its members come from a variety of backgrounds and are fairly relaxed about rehearsals at group member Geoff Mahlook's winery. They generously donate their performance fees to various charities. Unfortunately, James's health is not 100 per cent, but I congratulate the group on its efforts and wish James all the very best.

Macy Hambrook

Mr BULL — East Gippsland gave cricket Cameron White, and I am betting that one day Macy Hambrook may well do as well as Cameron for the AFL. Macy is the teenager from Omeo who notched up 101 goals this season from just eight games, making him the first player in Australia this season to achieve this milestone.

Glenda Moulton

Mr BULL — I would like to pay tribute to Glenda Moulton, who recently turned 100. When World War II broke out Glenda joined the armed services, and after being posted to various locations around Australia ended up in Papua New Guinea working as a theatre sister. A talented musician, trained in both cello and piano, Glenda is also an avid bridge player and one of Bairnsdale Bridge Club's inaugural members. A keen golfer also, Glenda and her husband were instrumental in helping build the first golf course in Bairnsdale in the 1950s.

Australian Turkish Business Council

Mr McGUIRE (Broadmeadows) — Relations between Turkey and Victoria have significant social, cultural and economic advantages, as demonstrated by the recent meeting of the Australian Turkish Business Council (ATBC), which I attended. Turkey is geographically positioned at the intersection of key international markets and has played a critical role throughout Australia's history. Our relationship embodies the resilience and optimism of Australian life. Our soldiers fought against each other at Gallipoli almost 100 years ago, and while we mourn together in the spirit of peace and the memory of thousands of young lives tragically lost on both sides, we are also building a future together.

The Australian Turkish Business Council is becoming increasingly significant for Victoria, and in actively developing these relationships builds social, cultural and economic opportunities, ensuring Victoria's position grows as a world-class place to live, work, visit and do business. This was reflected by the attendance of the Turkish ambassador, the Premier and the

Minister for Multicultural Affairs and Citizenship at the meeting. As my electorate of Broadmeadows has the highest proportion of Turkish-Australian residents in Victoria, I am committed to building and strengthening ties by bringing all parties together to foster productive relationships. I would like to thank our hosts, president of the ATBC, Huseyin Mustafa, and the mayor of Moreland City Council, Oscar Yildiz.

Further acknowledging the importance of building these relationships was the attendance of the Governor, the Leader of the Opposition and federal and state Labor colleagues at a recent special open day of the King Street mosque in Broadmeadows.

Australian Labor Party: replacement campaign

Mr HODGETT (Kilsyth) — I note with interest the establishment of a new organisation to evolve out of Canberra — a group calling itself 'Replacing the ALP'. This group of people, once true believers with their spokesperson an ALP party member until 2008, feel compelled to share their dismay at the Labor Party's decline. I quote from the group's website:

Replacing the ALP is campaigning to highlight the decline of the ALP both as an organisation and as an idea.

It has finally come to the point where the party's own supporters are turning their back on this dysfunctional, hypocritical and arrogant party and its disintegrating organisation. Not only that, they are proactively fighting against it. In addition to issuing a statement that the 'ALP has reached the end of its effective life', they, along with many other members of the community, believe this once-strong party has become dysfunctional and has lost the ability to refresh and renew.

The Labor Party has come to the point where it is turning against itself. Campaigns such as this will become more and more common. As more groups like this are formed and as more people become dissatisfied with the Labor Party, its parliamentary members will remain deluded about its relevance. Not only does the ALP have to cope with its shrinking membership and a lack of enlightenment and innovation of policy ideas, now it has to fight against those that were once its own — what a sad and sorry state of affairs!

Last November the people of Victoria made a choice: they no longer wanted or trusted Labor, and it looks like this will become more and more of a theme. Labor betrayed and neglected Victorian families with its record of incompetence, waste and broken promises over 11 years in office. Labor is dysfunctional and cannot be trusted.

Araluen Centre: housing proposal

Mr HERBERT (Eltham) — I rise to bring to the attention of the house an excellent proposal put forward by Araluen Centre, a not-for-profit disability support and services organisation that operates in my electorate. Araluen's chief executive officer, Ross Coverdale, presented a visionary plan for a 70-home project on the former Hurstbridge High School site to a parliamentary committee in Eltham earlier this month. This fantastic redevelopment project would include approximately 30 homes for the elderly and disabled and is another shining example of the functional and innovative approach Ross and the team at Araluen take to the provision of support and services for their clients.

Over the last few years Nillumbik Shire Council has had a few proposals for this site, but unfortunately proposals to acquire the land stalled due to the council's inability to pay the Valuer-General's valuation and to meet government asset disposal processes. However, Ross and the Araluen team, along with the council and other local providers, have put together this practical, new proposal, which would make great use of this valuable real estate and provide a broad range of support services to those who really need it. I know they met late last year with the previous minister and the proposal is supported by the member for Yan Yean. I urge the new coalition government to complete the good work of the previous Labor government by seriously investigating the feasibility of this proposal and by giving the green light to Araluen to expand its scope within Melbourne's north-east.

Somerville Tyabb Rotary Club: 25th anniversary

Mr BURGESS (Hastings) — On 17 June I attended a dinner to celebrate the 25th anniversary of the Somerville Tyabb Rotary Club. This organisation has made a phenomenal contribution to the local community over the past 25 years, and it was a great honour to be able to celebrate this important milestone with these very special people. The dinner also paid tribute to outgoing president, the Honourable Ron Bowden, a former member for South Eastern Province, and I congratulate him on his dedicated service. The Rotary club plays an important role in our community, and its principle of 'service above self' is not just a slogan, it is a way of life for its members. I congratulate the Somerville Tyabb Rotary Club on its 25th anniversary.

Literacy Villages: Frankston and Mornington Peninsula

Mr BURGESS — The Frankston-Mornington Peninsula Literacy Villages Partnership, which is a partnership between the City of Frankston, Mornington Peninsula Shire Council, the Department of Education and Early Childhood Development and the Catholic Education Office was launched in Mornington on 8 June this year. The project aims to ensure literacy success for all children aged 0–18 years, through whole-of-community engagement. Each village is developing a literacy action plan for the children within its area, using local knowledge and experience. I commend this project and the wonderful people behind it for taking positive and practical action to address what is a major issue for our youth and our community.

McClelland Gallery and Sculpture Park: 40th anniversary

Mr BURGESS — On Saturday, 18 June, I had the great pleasure of attending the McClelland Gallery and Sculpture Park 40th birthday celebration, the official opening of the Elisabeth Murdoch Walk and the announcement of the Frankston City People's Choice Award. It was a privilege to attend this celebration in the presence of the Premier, Dame Elisabeth Murdoch, AC, BDE, the mayor of Frankston City Council, Kristopher Bolam, JP, parliamentary colleagues and many members of my community. I take this opportunity to congratulate the McClelland gallery on 40 years of providing a rich experience for the community through a mix of exhibitions, public programs, spectacular sculptures and its wonderful gallery.

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

Employment: government performance

Mr HELPER (Ripon) — We recently saw a government deliver a budget without any mention of a job strategy. Every day we see a Premier who appears to choke on the word 'jobs' and who is not interested in any way whatsoever in delivering a job strategy for this state. We now have confirmation that this aversion to responsible strategies for the creation of jobs even extends to a brazen disregard for any threats to jobs as well. On 21 June on Ballarat ABC Radio, Andrew Koerner, the head winemaker of Blue Pyrenees Estate, acknowledged that the incompetence of the Minister for Environment and Climate Change is resulting in a level of smoke taint in the winery's harvest.

You know, Deputy Speaker, how incredibly important the wine industry is to jobs in your region. It is equally important, and maybe even more important, in my region because of the limited number of other industries that exist. To have an incompetent minister who, by his presence here, is simply acting to remove the village idiot from the community of Warrandyte — —

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

Fairway Hostel: improvements

Mr THOMPSON (Sandringham) — I pay tribute to the Rotary Club of Beaumaris, the Sandringham College Beaumaris campus interact club and the Fairway Hostel for their vision, initiative and good practical work in rejuvenating the upstairs outdoor area at the Fairway Hostel. Seventeen students from years 9 and 10, who are involved in the Beaumaris interact club, worked alongside the Beaumaris Rotary Club members on the project. The work included the cleaning and sanding back of outdoor furniture and planter boxes and then the painting and replanting of the boxes. The students enjoyed working with the Beaumaris Rotarians and commented on their satisfaction in seeing the outcome of their work. The project represents an important example of different sections of the community working together to achieve a good result and build strong intergenerational bonds.

Sandringham electorate: graffiti removal

Mr THOMPSON — I would also like to honour the work of Michael Schirman, who over a long period has voluntarily been removing graffiti in the Sandringham and bayside districts either alone or with the assistance of other volunteers. He has worked happily alongside other volunteers such as Paul Miller and Darren de Klijn, who have freely given of their spare time for the purpose. They have worked on over 25 different sites, including both residential and public walls, car parks, railway crossings and Telstra infrastructure. Over the past 18 months on a monthly basis a report has been submitted to VicRoads about the graffiti damage to signal boxes, which has then enabled them to be repainted.

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

Member for Mount Waverley: conduct

Ms RICHARDSON (Northcote) — Over the last two days volunteers from my office have been handing out DL-sized cards at city loop stations to draw

attention to the lack of investment this Liberal government has made in public transport. The reception from commuters has been very good, with one notable exception. This morning two volunteers were verbally attacked and bullied at one of the exits from Parliament station by none other than the member for Mount Waverley. Observers noted that he deliberately targeted the young female volunteer. He demanded to know her name, contact details, place of employment and that she show any identification she had, and he did so saying that he was a member of Parliament and that she had to comply with his demands.

This is an outrageous abuse of his office and an outrageous abuse of power, and it may even be unlawful. He did this standing a mere foot away from her, and all attempts by her to get him to step back and calm down were to no avail. Other volunteers also tried to get him to calm down and desist. He then started filming her, following her around the station exit continuing his tirade and his intimidatory tactics. Understandably, the young woman was left very distressed by the whole experience and was particularly upset that it was a member of Parliament that had treated her in this way. He only stopped when it was suggested that the police be called.

This kind of behaviour is disgraceful, and it shows the complete lack of regard the member for Mount Waverley has for the right of people to feel safe. His view of women is equally distressing. I call on the member for Mount Waverley to apologise for this outrageous and thuggish behaviour, and given all the circumstances I urge him to seek professional help.

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

University of the Third Age: city of Kingston

Ms WREFORD (Mordialloc) — The member for Carrum and I recently attended the Kingston University of the Third Age as guest speakers at the social studies class. The U3A is a fantastic organisation that shares learning experiences with ageing Victorians. I deliberately say 'shares learning experiences' because the organisation is about sharing. It is not a rigid education model, but instead ageing Victorians with a thirst for learning come together to gain knowledge on particular topics. The member for Carrum and I spoke with the social studies group, partly on what it is like to be a new member of Parliament and partly on state issues — for example, how badly the opposition handled projects like myki, the desalination plant, smart meters, community safety and public transport during its 11 wasteful years in office. It was good to show

them that this new government is making great progress.

Mordialloc Beach Primary School: Korean celebration

Ms WREFORD — Last Friday I attended the Mordialloc Beach Primary School. The school put on a very spectacular dance and drum performance and a wonderful array of Korean food. The students are all learning Korean, and this day added to their curriculum. I would like to congratulate the principal, Gillian Phillips, on the wonderful work she does with the school.

Greensborough College: rebuilding

Mr BROOKS (Bundoora) — I rise to condemn the Baillieu government's failure to match Labor's commitment to rebuild Greensborough College. The needs of this school have been raised a number of times in this place, but the government has consistently ignored requests for the minister to visit the school and for the government to rebuild the ageing facilities. This has led to the shameful situation where students are bringing blankets to school to keep warm. If the minister had visited the school and talked to the community about its genuine concerns, this disgraceful saga could have been avoided.

But we know why the minister and this government do not care about this school. The minister let the cat out of the bag on the first sitting day of this Parliament. In response to an adjournment matter raised on 21 December last year the Minister for Education said:

The member for Bundoora asked me to visit Greensborough College, a school that wants a rebuild. My priority and this government's priority is to fulfil our election commitments. We are not here to fulfil Labor's election commitments; we will fulfil ours as a priority. We will then consult with all communities and all local members about further needs in other areas in all electorates and all parts of Victoria. Our members and our candidates came up with fantastic projects that are worthy, and I will fulfil those promises. We will then look at all of the other schools.

It is very clear that the Liberal Party's promises are to be funded ahead of any schools in need.

Following comments that Greensborough College was being overlooked because it was in a Labor electorate, the minister told Channel 9 news on 22 June, 'It's need, not political, ah, um — what the political allegiance or who the member might be'. The Baillieu government is not funding school upgrades based on need. To suggest that that is the case is a lie. The Baillieu government should stop playing politics with our kids' education.

MATTER OF PUBLIC IMPORTANCE

Government: achievements

The DEPUTY SPEAKER — Order! I have accepted a statement from the member for Scoresby proposing the following matter of public importance for discussion:

That this house congratulates the Baillieu government for delivering on public commitments they made to the Victorian people.

Mr WELLS (Treasurer) — The matter of public importance (MPI) before the house is that this house congratulates the Baillieu government on delivering on public commitments it made to the Victorian people. It is very pleasing to be able to talk on this particular MPI. A lot of hard work was put into our election commitments in the run-up to the 27 November election. A lot of time and effort was put into our costings and assumptions. To get to the situation where we had \$5.2 billion worth of election commitments in recurrent spending and were able to deliver on \$5.1 billion was quite an extraordinary effort, but we did it. Absolutely. We had a financial mess to deal with, and yet we have still been able to deliver on our election commitments. I will start with some of the points we had to deal with when we came into government.

The first issue was the GST, but that was not relevant to the previous government. There was \$4.1 billion worth of cuts to the GST. As most people would realise, for every \$1 that a Victorian pays, we were receiving 94 cents back. When the last formula was brought down that was cut back by 4 cents to just 90 cents in the dollar. We took action and wrote to Wayne Swan and Julia Gillard to say, 'This is wrong; this is unfair. This means that Victoria is not getting a fair deal'. Guess what the Prime Minister said? — 'I agree', and she quoted the letter that we sent, saying she agreed that there was something wrong with the formula. She then immediately organised a review — which included a former Premier of this state, John Brumby — to fix the formula.

Not only did we lose \$2.5 billion, there was also \$1.6 billion in shrinkage of GST revenue. In addition to that, we had a \$500 million rephasing of the commonwealth's contribution to regional rail. We have also had to deal with cost blow-outs, something that the previous Labor government could not manage. Labor is never ever able to manage money competently, and that is a disgraceful situation. For that reason, honourable members can imagine the mess that we walked into in Treasury and when we found out what was going on.

Was the former Minister for Finance, WorkCover and the Transport Accident Commission spending too much time on his dirt unit instead of looking after the finances? Was the former Treasurer, a member for Southern Metropolitan Region, spending too much time helping the former minister for finance to run his grubby dirt unit, or was he trying to sort out the finances? Never was there an effort to resolve issues.

Looking at the Melbourne Markets fiasco, what a financial mess we see! The previous government went ahead and built a brand-new place out at Epping, but where were the rent agreements with the people at Footscray? There were zero contracts. Why would you spend hundreds and millions of taxpayer dollars without having a guaranteed revenue stream? Who would do that? Only the former minister for finance would do something as blatantly incompetent as that. There was a blank cheque for doing these sorts of incompetent things. The former government spent \$100 million without any sort of revenue stream, and that was to the shame of the former minister for finance. He took his eye off the ball in dealing with the finances of this state, and instead focused on the dirt unit.

Then we have the myki situation. Jeepers creepers, how many times do we have to mention it? Hundreds and hundreds of millions of dollars of recurrent and capital payments were made, and what did we end up with? Nothing. We end up with a financial mess — and it gets worse. It has taken this government to put myki back on track.

Honourable members interjecting.

Mr WELLS — Those opposite had 11 years to try to get the ticketing system working. In just seven months we have been able to untangle the problem and start getting it ready, and that is important.

Honourable members interjecting.

The DEPUTY SPEAKER — Order! Members of the opposition will cease behaving like that.

Mr WELLS — Let us go further. What about the desalination plant? It costs almost \$2 million a day, and that does not pay for 1 litre of water being produced. Who can we blame for that? The answer is the former Minister for Finance, WorkCover and the Transport Accident Commission, the member for Lyndhurst. Then we have the smart meters. Those opposite said they were a government for the people, but they were not.

Honourable members interjecting.

The DEPUTY SPEAKER — Order! I ask members to lower the volume of interjections and to please not interject in the manner in which they are interjecting.

Mr WELLS — Those opposite should hang their heads in shame at the impost that water consumers and power consumers have been left with by another financial mess created by the previous Labor government. It is a disgraceful situation, but the former minister for finance has not learnt. He is still out there, talking up the desalination plant.

Moving on to the situation of the lapsing programs, when we go through the budget and expenditure review committee process, we see those lapsing programs. We thought the previous government had been able to put aside the money for all the lapsing programs, but the funding for 65 park rangers was going to finish on 30 June this year — that is, from tomorrow there was no funding for 65 park rangers in Parks Victoria.

To make matters worse, there was also no funding from 30 June for officers of the Royal Society for the Prevention of Cruelty to Animals. What a disgraceful situation. Would you not provide ongoing funding for them? I would have thought so.

To give one more example, there is a very important project in the electorate of the member for Monbulk: the upgrade of the Kokoda Track memorial walk, known locally as the 1000 steps. The previous government had apparently put aside \$1 million for the 1000 steps, but when we went to find where the money was, guess what? Doughnuts! There was not 1 cent put aside for that project!

As a result this government has had to fix up the mess that was left behind. We heard so much from the previous government about the pay rise for community sector workers. John Brumby, the former Premier, said it was going to cost \$200 million. When we had a look into that issue we found that not one cent had been put aside. We were in a situation where we had to put aside money to make sure that was done.

Before we came into government we made election commitments. We have done what we set out to do. As of 1 July, this Friday, stamp duty cuts will take effect; it will be a great effect. Does any member remember during the election campaign when the then minister for finance and the then Treasurer announced their stamp duty cut? What a bungle. What did they do? They did not know the difference between payroll tax and stamp duty. They had no idea. What an absolute embarrassment. The then Treasurer talked about his

payroll tax cuts and the then finance minister said, 'I thought we were here to announce stamp duty cuts'. How confusing. Then they could not work out how much it cost and how many people were going to be affected by it. It was embarrassing, but it was great television. It was fantastic television. The then minister for finance was not able to tell the difference between payroll tax and stamp duty.

We were very careful about our stamp duty cuts. The stamp duty cuts we will implement on 1 July are very important. There is a stamp duty cut of 20 per cent from 1 July 2011. This is a great move for people trying to buy their first home. Then there will be a further cut of 10 per cent, which will make the cut 30 per cent, by 1 January 2013. But there is more good news to come: there will be another 10 per cent cut by 1 January 2014. The stamp duty cut will build up to 50 per cent by September 2014.

What does that actually mean? It means the cost of stamp duty for a median priced house in Melbourne valued at \$565 000, which is a principal place of residence, will be \$28 970. With a 20 per cent stamp duty cut, \$23 163 would be paid; with a 30 per cent stamp duty cut, \$20 279 would be paid; with a 40 per cent stamp duty cut, \$17 382 would be paid; when a 50 per cent stamp duty cut comes in, \$14 485 would be paid. The 50 per cent cut will save people \$14 485 by September 2014. That is great news for first home buyers coming into the market. Labor had 11 years to deal with that, but it did not assist first-time buyers. In addition to that, we made sure the first home owner grant and bonuses still remain. This is great news for first home buyers.

But the good news continues: there is a stamp duty exemption for first farm buyers who are under 35 years of age. What a great initiative for country people. It gives a great incentive to enable the next generation of farmers to stay on the farm. This is great news; it is fantastic. As of 1 July this will affect young farmers who are under 35 years of age who buy their first farm land — that is, property — valued at up to \$300 000. That is great news for them. That is absolutely fantastic news, but it is not just farmers and first home buyers that are affected by good news. The good news continues.

We are improving housing affordability for pensioners, concession card holders and self-funded retirees. That is very good news. When parents who live in a large family home want to downsize, we assist them in being able to downsize. That is fantastic news. What will happen as of 1 July is that the threshold will be increased from \$440 000 to \$750 000; that is very good

news. There will be full exemptions for properties valued at up to \$330 000, and there will be a concession available for properties valued from \$330 000 to \$750 000. That is great news for pensioners.

Despite the financial mess we inherited from the previous government — that is, as I have said, cuts in GST, capital blow-outs in terms of HealthSMART, myki and the Melbourne Markets, the \$2 million-a-day desalination plant costs, smart meters and lapsing programs where there was no funding put aside — the Baillieu government has delivered on its election commitments. In the run-up to the 27 November 2010 election we said we would deliver: in this budget we have delivered, and from 1 July we will continue to deliver.

Mr ANDREWS (Leader of the Opposition) — That was another long speech from the Treasurer where the word 'jobs' was not mentioned once. But I will come back to that in just a moment. Is it any wonder the Treasurer has to come into this chamber and heap praise on himself and give himself a pat on the back? He is hardly having to elbow out leaders of the business community, major employers or respected financial commentators.

There is plenty of room for self-praise. There is no-one in the queue to praise this Treasurer or the dithering and deceitful government that he is a member of. He is certainly not having to elbow out anybody in order to be shamelessly promoting himself. The self-praise is no recommendation at all, and we have just seen an example of that. This Treasurer is so inept that he is barely capable of patting himself on the back. We had a 15-minute speech, the first 10 minutes of which was a rambling rant about this side of the house.

This matter of public importance (MPI) is about congratulating the Baillieu government. Apparently the proposer of this MPI — someone who, I am sure, writes his own speeches because nobody else could pen such drivel — could not even speak to his own self-congratulatory proposal. He could not even pat himself on the back, and we all know that nobody else is queuing up to do that work.

At the end of the day self-congratulation and self-praise are no recommendation and no commentary on this government. We have seen a government on a seven-month victory lap; a government that has been all too concerned about coming in here, week after week, to try to convince us all that it is a great government we should be grateful for and should congratulate. Those opposite think we should congratulate them for dithering and for delivering so many broken promises.

They think we should be congratulating those who are not worthy of that congratulation in any way, shape or form.

It is important to note, even though the Treasurer barely spoke to it, that the MPI talks about public commitments. I note the Treasurer could not talk about policies because we did not have any policies before the election; we had uncoded and unfunded press releases attested to by an obscure accounting firm whose only qualification for that important task was that its members were lunch buddies of the Treasurer. There were no policies or plans; there were simply uncoded and unfunded press releases. The Treasurer cannot even refer to them as policies in his MPI, an MPI — I make the point again — he could barely be bothered to speak to.

Apparently we are all to congratulate the Treasurer and his colleagues. Let us have a look at what they ought to be congratulated for. I remember well one of the Treasurer's rare media performances as shadow Treasurer. So rare were the public performances of he who pretended to be Treasurer that I am sure they had to explain to him that the big, long black thing was the camera and that you have to look at the camera and there might be some make-up applied beforehand. I remember the comment being made that the way to control spiralling debt was to not add one dollar to it. Do members remember that? Those opposite said one thing before coming to power and are now doing an entirely different thing having arrived in office.

The statement from the coalition in opposition was that the way to control debt was to not add one dollar to debt. Gee whizz! What did we see in the first budget? The new government did not add one dollar — it more than doubled debt to \$23 billion. In opposition coalition members said that debt levels under Labor were unsustainable, that they were a blight on our future prosperity and that they ought not be added to by one dollar, but it is great shakes for them once they are in government and they can more than double debt. Perhaps we should congratulate the government and the Treasurer on that!

As if that rank hypocrisy was not bad enough, let us have a look at what there is to show for this doubling of debt. Is there a pipeline of major infrastructure works? Is there a plan to ensure that we create jobs and keep Victorians in work? I do not think so. The word 'jobs' cannot pass the Treasurer's lips. He cannot talk about jobs, let alone secure jobs or lay down a clear plan to create jobs. He has no plan for employment whatsoever. Is there a transformation of the services that are so important to Victorians? I do not think so. Is

there a long-term plan to invest in the critical infrastructure that defines our quality of life for this doubling of debt? No, there is none of those things at all.

Let us look at public sector wages. Perhaps we should congratulate the government on that performance! What a stellar performance that has been! Let us tell the teachers they can be the highest paid in Australia. Let us tell the police they can have 3 per cent plus who knows what on top of that. Who knows what the nurses were told or what they will get? What we have seen in the last seven months is an absolute abrogation of responsibility, dishonesty and duplicity — an absolutely disgraceful performance in relation to public sector wages policy. We know that teachers were lied to. We know that Victoria Police members were lied to; there is no doubt about that. Forgive me if I cannot quite come at congratulating the government for that. There has been record industrial disputation and there have been all sorts of challenges in relation to Victoria Police and its enterprise bargaining agreement. On its performance in this area the coalition is a shambles. The government is not worthy of congratulations — not in the least.

Much was made of the government's performance in the regions. Much was made of the \$1 billion Regional Growth Fund, I remind the member for South-West Coast, which was said to be 'a regional growth fund like no other'. The government got that right! It has only \$500 million in it, so it is without doubt like no other. I do not think that is worthy of congratulations either. Let us look at service delivery. Thirty-six school upgrades were promised. How much money was allocated? I will quote the Treasurer when he spoke about 'doughnuts'. That is how much money those 36 schools have received — not one dollar.

In the health system we can look at a litany of broken promises that are no cause for congratulations. Look at the comment about the Monash Children's centre, which was a shameful deceit of families in Melbourne's south-east. 'We'll match that' was the comment, and then the government provided \$8.5 million, but \$8.5 million does not build a \$250 million children's hospital for the south-east. I know that, Deputy Speaker, and I think you do also. We all know that \$8.5 million is not \$250 million, and that too is no cause for congratulations. It is not just the Monash Children's that is the subject of a broken promise, though. The Royal Victorian Eye and Ear Hospital received not one dollar. The upgrade to the Geelong Hospital and a second hospital for Geelong's growing southern suburbs were absolutely short changed.

Mr Katos interjected.

Mr ANDREWS — I hear the member for South Barwon say, ‘It’s coming’. That is news to his constituents. It may be coming according to the member for South Barwon, but the question is: when is it coming? He should keep on grinning; that will do him the world of good in his local community. There is no money for the Ballarat helipad. There is no money for the Castlemaine hospital. The list goes on and on. That too is no cause for congratulations at all.

Let us look at funding for community safety and protective services officers (PSOs). That project is over time and over budget and an unmitigated shambles. We now have a situation where government members cannot tell us where the new powers will operate. They will leave it to the courts to determine where these new powers of PSOs will be in effect. They do not understand their own policy. This is an absolute shambles — there will be no toilets, nowhere to have a meal break and nowhere to shelter from the rain at 50 per cent of metropolitan stations. A fraction of the regional stations that were promised will actually be delivered. It is seven months on and there is not one PSO on one train station platform as promised by this government, and that is no reason to congratulate the government either. We will all wait, but rest assured that none of us will hold our breath while we wait to see those 940 PSOs out there, two up, at every station from 6.00 p.m. until the last train. That was the promise, and that is what must be delivered. The Treasurer was not too keen to talk about public commitments, but I am, and that was one of them — a flagship commitment that will need to be delivered in full.

If we look at transport, the Governor’s speech said the government was going to completely transform and rebuild the transport system. How might the government do that when it has provided what at best could be described as modest boosts in the budget? There is no transformational funding package in this year’s budget.

Mr Mulder interjected.

Mr ANDREWS — The Minister for Public Transport laughs. He thinks it is funny to have given people an impression that the government would rebuild and transform the system but to have then provided barely an extra carriage, barely an extra bus and barely an extra tram. This is not transformation; it is absolute delusion from the Minister for Public Transport. In terms of lack of service delivery the list goes on and on.

Let us look at another series of commitments about being an open and accountable government. This government is not open, it is not accountable but, make no mistake, it is absolutely transparent. If this makes sense, the government is transparently secretive. FOI applications are being ruled on by political staffers, and people who are the subject of requests are ruling them out. That is open and accountable government! Then we get to the Parliament, and I know that 2 o’clock every day is not called answer time. I know it is called question time, but we have got to a new low. I reckon we could ask this Premier his name and date of birth and all we would get would be obfuscation and slipperiness, and no doubt it would be my fault or the fault of one of my colleagues. At the end of the day this government, when it comes to openness and accountability, is absolutely incapable of even pretending to be open and accountable. It cannot even manage that, and — whether it be absolute rank and manifest interference in police command or all sorts of unanswered questions in relation to the Office of Public Prosecutions — there are many examples where this government should be anything but congratulated in relation to the openness and accountability that it has so spectacularly failed to deliver.

Then we come to myki. When that 1½-page statement was released — after seven months work and who knows how much money — it reminded me of the Remington shavers commercial that said, ‘I liked it so much that I bought the company’. It is so bad that the government is keeping it. It is so fatally flawed that the government announced 1½ pages of what in the scheme of things are relatively minor changes with no money attached and no description of how much it will cost. So fatally flawed is this system, according to those opposite, that they are keeping it, and its faults and their remedies can be summarised in a 1½-page document.

Mr Mulder interjected.

Mr ANDREWS — We will wait and see. What is the cost? We do not know. After seven months of work, seven months sitting on the Premier’s desk, we have a 1½-page statement. This government has done nothing to be congratulated for. The Treasurer could list barely more than 5 minutes worth of things he might say the government should be congratulated for. The government has failed to deliver in so many areas that it deserves condemnation not congratulations, which even government members seem incapable of heaping on themselves. The Victorian community is right to be disappointed in this deceitful and dithering government.

The DEPUTY SPEAKER — Order! The Minister for Public Transport.

Honourable members interjecting.

The DEPUTY SPEAKER — Order! The minister has the call.

Ms Allan — On a point of order, Deputy Speaker, it is a little difficult to understand how the Minister for Public Transport was given the call when he was not even on his feet. The member for Lyndhurst was on his feet awaiting the call, and I ask that he be granted it.

The DEPUTY SPEAKER — Order! The Minister for Public Transport got up from his seat and came over. I agree that he sat down, but he had been given the call as he walked to the microphone.

Mr Andrews — On the point of order, Deputy Speaker, with the greatest of respect to you, if a member is sitting in a seat, whether it is their allocated seat or another, how can they possibly seek the call or get the call? The minister was not on his feet. He was sitting down on the front bench where I think the Minister for Ports sits. He then loped across to the table. He did not seek the call by standing up either in that seat or at the table. How could he possibly be given the call?

The DEPUTY SPEAKER — Order! I have heard sufficient. The level of interjection from opposition benches was so loud that members probably did not hear me say, as the minister got up, ‘The Minister for Public Transport’. Yes, the Minister for Public Transport did walk over and sit down again — I do not know why he did that — but I had given him the call.

Mr Andrews — On a further point of order, Deputy Speaker, again with the greatest of respect to you, it is not what I heard that is in question; it is what I saw. The Minister for Public Transport did not get out of his seat to seek the call. No-one can be given the call simply because a list of proposed government speakers has been provided. That is not the way the call is properly and appropriately allocated. I put it to you, Deputy Speaker, with the greatest of respect, that it is not what was said but what we all saw, and the minister did not seek the call by rising in his place, therefore he cannot be allocated it.

Ms Ryall — On the point of order, Deputy Speaker, I was watching and there was no-one from the opposition on their feet either — —

The DEPUTY SPEAKER — Order! That is not a point of order. We are wasting members’ time. I have ruled on the point of order. If members of the opposition disagree with my ruling, I suggest they take

it to the Speaker. I call the Minister for Public Transport. Reset the clock.

Mr MULDER (Minister for Public Transport) — Is it any wonder that we have the Leader of the Opposition trying to shut down debate on this issue?

Ms Allan — On a point of order, Deputy Speaker, I would appreciate an explanation to the house as to why the clock has been reset. At no stage was the clock stopped. At no stage was there an indication that the clock would be reset, nor was it called for. I ask for an explanation.

Honourable members interjecting.

Ms Allan — The clock was not stopped. I ask for an explanation to the house as to why the clock has been reset, which I would have thought was an extraordinary shift, given that the clock is clearly — —

Honourable members interjecting.

The DEPUTY SPEAKER — Order! I ask the house to calm down.

Ms Allan — What processes and what rules are being followed in this house that meant the clock needed to be reset? This is extraordinary.

The DEPUTY SPEAKER — Order! I have heard sufficient on the point of order. It is at the discretion of the Chair to reset or stop the clock. The reason I did so was that when the points of order were being taken and when there was disagreement with the ruling on the first point of order from the Chair, the Minister for Public Transport had not commenced speaking because I was taking points of order. I suggest that if the member for Bendigo East disagrees with this, she should take it to the Speaker so that we can continue debate.

Mr Andrews — On a further point of order, Deputy Speaker, I am not for a moment challenging your authority to make such a ruling, but I do not recall you indicating verbally to members that the clock was going to be reset.

The DEPUTY SPEAKER — Order! I did not.

Mr Andrews — Is it your position, Deputy Speaker, that you are able to stop the clock and reset the clock — —

Mr R. Smith — That point of order has been ruled on.

Mr Andrews — You are in the Chair, are you?

The DEPUTY SPEAKER — Order! I am listening carefully.

Mr Andrews — Is it your position, Deputy Speaker, that you can stop the clock and reset the clock without informing members of your decision? No-one was told that the clock was either stopped or reset.

The DEPUTY SPEAKER — Order! I have heard sufficient. I will say, once again, that I had given the minister the call, he was on his feet, he had not got to the microphone and points of order were being taken, so it seemed to me immensely unfair that the clock should have started before he had even had the chance to say one word. If members want to dispute this ruling, I suggest they take the matter to the Standing Orders Committee so that further rulings can be made, but I have made my ruling. I am now going to call the Minister for Public Transport, and I am not going to take any more points of order on this matter at this moment.

Mr Noonan — On the point of order, Deputy Speaker, I respectfully request that you seek the guidance of the Speaker, who I believe has placed on record that the clock will be stopped at his discretion during question time, not during debate.

The DEPUTY SPEAKER — Order! I will take the matter to the Speaker.

Mr Noonan — I think that would be worthwhile, because I think the recollection of members, at least those on this side, is that it is at the discretion of the Speaker during question time as opposed to during the normal course of debate. I call the Minister for Public Transport.

Dr Naphthine — On the point of order, Deputy Speaker, 4 minutes of the minister's time has been taken up by frivolous points of order raised to deliberately stifle debate. I ask that the clock be set at 10 minutes.

The DEPUTY SPEAKER — Order! I have given the call to the Minister for Public Transport.

Mr MULDER — Is it any wonder that the opposition wants to shut down debate on this particular issue? Is it any wonder that the opposition does not want this debate to go on? The Leader of the Opposition knows very well that opposition members are completely and totally embarrassed by this situation. They know exactly why we are on this side of the chamber and they are sitting on the other side of the chamber. We are here because we are delivering on our election commitments. The promises we made prior to

the election are the election commitments that we are going to deliver to the Victorian public.

When you look at the commitments that were not delivered by the former Labor government in my portfolio area alone — promises that were made to Victorians and promises that the former government walked away from — is it any wonder that its members are now sitting on the other side of this chamber? Returning rail services to South Gippsland through the Leongatha passenger train service — not done! Standardising the Victorian rail network — not done! Introducing passenger rail to Mildura — not done!

The Leader of the Opposition spoke earlier about the deceit of the south-east. Talk about deceit — the promise that tolls would not be used to construct new roads was the greatest act of deceit to the south-east you have ever seen, and it was by the former Labor government. Closing Essendon Airport — not done! Building a rail link to Melbourne Airport — not done! A tram line to Knox city — did not happen! Extending metropolitan rail to Cranbourne East — walked away from it! Standardising the Portland–Mildura rail line as a priority — not done! Introducing a new smartcard transport ticketing system by March 2007 — not delivered!

The election promises go on and on. The ticketing system was finally introduced on Melbourne trains in December 2009 and buses and trams in 2010. It is not operating on V/Line services. The promise of a SmartBus orbital route from Sandringham to Williamstown as detailed in Meeting Our Transport Challenges was deleted from the program in the Victorian transport plan. It goes on and on. These promises were made to the Victorian public and not delivered. In the end the Victorian public no longer trusted the Labor government of Victoria, and that is why it was turfed out. The opposition has to accept the fact that if a government makes promises and commitments to the Victorian public, it has to be prepared to deliver — but that was simply and utterly not done!

The Baillieu government is delivering on its election commitments and promises to such a degree that when the opposition went through the Public Accounts and Estimates Committee process it gave a hopeless performance and could not lay a glove on us. With its response to the budget it could not lay a glove on us, because all of the commitments we made are going to be delivered. The budget tells the story, and that is why we are travelling as we are out there. The community finally has trust in the Victorian government. We said we would start the recruitment and training of

940 Victoria Police protective services officers by November 2014. The opposition has continued to bag this election commitment made by the coalition.

Well, have a look at today's opinion poll: 81.43 per cent said yes, we are on the right pathway; 18.5 per cent said no — they are the Labor members.

An honourable member interjected.

Mr MULDER — Your vote on this issue is heading the same way as Julia Gillard's popularity, mate — it is going backwards at 100 miles an hour. There is no doubt that it is a very popular policy position. It is not just about providing protection on the railway network, it is also about providing protection to people who work within the rail industry. It is supported; it is a great policy. The poll tells the story; the vote told the story. That particular policy is going to be extremely well received. We will be a state with a railway network that from 6 o'clock until the last train at night, seven days a week, will be the safest place to be. Our railway network will be a very safe haven. There will not be increases in the incidence of violence and assaults or a situation like that under the former government where the only way to deal with the problem was to fudge the figures. We all know what happened there: the former government fudged the figures of assaults around railway stations and tried to paint a picture that showed things were actually improving.

We have introduced legislation to expand the functions of Victoria Police protective services officers to protect railway stations after dark and to enhance PSOs' powers to make stations even safer. We have funded through the budget a huge capital spending program that totals \$6 billion. We have committed \$6 billion to infrastructure. We have provided \$100 million extra for basic rail maintenance. We said all along that you have to get back to the basics, that you have to fix the basics on the network: we are committed to that. Through the budget we have heavily invested in infrastructure and service expansions, including investments of \$484 million over five years for new public transport and rail freight infrastructure and operational improvements, and \$222 million for seven new trains, the first of 40 for Melbourne commuters, to be fitted out and assembled in Ballarat.

That is a great outcome for the people of regional Victoria — a great outcome for the people of Ballarat. We have begun planning for the new stations of Southland and Grovedale. That is \$64 million over four years at the first stage, as part of a \$379 million program to improve or upgrade level crossings in Melbourne and the country. So we have provided this

money not only for Melbourne but also for the country. This is a great budget and a great outcome from the Baillieu government.

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

Mr HOLDING (Lyndhurst) — It was Shirley MacLaine who once said:

It's useless to hold a person to anything he says while he is in love, drunk, or running for office.

I will not comment on intoxication or love, but as far as running for office is concerned, Victorians have now had seven months to see how accurate Shirley MacLaine's observation is. Shirley MacLaine knew a strutting, haughty peacock when she saw one, and she would certainly spot the hubris in today's matter of public importance — even if it is not grasping a Gucci toothbrush. The danger of this matter of public importance (MPI) in the name of the member for Scoresby is that he may be lulling himself into a false sense of competence, because as Victorians we are entitled to ask, 'Did Victorians get what they voted for?' What does this MPI say about the Baillieu government?

Firstly, the MPI is built on a lie — on deceit, pure and simple: the claim that the government is keeping its promises is simply not true. Secondly, this MPI reasserts the government's core proposition that if it does nothing else, it will at least keep its promises. That is a profound dereliction of the duty of government, because if you look at the coalition's promises prior to the last election — uncosted and dishevelled; deranged and garbled as they were — when you review the totality of the commitments those opposite took to the election you are struck by the lack of any cohesive and comprehensive plan to prepare Victorians for the challenges that our community might face in the future. This proposition that a government is nothing more than a tick list of promises kept or pending is perhaps the greatest broken promise of all. The promise that it breaks is the promise that we can tackle problems beyond what could be predicted or forecast by those opposite in November last year. What the coalition is telling Victorians is that their grab bag of populist, focus group-tested junk is the sum total of what Victorians can expect for the next four years.

If Ted Baillieu could not predict it in November 2010, then Victorians are not going to get it. Too bad the coalition did not promise a jobs plan or a health plan or a plan to tackle climate change — heaven help Victorians should a major natural disaster occur. Victorians can take comfort in knowing that a

Baillieu-Ryan government is pursuing a Red Bull air race and arming PSOs (protective service officers) with semiautomatic weapons to keep our hospital emergency departments safe. It must be a great comfort to Victorians to learn that the Treasurer keeps a tick list of promises behind his desk that he manically ticks off as press releases are dispatched. Not to worry that he cannot tell the difference between capital and recurrent spending. We should be unconcerned that not once, but twice in the same day he could not find the surplus. It matters not that he is such a weak link in the government that he has been hidden away in the Treasury Place bubble because he cannot be trusted not to stuff up when he appears in public. We are supposed to feel fine that this man — the certified practising accountant — armed with a tick list can be trusted with our \$45 billion budget, even though he cannot be trusted to do a 15-minute doorstep.

Let us reflect on what we have heard from the government in the last two contributions. Firstly, we heard not a list of promises that the coalition has kept; not a list of the self-congratulations that you would have expected from the MPI that is before the house, but an attack on the opposition for our performance when we were in government. Then we heard from the Minister for Public Transport and Minister for Roads — again, not a list of promises kept, promises acquitted, as you would expect from the MPI that is before the house. Instead what we heard was a list of promises that the coalition claims the Labor Party did not keep while it was in office. Government members cannot even speak to their own MPI — their own sense of self-congratulation — that is before this chamber. However, let us put the government members to their own test: can they be congratulated for keeping the promises they made before the last election?

How can this house congratulate the Baillieu government, as we are asked to do, ‘for delivering on public commitments made to the Victorian people’? When Victorian teachers were promised by the now Premier that ‘we must immediately lift the pay of teachers in our school system so they are not just equal with other states, but the highest paid in the nation’, was this not a promise? When the now Premier promised \$165 million for a new Royal Victorian Eye and Ear Hospital, was this not a promise? We now learn that the \$2 million for the helipad at the Ballarat hospital was not a promise. Where are the protective services officers armed with semiautomatic weapons in hospital emergency departments? Was this not a promise? When the Premier promised police members that they would receive wages that did not go backwards, was this not a promise? When the now Premier was asked by Paul Austin in the pre-election

debate, ‘How do you bring down debt?’, and he replied, ‘Well, the first step is not to allow it to go further’, was this not a promise?

Let us just reflect on that last one, because this MPI is in the name of the member for Scoresby, the Treasurer. According to the Premier, the first step in bringing down debt is ‘not to allow it to go further’. Let us apply the Shirley MacLaine test. We know he was not drunk. When he looked into Paul Austin’s eyes, was it love? Or was he just running for office? Prior to the election, in a document bearing the now-Orwellian title ‘The Liberal-Nationals coalition plan for better financial management’, the Liberal Party railed against the Labor government’s ‘predilection toward spending for today and robbing tomorrow’. The proof of this, according to the member for Scoresby, was a massive debt spiral.

Imagine what Paul Austin must be thinking today. Net debt is set to grow faster than was ever forecast under Labor and is set to rise each and every year of the forward estimates period. Net financial liabilities will be higher than they ever were under Labor and are set to rise each and every year. Net debt as a percentage of GSP (gross state product) will be higher than was ever forecast under Labor. Interest payments will be higher. The Premier said that the first step in bringing down debt is not to allow it to go higher — and the Treasurer wants this house to congratulate the Premier today because he claims he has kept this promise!

We all remember the promises that members of the then opposition made prior to the election. They said taxes were at a record high. Heaven forbid that they might find that, once more, taxes are at a record high! Those opposite said expenditure was too high and had to fall. Now we find that expenditure is at a record high. They said debt was unsustainable and had to fall. They have brought down a budget that will double debt over the period of this government’s four-year term in office. They have stalled infrastructure projects, and they have misled public sector workers — community sector workers, teachers and police — on wage outcomes.

This government has not kept its promises to the Victorian people, and it has betrayed them — not only by breaking its promises. Where is the Treasurer’s debt reduction strategy that he promised on multiple occasions? It has no doubt disappeared into one of the government’s black holes, because we have seen nothing of the Treasurer’s much-vaunted debt reduction strategy that he promised prior to the government’s election to office.

But the biggest broken promise of all is the promise that Victoria can be a better place by responding to the

challenges that our community faces. Where is the jobs plan? Where is the plan to tackle climate change? Where is the plan to build vitally needed infrastructure for our state? Where is the plan to make Victoria a fairer place? Where are the plans that Victorians need to build the sort of lifestyle that we have come to expect and that we need in the future? Where is the plan for our education system? Where is the plan for our hospital system? These are the things that any decent, reasonable government would be providing. These are the things that this government has not provided, because it is asleep at the wheel. The member for Brighton personified it — —

The ACTING SPEAKER (Mrs Victoria) — Order! The member's time has expired.

Mr WALSH (Minister for Agriculture and Food Security) — It is a pleasure to rise to support the matter of public importance proposed by the member for Scoresby:

That this house congratulates the Baillieu government for delivering on public commitments they made to the Victorian people.

One of the election commitments that the Baillieu government made was to lift the lid on Labor's secrecy when it comes to water projects. It has revealed the true cost of the Wonthaggi desalination plant. If you look at the desalination plant, you will see that it will cost Melbourne water customers \$654 million every year for the next 27 years. The opposition, when in government, has condemned Melbourne water customers to paying the Holding desalination tax for the next 27 years. The previous water minister in effect put a \$400 annual fee on every household in Melbourne which they will be paying for the next 27 years. A new home buyer who goes out and buys a home this year will most likely have paid off their mortgage before they stop paying the Holding desalination tax.

Let us look at what the Labor Party said about desalination in 2006. At that time the Labor Party said desalination was a hoax, but seven months later it was building the largest desalination plant in the Southern Hemisphere. It is going to cost every Melbourne water customer \$400 per year, whether water is taken or not. The previous government did not just break that promise, it employed an advertising agency and hired a red helicopter so the then Premier could fly over the area and make a grand announcement about it. Members of the previous government broke their promise on something they said they would not do — on something they called a hoax — by turning around and doing it.

This morning I was in Brunswick West making some announcements about rebates for water-efficient appliances. The comment of a gentlemen there who has a water-efficient house with tanks was, 'The desal plant cost the Labor Party the election because it was not needed'. The Labor Party broke its promise, and it is going to cost Melbourne water customers a lot of money into the future.

I look at the other great broken promise that the Baillieu government has actually fixed — that is, the north-south pipeline. That broken promise was to never take water from northern Victoria to southern Victoria. The Baillieu government has plugged that pipe. I notice the member for Benalla walking past me at the moment; this issue of making sure the pipe was plugged is something he has been very passionate about. The central region water strategy that the Labor Party prepared in 2005-06 — its own water strategy — said it would not take water from northern Victoria to southern Victoria.

Mr Weller — They lied.

Mr WALSH — As the member for Rodney says by way of interjection, it was a lie. They lied. We have now plugged that pipe for the future.

One of the things that water strategy said was that Melbourne had other options for water in the future — and Melbourne does have other options for water in the future. If you look at what can be done in Melbourne, you will see that every year something like 500 000 megalitres of stormwater runs off streets and roofs. If we harvested some of that water for non-drinking purposes, it would take the pressure off our storages. Every year 300 000 megalitres of wastewater are pumped out to sea — again, a lost opportunity.

The Labor Party ignored these options when it was in government. It wanted to go for the big helicopter ad and the big announcement instead of dealing with the issues that really count. Looking at the issue of the north-south pipeline, if you go to the Yarra River storages at the moment, you will see that they are full. You cannot pump water from northern Victoria. The Labor Party in government broke faith with Victoria and broke the promises it made, and that is why its members are now sitting on the other side of the house.

One of the things the Baillieu government is going to do, through a ministerial advisory council, is make sure it increases the opportunity to harvest stormwater for non-drinking purposes and recycle water for non-drinking purposes.

One of the other great projects of the Labor Party when it was in government in 2002 was its promise to upgrade the eastern treatment plant. That was nearly 10 years ago and that project has not been finished yet. The Baillieu government will make sure it is finished, and recycled water from that plant will be used. If you look at what goes out to sea at Gunnamatta, you can see that it is a blight on a modern society. I encourage any members of this house who have not been to Gunnamatta to go there and see what will be changed when the Baillieu government makes sure the eastern treatment plant is upgraded and that water which is effectively raw sewage stops going out to sea.

The other great promise broken by the previous government was made by the then Premier when he promised new water supplies in northern Victoria through water modernisation projects. He promised there would be a massive amount of water out there if the system was modernised. One of the promises the Baillieu government made was to appoint an energy and water ombudsman to investigate those projects, because the deals on those water projects were so secret that a business plan was never drawn up. Nearly \$3 billion was going to be spent in northern Victoria between the north-south pipeline and the food bowl 1 and food bowl 2 projects, and it was so secret that effectively a business case was never made. The ombudsman will lift the lid on the secrecy of the Labor Party about water projects.

A great project I had the opportunity of announcing this morning is the provision of \$40 million in rebates over the next four years for the purchase of water-efficient appliances. This is more than double what the previous government spent on these initiatives. There are two additions to the list of appliances that qualify for rebates. The first is a \$150 rebate for anyone who buys a water-efficient washing machine — one that has a 5-star water rating and a 4-star power rating. This is an opportunity for people to take advantage of a great policy initiated by the Baillieu government. They can upgrade their washing machine and save water. There is also a \$1000 rebate for people who want to buy a water tank with a capacity of greater than 4000 litres. Provided the tank is plumbed through the toilet and the laundry they will get their \$1000. As we all know, if you are going to put a tank on a house you need to plumb it through the toilet and the laundry to get the most efficient water savings from the potable water system.

The really great thing about this policy from a country point of view is that these rebates are available to all Victorians. The Labor Party in government only made the rebates available to people who had water delivered

from an urban or a non-metro urban water supply system. The rebates will be available to all Victorians; there is no discrimination by the Baillieu government in relation to these water projects.

Looking at some of the other water projects the Baillieu government has already started, it has delivered as a government on starting the planning to secure the water supply for the Lindenow vegetable growers. I will be down in that area with the member for Gippsland East for the first meeting of that group to look at water supply security for the Lindenow Valley. The previous so-called Independent member for that area may have delivered the Labor Party government but he did not deliver very much for his electorate. For the 11 years he was the member for that electorate he did not do anything about trying to secure the water supply for the Lindenow Valley.

It is a great pleasure this morning to support the Treasurer's matter of public importance, which highlights how the Baillieu government is delivering on the public commitments it made to the Victorian people.

Honourable members interjecting.

The ACTING SPEAKER (Mrs Victoria) — Order! Before I call the member for Richmond, could I please ask for a little bit of hush in the chamber; it is very difficult for me to hear.

Mr WYNNE (Richmond) — I rise to make a contribution to debate on this matter of public importance. I have listened quite intently to the debate so far and it has been a most extraordinary contribution by what could only be categorised as an opposition in exile. There was not one contribution from the government side that addressed any of the so-called policy contributions made by the government. It is almost as if government members are uncomfortable being on the government benches.

Dr Sykes — Very comfy!

Mr WYNNE — They are very uncomfortable being on the government benches. The truth is that they did not expect to win and they have fallen into government. The most interesting thing for me in reflecting back over the last six months has been that the opposition has provided to the state — —

Dr Sykes interjected.

Mr WYNNE — The member for Benalla — there he is; the epitome of arrogance and hubris, which very much infects the way this government seeks to operate.

It is a sad thing. He is not a bad bloke, but dear, oh dear; he ought to focus on governing and not on arrogance.

If we reflect back on the last six months, what comes to mind is a government that is confused, a government that did not expect to win and a government that has no narrative. It has had nothing to say to the Victorian people over the last six months about how it wants to bring the community on with it. That is the most profound sentiment I can bring to this debate today. There is no narrative, there is no sense of direction, and the government is failing to lead and bring the community with it.

It is to the great discredit of this government that after six months we find ourselves in this position. You would have thought after the first flush of euphoric victory you would say, 'We are going to settle down now — —

The ACTING SPEAKER (Mrs Victoria) — Order! Through the Chair, please.

Mr WYNNE — You would have thought government members would say 'We are going to settle down now and we are really going to bring this community along with us'. But all we have had over the last six months is broken promise after broken promise. The community has worked this out and people are profoundly disappointed in this government because ultimately it stands for nothing.

One of the most important things that sets the theme for a government is its budget and this budget contains absolutely nothing about one of the core or fundamental values at the heart of this opposition — that is, jobs. In the Treasurer's 33-minute budget speech there was not one word about jobs, not one word about a vision for jobs and not one word about investment — not a word. What does that tell you about how this government thinks our community should prosper? Should our community prosper when people have opportunities for work and training and the dignity that comes from employment? The budget was absolutely silent on the fundamental question of jobs. As I said, that is to the great discredit of this government.

The government said that it would have a prudent, responsible budget but, as my colleague the shadow Treasurer indicated in his contribution, debt is forecast to double to \$23 billion. There are no jobs, there is no vision and there is a doubling of debt.

We know claims about the value of the government's much-vaunted regional development strategy, the \$1 billion Regional Growth Fund, are lies. It is not

\$1 billion; in fact it is a \$500 million budget commitment over four years. It is a ruse that has been played out in regional Victoria. Local government has worked it out — do not worry about that — and it is all over this. Over the next three and a half years the coalition will see what local government will have to say about this so-called \$1 billion provided by the government to support regional Victoria.

One of the most profound disappointments is that the government is walking away from any climate change strategy. The Minister for Environment and Climate Change, who is at the table, knows that the coalition walked away from a courageous commitment made by our government to close 25 per cent of the Hazelwood power station, which is the dirtiest power station in the state.

The government has committed to a 20 per cent reduction in CO₂ targets. How will the government achieve that if it does not close the dirtiest power station in the state? What is the Premier's answer? The Minister for Environment and Climate Change gets up every morning and cannot believe he is a minister. He has been here 10 minutes and he cannot believe it: here I am in the white car, away we go for the day. Let me tell the minister that the environment movement thinks you are a joke — —

The ACTING SPEAKER (Mrs Victoria) — Order! I ask the member on his feet to speak through the Chair and to not attract interjections.

Mr WYNNE — Sadly, the minister invites it, Acting Speaker. He is an absolute joke. The most telling thing was that the Premier said, 'Those environmental targets were aspirational'. They were not aspirational targets when the coalition went to the election. They had set very clear targets when they went to the election. But what happened? After the election, the government said, 'We had to recalibrate and reconsider our position'. It has nothing to say about jobs, there is a doubling of debt and it has walked away from its environmental targets.

One of the most interesting things about the last six months is that we have heard nothing about fairness. Fairness is an interesting and new concept for the government. Fairness is about ensuring that everybody in the community gets a go, but the most vulnerable in our community have been completely left behind by this government. I want to reflect for one moment on the budget, which provided no new funding for the upgrade or acquisition of new public or social housing — not \$1. Yes, there is \$500 000 for planning of new foyer projects, and that is a good thing. We

support those projects, but there is not \$1 in this budget for the acquisition of new public and social housing.

The number of people on public housing waiting list has gone down to 37 000. That has not happened compliments of this government but compliments of the former government, yet the government disingenuously seeks to claim some credit for it. It is a disgrace that the government seeks to claim some credit for a decrease in the public housing waiting list. If the government does not invest in new public and social housing and fairness is not part of its agenda, this waiting list will not go down. I ask people to reflect on the fact that on these bitterly cold nights people are sleeping rough within this parliamentary precinct. Shame on you!

The ACTING SPEAKER (Mrs Victoria) — Order! The member's time has expired.

Ms ASHER (Minister for Innovation, Services and Small Business) — I wish to support the member for Scoresby in this matter of public importance, which congratulates the government for delivering on the public commitments it has made to the Victorian people.

The first point I make is that it is absolutely fundamental for a newly elected government to implement election promises. I know it will come as a great shock to the Labor Party that there is a government in office that actually wishes to honour the commitments it made during the election campaign; it wishes to reinstate trust with the people. But our mission, certainly in our first budget — and it will also be in our second budget in terms of capital commitments — is to deliver on our election promises. We promised we would fix the problems and build for the future. That is the narrative of the government, and that is what we are doing.

The second point I make is that the member for Lyndhurst made a comment along the lines of, 'Heaven help us if a natural disaster occurs in addition to the government's election promises'. He sought to prosecute a case that the government was only going to focus on election commitments and would not have the capacity to deal with his example of a natural disaster. I refer the member for Lyndhurst to pages 94 to 101 of budget paper 3, where the government's response to a natural disaster — the floods — is set out. Whilst the member for Lyndhurst likes to lambast the Treasurer and regards it as a bit of daily sport, I find it completely and utterly disconcerting that the shadow Treasurer appears not to have read a significant slab of budget

paper 3, which outlines the government's response to a natural disaster.

In terms of problems for the opposition, I just want to make a point about the contradictory approach that the opposition is taking to election promises. On the one hand, the Leader of the Opposition has said from day one that the government must honour its election promises — and that is a reasonable perspective for a Leader of the Opposition to take; it is a perfectly reasonable political view. The problem for the Leader of the Opposition is that there are other members of his party who have a contrary view. By way of example, the member for Lyndhurst just described election promises as 'junk', yet the Leader of the Opposition has as his whole mantra that the Baillieu government must implement election promises. Indeed I also make the comment that there are members of the opposition who have called on the government not to honour certain election promises, such as, by way of example, two in my electorate. The opposition needs to work out its own mantra in terms of the election promises it wishes us to commit to.

I refer all opposition members to page 13 of budget paper 3, which quantifies the way in which the government has implemented its election promises. In our first budget we made promises in terms of revenue and output initiatives to implement \$5.21 billion of election commitments, and in the budget we delivered on \$5.1 billion of those recurrent commitments. In terms of our asset commitments, we made election promises totalling \$2.4 billion, and in this budget we have delivered on \$1.1 billion. I think that is an extraordinary achievement in the implementation of election commitments.

In case the opposition does not understand some of the promises we have implemented, I am happy to touch on a number of areas. We have funded the largest ever recruitment of front-line police in a single term of government in Victoria's history, spending a massive \$602 million to fund 1700 additional front-line police by November 2014. We have started the recruitment and training of 940 Victoria Police protective services officers. We have already introduced tougher sentences. We have abolished suspended sentences and we are abolishing home detention. We have made significant attempts to reduce pressure on the cost of living. In our first budget we have delivered massive stamp duty cuts for first home buyers, pensioners and young farmers. We have given relief to farmers, and we have given relief to families in the form of a 50 per cent reduction in ambulance membership fees. We have provided \$445 million for eligible households to benefit from electricity concessions, and we have brought in — and

the minister touched on this yesterday — concessions to enable water and sewerage concessions to keep pace with increasing costs, and that will benefit 815 000 Victorians.

In health, we have provided a record \$13 billion in 2011–12, including new programs to improve health service delivery and to cut waiting lists. In the budget we have included \$448 million to provide 800 new hospital beds. In education, we have created a new \$100 million school maintenance fund and invested \$208 million in school capital works. We have seen a record investment in autistic schools. The member for Richmond raised the issue of disadvantage in our community. We have supported students with autism. We have boosted funding to Catholic schools, we have funded the employment of 100 maths and science specialists in primary schools, and the list goes on and on.

In my area of business, which is integrally linked to jobs — and again the member for Richmond asked, ‘Where are the jobs?’ — we have implemented a number of significant commitments that will result in increased jobs. We have halved liquor license fees for 10 000 small businesses. We have reversed Labor’s clearways laws, which damaged small business acutely. By way of example, in the city of Boroondara a study showed Labor’s impact on small business as being in the order of \$500 000 to \$700 000 in reduced sales across the whole area. That local government study suggested that losses could range from \$9000 to \$13 000 a business. The City of Stonnington also undertook an analysis of Labor’s clearways policy in High Street, Armadale. That study looked at an approximate loss of \$30 780 per annum per shop on High Street.

The government has made every attempt to rectify the damage that Labor caused to small business. We have reformed Easter Sunday trading, which is something the opposition opposed vigorously in this Parliament. We have allowed businesses to take advantage of the Easter Sunday holiday. That is another example of our looking at boosting jobs. We have restored an element of judgement for local councils in their deciding on regional public holidays. The previous government received letters from schoolchildren indicating that its policies on public holidays were adversely impacting pastoral shows and jobs in regional areas. We have launched a brand-new tourism campaign, which is phase 10 of the Jigsaw campaign. That was launched a couple of weeks ago, and we are incredibly confident that that campaign will increase tourism jobs, which are currently at 185 000 and, we hope, growing.

I make the point again, and refer members of the opposition to the honouring of election commitments in my portfolio, as outlined at page 14 of budget paper 3. A raft of election commitments that we took to the last election have been implemented in the first budget. I contrast this with what we saw in the 11 years of the Labor government. I remember, as would you, Acting Speaker, a no-tolls promise and I remember a no-desalination plant promise. I remember it being called a hoax, and Victorians were told they would not have one. I remember the commitment that water would not be taken from north of the Great Dividing Range to south of the Divide. Just off the top of my head I remember those three commitments that were made by the Labor Party in government. It is no wonder that the Labor Party finds a proposal to talk about honouring election commitments so offensive. The Labor Party openly lies in advance of elections; it has a long track record of lying to the public prior to elections. We put up a raft of election promises. We are delivering, and we are implementing our election promises. I know this is a different style of government, but it is a coalition government.

Ms ALLAN (Bendigo East) — We have the Kath and Kim motion before the Parliament, the ‘Look at moi, look at moi’ motion from this shameful Liberal-Nationals government. It is quite remarkable. Government members are asking us to ‘Look at moi’ and they are saying, ‘Aren’t we good, Kimmy, aren’t we good, Kath, for all the things that we’ve done over the past six months?’, when we know that the complete opposite is true.

I am pleased that the Minister for Tourism and Major Events is here in the chamber. Can I suggest a new event for her to put on the Victorian major events calendar. It is the international backslapping event. During the course of the last six months of this Parliament, the government has provided the opportunity for three government matters of public importance to be put before the house. The first one was:

That this house congratulates the Baillieu government for the many policy initiatives implemented in its first 100 days ...

The second one was:

That this house congratulates the coalition government on its many achievements for the people of Victoria ...

And now we have the one today, which is self-congratulatory and heaps self-praise upon government members whilst they are dithering in so many different areas, which means that the job they

were elected to do, the job they put their hands up for, is just not being done.

The area I want to focus on during most of my contribution today is the response to bushfire-affected communities. This is a serious area of public policy which takes up a lot of focus for those bushfire-affected communities. I am of course referring to the Black Saturday bushfires of 2009.

If there is one area across this government where government members are not delivering on public commitments that they made to the Victorian people, it is in this area. Members of this government when in opposition made much of travelling around the state during the two years after the bushfires of Black Saturday in 2009 and scaremongering and ramping up the debate around what the then Labor government was doing to support bushfire-affected communities. It is an area in which government members led communities to believe before the last election that they would deliver on each and every one of the recommendations in the final report of the bushfires royal commission. They said this sight unseen — that is, even before the final report was handed down.

Government members when in opposition said that they would implement all the recommendations of the bushfires royal commission. Government members repeated it ad nauseam; they said it constantly. In saying it constantly, they also created doubt and raised fear in local communities about what the then Labor government was doing to support those communities.

With the handing down in this Parliament of the government's own implementation plan we have seen that government members have failed to meet the standard they have set. They set the standard for how governments should respond in this circumstance. They said that they would implement each and every one of the bushfires royal commission's recommendations. They gave a solemn promise to each and every Victorian. Members will recall that all of us were very deeply affected by the bushfires of Black Saturday. The Premier was reported in the *Australian Financial Review* of 2 August 2010 as saying that he would implement all those recommendations 'lock, stock and barrel'. He said repeatedly that a coalition government would accept all the recommendations that were made by the royal commission. What we saw with the handing down of the implementation report was that government members have not implemented each and every one of the recommendations as presented by the royal commission. They have presented to this Parliament a document that is slippery in its language.

Honourable members interjecting.

Ms ALLAN — I suggest that rather than interjecting and trying to be smartypants, members opposite actually read the report and see how they have repeatedly failed to do what they said they would do. The standard was set by members of this government for themselves. They said they would implement each and every one of the royal commission's recommendations, and they have failed those Victorian communities to which they made this promise, because, to put it simply, they have not moved to implement each and every one of the royal commission's recommendations.

Let me share with the house those recommendations that government members have walked away from. A recommendation from the royal commission requests that the Country Fire Authority have in place guidelines to assess permit applications. Government members have walked away from that recommendation. There was a recommendation around changing provisions in the Building Code of Australia to remove what are known as 'deemed to satisfy' provisions. When you read the government's response, it indicates clearly that government members have raised this matter with Standards Australia, which has said that it is not going to make this change, and the government has accepted that. It is there in black and white that government members are not implementing this recommendation. Therefore they are not implementing each and every one of the royal commission's recommendations, and they are failing Victorians by their continued repetition that they are implementing these royal commission recommendations.

There is a recommendation to ensure that a vendor's statement including current bushfire attack levels of assessment is issued when homes are sold. Government members are not implementing this recommendation either. We have repeated examples. When you go into the detail of this document, it is absolutely clear that government members have walked away from what the royal commission has asked for.

The issue here is that if government members have departed from what the royal commission has asked of them, then they should be open and honest and say why. Members of the previous government did this. When we handed down our response to the bushfires royal commission report we made absolutely clear the areas where we agreed with the royal commission and the areas we had a disagreement with. They were well publicised and well articulated. We made no secret of the fact that we had different views on the recommendations relating to the undergrounding of

powerlines and the acquisition of land. We had the courage of our convictions to be honest with the Victorian community and tell it that we had a different view.

In contrast, we have seen tabled in this place a shameful, slippery, backsliding document. It is only when you take the time to go through each of the detailed recommendations, examine what the royal commission has asked and examine the government's response, that you see that government members are repeatedly walking away from a number of the recommendations made by the bushfires royal commission. If that is not breaking a promise, I do not know what is. There can be no argument that that is a broken promise — a promise that was made solemnly and repeatedly to the Victorian community. It was an election commitment that was used to belt the previous government over the head for having a different view. We had a different view, and we were strong and courageous enough to articulate that view and to say why we had a different view and to be judged by that view.

Now we have a government that has been prepared to conceal from the Victorian community the fact that it has walked away from its solemn pledge to implement each and every one of the bushfire royal commission recommendations. It has broken the election promise that it made to the Victorian people, and for government members now to bring to this house a matter of public importance urging that the house congratulate the government for delivering on public commitments made to the Victorian people is absolutely shameful and hypocritical and goes against the evidence that is before the Parliament, before the people of Victoria, saying the complete opposite.

This is a government that has walked away from implementing each and every one of the bushfire royal commission recommendations. I have mentioned three of them, but there are more. The commitment for the non-compulsory land acquisition recommendation is another one — the criteria are being written in such a way that this recommendation will never be implemented in full because there will be very few parcels of land that will meet the criteria set out by the government.

There has also been much discussion of the recommendations around the undergrounding of powerlines and the bundling of the SWER single wire earth return lines. This again is a recommendation showing, as you see when you read the words the government has put in its report, that it is walking away from what the royal commission wanted as well.

The government has failed to have the courage to say why it had a different view from that of the royal commission. That is all we are asking for — some honesty. Government members should tell us why they have a different view from the royal commission and why they are going down a different path to the one the royal commission recommended, and then tell us why that is not inconsistent with saying they are implementing each and every one of the bushfire royal commission recommendations. It is a blatant broken promise, and the government has failed bushfire-affected communities.

Dr NAPHTHINE (Minister for Ports) — I am proud to support the motion and I am extremely proud to be part of the Baillieu coalition government that is genuinely delivering on the public commitments made to the Victorian people prior to the November 2010 state election.

I am proud to be part of a government that has a track record of listening — and it continues to listen — to the Victorian people, responding to them with genuine public commitments and then delivering on those public commitments. This is occurring after 10 years of lies and deceit and conning the Victorian people, where spin was king under the previous Labor government. This is a new system of government in Victoria, and I am proud to be part of it.

One has only to look at today's Auditor-General's report to see that it is an absolute indictment of the previous Labor government. Every member of the previous Labor government, and particularly — —

Ms Graley — Acting Speaker, I draw your attention to the state of the house.

Quorum formed.

Dr NAPHTHINE — I am glad there is a quorum present to hear my criticism, based on the Auditor-General's report, of the previous Labor government. Labor members should hang their heads in shame because they cost the Victorian taxpayers at least \$3 billion through their incompetence and mismanagement. Former government ministers Brumby, Hulls, Lenders, Holding and the current Leader of the Opposition are absolutely the reincarnation of Labor's original guilty party. Through their monumental incompetence and mismanagement they cost Victorians \$3 billion.

Only the Labor Party could stuff up the sale of poker machine licences when there is a market of willing buyers out there for those licences. Only the Labor Party could deliver a result that has put money into the

pockets of the big poker machine operators and taken it out of the pockets of ordinary Victorians. This has cost Victorians more than Cain and Kirner cost with respect to the Victorian Economic Development Corporation, the then State Bank of Victoria, and Tricontinental. In his report the Auditor-General said:

The industry paid \$980 million for the right to operate EGMs over a 10-year period.

...

We valued the EGM entitlements in the range of \$3.7 billion to \$4.5 billion, with a midpoint of \$4.1 billion.

Labor Party members ought to come in here, hang their heads in shame and apologise to the people of Victoria. What is worse, the Auditor-General says:

There was a lack of decision review points ... DPC and DTF appropriately raised concerns on the merits of proceeding with the auction with their respective ministers. However, no formal review was undertaken.

...

Large venue operators, rather than the community, are the beneficiaries of this windfall gain.

That shows the level of incompetence and mismanagement under Labor.

The members responsible — the Leader of the Opposition at one stage was the Minister for Gaming — should hang their heads in shame. Indeed, I suggest he should resign. The Deputy Leader of the Opposition, who was Deputy Premier at the time, should resign. The former Minister for Finance, WorkCover and the Transport Accident Commission at the time, the member for Lyndhurst, should resign. The former Treasurer, John Lenders — a member for Southern Metropolitan Region in the other place — should also resign. This is the most disgraceful performance of any government in the history of Victoria. Former government members should be ashamed. They should apologise to the people of Victoria. They have cost Victorians at least \$3 billion.

The Labor Party should never be elected to government in this state again, and one needs to remember that, with respect to Labor Party members, it is built into their DNA to lie and cheat to get into office. They are incompetent when they are in office; they simply cannot manage projects or money. All they are interested in is self-aggrandisement, spin and self-preservation.

By contrast, we are delivering on our public commitments: we are providing 1700 additional front-line police and 940 Victoria Police protective

services officers; we are abolishing suspended sentences; we are abolishing home detention, and we are easing the cost of living pressures on Victorian families with year-round electricity concessions. Even the opposition would have to say that that is good for Victorian families. I want to hear the endorsement from the opposition. Is that not good for pensioners and Victorian low-income families? I urge the opposition to come on and get on board — it is good for Victorian families!

As well as that there are significant increases in water and sewerage concessions for eligible families and households and a 20 per cent cut in stamp duty for first home buyers, increasing to 50 per cent by September 2014 — another good policy that I would have thought the opposition would endorse.

What about the 50 per cent cut in ambulance subscriptions from 1 July? I will bet not one of the opposition members will knock back their 50 per cent cut. They will be the first in the queue to get their 50 per cent cut. What they should be doing is thanking the Premier and the Minister for Health for delivering a 50 per cent cut in ambulance subscriptions while at the same time delivering 340 additional ambulance officers right across the state — there will be more ambulance stations and ambulance officers and a cut in ambulance subscriptions.

Stamp duty relief for young farmers is really important for country Victoria. There is also free entry for children to visit our great zoos, including Melbourne Zoo, Healesville Sanctuary and Werribee Open Range Zoo. What about country Victoria? There is the \$1 billion Regional Growth Fund. What a fantastic achievement. That is terrific — absolutely fantastic — for country Victoria. On top of that there is \$9.4 million for advancing country towns, including Heywood in my electorate. There is \$890 000 over four years to help Heywood achieve its potential, to reduce unemployment and to target indigenous unemployment. There are similar programs valued at \$810 000 to \$890 000 for Alexandra, Benalla, Clunes, Colac, Lakes Entrance, Mallee Track, Meeniyah and Robinvale. These are great programs for country Victoria. We have allocated \$160 million for rural councils to fix rural roads and bridges. There is \$15 million for passing lanes on the Princes Highway. There is also a great initiative to build a new port at Hastings — an absolutely fantastic and significant project for this state.

In the 45 seconds I have left let me briefly talk about the \$79.5 million for the racing industry that has come from unclaimed dividends and the return of state taxes from on-course wagering. This is great for racing. It

recognises that racing is not just a great sport but is also a significant contributor to the Victorian economy and employer of 70 000 people. Can members imagine how much better Victoria would be if \$3 billion had not been taken away because of the incompetence of the previous government? Every Victorian should be writing to the Labor MPs saying, 'This is an absolute disgrace; you should resign'.

Mr MERLINO (Monbulk) — I rise to join the debate on this matter of public importance (MPI). When you have a self-indulgent motion like this before you, the first thing you do is you refer to original promises and test the claim in the MPI. Last year there was a lot of rhetoric around accountability, openness and transparency. The now Premier said in November 2010:

There will be no hidden agenda, no spin, no secrecy. Accountability and transparency will be the principles that underpin our government ...

I am happy to make that newspaper report available to the house. When did the Liberal Party or The Nationals give any indication that within seven months of coming into government they would sack the Chief Commissioner of Police and force the Director of Public Prosecutions out of office? We have witnessed a disgraceful period in the history of the relationship between government and the independent office of the Chief Commissioner of Police. You cannot be open, accountable and transparent with the Victorian community if you cannot be open, accountable and transparent within your own government. That is what we have seen.

The Minister for Police and Emergency Services said this of the former Chief Commissioner of Police:

I've not seen the like of the campaign that's been run against him, never seen the like of it in my 18 years in politics and in my similar time in private life ... It is unremitting and it's remorseless.

The minister was talking about his own government, his own colleagues and his own staff. Behind the back of the Minister for Police and Emergency Services and the then chief commissioner, the chief of staff to the Premier and the Premier's closest adviser, Michael Kapel, met with Sir Ken Jones, the deputy governor of Victoria Police, at Sir Ken Jones's home. The Minister for Police and Emergency Services said this was inappropriate; the Premier on the other hand said the meeting was held in good faith and was appropriate. However, the Premier could not say what was discussed. He could not say if the future of the then chief commissioner was discussed. He could not say whether the police minister was informed. He could not

say if Ken Jones was offered a position as either the chief commissioner or the head of an independent, broadbased anticorruption commission. He could not say whether it was some grubby exercise to gather dirt on the chief commissioner. All he could say was that the meeting was held in good faith.

The senior police adviser to the Minister for Police and Emergency Services, Tristan Weston, had his authority to work in secondary employment immediately revoked by Victoria Police following an Office of Police Integrity investigation. Mr Weston subsequently resigned from Victoria Police to avoid answering any questions. The Premier says Tristan Weston has his full confidence, yet the Deputy Premier has made it clear that Mr Weston will not be returning to his office as an adviser and will not be advising the government on police matters. Why is this? The minister refuses to say why. How can Mr Weston have the full confidence of the Premier while the Deputy Premier is refusing to work with him? If that is not an indication of whom Mr Weston's true masters are, I do not know what is. This is a complicit Premier and ignorant minister. What role has Mr Weston played in this shameful episode? Why was he under investigation? Why did Victoria Police feel it necessary to immediately remove authority for his secondary employment?

This government has been up to its neck in an orchestrated campaign to undermine the independence of the office of the police commissioner. This was a black day in the history of Victoria. It is not just the Labor opposition that says that. Former Liberal Premier Jeff Kennett said:

I believe a shocking precedent has been set and that a chief commissioner has been forced to resign because of an unrelenting campaign against him. Some will be celebrating for all the wrong reasons.

And they did. On the day of the announcement of Simon Overland's forced resignation, all around this Parliament government members and government staff were smiling. They had smiles on their faces. They were proud of their cowardly and disgraceful behaviour. They were proud of the role that they played in destroying the independence of police command. They should hang their heads in shame.

John Silvester from the *Age* has this advice for the Minister for Police and Emergency Services:

And mate, it might be time for you and Ted to call in your ...troops for a coach's address as it is clear people in both your office and the Premier's have no idea about police independence. Which is why they stuck their bibs in behind the scenes and tried to become players in police politics.

It is an absolute disgrace.

The process to select the next Chief Commissioner of Police is now under way, and it is under way with a significant and unfortunate legacy from this whole sorry saga. Every candidate for the position of chief commissioner will know that if they fall foul of this government, it will stop at nothing and it will not hesitate in getting in the gutter until they are gone. Toe the line or you are out — that is the message from this government to police command.

We saw a glimpse of that yesterday at the press conference with the acting chief commissioner and the Minister for Police and Emergency Services. The acting chief commissioner was asked whether he could work with Mr Weston if he was reinstated. Behind the acting chief commissioner's back, Big Brother-like and overbearing, the minister intervened and said the question was 'irrelevant'. Irrelevant to whom? The journalist, Stephen McMahon from the *Herald Sun*, rightly persisted and asked the question and Ken Lay responded.

Under this government, it is their way or the highway. The right of the media to ask any question it sees fit and the right of Victoria Police to answer questions independent of the Victorian government are out the window. Who does this minister think he is? This is not a dictatorship where the only 'relevant' voice and opinion are of those who drive around in big white cars.

This underhanded behaviour and secrecy continues around the removal of the Director of Public Prosecutions, Jeremy Rapke. When pressed on his relationship with former Office of Public Prosecutions solicitor Stephen Payne, the Deputy Premier ran at 100 miles an hour away from their friendship and said the 'association' concluded almost two decades ago and that he had only 'infrequent contact'. 'Friend? What friend? He's not my friend' is what the Deputy Premier said, but he was close enough to go in to bat for him, for a mate. It is reported today in the *Australian* that the Minister for Police and Emergency Services accompanied his 'intermittent' friend to a meeting with the then Minister for Health to discuss the sacking of a health board of which Mr Payne was a member. It seems the Deputy Premier is the go-to man for Mr Payne. I hope Mr Payne is not offended by the dismissive comments of someone he clearly thought was a mate.

The Premier and the Attorney-General are refusing to release the Vincent report. Why are the Premier and Attorney-General — this government — refusing to release this report? This secrecy about the relationship

between the minister and Mr Payne is another reason why this report should be tabled.

Yesterday we saw another chapter in the shambles of the government's protective services officers (PSOs) policy. If members go back to their promise, they will see that government members said there would be PSOs at every single metropolitan station, but yesterday we were informed that that will not be the case and that PSOs will be moved. The policy, which I will also table, says 'protective services officers on every train station', and that they will give 'blanket coverage'. It says also that 'PSOs will be permanently stationed' on every train station and that they 'will be deployed exclusively on train stations'.

That will not be so, according to comments made at yesterday's press conference. When are members of this government going to fess up and say what they are really going to do with PSOs? They have had seven months to work on this policy and they could not even answer the question 'What does working in the vicinity of a train station mean?'. This is a shambles and it is over budget. Government members are not delivering where they said they would and they are not delivering when they said they would.

Mr R. SMITH (Minister for Environment and Climate Change) — It gives me great pleasure to follow the faux outrage of the member for Monbulk and speak on the matter of public importance proposed by the member for Scoresby, which states:

That this house congratulates the Baillieu government for delivering on public commitments it made to the Victorian people.

The member for Lyndhurst opened by saying that the matter of public importance was built on a lie. I invite him to merely open the budget papers and look to see the items that show, line after line, that policy commitments have been delivered on, because the Baillieu government is one that takes action. That is certainly in contrast to those opposite who, when in government, routinely broke their promises, procrastinated and misled the Victorian community.

The Baillieu government has certainly delivered on its commitments. We have heard speakers opposite talk about the Baillieu government not having delivered. As I said, all anyone has to do is open the budget papers to see that we have delivered on our commitments. We have heard speakers on this side continually list the achievements of the Baillieu government. It shows that those opposite have continued not to listen. They did not listen for 11 years, and they are continuing not to listen to what is going on here.

I am proud to be part of the Baillieu government. I was proud to sit and listen to the Treasurer when he delivered his speech on a budget that delivers \$5.1 billion of \$5.2 billion worth of commitments. I would say that that in itself is a mighty effort from a government whose coffers were decimated by the federal Labor government and which was left carrying the can by the former state Labor government's ineptitude in managing or properly funding its projects.

Victorians would be appalled today by the Auditor-General's report into the allocation of electronic gaming machines, which shows between \$3 billion and \$4 billion lost by the ineptitude of the former Labor government in a process that was begun by the now Leader of the Opposition, the former Minister for Gaming. This process was started by a man who says he will lead the opposition to victory but could not manage the process that was in place. Imagine what we could have done with that \$4 billion that was lost. In addition, we have been forced to deal with the legacy of the Holding desalination tax, which exposes Victorians to paying almost \$2 million each and every day for the next 27 years — an absolutely appalling legacy of the former government and a disgrace.

The opposition purports that we have not delivered on any of our promises. I would like to go through some of the pre-election commitments that were made in my portfolio areas. The budget shows that these have been delivered in each and every case, and indeed they have been supported by the Victorian community in each and every case. The budget delivered \$5 million towards a green accreditation program for small and medium-sized businesses so that these businesses can show to the consumer their commitment to sustainable practices. We gave \$20 million worth of grants to community groups so they could deliver some great environmental outcomes in their areas. I have spoken in this house before about the \$700 rebates for low-income households to supplement the purchase of gas heaters and the \$100 rebates for those same households to purchase more efficient whitegoods.

Last week, just in time for the school holidays, I was delighted to launch the free zoos for kids initiative. I encourage families to go to the zoos and take advantage of this policy. Kids will now get in free during school holidays, on weekends and on public holidays. It is an absolutely fantastic outcome — —

Honourable members interjecting.

The SPEAKER — Order! There is too much audible conversation in the chamber. If members want

to talk, they should go outside. That includes the member for Williamstown, who is on a warning.

Mr R. SMITH — Another funding program that has been very well received in rural and regional Victoria is the \$12 million to support Landcare facilitators. Funding for these facilitators was cruelly cut by the federal Labor government, an action that did not elicit any response from those opposite. I am very proud to have been able to deliver that funding to those very important Landcare groups.

What I am most proud of is that the government has delivered not only on its election commitments but on even more than it promised. We have funded the ongoing employment of 65 park rangers. Those opposite have talked about there being no jobs in the budget, but 65 park ranger positions are certainly jobs that would otherwise not be there. We put \$16 million towards better managing our public land and \$9.5 million towards the protection of our beaches.

We made strong commitments, which we are delivering on, to implement the recommendations of the 2009 Victorian Bushfires Royal Commission, and through the very hard work of Department of Sustainability and Environment and Parks Victoria officers we have been able to implement a comprehensive burning program. We said we would achieve burns of 200 000 hectares by 30 June this year, and during some of the wettest autumn months we have delivered just a few hectares shy of that. It is worth noting that as a result of the lack of commitment by the previous government in this area, with an average of around only 100 000 hectares per annum burnt over the last 10 years, there is still a significant challenge for us, but it is one this government will rise to.

In respect of climate change, the Victorian government is focused on finding practical ways to reduce emissions. The former government made many promises in this area. We heard of a plan to close down a quarter of Hazelwood, but when we came to government we saw that not one dollar had been allocated to this. We saw Labor ministers in hard hats spruiking their renewable energy programs, but the Auditor-General showed us that these programs had been undermined by poor planning and were proven to not be effective. We saw emissions reduction targets in place but found no regard had been given to potential job losses, no regard to baseload substitution, no regard to ensuring that Victoria maintains its competitive advantage and no regard at all to the impact on Victorians' household bills. Time and again the former government failed to deliver.

I am proud to be part of a government that is delivering. I am proud to be part of the Baillieu government. This government will deliver on what it says and keep the faith of the Victorian people. This is the government Victorians deserve, and I am very proud that it respects the integrity of the commitments it has made.

The SPEAKER — Order! The member's time has expired, and the time allocated for debating the matter of public importance has expired.

PERSONAL EXPLANATION

Member for Mount Waverley

Mr GIDLEY (Mount Waverley) — I seek to make a personal explanation under standing order 123. This morning I travelled to Parliament via train from Glen Waverley. As a resident of Waverley and its local MP, I use public transport regularly. My train arrived at Parliament station at 8.55 this morning, and I proceeded to leave the station complex. On exiting the station I received a brochure from an individual. I then sought advice from authorised officers at the station on the distribution of that information, because I do not believe it is appropriate for commuters to be approached in this manner by people distributing such information. The officers checked with station officials and advised me that it was inappropriate for the information to be distributed in the station precinct. They also advised me that under Melbourne City Council regulations such distribution is unlawful without an advertised permit.

Based on this advice I approached the people distributing the information, at least one of whom was wearing a parliamentary pass. I asked for their names and where they were from. The female person indicated that she was not prepared to provide her name. However, she did confirm that she worked for the member for Northcote. I asked the male person to identify himself, but he also refused to do so. The male person claimed that they were both volunteers, upon which the female person changed her story and claimed she was also a volunteer. The male person asked for my name, which I provided. After I identified myself as a member of Parliament, I again asked these people for their names, which they again declined to provide.

As I was concerned by the fact that the information was being distributed and by the way in which commuters were being approached by these people who had refused to provide their names, I attempted to photograph their faces.

Honourable members interjecting.

The SPEAKER — Order!

Mr GIDLEY — Whilst I attempted to do this, these people did everything they could to shield their appearance and conceal their identities. During my conversation with these people I did not raise my voice or behave in any inappropriate manner. While I remain concerned at the inappropriate distribution of material, I apologise for any offence that may have been taken.

Honourable members interjecting.

SUSPENSION OF MEMBER

Member for Mill Park

The SPEAKER — Order! Under standing order 124 I ask the honourable member for Mill Park to vacate the chamber for 1 hour. Members are entitled to make personal explanations and be heard in silence.

Honourable member for Mill Park withdrew from chamber.

STATEMENTS ON REPORTS

Public Accounts and Estimates Committee: budget estimates 2011–12 (part 1)

Mr NORTHE (Morwell) — Today I wish to comment on the report of the Public Accounts and Estimates Committee (PAEC) on the 2011–12 budget estimates, part 1. In particular I want to make — —

Honourable members interjecting.

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

Mr NORTHE — I will make comments about chapter 3 in relation to the portfolio of innovation, services and small business. In particular, page 33 of the report gives an outline of the government's agenda on supporting business in this state. It speaks about industry assistance, regulation reform and the good work that the Victorian Competition and Efficiency Commission (VCEC) does in relation to manufacturing. These are all critical elements in ensuring that this government supports business and industry throughout the state of Victoria.

As members know, the VCEC is undertaking important inquiries with respect to tourism, manufacturing and reducing the regulatory burden of red tape. The

government has made very clear its commitment to reduce red tape by 25 per cent over the ensuing period of time. This is critical in many ways, particularly for the small businesses that operate throughout Victoria. Manufacturing is a very important sector in Victoria, employing around 310 000 people. Unfortunately under the previous government what we saw over a period of time was a decline in manufacturing in the state of Victoria. In fact we have seen Victoria fall from accounting for approximately 31 per cent of national manufacturing industry in 2002 to 27.5 per cent in 2009. Over that time we have seen a 40 per cent reduction in manufacturing jobs in Australia. It is critical to ensure that the VCEC and this government take action with regard to manufacturing, particularly for the Morwell electorate, because manufacturing is such a critical industry in our region.

With respect to reducing the regulatory burden, this government is seeking to achieve a 25 per cent reduction in red tape. This is mentioned throughout the PAEC report, and the minister made reference to it in her commentary. This is a critical issue for all businesses. When we have discussions with business and industry representatives, all members of this house would find a common theme coming back, which is that if government could assist small businesses by cutting the regulatory burden, it would make a massive difference to those operators. It would ensure that their businesses could grow and prosper and that they could concentrate on other aspects of their operations, rather than being tied down by administrative costs.

Other key initiatives and issues the Minister for Innovation, Services and Small Business made reference to and that are presented in the PAEC report included the Competitive Business Fund and making sure that small businesses have the opportunity to participate in that \$3 million project. She also made reference to the fact that this government has lifted the restrictions on Easter Sunday trading — and that has been very much welcomed by many communities, particularly in regional Victoria. Amendments to the Public Holidays Act 1993 will allow regional shows and events to be undertaken on those days, furthering a very important aspect of country life. The reduction in liquor licence fees for thousands of small businesses has also been very much welcomed across Victoria.

References are also made in the report to the farm debt mediation scheme, which has been a topic of conversation in this house over recent days. It is a very important aspect of what this government is doing, as is the business support for bushfire and flood-affected communities across Victoria. I think members can get some sense of the government's direction with respect

to supporting business and industry and at the same time making sure that we create jobs and employment in this state. I think the minister did a marvellous job in answering those questions through that report.

Public Accounts and Estimates Committee: budget estimates 2011–12 (part 1)

Ms GRALEY (Narre Warren South) — It is a pleasure to speak on the report of the Public Accounts and Estimates Committee (PAEC) on the 2011–12 budget estimates, part 1. I am going to focus my remarks on the Department of Transport hearings. I must say from the outset that the Minister for Public Transport made a woefully inadequate contribution to the hearing. I was almost hysterical this morning when I heard him say that it was the committee's fault because of the questions it had asked him. Aside from the minister stating that our rail network is 300 years old, the transcripts reveal that he did everything humanly possible — other than run out of the room, but I gather he did that at the end as well — to avoid answering questions. He gave long and detailed answers to questions from government committee members — I think he had the answers in his pocket — but when opposition members asked him some very reasonable and valid questions he did his best not to answer them. In fact I do not think he answered a single question from the opposition.

This form of secrecy and the minister's absolute determination not to be open and transparent are consistent with my own dealings with him in relation to Merinda Park railway station in my electorate. I note that this issue was raised during the public hearing, so I will briefly put it into context for the house. Last year the former Brumby Labor government announced and funded 370 additional parking spaces at Merinda Park station car park. This announcement was made in October and funded in the 2010–11 budget. Six weeks later, two days prior to the election, a four-page Liberal Party advertisement appeared in the *Berwick News*, which said in part that there would be \$600 000 for 500 more car parks at Merinda Park and Narre Warren train stations. In the recent state budget the promised \$600 000 was provided for Narre Warren and Merinda Park stations.

At the PAEC hearing on 10 May the minister was asked how many extra car parking spaces each station would receive as a result of the \$600 000 in funding. Given that the 370 new spaces at Merinda Park were to be at a cost of \$2.7 million, we are all interested to find out just how many extra spaces \$600 000 will deliver. The PAEC transcript indicates that the minister took the question on notice. I also submitted questions on notice

regarding this matter on 24 May, and I have not yet received a response. The minister's secrecy and determination not to answer questions flies in the face of the Baillieu government's promise of open and transparent government. Indeed it is apparent that the minister has something to hide. He needs to come clean quickly, because commuters are waiting to find out how many extra car parking spaces they are going to get.

The minister also gave a most ridiculous answer to a question about premium stations that we are still confused by. At one point he said they have been scrapped and at another point he has said they are under review. We all know the Brumby Labor government's investment in the 2010–11 budget for upgrading 20 stations to premium status, including Hallam station in my electorate, has been scrapped by the Baillieu government. In fact last night during the adjournment debate the minister was on his feet saying just that. The government believes it is enough to have two PSOs (protective services officers) with semiautomatic weapons on the station rather than a station upgrade. But the PSOs will not provide the staffing at Hallam station from first to last train and the benefits of greater access to ticketing and timetabling services that go with that. The government is doing nothing to help the commuters of Hallam. The PSOs will also not provide easier access to train stations for people with disabilities.

Finally, during the hearing, the minister had nothing to say about Narre Warren-Cranbourne Road, because the Baillieu government has decided not to upgrade it. The Baillieu government's first budget was woefully inadequate in many areas, particularly in respect of roads in the city of Casey. Casey City Council put it best in its recent *Casey Leaders Bulletin* when it said the state government had neglected the city of Casey in its May 2011 state budget, with no mention of funding commitments for urgently needed main road upgrades. I am sure that Casey City Council will be very disappointed to hear that we are still not getting a response about what the government plans to do about Narre Warren-Cranbourne Road. In finishing, I would like to say that the minister should answer a few more questions about those things that he needs to deliver.

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

**Public Accounts and Estimates Committee:
budget estimates 2011–12 (part 1)**

Mr WELLER (Rodney) — It gives me great pleasure to rise to speak today on the Public Accounts

and Estimates Committee report on the 2011–12 budget estimates, part 1. I would like to go to the water portfolio part at page 112, which goes through and talks about the key matters raised at the hearings. They included the Ballarat integrated water management feasibility study; the aims of the Leading the Way — Liveable Victoria Fund and its relevance to the Melbourne CBD; the completion date of the eastern treatment plant, which is a focus for this government — we are more into water reuse and stormwater collection than pumping water everywhere across Victoria; and water efficiency rebates, which the Minister for Water has announced today — that is, \$40 million for more water-saving products such as washing machines in homes, plus money for rebates on water tanks, even for people who are not connected to reticulated systems, which is a first for this state. When in opposition I pleaded with previous ministers to allow farmers to have that rebate, which they were not allowed to have because they were not connected to regional — —

Mr Delahunty — And the country tour operators.

Mr WELLER — Yes, as the Minister for Sport and Recreation interjects, country operators and farmers — people who were not connected to reticulated systems — were denied those rebates. Where did they go when they needed extra water? They went to the reticulated system in town, filled up their tanks and brought the water to where they needed it. So it was a good move that the minister made today.

Also raised at the hearings were increased forecast water savings and Target 155. I note that since we have come to government money has not been spent on advertising Target 155, yet the people of Melbourne are like this government — they are just getting on with doing it, as we are getting on with doing it. Last week the average use per person was 133 litres, which is a great achievement of which the people of Melbourne should be very proud. They are getting on with the job, just as this government is doing.

There was talk about funding to the Murray-Darling Basin Authority. It is very important that the basin is properly managed, and the Minister for Water and the government will have great input into the Murray-Darling Basin draft plan. If it is not a draft plan that will suit Victoria, the minister will stand up for Victoria.

Then we come to a presentation about the impacts of flooding and the job that the government has done in supporting communities and looking after problems in flood-affected areas. The committee even discussed the land buyback plan as well as the Goulburn-Murray

irrigation district recovery, flood plain restoration and the flood warning network, which should be implemented so that local knowledge can be used and people will know when the floods are coming. One of the things people told the Comrie review was that they want information earlier so that they know when the floodwater is coming.

Then there was discussion of the north-south pipeline, and Mr Pakula from the other place asked the Minister for Water why water was not being pumped from the Hume Dam, which is 94 per cent full, to the Melbourne storages, which are only 54 per cent full. What Mr Pakula does not realise is that the pipeline runs to Yea, which is some 200 kilometres short of the Hume Dam as the crow flies, and it is probably 250 kilometres by road. It is 200 kilometres short as the crow flies from where the pipeline pumps. What that member for Western Metropolitan Region also did not clarify is that the north-south pipeline actually pumps to the Sugarloaf Reservoir. I had a look on Melbourne Water's website today, and do you know how full Sugarloaf Reservoir is? It is 99.1 per cent full, and what Mr Pakula also does not realise is that we are coming into the wettest months of the year, where we have the greatest inflows. Here we have the Sugarloaf Reservoir at 99.1 per cent full, and he wants the north-south pipeline to pump water to Sugarloaf to run down the Yarra River.

Once again this government will be standing up for the food producers in northern Victoria and for the communities and jobs in northern Victoria. We will not be pumping water from northern Victoria to a full Sugarloaf Reservoir to run down the Yarra as an environmental flow. We will be producing premium quality food for the people in Melbourne and for the people of the world. We will be providing jobs for everyone in northern Victoria. We will not be letting water be pumped down the north-south pipeline to run down the Yarra as an environmental flow, as Mr Pakula thinks we should.

Honourable members interjecting.

The ACTING SPEAKER (Mr Morris) — Order! The member's time has well and truly expired, and the member for Macedon knows full well she should not be interjecting at all, let alone from out of her seat.

BUSINESS OF THE HOUSE

Sessional orders

Mr McINTOSH (Minister for Corrections) — I move:

That the following sessional order be inserted after sessional order 8 —

9 Time limit of lead speakers

For the purposes of standing order 131, and subject to any agreement to the contrary, additional time provided for the lead speaker of any other party does not apply where such a party has advised the Speaker that it is in a coalition arrangement with another party.

Having moved the motion standing in my name on the notice paper, I want to outline briefly what I think is a good example of both sides of the house working to deal with a circumstance that has arisen. Essentially the change to sessional orders provides that where two parties enter into a coalition agreement that has been formally announced to the Speaker, then where standing order 131 makes provision for additional time for a third party, this is removed, excepting where — and it also precisely envisages this — there could be an agreement to the contrary.

Certainly in opposition, when after a number of years during which the former National Party and the Liberal Party had behaved as separate parties in the house, they ultimately — some two years ago — formed a coalition agreement. That coalition agreement worked very effectively and ultimately led to the election of the Baillieu government, and of course that coalition agreement continues in government.

As a government we speak with one voice in relation to the government business program. In opposition it was a little bit looser, but essentially it worked very effectively. But particular circumstances and matters arise where individual parties have particular positions they want to adumbrate during the course of debate in the chamber. That occurred with the Baillieu government's first budget. Under the standing orders, the lead speaker from a third party is entitled to an hour. That hour was never insisted upon, but by way of agreement between the parties the Leader of The Nationals was provided with additional time over and above the time given to a normal speaker, which is 15 minutes, to expand his time to 30 minutes. The reality is that the Leader of The Nationals could have insisted on an hour, but he did not insist on an hour and limited his contribution to half an hour. That led to a chain of events and a referral of the issue by this chamber to the Standing Orders Committee.

The committee met and discussed the issue. It took advice from the clerks, who did a great deal of research on the way other parliaments around the country and overseas deal with this matter. After consideration of that wonderful research — and I speak on behalf of all members of that committee when I say we are pleased with the detail of the advice the clerks provided and certainly thank them for it — sense prevailed and the subject of this motion was agreed to by all parties who have members on the Standing Orders Committee. What appears before us today is an indication of that agreement, and accordingly one would expect that this motion will be passed with the unanimous support of all parties.

The motion effectively suspends the operation of standing order 131 insofar as it deals with third parties who have announced to the Speaker that they are in a coalition agreement. Essentially it provides that when there is a coalition, there will be only one lead speaker from the coalition parties, subject to any agreement to the contrary. It is important to note the provision that the parties can always provide for any amendments or procedural changes by way of agreement. Although that is done regularly, this addition to sessional orders provides expressly for that agreement to be made in certain circumstances.

All parties have discussed this matter based on the research of the clerks and have come to this consensus, which indicates that one would expect agreements would be made regularly to deal with particular circumstances as they arise. As I said, we are pleased by the research that was done by the clerks, and I again thank them for it. I thank all members of the Standing Orders Committee for the way they have gone about this matter. It is a satisfactory outcome, and I commend the motion to the house.

Ms BARKER (Oakleigh) — I wish to make a few comments on the Standing Orders Committee report and the suggested change to standing order 131. As the Leader of the House has outlined, the matter was referred to the Standing Orders Committee to review provisions regarding the time limits for lead speakers of any party other than the lead speakers for the government or the opposition, as is outlined in standing order 131 headed ‘Time limit of speeches’. As I understand it, this matter arose particularly in relation to the appropriation bill. The standing order currently states:

Lead speaker in response from any other party, each ...1 hour.

As the Leader of the House indicated, during the recent debate on the appropriation bill the Leader of The

Nationals, who was entitled to up to one hour, had less by agreement.

The Standing Orders Committee met on a number of occasions, and its report outlines the research that was done on the definition of ‘any other party’. I point particularly to recommendation 3 in the report, which says:

The committee noted that standing order 131 does not formally recognise coalition arrangements, even though it is the practice of the house and the Chair to do so. For the benefit of the house and the flow of debate, the committee considers that an amendment to standing order 131 is warranted, to clarify that a minor party in coalition is not entitled to the lead speaker’s rights for ‘any other party’.

That was discussed at length and accepted at the committee meeting. A set of words was determined. That set of words was:

For the purposes of standing order 131 additional time provided for the lead speaker of any other party does not apply where such a party has advised the Speaker that it is in a coalition arrangement with another party.

By all accounts that suited the referral that was made to the Standing Orders Committee. As is the case with all these things, that suggested set of words needed to be discussed and clarified in the various party rooms. We had a slight delay — and it is perfectly understandable and appropriate that we did have a slight delay — due to the absence of the Leader of The Nationals, and due to those unfortunate circumstances the time of the tabling of the report was changed.

At the last meeting that was organised to finalise the report and the recommendation to the chamber, I was surprised to see the addition of the further words ‘and subject to any agreement to the contrary’. I stated my thoughts at the Standing Orders Committee meeting, and I intend to do so again today. As I said at the meeting, the current wording of standing order 131 headed ‘Time limit of speeches’ is, ‘A member may speak for the specified period in the following debates’. It says ‘may speak’. It does not indicate that a member has to speak for that period of time but that a member ‘may speak’. As the Leader of the House has indicated, we all know that many of the matters that come before the Legislative Assembly are already settled by agreement. Discussion occurs between the whips, the Leader of the House and the manager of opposition business and a whole range of things are done by agreement. It should be done that way; that is the way in which the Westminster system operates all around the world — and doing things by agreement is certainly a mature and responsible way to operate a Parliament.

At the meeting it was indicated that a reason for the additional words may be that the Leader of The Nationals may wish to speak longer on a condolence motion. Currently in the standing orders there are no time limits on condolence motions, and these things are always done by agreement. I found it difficult to understand why the additional words ‘and subject to any agreement to the contrary’ needed to be added to the preamble to the proposed new sessional order. I will not take up too much time because I know there are a couple of other speakers to come and we need to get onto other business. But as I indicated to the committee, I fail to understand why we went to a number of meetings and came up with a set of words about a coalition arrangement being notified to the Speaker — that is fine; I do not have an issue with that — but then had the words ‘and subject to any agreement to the contrary’ added in, because that is what we do now anyway.

If this suits the arrangements of the Liberals and The Nationals, that is fine, the preamble will stand. However, we are saying exactly the same thing the standing order says now — that a lead speaker ‘may use’ that time — but we are taking longer to say it. I am not opposing the report, but we went full circle and added extra words that are not needed.

Mrs POWELL (Minister for Local Government) — I rise to support the motion put forward by the Leader of the House. I am a member of the Standing Orders Committee, as are a number of speakers who have already spoken on this matter. The issue we were clarifying relates to standing order 131, which is about the time limits of speeches, and confusion concerning the rights of speakers for a third party in a coalition. The confusion arises because the standing order is silent on the rights of a third party which is in a coalition with the government or opposition party. While the member for Oakleigh raised some concerns during the committee meetings, I was pleased to see that the recommendation was passed with a unanimous vote.

The motion clarifies what is now in practice and the report by the Standing Orders Committee states:

The committee noted that SO 131 does not formally recognise coalition arrangements, even though it is the practice of the house and the Chair to do so. For the benefit of the house and the flow of debate, the committee considers that an amendment to SO 131 is warranted, to clarify that a minor party in coalition is not entitled to the lead speaker’s rights for ‘any other party’.

Agreeing to the motion will ensure we understand that there are speaker’s rights. In this coalition the lead speaker could be a member of either the Liberal Party

or The Nationals, so one of the ministers could take the lead role. That right is not being questioned. What needs to be clarified is what should be the practice when the house is considering an appropriation bill and the lead speaker for The Nationals seeks leave to speak for a longer period, which is usually granted. The proposed sessional order states:

For the purposes of standing order 131, and subject to any agreement to the contrary, additional time provided for the lead speaker of any other party does not apply where such a party has advised the Speaker that it is in a coalition arrangement with another party.

The addition to the standing order is proposed because of the acknowledgement that there can be an agreement. A number of words that the member for Oakleigh considered superfluous are being inserted. It took her some time to get to that. It includes an acknowledgement that there is an agreement. The motion clarifies an issue on which the standing orders are silent.

When we talk about significant speeches, such as those on the appropriation bill, it is appropriate for the Leader of The Nationals to have extra time. I do not know whether there has been an occasion when he has been told he cannot have extra time to speak, but including it in the standing orders makes it a surety. The government is urging the adoption of this sessional order for the remainder of the 57th Parliament because it provides clarity and certainty.

I thank the clerks for the research work they did. We asked them to check what other parliaments around Australia and overseas in the UK and the USA do. They found no common theme as each jurisdiction has a different way of dealing with third parties or lead speakers. This motion is the form of words we came up with and agreed on. I think members will find it will stand us in good stead and I urge the house to agree to the motion.

Mr BROOKS (Bundoora) — I rise to speak in support of the motion. As a member of the Standing Orders Committee, for the benefit of members in this place who did not have the ability to scrutinise and hear the discussion around this motion to change standing order 131, I will talk a bit about the process and the reason members on this side of the house will not be opposing the motion put forward by the government.

As previous speakers have mentioned, standing order 131 deals with time limits for speakers. It allocates times for lead speakers, both movers and lead speakers from the opposition and lead speakers responding on behalf of any other party. The reference

given to the Standing Orders Committee on 5 May was to review the standing orders regarding the time limits for lead speakers of any other party other than the lead speaker from the government or the opposition. In effect, for this Parliament and this house in this term, we are effectively talking about The Nationals which some time ago was not in coalition with the Liberal Party so I suppose then that standing order was entirely appropriate and applicable. The Leader of The Nationals, as ‘the leader speaker of any other party’, as described in the standing orders, was entitled to have his or her say on important matters. Now that the Liberal Party and The Nationals are in coalition — as they have been since 2008 — the application of standing order 131 is somewhat in question.

The Standing Orders Committee considered the practices of other parliaments in Australia and New Zealand, focusing predominantly on the definition of a party. It considered that it was probably better to change the wording of the standing order than to take the approach of defining what a party was through the standing orders. As I said, the impact of this motion will be that there is a change to the practice relating to the lead speaker for The Nationals. As a member on this side of the house I am not going to stand in the way of any motion that reduces the time allowed by the standing orders for a member of The Nationals to speak.

The motion before us, as the member for Oakleigh has correctly pointed out, also contains the words ‘subject to any agreement to the contrary’ which seem to be superfluous to the intent of the motion put forward. Most things in this house can be done by agreement in any case, but having those words included seems to give some level of comfort to members of coalition parties, and I do not oppose their inclusion. I urge members of the house to support the motion put forward by the government.

Mr HODGETT (Kilsyth) — I rise to make a brief contribution on the motion moved by the Leader of the House:

That the following sessional order be inserted after sessional order 8 —

9 Time limit of lead speakers

For the purposes of standing order 131, and subject to any agreement to the contrary, additional time provided for the lead speaker of any other party does not apply where such a party has advised the Speaker that it is in a coalition arrangement with another party.

The Standing Orders Committee, of which I am a member, met on three occasions to deliberate on this

matter. Committee members examined the definition of ‘any other party’. We also looked at the practices of similar parliaments around the world. We have agreed on this change to the sessional order. I too take the opportunity to thank the clerks for the effort they put in, particularly their research on the practices in other parliaments around the nation and around the world so that we could know what other parliaments do in these circumstances. The matter was deferred briefly while all parties were consulted. The Nationals, the Liberal Party and, of course, the Labor Party have all been consulted on this matter and have agreed on this change to the sessional orders so I support the motion.

Motion agreed to.

TERRORISM (COMMUNITY PROTECTION) AMENDMENT BILL 2011

Second reading

Debate resumed from 15 June; motion of Mr CLARK (Attorney-General).

Ms HENNESSY (Altona) — I rise to speak on the Terrorism (Community Protection) Amendment Bill 2011. On behalf of the opposition, I indicate that we will be supporting this bill. I do not intend to speak for too long as it is a reasonably simple bill that has already been before the Legislative Council. Of course that does not diminish the importance of the issues that the bill seeks to canvass and protect in legislation and that have been in place for some time in the primary act, the Terrorism (Community Protection) Act 2003. The amended bill contains a standard review mechanism for legislation that contains quite extraordinary police powers. It is right and proper that extraordinary police powers have proper checks and balances and that there be sensible review processes.

We often see in respect of terrorism legislation a debate between what is necessary to protect and support national security against the importance of challenging extraordinary police powers in that context, a matter canvassed not only in this jurisdiction in the context of the 2003 act, but also in the federal Parliament, the state legislatures and of course internationally. When one reflects upon those debates, one realises the legislation was created in response to the September 11 attacks, the Bali bombings and other tragic terrorist attacks that have occurred since that time. It is quite a melancholy thought that when there are attacks on the freedom to be able to live in the absence of terrorist attacks, we have to give up other freedoms in the context of people’s rights and civil liberties around police powers.

Be that as it may be, this is a piece of legislation that the opposition supports. It is our view that such powers ought be scrutinised and that there should be some intelligent and considered review of those police powers. I note that the cause of the extension this bill provides for is the fact that there was some delay in the appointment of the independent national security legislation monitor, Mr Bret Walker, SC, a person who is held in high regard in the legal profession, which meant the review date in the 2003 primary legislation had to be adjusted.

The primary legislation was enacted by this Parliament in 2003 in an attempt to harmonise state legislation with federal legislation. I am pleased that the state review of the legislation will interact with the federal review. I also note that in the course of the debate in the other place a number of issues were raised regarding the provision of information requested by some members. The government was quite accommodating in giving undertakings about bringing that information back to those members, and that is a matter the opposition finds reasonably reassuring. In conclusion, the opposition supports this bill. I wish it a speedy passage through this chamber, and in light of the time and pressures upon that, I conclude my contribution on the bill.

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

Business interrupted pursuant to standing orders.

QUESTIONS WITHOUT NOTICE

Gaming: auction process

Ms HENNESSY (Altona) — My question is to the Minister for Gaming. Given that the government was pre-briefed on the contents of the Auditor-General's report on the allocation of electronic gaming machine entitlements prior to it being tabled in the Parliament, can the minister guarantee that no member of his office or anyone in the Office of Gaming and Racing has contravened section 20A of the Audit Act 1994 or participated in a contempt of Parliament in the leaking of the Auditor-General's report?

Mr O'BRIEN (Minister for Gaming) — I thank the member for Altona for her question. I was very concerned when I saw the report on the front page of the *Age* today, because certainly that sort of information should not be in the public domain until the Auditor-General's report has been tabled in the Parliament. In reading that article it was quite obvious to me that the person who had briefed the journalist was somebody who had a political interest in trying to put

the focus of this scandal onto the department and away from the government of the day, because this newspaper article was all about how it really was not the former government's fault. It was all about the Department of Justice and the departmental officers. I think that is absolutely appalling.

I can certainly say that that article should not have been written. It was not appropriate. Speaking for myself and my office, I can say there was no such briefing. I think there would have been many people in different departments who would have obtained a pre-briefing. Obviously I am not in a position to personally guarantee all those matters, but I note that given the tenor of the article and the attempt to deflect blame for this appalling scandal — this financial incompetence that has cost Victorians \$3 billion — I suspect that the member for Altona might do better by looking closer to home.

Gaming: auction process

Mr NEWTON-BROWN (Pahran) — My question is to the Premier. Can the Premier advise the house on the damning findings of the Auditor-General in his report on the allocation of electronic gaming machine entitlements that was tabled this morning?

Mr BAILLIEU (Premier) — I thank the member for his question. I am sorry to report that the Auditor-General has today brought down a report entitled *Allocation of Electronic Gaming Machine Entitlements*. It is a review of the process that was undertaken by the previous government — a process that has been a financial disaster for this state. The previous Labor government got this terribly wrong. It ignored repeated warnings about the flaws in the process and the likely outcomes. Instead it proceeded against that advice, and as a consequence taxpayers have lost \$3 billion — that is, \$3 billion has gone up in smoke.

The bottom line is that in his conclusion the Auditor-General said:

... the project failed to achieve a satisfactory final outcome and there were serious shortcomings in the project management.

He went on further to say:

The revenue obtained from the sale of the entitlements was around \$3 billion less than the assessed fair market value of these assets.

That is \$3 billion that has gone up in smoke, and that is on top of the desalination debacle, the myki debacle, the north-south pipeline debacle, the smart meters

debacle and the Melbourne Markets debacle. Members on the other side of the chamber have been responsible for disaster after disaster.

For that \$3 billion, which has now gone, we could have built a hospital in Bendigo, a hospital in Ballarat and a hospital in Geelong — and we could have redone the Box Hill Hospital. We could have distributed nearly \$40 million to every council.

Mr Andrews interjected.

Mr BAILLIEU — It is so appropriate that the Leader of the Opposition should be interjecting — —

The SPEAKER — Order! The Leader of the Opposition will desist.

Mr BAILLIEU — The Leader of the Opposition was on the gambling review panel that set this up. The gaming review committee, the licence review panel — —

Honourable members interjecting.

The SPEAKER — Order! Points of order will be heard in silence.

Ms Allan — On a point of order, Speaker, the Premier is starting to debate the matter. If he wants to present the facts to the chamber, he should perhaps be reminded that it was his government, it was his Minister for Gaming, who was the architect of this model.

The SPEAKER — Order! There is no point of order. The answer was relevant to the question that was asked, and the Premier was giving some factual information.

Mr BAILLIEU — The Auditor-General has reported on the actions of the previous government, and a number of members of that gaming review committee of cabinet remain on the front bench on the other side of this house — —

Mr Andrews interjected.

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

Mr Hodggett interjected.

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

Mr BAILLIEU — The then Treasurer, now the Leader of the Opposition in the other place,

Mr Lenders, was on that review panel. The Deputy Leader of the Opposition was on that review committee as well.

If ever there were a cause for those on the other side of politics to look at the front bench and say, ‘They cannot stay there; we have to get something better’, this report is it. To add to all the other financial debacles, there is \$3 billion down the drain, and every Victorian has every right to say to the Leader of the Opposition, ‘How did you let this happen?’ Three billion dollars has gone up in smoke. We could have had those hospitals.

Ms Allan — On a point of order, Speaker — and again it is a matter of debating the question — the Premier has asked, ‘How did that happen?’. He could perhaps ask the Minister for Gaming, who was part of the design of this scheme.

Mr BAILLIEU — On the point of order, Speaker, it is obvious why the member seeks to interrupt and interject here to take a point of order and go beyond her entitlement on a point of order, because she was part of the cabinet that initiated this and was responsible for it.

Ms Allan interjected.

The SPEAKER — Order! The member for Bendigo East is pushing it and is on a warning. I do not uphold the point of order, but I remind the Premier that he is here answering the question.

Mr BAILLIEU — The previous government ignored warnings from the Department of Treasury and Finance, the Department of Premier and Cabinet, the industry and even from the opposition. It was even the minister of the day who criticised the then opposition and said that the opposition had got it wrong when we said this was a financial disaster. We got it right, they got it wrong, and Victorians are poorer for it.

The SPEAKER — Order! The Premier’s time has expired.

Gaming: auction process

Ms HENNESSY (Altona) — My question is to the Premier. Given that the Minister for Gaming has alleged that a person with a political interest may have leaked the report, can the Premier guarantee that no member of his office or anyone on his behalf has contravened section 20A of the Audit Act 1994 or participated in a contempt of Parliament in the leaking of the Auditor-General’s report on the allocation of electronic gaming machine entitlements prior to this report being tabled in the Parliament?

Mr BAILLIEU (Premier) — I thank the member for her question. I appreciate that the member's interest in this issue is about the leaking of this report, and I share that concern, but the greater concern here is that \$3 billion has been lost.

Mr Andrews interjected.

The SPEAKER — Order! The Leader of the Opposition!

Mr BAILLIEU — Had that \$3 billion been available — —

Ms Hennessy — On a point of order, Speaker, the Premier is clearly debating the question. The question related to his knowledge of anyone in his office potentially being involved in a breach of section 20A of the Audit Act 1994 or a contempt of Parliament, and I would appreciate it if the Premier would answer the question.

The SPEAKER — Order! I am sure the member would, but I do not uphold the point of order because the answer was relevant to the question that was asked.

Mr BAILLIEU — Had we had that \$3 billion I am sure Victorians would have spent it much better than the previous government would have spent it, because its capacity to spend wisely and manage money is just appalling. When it comes to the issue of leaking — —

Ms Hennessy — On a point of order, Speaker, the Premier is clearly debating the question. He may wish to try to cover up the fact that Victorians deserve to know if he or anyone from his office was involved in the leaking of the Auditor-General's report. It is no surprise at all that he might debate the question, but we would appreciate an answer to the question that was asked, not an avoidance and a rant.

The SPEAKER — Order! I uphold the point of order. The Premier was debating the question.

Mr BAILLIEU — I actually just got to the issue of the leaking of this report, and I share the member's concerns about this. I can assure the member that I did not leak it, my office did not leak it — —

Mr Eren interjected.

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

Mr Eren interjected.

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

Mr BAILLIEU — Wouldn't it be interesting if the member for Lara were concerned about the \$3 billion, if he were concerned about how that money might have been better spent in Geelong? No, he is seeking to avoid any discussion of this report. He is seeking to have distractions at every opportunity.

Like all members of this house, I am concerned about the leaking of this report. I have spoken to my department head, who is raising this with the Auditor-General, and appropriate inquiries will be made. It is not parliamentary to leak these sorts of reports; in fact, it would be a breach. I would expect that all members of Parliament, and indeed all members of the government and anyone with access to the report, would behave appropriately. The bottom line here is that \$3 billion that Victorian taxpayers should have had went up in smoke because of this lot.

Gaming: auction process

Ms RYALL (Mitcham) — My question is to the Minister for Gaming. Can the minister outline to the house the governance flaws identified by the Auditor-General in his report tabled today into the allocation of electronic gaming machine entitlements by the former government?

Honourable members interjecting.

The SPEAKER — Order! I will call the minister when I get some silence in the chamber.

Mr O'BRIEN (Minister for Gaming) — I thank the financially literate member for Mitcham for her question and note that on that basis she is a vast improvement on her predecessor.

This Auditor-General's report is a horror story. It sets out in chilling detail Victorian Labor's recklessness and inability to manage money. The former government had the responsibility of selling 27 500 lucrative 10-year gaming entitlements on behalf of the people of Victoria, who own them. What were those licences worth? Here is what the independent Auditor-General said:

We valued the EGM entitlements in the range of \$3.7 billion to \$4.5 billion, with a midpoint of \$4.1 billion.

Let us take the midpoint of \$4.1 billion. What did the former government get for these lucrative licences? The report says:

The sale proceeds from the allocation fell significantly short of the fair market value of the entitlements. The industry paid \$980 million ...

...

The revenue obtained from the sale of these entitlements was around \$3 billion less than the assessed fair market value of these assets.

That is not just incompetence, that is not just a scandal; that is an economic crime against the people of Victoria committed by the Labor Party. Let us give this disaster some context. It takes the Cain-Kirner government's economic scandals of Tricontinental, State Bank Victoria and the Victorian Economic Development Corporation combined to get the same dollar figure as Labor lost on this pokie licence sale. The former Labor government was even worse than Cain and Kirner.

In her question the member for Mitcham asked about governance flaws, so it raises the question of who was responsible for this disaster. Page 81 of the report records that oversight rested with the gaming review subcommittee of cabinet:

This committee met on more than 60 occasions and had responsibility for overseeing the review and allocation process and deciding the significant policy questions that arose during the review. The committee was extensively briefed by the department through the provision of over 250 policy papers and reports.

Who was on this cabinet subcommittee? The then Minister for Gaming was a member, as one would expect. Who was the Minister for Gaming who set up this disastrous process? It was none other than the now Leader of the Opposition. He was the man, and it was his plan. Then there was the Minister for Racing, who is now the Deputy Leader of the Opposition. Then of course the Treasurer would have been a member. What is that former Treasurer doing these days? He is Leader of the Opposition in the upper house. Three-quarters of Labor's current leadership team were sitting around the cabinet table designing this disaster that cost Victorians \$3 billion. The member for Mill Park is another one of the financial geniuses who was on this committee. The Labor Party gambled \$3 billion of the money of Victorians on the pokies, and they came up lemon, lemon, lemon! That was the way it was.

The *Herald Sun* noted in a headline on 16 May 2010 'You lose again — pokies chiefs hit jackpot as licences sold cheap'. That headline is a damning indictment of the failure of the Labor Party. The report found that the Department of Premier and Cabinet and the Department of Treasury and Finance warned the ministers. The ministers knew but they did nothing. They let this happen, and they cost Victorians \$3 billion. They are economic vandals, and they should be ashamed.

Rail: protective services officers

Mr MERLINO (Monbulk) — My question is to the Premier. How does the Premier reconcile the comments of the Acting Chief Commissioner of Police yesterday regarding protective services officers (PSOs) that 'time to time there may well be operational contingencies that require us to move people from place to place' with his commitment that PSOs will be on every train station after 6.00 p.m. until the last train, permanently and exclusively?

Mr BAILLIEU (Premier) — I thank the member for his question, and I am sure he would like to have it reported that he has been paying attention. Can I make the observation that there is nothing new in the comments that the acting chief commissioner has made. Those comments have been made by senior police before, and we have accepted those comments. We committed, and it has been our policy proposition, that there would be 940 police — enough to put two on every station after dark — and we took that policy proposition to the people of Victoria at the election in November last year. And do you know what? That proposition to put PSOs — Victoria Police protective services officers — on every station in the metropolitan area and the major regional stations after dark has been warmly embraced by the people of Victoria. We stand by that commitment, and we will be rolling it out.

What irony, given that the opposition is now seeking to undermine this policy at every turn when it once advocated the policy itself but did nothing about it. We will implement it in conjunction with Victoria Police. As the member knows, the legislation is before the house, and he will have an opportunity to contribute to the debate on that. I am sure the opposition will see the better of its ways and support that legislation and support the rollout of Victoria Police protective services officers on our stations to create places of safety, not places of fear.

Mr Merlino — On a point of order, Speaker, this is misleading the house. The question was regarding — and I am happy to make available the government's policy — —

The SPEAKER — Order! To allege that the minister is misleading the house is not an appropriate matter to raise as a point of order. If the member believes the Premier has misled the house, he can take action in another form.

Mr Merlino — On a further point of order, Speaker, on the issue of debating the question, the government's

policy, which I am happy to make available, says that PSOs will be permanently stationed on every station.

The SPEAKER — Order! A point of order is not a time to add new issues to the question that was asked. The Premier has concluded his answer.

Gaming: auction process

Mr BURGESS (Hastings) — My question is to the Minister for Gaming. Can the minister outline to the house the failure in process identified by the Auditor-General in his report tabled today into the allocation of electronic gaming machine entitlements by the former government?

Mr O'BRIEN (Minister for Gaming) — I thank the member for Hastings for his question and for his interest in financial competence and in ensuring that there is sufficient revenue in this state to be able to deliver the sorts of services and infrastructure we want to see. The process for the design of this auction of gaming machine entitlements adopted by the former Labor government was utterly incompetent.

Firstly let me turn to the issue of the setting of the reserve price for the auction. The Auditor-General's report says:

The amount of the reserve was, therefore, critical in influencing the financial result of this particular auction.

What did Labor do in setting a reserve price for the auction? The Auditor-General explains it. The report says:

The club entitlement reserve was based ... on the least profitable gaming venue in the state. Shortly after the auction, this venue closed.

What Labor did was like deciding to sell your own house and then setting the reserve price not on what you think your house is worth but on the cheapest house in the cheapest street in the cheapest suburb in Victoria. That is what it did — it chose the worst performing machine in the worst performing club in the state, which closed down shortly afterwards, and said, 'That is our reserve; that is the basis of our reserve price'.

So what did the Auditor-General say? The report states:

The reserve was not representative of the return that could be expected from the 10-year period of the entitlements.

And didn't that show in the results! But it gets far worse, hard as that is to believe. The report states at page xiv:

The auction was closed while bids were still being placed.

What planet do you have to be on? How stupid do you have to be to stop an auction before people have finished bidding? It is unbelievable. You could just imagine the scene at the auction:

Bidder: Can I please pay you more for a gaming licence?

Labor: No.

Bidder: But I really want to give you more money!

Labor: No thanks. Mate, it's better in your pocket than ours.

The Auditor-General found that in the last five rounds of bidding, revenue increased by \$34 million. This was an auction where people still had money in their deep pockets. What did Labor do? It ended the auction and cut it short.

We know Labor governments love redistributing wealth, but the Auditor-General found Labor took the community's wealth and gave it straight to big pokie operators. That is its idea of redistributing wealth. I will quote this:

Large venue operators, rather than the community, are the beneficiaries of this windfall gain.

When Kerry Packer sold Channel 9 for a fortune and bought it back for a song, he famously said, 'You only get one Alan Bond in your lifetime'. Victoria's gambling industry must be saying exactly the same thing about the Leader of the Opposition and the Labor Party. They have lost \$3 billion of community assets and community worth. They are a disgrace.

The sheer incompetence of this is hard to fathom. Three billion dollars sounds like a lot of money because it is; it is equivalent to losing \$537 for every man, woman and child in this state. The Auditor-General found this Labor Party team lost that amount. Having splashed \$3 billion of taxpayers money up against the wall, let us never, ever hear from the other side of the house, 'Why don't you fund this service, why don't you fund this infrastructure and why don't you fund this?'. Because the answer is, if the members on the other side of the house were not such a pack of economic illiterates and financial vandals, the money would be there to do it.

Nurses and midwives: enterprise bargaining

Ms GREEN (Yan Yean) — My question is to the Premier. Will the Premier guarantee there will be no change in the nurse-to-patient ratios as part of the nurses and midwives public sector enterprise bargaining agreement?

Mr BAILLIEU (Premier) — One of the principles of the negotiation of enterprise bargaining agreements is that these matters are conducted on a confidential

basis with appropriate parties. That is the approach we have taken all the way through on this. We respected the processes in all the enterprise bargaining arrangements — —

Mr Madden interjected.

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

Mr BAILLIEU — It is open to the parties to agree on matters they agree on. It is not my intention to — —

Mr Herbert interjected.

The SPEAKER — Order! The member for Eltham!

Mr BAILLIEU — It is not my intention to negotiate an enterprise bargaining agreement on the floor of the Parliament. I appreciate the member's interest. No doubt these matters will proceed as they have proceeded in the past. We will respect the views of all parties.

Gaming: auction process

Mr BULL (Gippsland East) — My question is to the Deputy Premier in his role as Minister for Regional and Rural Development. Given that the Auditor-General has found that the former Labor government has lost \$3 billion in its incompetent gaming licence auction, what is the real cost of this economic crime to the regions of the state?

Mr RYAN (Minister for Regional and Rural Development) — I thank the member for his question and for the great work he does on behalf of his electorate and communities. Labor cannot manage money, but even by its standards losing \$3 billion on this deal strikes a new level. For all Victorians there is an enormous cost to pay. As the Minister for Gaming has just indicated, it represents \$537 or thereabouts for every man, woman and child in the state. Many of those people live in rural and regional Victoria. For those of us who live in those great parts of the state, this is a vast cost. There are many instances where that can be exemplified when answering the question asked by the member.

The first example I would point to is that from 1 July, which is only a couple of days from now, we will see coming into operation the Baillieu government's great initiative for regional Victoria — that is, the Regional Growth Fund. It is a billion-dollar fund; there is \$500 million for it in our first term and \$500 million for it in the next term of the government.

One can only think what we would have been able to do if we had had this extra \$3 billion. Speaker, understand me — I am not a greedy man. I would not have wanted it all for rural and regional Victoria. I would have liked a fair slice of it though. Can you, Speaker, think how wonderful it would have been? Instead of having a \$1 billion Regional Growth Fund, of which we are enormously proud anyway, we could have had a \$2 billion Regional Growth Fund or, had the Premier permitted it, a \$3 billion Regional Growth Fund.

This is an absolute travesty and a financial tragedy for rural and regional Victoria. You can think of specific examples. From our Regional Growth Fund we have allocated \$100 million for gas extensions. The Labor government completely abandoned the notion of having future gas extensions in Victoria. Now — —

Ms Allan — On a point of order, Speaker, I understand this is where the government is taking this issue today, but I ask you to ask the minister to not debate the question and not mislead the house by making incorrect statements about Labor's previous administration.

The SPEAKER — Order! The minister's answer is relevant to the question that was asked.

Mr RYAN — As I was saying, in terms of the gas extension component of the Regional Growth Fund, we have \$100 million to deal with this important initiative. How much better could we have done it? How much further could we have extended the system if it were that we had another \$100 million or \$200 million available for these natural gas extensions?

What about issues in relation to the Local Government Infrastructure Fund? We have allocated \$100 million to this important purpose. We could have had another \$100 million or another \$200 million dedicated towards that. It means these issues are very important for families and businesses right through regional Victoria. How much better would it have been for them had we had this extra \$3 billion that would have been available if the sale had been conducted properly? We have the Putting Locals First Fund within the Regional Growth Fund, another \$100 million that we could have doubled or tripled if we had the money that should have been realised through the sale of these entitlements in the way that the opposition, as we then were, had intended.

Then there are all the strategic initiatives that could and should have been advanced through the regional parts of the state; all our road systems. What about the rail system, which was so blatantly ignored by the Labor

government over 11 years? All these wonderful things could have been done. The regional rail link project, which the former government undercosted by \$900 million, could have been paid for if only we had this money. Improvements to the health system, the schools — all those other opportunities were lost because Labor simply cannot manage money.

Mr Hodgett interjected.

The SPEAKER — Order! This is the member for Kilsyth's second warning.

Office of Public Prosecutions: review

Mr ANDREWS (Leader of the Opposition) — My question is to the Premier. I refer the Premier to the admission yesterday by the Deputy Premier that he had exempted himself from cabinet considerations of the Vincent report, and I refer the Premier to his comments in this place in May on the same issue:

To my knowledge I am unaware of any such declaration.

I ask: who is telling the truth, the Premier or the Deputy Premier?

Mr Ryan — On a point of order, Speaker, the Leader of the Opposition, either by design or by accident, is misconstruing the answer that was given yesterday. I did say — —

Honourable members interjecting.

The SPEAKER — Order! What is the Deputy Premier's point of order?

Mr Ryan — The point of order is that the facts which are being put before the house are not in accord with the answer that I gave yesterday.

The SPEAKER — Order! I do not uphold the point of order. I would like to hear the answer from the Premier.

Mr BAILLIEU (Premier) — I point out to the Leader of the Opposition that the answer I gave and the date to which he referred, and indeed the answer which the Deputy Premier gave yesterday, are entirely consistent.

Mr Andrews interjected.

The SPEAKER — Order! The Leader of the Opposition has already been warned today. I do not want to warn him again.

Gaming: auction process

Mr BLACKWOOD (Narracan) — My question is to the Treasurer. Can the Treasurer advise the house on the economic repercussions for the Victorian economy of the findings of the Auditor-General regarding the allocation of electronic gaming machine entitlements by the former government?

Ms Beattie interjected.

The SPEAKER — Order! The member for Yuroke!

Mr WELLS (Treasurer) — Another day, another financial mess left by the previous Brumby government — another mess that we have had to deal with. But today we are dealing with the biggest financial bungle that could possibly have been left by the previous Brumby government. As has already been mentioned, if you add together VEDC (Victorian Economic Development Corporation), Tricontinental and the State Bank you still do not reach the magnitude of the bungle that has been uncovered by the Auditor-General. This, on top of regional rail, myki and Melbourne Markets — you name it — is part of a long list of projects which the previous government could never manage. It has already been spelt out: Labor cannot manage money.

Some very disturbing points have been made by the Auditor-General in this report. The first one that I note is the revelation that in March 2009 the Department of Treasury and Finance actually estimated the level of super-profits to be \$4.2 billion, which is very similar to the Auditor-General's valuation. The report goes on to say that the DTF communicated this figure of \$4.2 billion to the Treasurer in 2009. This is just one of the occasions on which the previous government completely ignored the advice of the Department of Treasury and Finance. But it goes on and it gets worse.

The Department of Premier and Cabinet and the Department of Treasury and Finance appropriately raised concerns about the merits of proceeding with their respective ministers; however, no formal review was undertaken. At page 31 the report states:

DTF advised the government in March 2009 that reforming the approvals process to attract new market entrants was essential if the project was to meet its desired outcomes of capturing supernormal profits ...

It goes on further. On page 32 the report states:

DTF recommended to government that, if club were allocated entitlements outside the auction process, the decision to auction the remaining entitlements should be reconsidered because this was likely to adversely affect the ability of the

allocation to capture supernormal profits. No review was undertaken.

No review was undertaken. DTF raised concerns again in January 2009 about the failure to release venue revenue data:

DTF was concerned that the viability of the auction would be compromised ...

The previous government consistently ignored the advice of the Department of Premier and Cabinet and the Department of Treasury and Finance over and over again. As a result we have a situation where the government has botched up and it has cost the taxpayers of this state \$3 billion. Today's Auditor-General's report, in stark terms, outlines the financial incompetence of the previous Brumby government.

TERRORISM (COMMUNITY PROTECTION) AMENDMENT BILL 2011

Second reading

Debate resumed.

Mr NEWTON-BROWN (Pahran) — I rise to support the Terrorism (Community Protection) Amendment Bill 2011, which amends the Terrorism (Community Protection) Act 2003 to provide for a review of that act. The review date will coincide with the review by the Council of Australian Governments (COAG) of national counter-terrorism legislation. While at first glance this bill relates to a seemingly insignificant date change, it is much more than that. Through this date change, which is designed to have Victoria fall into step with the federal review framework, this Parliament is recognising the fact that we have a responsibility at state level to keep our community safe from terrorism and that this responsibility is best fulfilled by working collaboratively with our federal counterparts.

Since the September 11 attacks and the Bali bombing, Australians have accepted the need to become more vigilant in our own country. Generally there has been bipartisan support for measures to keep us safe from terrorism and a cooperative approach between the federal and state governments. In 2004 the Attorney-General, Philip Ruddock, introduced the Anti-terrorism Bill 2004 following a series of international attacks, including the London bombings. In introducing the bill Mr Ruddock noted:

Our counter-terrorism laws require review and, where necessary, updating if we are to have a legal framework

capable of safeguarding all Australians from the scourge of terrorism.

He also spoke of the need to ensure that appropriate safeguards are put in place to maintain the balance between security and individual rights and freedoms. Ruddock introduced two more bills that year to further strengthen our ability to prevent terrorist attacks within Australia. Labor supported those bills, but the Greens and the Democrats did not. In summary, the new laws provided for things such as short-term detention and interrogation powers, control orders to restrict individual freedoms and restrictions on expressing certain opinions. Other states also enacted their own legislation.

In 2005, when the Victorian government introduced new powers to police counter-terrorism, the Prime Minister at the time, John Howard, said:

I don't look at these things in a competitive environment between the commonwealth and the states. The commonwealth and the states should be working together on antiterrorism issues ...

By working together the states and the commonwealth have been making Australia a place that is safer from terrorism than it would otherwise be.

There are some particular issues that need to be taken into account when dealing with terrorism in Victoria. There are some particular sensitivities due to our culturally diverse community. In 2007 Monash University released a report entitled *Counter-Terrorism Policing and Culturally Diverse Communities*, and that report recognised that Victoria Police is in a very sensitive position. We have a long history of promoting social cohesion in our culturally diverse community, and going back decades successive Victorian governments have positioned this state as a national and international leader in social cohesion.

Members of Victoria Police have to walk the tightrope of community policing that keeps us safe but also builds on our uniquely harmonious multicultural environment. Counter-terrorism efforts internationally have focused generally on groups that are ethnically, religiously or culturally distinct, and often this approach requires a crude form of racial profiling. The danger is that minority groups can be politicised as a result of this approach. Our harmonious culture could quickly unravel if cultural stereotypes and prejudices are allowed to work their way into our community. In my view Victoria Police is handling this delicate balance in an exemplary manner.

As far as the history of terrorist attacks in Australia goes, other than the Bali bombing most Australians

would struggle to name terrorist attacks on Australians, particularly on Australian soil. I suppose there are some very early examples of violent attacks in Australia that could be termed terrorist attacks. As early as 1868 we had the assassination attempt on the Duke of Edinburgh by an Irish nationalist who was later executed. In 1915 in Broken Hill there was an attack on the Sultan of Turkey by Afghan supporters. What the Sultan of Turkey was doing in Broken Hill in 1915, I do not know. Prior to the 1960s there were really no acts of violence in Australia that could be deemed to be terrorist in the modern political and strategic sense of the word. I suppose it was the 1960s when terrorism raised its head in a modern sense in Victoria. In 1965 there was an attempted political assassination of the Australian Labor Party leader, Arthur Calwell, over his Vietnam War stance. In 1968 there was an attack on the US consulate in Melbourne, again over the Vietnam War.

It was not until the 1970s that we got serious about tackling terrorism in Australia, and we had a three-year inquiry into our intelligence services. In 1977 Justice Hope delivered his royal commission report on intelligence and security. Recommendations in that report led to the Australian Security Intelligence Organisation (ASIO) expanding its areas of operation to include terrorism. More recent examples include the Hilton Hotel bombing back in February 1978. The Hilton Hotel was hosting a Commonwealth Heads of Government Meeting and a bomb exploded outside, injuring 11 and killing three people — two garbage collectors and a policeman. That incident reinforced the need to increase ASIO's powers. In November 1986 in South Yarra in my electorate the Turkish consulate was bombed. A car bomb was parked underneath the consulate, and the bomber himself was the only casualty in that incident. It was found that the Armenian terrorist group the Armenian Revolutionary Federation was responsible.

The Bali bombing in October 2002 was perhaps the worst example of a terrorist attack on Australians. At a nightclub in Kuta on the Indonesian island of Bali, 202 people were killed, 88 of whom were Australians, and a further 240 were injured. In 2003 in New South Wales an Australian architect, Faheem Khalid Lodhi, was convicted in the New South Wales Supreme Court of plotting to bomb the national electricity grid. In 2004 there was another bombing in Indonesia, this time of the Australian embassy. In that bombing there were Indonesian but no Australian fatalities. In 2005 in Sydney five men were jailed for terms ranging from 23 to 28 years for conspiring to commit terrorist acts.

In August 2006 Jihad Jack, otherwise known as Joseph Thomas, was the first person to be issued with a control order under the Australian Anti-Terrorism Act (No. 2) 2005. When David Hicks was returned to Australia in December 2007 he was placed under a control order, and that was one of the first under that legislation. Closer to home, in Melbourne in 2008 five men were convicted of planning a terrorist attack. They planned to bomb the AFL Grand Final in 2005, the grand prix in 2006 and also Crown Casino, and they plotted to assassinate the Prime Minister. In 2009 four Melbourne men were charged with a plot to storm the Holsworthy Barracks with automatic weapons.

It is clear that terrorism has had an impact on this state, although thankfully it has not been successful on a large scale, but this record has not come about by accident. It has not come about through luck. We have been vigilant in tracking and investigating potential terrorists. We have done so in a culturally sensitive manner, and state and federal laws have worked in tandem to protect Australians from terrorist attacks.

A national approach to security in the area of terrorism is in the best interests of Victorians. The danger is that if state and federal legislative reviews are not done in tandem, then this Parliament and other states' parliaments could inadvertently pre-empt, contradict or otherwise threaten the COAG process. The nature of terrorism is that there will be changing circumstances and political landscapes, and the laws that protect us will necessarily have to be changed and amended as required to deal with those changing circumstances. This bill will facilitate and further finetune state and federal legislation in the most efficient manner to keep all Victorians safe. I commend the bill to the house.

Ms THOMSON (Footscray) — I rise to speak on the Terrorism (Community Protection) Amendment Bill 2011, which the opposition will of course be supporting. This is quite a simple bill which extends the operation of the act so that a proper review can be conducted and completed by 30 June 2013. I was part of the Victorian cabinet when we considered the Council of Australian Governments legislation and joint legislation the first time around. Whilst we all abhor terrorism, we must achieve a correct balance as we go through this review. We have to get right the balance between protecting our citizens from terrorism and making sure we enshrine the freedoms we enjoy so that the very things that we want to protect remain in place. It is not easy to get the balance right between on the one hand maintaining the right of the individual to freedoms such as freedom of expression and freedom of movement, and on the other hand protecting ourselves from potential terrorist acts. I know it is

difficult. I know how long we as a government took to come to terms with the issues as they presented themselves the first time around as the legislation was developed between the commonwealth and the states. That process brought about the current legislation.

The former government put a sunset time on this legislation to ensure that we undertook a proper review that would enable us to ascertain how well the legislation was working — that is, how well it was protecting our citizens from potential acts of terrorism and how well it was enshrining our rights as individuals living in a democratic nation.

We in Australia are very lucky. We do not have to face life-threatening situations created by terrorism every day. Yes, we have to be vigilant. Yes, there have been instances of terrorism on our shores and of Australians being targeted overseas, but we are very lucky that we live in a country that basically has not had to live with the fear of terrorism every single day. That is certainly not true of other countries. It is why we can afford ourselves the necessary time to conduct the review properly and take into account and consult widely on the balance between maintaining the rights of the individual and ensuring the protection of our citizens. As I said, it is not necessarily an easy thing to do.

We must have checks and balances in this legislation. The former government made sure that there are appeal rights under the current legislation. I hope those appeal rights will remain in the new legislation when it finally comes to this house. I accept and acknowledge that we have to allow both the commonwealth and state law authorities to hunt down potential terrorists and stop them before there is a terrorist act. That is crucially important. We do not have to wait and we should not wait until there is an act of terrorism before the law enforcement agencies are able to take action. We need to have in place monitoring of certain groups and we must be able to monitor and intercept conversations, but we need to be able to justify what we do. We should not be using the law as an excuse to intercept conversations or to observe and monitor people when there is no real justification for that action. As I said, we need to get the balance right.

In preparing the original legislation, which was negotiated between the commonwealth and Victoria, the then government worked very hard to ensure that the legal authorities would have at least some evidence to suggest a potential threat before we intercepted conversations or targeted individuals. We need to maintain that standard. If we do not, the terrorists win, because they will deprive us of the very things that we most respect about living in this country — that is, our

freedoms. As I said, freedom of speech, freedom of movement and freedom of association are the very things which make this a fabulous place to live and people around the world can be envious of. This is why when we set about establishing legislation around terrorism we are mindful that we protect those very things.

As this legislation is reviewed and consultation is undertaken with various law-enforcement and intelligence bodies, lawyers and human rights organisations, and as governments go about getting that balance right, I hope and believe they will consider the precious state of our democracy and how lucky we are to live in a country that has the freedoms we have. We do not live in an environment of day-to-day threats. We do not have to travel very far, such as to Indonesia, to learn that that is not the case everywhere. We know that in India there can be a bombing at any time. In the Middle East that is also a day-by-day proposition — and in some cases an hour-by-hour proposition. The law-makers in those countries need to take a ruthless approach to ensuring peace is maintained and that terrorism is dealt with swiftly.

I think we are getting the balance right. The fact that we have seen people prosecuted and jailed also suggests we have got the balance right between freedoms for individuals and dealing with terrorism. I look forward to the review being conducted and to Parliament ensuring that we maintain the very delicate balance between protecting our citizens from terrorism and maintaining the freedoms we most cherish in this state and this country.

Mr SOUTHWICK (Caulfield) — I rise to speak in support of the Terrorism (Community Protection) Amendment Bill 2011. This is a very important bill for a number of reasons which I intend to cover. When it comes to terrorism there are no second chances. We need to ensure that we have a strong and safe country, state and community in which we can walk down the street and know we are going to be protected. This government supports a system of national counter-terrorism legislation because at the end of the day in the free world terrorists do not discriminate.

Whether the target be a state, federal or even international target, the attacks we have seen around the world have been attacks on the free world, and we also are a potential target. While in the past terrorism has been an issue for governments, we need to look particularly at what has happened in the past decade. Certainly the events of September 2001 are always present in our minds, and the events that took place at that time have changed the way in which our society

operates. I remind the house of the words of the now Deputy Premier when he spoke on the condolence motion a week after the tragedy of September 11, when he said:

... these despicable acts have changed forever the way we will live our lives. They have wrought change in a way that none of us would have chosen, but they occurred nevertheless.

The Deputy Premier's words then have proven to be eerily accurate as it comes up to the 10th anniversary of the September 11 attacks. I am sure we can all remember where we were at the time of September 11. I was with my wife, who was expecting our first child, Tyler, who was born on 21 September, only a few days later. We certainly were thinking that we were about to bring life into the world at the same time as many lives were being taken from us. The times of uncertainty that followed that period were times of fear for many of us, and at that time we had no idea about what was going to happen from that period on. Regrettably we have changed the way we live compared with our lives prior to September 2001; the threat remains in our minds and is always there. If you look at the way we live our lives — if you look at our airports and even this Parliament and other public buildings and see the security we go through — it is clear that we know that security measures need to be in place to ensure that these sorts of attacks do not take place in Australia.

This bill speaks to the first duty of government, which must always be to protect its citizens from outside attack and provide a safe society. The government supports the federal government's work to create uniform national legislation to ensure that no tragic attack can occur in Australia like those in New York, London, Bali, Madrid or any of the other cities hit by the scourge of terrorism. Terrorists know no boundaries when it comes to their calculated attacks on countries and cities in the Free World. This bill amends the Terrorism (Community Protection) Act 2003, which sets a date for the review of the act to coincide with a Council of Australian Governments review of national efforts, and with the postponing of the release of that COAG review it is necessary that the Victorian legislation be amended accordingly. Again what may seem a very small and minor change is very significant, because it brings both the state and federal systems into cohesion.

While it is easy to hope, as we do, that no attack ever occurs on our soil, there is no doubt that terrorism has touched this country in a number of ways. I mentioned some of the cities that have been hurt by terrorism recently. In London, the first city in the Northern Hemisphere that many Australians visit for a gap year,

we lost one Australian and 11 were injured. In Bali, the first holiday destination of many young Australians and families, we lost 88 Australians, while the threat remains in New York city, where 10 died in what is known as the greatest city in the world.

I want to acknowledge the great efforts of many individual Australians who have worked to help those affected by terrorist attacks. I pay tribute to a relative of mine, Dr Graeme Southwick, who was involved in the Bali bombings in 2002. Graeme was on holiday at the time the bombs went off and immediately went to work saving lives and providing any assistance he could. Just as many other Australians have done, he has been involved in providing assistance in times of need by helping people who have been affected by terrorism. The Australian casualty in London shows me exactly how such attacks can occur so close to our communities. Sam Ly, who died in Tavistock Square, was a former student and staff member of Monash Caulfield — a major feature in my electorate. These global acts of terror can reach our communities in unimaginable ways and show how as parliamentarians we must work with all states and the commonwealth to prevent these attacks from happening on our shores.

The threat of terror has been recognised by the federal and Victorian governments, and by our police command, with the establishment of the security intelligence group of Victoria Police, known as the SIG. Efforts by the government have thus far been successful. Over the last few years we have seen the SIG break up two of the most dangerous terrorist cell threats in Australia in operations known as Pendennis and Neath. Pendennis investigated groups of men who planned violent attacks on army bases and other sites, and the SIG also played a role in investigating a plot to attack the 2005 AFL Grand Final.

If we ever needed proof of how terrorism can shake the core of a society, it is in the horror all Victorians feel at the idea of a cultural institution like the grand final being the target of a threat. It shows how the aim of terrorism is to attack our very way of life. I recently attended a briefing by a member of the SIG who touched on the links between terrorist attacks on local institutions and also with domestic crime. I mention this because the great work of our government in funding 1600 new police officers and 100 new transit officers is all about prevention of such crime. This will help assist the specialist antiterrorism initiatives Victoria Police is currently undertaking.

Residents in my electorate of Caulfield have experienced recent incidents of crime which have been coordinated, racially motivated and relevant to the

campaign against terrorism and which also indicate that we need to ensure that our streets are safe and that our suburbs are well and truly protected. To give you an example, there have been a number of anti-Semitic hate speeches painted on benches, posts and areas around Caulfield Park. Meanwhile, last week in my electorate a group of religious Jews coming back from their synagogue was egged in a planned attack. I mention that it was a planned attack because the perpetrators had balaclavas and had gone out and purchased eggs and had then targeted these individuals. Where do you draw the line with these sorts of things? We need proper laws and proper police investigations to be in place to ensure that people in our community do not target attacks on others.

Unfortunately, schools, places of worship and community events in my electorate all need to be protected by volunteer trained security officers who work closely with Victoria Police. I congratulate the coalition on recognising the efforts of the community security group through the Premier's public acknowledgment of its work and a \$40 000 grant being approved as part of an election commitment.

For the reasons I have outlined, I am proud to speak in support of this legislation. The past decade has seen a need for society to step up its efforts in combating terror and working with all good governments to stop these attacks on our way of life. Terrorism is a fundamental attack on society's values. We must do everything we can to stop it in its tracks, and by coordinating our legislation with that of other states and the commonwealth we can do just that. I commend the bill to the house.

Mr BROOKS (Bundoora) — It is a pleasure to be able to join this debate. It is one of the rare occasions during a debate when there is a large degree of agreement across the house, and it is a pleasure to join members from both sides of the house in support of this piece of legislation.

As previous speakers have said, this bill is a very small bill in comparison to the principal act. It simply amends the date by which the review that was specified in the principal act is to be completed. When considering a review of such a significant piece of legislation, it is important that we carefully consider its impacts.

We have just heard from the member for Caulfield about the devastating impacts of terrorism, not just around the world but also here in our own community. He gave examples such as the impacts on people who were affected by the Bali bombings, the gentleman from his electorate who worked at Monash University

who was tragically killed in the London bombings, and even racial and religious intolerance in his community. It is something I am sure every member of this house detests and wants to see stamped out. This legislation and the principal act are probably at the heavier end of the scale in terms of the issues they address, but this is one of the steps this Parliament has put in place in the past to try to address some of these issues.

The Terrorism (Community Protection) Act 2003, by its very nature, cuts across people's rights and freedoms. The issuing of covert search warrants and preventative detention orders necessarily means that people's rights may be infringed. This government, along with the other members of the Council of Australian Governments, agreed that they are appropriate protections to have in place for the times we live in. However, when you take away people's rights through those measures, even when it is warranted, it is appropriate that there be put in place, firstly, a sunset provision to ensure that they are not left in place and, secondly, an appropriate review mechanism to ensure that the protections you have put in place, the rights you have curtailed and the freedoms you have brought back are appropriate.

It is important that we consider this carefully when we extend the deadline for the review. I understand that the federal government announced recently — in fact, on 21 April — that it had appointed Mr Bret Walker, SC, as the independent national security legislation monitor. I think that process led to the delay in the review being completed. Now that that has occurred, it is important that this review be undertaken. I understand that this bill will push the review date out to June 2013.

Back in 2006, when the review date was extended from 2006 to 2011, the Scrutiny of Acts and Regulations Committee (SARC) reported back to the Parliament through its *Alert Digest* No. 1 that:

The committee draws the attention of members to Parliament's necessary and legitimate oversight responsibilities when considering the review of legislation that enables the exercise by the executive of significant preventative detention and covert search warrant powers.

If a review of the operation of the ... act is not intended to be tabled by 30 June 2006 and having in mind the nature of the powers, existing and proposed in the act, the committee refers for Parliament's consideration the question whether such a delay subjects the exercise of legislative power to insufficient parliamentary scrutiny within the meaning of section 17(a)(vii) of the Parliamentary Committees Act 2003.

The committee draws attention to the provision.

SARC did its job and brought to the attention of members back in 2006 the issue of parliamentary

oversight over the executive. It did not recommend any stronger action; it simply brought that to our attention. As we pass this bill — and I urge members to pass it — it is important for us as members of Parliament to consider the significant rights that are curtailed in the principal piece of legislation, an act that is so important in fighting terrorism, and to ensure that we monitor the review that will now be undertaken. It is due by 2013, and we must ensure that it takes place in the time frame that has been set down and, more broadly, that the legislation that governs terrorism and community protection in Australia is appropriate. I commend the bill to the house.

Mr BULL (Gippsland East) — I rise in support of the Terrorism (Community Protection) Amendment Bill 2011. The purpose of the bill is to extend the date by which a review of the operation of the principal act must be completed and the date by which a copy of the review must be tabled in Parliament. The original state review date was set so that the review would coincide with the Council of Australian Governments review of national counter-terrorism legislation. Under this amendment the Victorian and COAG reviews will again coincide, as was originally intended.

The COAG review was delayed by the commonwealth, and it is fitting that Victoria fall into line with this so that these reviews can be completed concurrently as there are potential implications for the Victorian review that may arise from whatever comes out of the COAG review. The COAG review will consider key features of the Victorian act — it is quite relevant — that significant powers to be exercised in counter-terrorism activities. Both the COAG review and the state review are of paramount importance to the protection of Victorians and Australians in relation to terrorism and terrorist activities.

The unlawful violence and irreparable damage that terrorism inflicts on society cannot be tolerated or accepted. As the member pointed out in his contribution, unfortunately terrorism has a very long history, but it certainly came to the forefront of the world's mind on 11 September 2001. I am sure all members of the house would remember exactly where they were on 11 September 2001, when 19 terrorists hijacked four aircraft in the United States with devastating outcomes, including the death of just under 3000 people.

I can remember getting out of bed and wandering into the lounge room that morning. I thought I was watching some sort of movie special effect being replayed over and over on television, until it unfortunately set in that it was very real. I was sitting there with my

five-year-old son and bouncing a new baby boy on my knee. I can remember sitting there looking at the telly and reflecting on what sort of world I had brought my children into, because it was clear that from that day on the world was going to be changed forever. I can remember my five-year old asking, after watching the planes flying into the towers, 'Dad, is that real? Why would people do that to kill others?'. Unfortunately that is the very nature of terrorism. For something that happened in the United States it had big impacts on a faraway community such as mine in East Gippsland. I can remember going to work and seeing a lot of people in tears that morning.

Since that date the fight against terrorism has continued to this day, with the recent welcome news that the mastermind behind those 9/11 attacks, Osama bin Laden, was tracked down and eliminated. At that time Kofi Annan, the then secretary-general of the United Nations, put it very well when he said that that act of terrorism was aimed at one nation but wounded an entire world. That is a very apt description of what happened that day. The good news is that out of that horror came a form of world unity to fight evil and combat terrorism. That is what prevails today, and that is what part of this legislation is certainly about.

No-one should ever question in any way the resolve of people around the world who fight terrorism. While 9/11 hit home, for many Australians the impact of terrorism was felt more directly when the Bali bombings took place in October 2002, resulting in the death of 202 people, 88 of them Australians. There was a well-planned, evil incident in which a bomb was detonated in Paddy's Bar in Kuta, Bali, killing a number of people and badly wounding a number of others. As people were leaving that bar in a state of shock, another bomb was detonated in the street with devastating results. It was an act of amazing cruelty for which the three men who carried out the bombing were held responsible and executed in 2008. In this state we have continued the fight against terrorism and subsequently people have been jailed for planning and being involved with terrorist activities.

Terrorism is an ongoing issue that we all must face and both the Council of Australian Governments and Victorian reviews will address aspects of this threat. The COAG review will consider parts 2A and 3A, which are key parts of the Victorian act. Part 2A regulates preventative detention orders which allow for the detention of a person for a maximum of 14 days without charge where necessary to prevent a terrorist act or preserve evidence of a terrorist act. These powers include the power to demand identification, to stop and search persons and vehicles, to direct persons to leave

or remain in specified areas, and to seize items and cordon off areas or key points. Police authorised to use these powers may also use whatever force is deemed reasonable to be able to exercise them and achieve these outcomes.

As a society we must continue the fight against terrorism and terrorists. The two reviews in Australia will cover preventive mechanisms that are an integral part of that fight. Because terrorism is a threat to all states and all peoples and terrorists can strike any time and anywhere, as we have unfortunately seen, it is incumbent on any government of the day in any place in the world to have terrorism prevention strategies in place. As members have heard, acts of terrorism are a direct attack on the core values of society, including the rule of law, the protection of civilians, mutual respect between people of different faiths and cultures and peaceful resolution of conflict. Perhaps the most important aspect of those key points is the protection of civilians because terrorists give no recognition to the importance of that.

Victoria and Australia must be at the forefront in the fight against terrorism, first in proclaiming loud and clear that terrorism can never be accepted or justified for any cause and in any way whatsoever. Because both reviews will consider aspects of antiterrorism law, it makes sense that Victoria's review proceed alongside the COAG review. This bill ensures that the Terrorism (Community Protection) Act 2003 will receive a thorough and considered review by those involved but it does not pre-empt what will be happening in the COAG review. It also does not contradict or otherwise threaten the COAG review process or outcomes. The bill ensures that things will be done in tandem.

As the previous speaker, the member for Bundoora, pointed out prior to my contribution, this legislation is quite rightly supported by both sides of the house. There is a very good reason for that: it is very much a common-sense measure and I commend the bill to the house.

Mr HOWARD (Ballarat East) — I am also pleased to add my contribution to the debate on the Terrorism (Community Protection) Amendment Bill 2011 before the house. I note that in his second-reading speech on this bill the minister advised that the government has declared itself committed to the fight against terrorism in this state. I would expect nothing less because in light of terrorism events that have occurred in other parts of the world it is vitally important that we take all the action possible in this state to assure our residents that they can feel confident and safe in Victoria. We trust that can be so for the whole of Australia. We also

support all of the powers around the world that are working together to try to reduce the terrorist threat right around the world, but note that that is a very challenging task.

It is fair to note also, however, that the bill before the house does not relate to any direct actions to address terrorism risks but instead relates to the timing of the Victorian review of the operation of the current act. As we know, the current Terrorism (Community Protection) Act 2003 was brought in after the significant and horrific events which took place at the time of the Bali bombings. As well as a number of Australians being killed there, many Indonesians and people of other nationalities were killed in that terrible event. We also recognise the events of September 11 in New York and in other places in the United States that other members have spoken about. Again we saw so many communities around the world reflecting on the change that has occurred in the world and being aware of the threat of terrorism right around the world. We need to do all we can to ensure that Victorians feel and can be safe and that anybody visiting our state can be safe.

In doing so, though, when we bring in legislation such as this which strengthens police powers and restricts citizens rights, we need to ensure that we review that legislation to see that we have the balance right. We also need to review other aspects of the legislation to see whether other appropriate changes should be effected. When this legislation was brought in, the government advised that we needed to have a review of the legislation to ensure that it is balanced and operating appropriately. At the same time, as other members have also outlined, Australian state governments had agreed that a review of the legislative framework across the country ought to be undertaken.

In that regard, in April this year Mr Bret Walker, SC, was appointed to the position of independent national security legislation monitor. That position has only just been established and set up, so he will require time to undertake a full review of legislation enacted around the country and provide advice on it. The COAG (Council of Australian Governments) review is timed for 30 June 2013. The legislation before the house simply ensures that the Victorian review aligns with that date so the outcomes of those reviews can be enacted at the same time.

The review will evaluate two parts within our Victorian legislation. Part 2A relates to preventive detention orders which allow for the detention of a person without charge for a maximum of 14 days. When the previous government brought about that legislation we

reduced people's rights so that they can be held without charge for 14 days. There are a range of views about that and whether the 14 days is appropriate or should be reduced or extended, but by June 2013 we should be in a position to adjust that or determine whether it is appropriate. The other contentious part of the legislation concerns the issue of police powers in part 3A. In the principal legislation in certain circumstances police have powers to demand identification, stop and search persons and vehicles, direct persons to leave or remain at a specified area, seize items and cordon off areas, and police are authorised to use these special powers and use whatever force is reasonably necessary to exercise these powers. They are pretty strong powers, and how they are exercised needs to be reviewed to ascertain whether we need to vary the wording of the legislation or vary the intent more significantly.

I note that the legislation is clear that these powers for demanding identification relate to police. They do not relate to people in the street or to members of Parliament being able to demand identification from people or to get involved in situations. That is sensible. The police are properly trained to be in a position to demand identification from people and undertake searches in appropriate circumstances. Anybody who is doing this needs to be properly trained. We do not want people in the street like myself or other members of Parliament simply going out there and getting themselves involved in situations where they do not have training and are not in a position to deal with every eventuality.

I support the legislation before the house. Everybody in this house would agree that it is appropriate to review any terrorism legislation we put in place and that we should review it in line with other reviews taking place across the country as agreed under COAG. We have been very fortunate in this state not to have any significant terrorism acts committed here, but we want to keep it that way. It is appropriate that we remain vigilant, that we watch what is happening around the world and that we appropriately gauge our legislation to do all we can to continue to make our people feel safe and be safe.

Mr BATTIN (Gembrook) — I rise to support the Terrorism (Community Protection) Amendment Bill 2011. This bill is about more than just a change of date. It is about ensuring a review of policies to protect our state and our country, about ensuring a balance of people's rights and responsibilities and also about being able to move freely through our state. We have seen the worst of terrorism in our world. Nobody can go past what happened on September 11, 2001. As soon as you

mention the word 'terrorism' that is the first date that comes to mind.

I recall that at that time I was a police recruit at the Victoria Police Academy, Glen Waverley. The day prior to the September 11 attacks we were doing a research project into terrorism, looking at terrorists from around the world and how to identify them. The evidence on that day was that terrorists do not always look like terrorists; they can look like anybody in the street. It was a very big eye-opener for me. I had just moved into a new house with my wife and we got up and had a look at it. On September 11 the police academy was closed, and every recruit sat around and watched TV. We could not believe what we were seeing unfold in front of our eyes on the other side of the world.

What is important following on from September 11, and what we have taken on over here, is that Victoria should be proactive when it comes to protecting our communities. After the Bali bombings of 2002, the SIG (security intelligence group) was formed within Victoria Police. Its members also work with the federal police to ensure that information is passed around the country to protect everybody in our local communities. SIG played a key role in the investigation into the plot to attack the 2005 AFL Grand Final. Targeting our sport is targeting the heart of Victoria. Football has been a relief during many circumstances, including times of war. It gives people an opportunity to get away from what is going on, to unwind, sit down and forget the terrors happening in the world. That was possible during the world wars and hopefully we can continue to have that relief in the future without sport being a target.

Attacks have also taken place in England, Spain, Bali, the USA and Australia. We understand this has changed the way we live today. A perfect example of the way our life has changed is encountered when you go to the airport. Basically you used to walk in, hop on a plane and off you would go. Now you have to go through two lots of security checks, and I believe they are even looking at requiring photo identification to get on a flight. Some people may say it takes a long time to get through, but safety comes first, and we want to ensure that everybody has an opportunity to hop on a plane and feel safe.

We also support the federal government's work to create uniform national legislation to ensure that no attacks like those in New York, London, Bali and Madrid can occur in Australia. We want to ensure that as a government we work with our police officers in Victoria to protect our residents as best we can and to

ensure that we work with the federal government to change the date in the act to provide for the review of its operation, which will protect Victorian people and their rights and freedoms.

I will not make a big contribution today, and I conclude by highlighting something that I think shows the Australian spirit in the face of adversity. On 12 October 2002 a bomb was detonated near the Sari Club in Bali where 202 people were killed, including 88 Australians. There were hundreds of stories of everyday people becoming heroes on that day. They saved a friend or they saved a stranger; they walked down a street while injured to help and protect as many as they could. There were also 240 other people who were injured, some of whom were later to become heroes in their own countries.

One such man was the AFL football legend Jason McCartney. At the time of the bombings Jason was at Paddy's Bar with mates just near where the first bomb was detonated. Jason suffered burns to more than 50 per cent of his body. As a burns victim I understand the physical pain that Jason went through on that day. He broke the barrier of pain to assist those around him who were injured. McCartney was told that he would not return to the AFL, but following a long rehabilitation period and much pain and hard work, on 6 June 2003 Jason returned to the field for one last game against Richmond. I attended that match just to watch Jason McCartney run out onto the ground at what is now Etihad Stadium. The win of the night was totally insignificant compared to the significance and the belief of many victims. It has proved that we will fight and that we will win the fight against terrorism. I support the bill.

Mr LANGUILLER (Derrimut) — I rise to support the Terrorism (Community Protection) Amendment Bill 2011. The purpose of the bill is to amend the Terrorism (Community Protection) Act 2003 to provide for the review of the operation of that act to be undertaken and completed by 30 June 2013.

On 27 September 2005 the Council of Australian Governments, otherwise known as COAG, agreed to strengthen Australia's counter-terrorism legislation. It was then the Labor government that introduced legislation for the purposes of working with the other states and the commonwealth in response to events that had taken place in other parts of the world. In accordance with the COAG agreement, the Terrorism (Community Protection) Act 2006 inserted part 2A, entitled 'Preventative detention orders', and part 3A, entitled 'Special police powers', into the Terrorism (Community Protection) Act 2003.

The original extension of the review date was to allow the Victorian review of the act to coincide with the proposed COAG review of uniform national counter-terrorism legislation. These are all measures that unfortunately Australia, including Victoria and the other jurisdictions — like other nations — has had to take in order to respond directly and firmly to the possibility of potential events of terrorism. I think it is important to record that when it comes to this legislation and when it comes to measures to fight terrorism, both sides of the house are united as one; there should be no mistake about that. There is no room for anything except a united position, other than in details and discussions around the margins, among all political parties in Australia in order to respond to this.

I can speak from a little bit of experience much before September 11, because as members would be aware, I grew up in a Spanish-speaking country, and for a long time in Spain we had to deal with ETA, which is the Basque terrorist organisation. In the Spanish-speaking world we have known of these events, which are strongly condemned by the absolute majority on the left and on the right of the political spectrum in the Spanish-speaking world, because it is simply wrong to do anything other than work within democratic institutions to uphold the rule of law. I say that very strongly and very passionately.

There are issues that need to be placed on the record, and members on both sides have spoken very well about those issues. It is important that we introduce and continue to use measures that are designed to find out if any terrorist events are in the process of being organised. We must do that, but in doing so must be cognisant that from time to time we may relinquish some of the very precious freedoms and rights that we have upheld strongly for centuries. The challenge is to take appropriate measures and to give the authorities the powers they require to deal with terrorism in Australia, while always keeping in mind that the very things the terrorists are against are some of the things we should never relinquish. They include the rule of law, the freedoms of speech and of association and, of course, the very important principles of natural justice and procedural fairness.

We have to have the checks and balances. We have to be able to take the measures while on the other hand ensuring that we continue to hold our nerve and uphold the rule of law, natural justice, procedural fairness and the rights of individuals to appeal and to question potential charges and so on. It is that balance that confirms that we remain a very strong society with a very strong government that will fight terrorism. The checks and balances are important, as is not

relinquishing the rights that our predecessors fought for for centuries.

In relation to terrorism I adhere to a notion that was quite often used by Nelson Mandela. He said that we need to oppose terrorism carried out by individuals — and I certainly oppose those actions very strongly. I also oppose those actions carried out by groups, and I also oppose terrorist actions carried out by states — and from time to time humanity has experienced that. Of course the one that comes to mind immediately is the most horrendous act of terrorism against the Jewish people in the Second World War. What a horrific disaster that was, carried out by a state against a people. Rwanda comes to mind as well, where states committed atrocities.

Members might be aware that I come from a part of the world that experienced state terrorism. In Argentina there are still 30 000 people who are missing. The state took charge and 30 000 people disappeared. In my country of birth, Uruguay — and I will never forget it — 69 friends of mine, friends with whom I went to primary and secondary school, disappeared and are dead. That was carried out by the state. One in every 50 of us born in Uruguay was put through imprisonment and torture, and people can read human rights reports from the United Nations, Amnesty International and so on.

We have to be very cognisant that there are states and countries and events around the world that impact upon us, and we can draw lessons from all of them. Many examples come to mind, but particularly that of September 11. Like members on both sides of the house I will never forget watching news reports of that event. I was in Sydney at the time. I then found out that a great Australian and personal friend of mine by the name of Dominguez, born in Uruguay like me, was on the second aircraft. He was a Qantas worker, a good worker highly commended by Qantas, and just happened to be on that aircraft. How unfair that is. Of course we will not forget each and every other Australian and every other citizen of the world who perished on September 11. As members on both sides of the house have indicated, there were also the bombings in Bali, and what a horrendous experience they were for the Victorians and Australians there.

I have a large constituency of people from a Sri Lankan background. Not much has been said about this, but I am of the view, having looked into this issue very closely, that the government of Sri Lanka deserves some recognition in relation to its absolute victory over the Liberation Tigers of Tamil Eelam in Sri Lanka. As I said, not much is mentioned about that, but I think one

ought to recognise that, to my knowledge, Sri Lanka happens to be the first state that has actually dealt with that situation. As I have said time and again throughout my engagement with the labour movement and politics since the age of 13, I support right causes, whether they are for autonomy or rights to do with languages, nationalities, minorities and so on. I am passionate about democracy and the rule of law. I am passionate about playing the game within the rules, and I think we in this nation have the best rules of this game. We are second to none in the world, and we should very strongly and passionately uphold that ethic and never be ashamed of saying so publicly.

I support this bill because I think we need to do whatever it takes to defeat terrorists and prevent any potential events of terrorism in this nation. I have a very respectful word of caution for my colleagues in this chamber that we must always look out and make sure that we do not relinquish the very rights and freedoms that the terrorists wish to defeat, like the rule of law, freedom of association, freedom of the press, natural justice and procedural fairness, all of which we ought to remain strongly proud of.

Mr NORTHE (Morwell) — It gives me great pleasure to rise to support the Terrorism (Community Protection) Amendment Bill 2011. I am also pleased to see the opposition supporting it, as we would expect because it is important legislation that impacts upon all of us.

This bill amends the Terrorism (Community Protection) Act 2003 and essentially provides for the review of the operation of that act to be undertaken and completed by 30 June 2013.

The topic of terrorism is obviously a serious one. It has been interesting to listen to other members convey their thoughts on terrorist activities which have happened around the world. This is one of those occasions on which we all recall where we were when these significant events occurred. We must denounce terrorism. It is very difficult to fathom that people can undertake activities of such an abhorrent and cowardly nature. What we need to do as governments is make sure we are doing everything we can to stop this type of activity not only here in Victoria and in Australia but around the world. Unfortunately this is a worldwide issue. A number of conflicts and terrorist activities have happened both here — and the member for Prahran gave us a history lesson about that — and overseas, particularly in more recent times.

At this juncture it is important not to forget our troops who are serving both here and overseas. Obviously

there is the activity within Afghanistan, and our courageous servicemen and women are fighting a battle over there. Unfortunately we have seen a number of Australian fatalities associated with that particular conflict, and we must remember them in the context of this legislation.

Other members have pointed out that September 11 will forever be etched in their minds because of those devastating and frightening scenes that came across our television screens. Nearly 3000 people died during those terrorist attacks, and some 10 Australians were amongst them. The impacts on not only America but also across the world were profound and are still felt to this day. When we think back and take into account the number of fatalities and the number of people permanently maimed and injured through that type of activity, it is very difficult to fathom.

Australia has also been touched by terrorist activities. There were obviously the London bombings in July 2005. Again it is very difficult to understand what occurred during that event. One Australian was killed and many more were injured. There were 56 deaths in total in central London; that is difficult to accept.

Other members spoke about the 2002 Bali bombings, and I guess that is when we really knew as a nation the impacts of terrorism. Two hundred and two people were killed, and countless others were permanently maimed, scarred and injured for life, both physically and mentally. In his contribution the member for Gembrook gave a very good account of the vast evils that can occur in the world, but also on the other side of the coin he spoke of the courageous nature of so many people when they have to deal with such terrible situations. In Bali in 2002, 88 Australians died, including 22 Victorians. Relatives and friends of those who were injured or killed would still be feeling the effects of that very much today and will do so for the rest of their lives; it was a terrible thing to witness. One should not forget that in Bali in October 2005 there was another terrorist attack and that four Australian deaths were recorded at that time as well.

It is not just Victorians and Australians impacted by these attacks. The Balinese people, who are generally gentle in nature, were also affected, and it was a long road to recovery for them as their tourism and business activity was severely impacted by those disgusting acts of violence.

In Victoria, the *Age* newspaper of 24 December last year reported an incident under the heading 'Three guilty, two walk free over terror attack planned at barracks'. In that instance some individuals who lived

in Victoria had planned an attack on the Holsworthy army barracks in Sydney. It is frightening to consider the ramifications if we had not acted on those terror cells and taken a proactive approach to ensuring that we caught those people before they undertook such abhorrent activities. The vigilance and security required around terrorist activities must be supported by all levels of government, and that is what this legislation does, among other things. All the events that members have described during this debate are tragic reminders of the human devastation and the evil minds of some of the perpetrators.

Essentially this bill seeks to extend to 30 June 2013 the date by which the review of the Terrorism (Community Protection) Act 2003 must be completed. As other members have said, it is imperative that we have a national approach to counter-terrorism legislation and that we ensure that it is undertaken consistently. The Council of Australian Governments (COAG) committed to a review of the uniform national counter-terrorism legislation, and Victoria must therefore analyse its legislation to ensure that there is consistency between the two.

As we know, despite Victoria and other jurisdictions being ready to go, the COAG review was delayed at the national level. My understanding is that that was in part due to the appointment in April this year of Mr Bret Walker, SC, as the independent national security legislation monitor. Mr Walker obviously has a strong background in the legal area. He was admitted to the New South Wales bar in 1979 and was appointed as senior counsel in 1993, so obviously Mr Walker has significant experience that will contribute to his handling of this very important position.

My understanding is that the national security monitor was appointed under the federal Independent National Security Legislation Monitor Act 2010, and the current federal government introduced the legislation creating this position in response to recommendations made by the Parliamentary Joint Committee on Intelligence and Security as well as recommendations made by the independent Security Legislation Review Committee and the Clarke inquiry into the case of Dr Mohamed Haneef. We wish Mr Walker well in his role as the independent national security legislation monitor.

The time lines for the COAG review are not known; however, Victoria and the other jurisdictions seem ready to take this on. The member for Ballarat East mentioned in his contribution that the Victorian review will consider parts 2, 3 and 6 of the Terrorism (Community Protection) Act 2003. Part 2 deals with covert search warrants, part 3 deals with police powers

and part 6 contains the requirement that providers of essential services maintain risk management plans to identify and mitigate the risk of terrorist attacks. The COAG review will look at parts 2A and 3A of the act as well.

In conclusion, I am pleased to support this important legislation. I am pleased that the opposition also supports it. I think we all understand that there needs to be a collaborative approach to counter-terrorism in this country. We always have to be vigilant and ensure that we have the right legislation, measures and security around this in the future for the safeguarding of all Victorians and Australians.

Mr PERERA (Cranbourne) — I rise to support the Terrorism (Community Protection) Amendment Bill 2011. This bill amends the principal act to extend the date to 30 June 2013 by which a review of the operation of that act must be completed and tabled in Parliament. This will potentially assist with a thorough, detailed review of the Victorian act and not threaten the COAG review process that will be occurring simultaneously.

We have experienced bombings in Bali, London and other places. We have heard, seen and read about Australian victims, their suffering and their stories. We have seen the television footage of the September 11 attacks — a series of four coordinated suicide attacks by al-Qaeda on the United States on 11 September 2001. On that morning, 19 al-Qaeda terrorists hijacked four commercial passenger jet airliners. The hijackers intentionally crashed two of the airliners into the Twin Towers of the World Trade Centre in New York, killing everyone on board and thousands of those working in the buildings — many innocent people. The hijackers crashed a third airliner into the Pentagon, and a fourth plane crashed into a field in rural Pennsylvania. Nearly 3000 victims and the 19 hijackers died in the attacks — in vain. It could have been anybody from any part of the world who happened to be there.

The latest bomb attack, as we have learnt, was today in Kabul. The attack was on the Hotel Intercontinental, which is a popular place among foreigners. These random, purposeless terrorist attacks do not discriminate between soldiers and civilians. The terrorist activities against democratically elected governments in any part of the world are equally vicious. Just because some terrorists operate in different parts of the world and have different targets, there is no excuse to condemn one and support another. That is hypocrisy. The al-Qaeda terrorists, the Liberation Tigers of Tamil Eelam (LTTE) in Sri Lanka or any other terrorist group in any part of the world must be condemned with the same vigour. Their activities could

be carried out in our country, in our state or in our suburb; being in Australia does not mean we are immune from terrorism.

The state and federal governments in Australia have all declared themselves to be committed to the fight against terrorism in this country and through our armed forces abroad. There is no justification for any member of any Parliament, state or federal, to use their respective Parliaments to support or endorse terrorist activities just because the supporters and sympathisers of those terrorist organisations support those parliamentarians in the Australian political process. That is a selfish, hypocritical approach.

We were worried about attacks in Australia. That threat is still imminent on our soil, even after the death of Osama bin Laden. Similarly, the people of Sri Lanka underwent a daunting period of time during the past three decades. Fathers who hugged their kids and wife and left home to go to work in the morning were not sure of returning home without being a victim of a bomb blast in a public place or in their workplace. The majority of victims who suffered most and on a continuous basis were those of Tamil ethnicity.

Politically motivated killings, arbitrary arrests, harassment, abduction, detention, torture, extortion, intimidation, the use of children as child soldiers, kidnappings and conscription are some of the many fundamental rights violations of the LTTE. Under the LTTE the Tamil people, who had enjoyed democratic and human rights in those areas, had been deprived of many of their basic rights, and hardly a day would pass without at least one person being killed in those areas.

The Sri Lankan foreign minister, who was of Tamil ancestry, was brutally killed. The first political leader who was killed was the Tamil mayor of Jaffna, Alfred Duriappa. The LTTE was also smart enough and ruthless enough to kill former Indian Prime Minister Rajiv Gandhi and former Sri Lankan Prime Minister Ranasinghe Premadasa. A number of Tamil leaders were killed during those three decades of violence.

Osama bin Laden died at the hands of American special forces who raided his hideout in Pakistan. The demise of this evil, fanatical mass murderer, who had the blood of thousands on his hands and a desire to kill many others, was long awaited and truly welcomed.

How many of us are concerned about how Osama bin Laden was killed? Nobody cares except his followers. On the contrary, it was cause for a celebration, because he masterminded the killing of many innocent people. Velupillai Prapackarun and LTTE leaders died at the

hands of Sri Lankan special forces who raided his hideout in the northern part of Sri Lanka. Not very many people except a very small minority of his followers are concerned about how he died. On the contrary it was cause for a celebration also, because he masterminded the killing of many innocent people as well. Members should make no mistake about it: he is no different from Osama bin Laden. They are terrorists; they would not have joined the peaceful democratic process even it was presented to them.

The Sri Lankan government negotiated to bring LTTE into being involved in a political solution, but every attempt failed. In terms of the Sri Lankan situation, some of the well-respected Tamil political party leaders had the opportunity to work with the mainstream political parties which supported and recognised that the Tamil language should be a state language at the time when the Sri Lankan government was trying to move to replace English with Sinhala as the state language. On 19 October 1955, Dr N. M. Perera, the Leader of the Lanka Sama Samaja Party, commonly known as LSSP, moved a motion in Parliament to the effect of making Sinhalese and Tamil state languages of the country. In his speech he said:

... we must try to allay their suspicions, make them realise that we have nothing but goodwill for them and that we want to treat them as equals.

The suffering of the Tamils until the LTTE was crushed was due to the lack of foresight on the part of the so-called Tamil leaders. In terms of the official language issue, Dr N. M. Perera under the banner of LSSP took a firm stand and advocated for parity between the Sinhala and Tamil languages when dealing with the government. However, in the general election in 1956 and in any election after that, the LSSP never won seats in Tamil areas. No Tamil leader was willing to work cooperatively with LSSP to find solutions to the state language issue. There was no excuse whatsoever for resorting to violence to resolve those issues. Members of Parliament in Australia should not be hypocritical in ignorantly supporting the LTTE cause. It could become a mockery of this process. They should leave Sri Lanka alone to bring all ethnic groups together and build the nation.

The nature of terrorist organisations is to terrorise. They do not believe in a peaceful, political process. They can emerge in any part of the world, including Australia. That is why we need carefully crafted legislation to monitor, control and defeat any attempts to launch such unsavoury terrorist activities and threaten the safety of all Australians. It pays to condemn all terrorist activities without any bias, irrespective of whether they take place in Afghanistan, Iraq, London, the USA or on our

soil in Australia. It does not matter. Terrorism kills people. Many people would be killed and many families would be displaced as a result of terrorist activities. All terrorism should be condemned. Therefore I commend the bill to the house.

Ms MILLER (Bentleigh) — The coalition government is committed to the fight against terrorism in the state of Victoria as well as throughout our country and overseas. People in the Bentleigh electorate, like all people of Victoria, have been directly impacted upon by terrorism and terrorist acts such as the Bali bombings in 2002, the London bombings in 2005 and the attack on the World Trade Centre in New York on September 11, 2001.

Our loved ones have been tragically taken from us, and we have a responsibility to do whatever it takes to ensure that such events do not occur again. This government supports the system of national uniform counter-terrorism legislation — that is, legislation which is used to detect and prevent potential terrorist attacks and to ensure that terrorists are prosecuted under our criminal law. It is clear that when strong powers are given to police and governments we should subject all legislation to safeguards and review.

This bill amends the Terrorism (Community Protection) Act 2003 to extend the date by which a review must be completed — it is extended to 30 June 2013. It must be noted that the original date of 30 June 2011 was intended to coincide with the COAG (Council of Australian Governments) review. Although the coalition government upheld its responsibility and was ready to start the review as of December 2010, this was unable to occur because the COAG review was delayed by the commonwealth until 30 June 2013.

It is my understanding that the delay was attributed to the commonwealth creating a new position — that is, the independent national security legislation monitor in 2010. This monitor will provide an oversight of the uniform national counter-terrorism legislation, including aspects of Victorian legislation. It is vital that both the COAG review and the Terrorism (Community Protection) Act 2003 review take place concurrently as the COAG review will consider key features of the Victorian act — that is, parts 2A and 3A.

In 2006 these parts were included in the Terrorism (Community Protection) Act 2003 as a result of a COAG agreement to further strengthen Australia's counter-terrorism legislation. Part 2A regulates preventative detention orders, which allow for the detention of a person without charge for a maximum of 14 days where necessary to prevent a terrorist attack or

preserve evidence of a terrorist act. Part 3A describes special police powers for use in certain circumstances such as to demand identification from a person, stop and search a person and vehicles, direct persons to leave or remain at a specified location, seize items and cordon off areas. Police authorised with these special powers may also use whatever force is reasonably necessary to exercise these powers.

To reiterate: it is imperative to consider the COAG recommendations and liaise with the independent national security legislation monitor before any proposed review of the Terrorism (Community Protection) Act 2003 takes place. The revised timetable for the COAG review has not yet been set. Therefore it is evident that to ensure that the Terrorism (Community Protection) Act 2003 appropriately enables the detection and prevention of potential terrorist attacks the date of review must be postponed to 30 June 2013.

Finally, the Baillieu government is very clear about its aim to protect all Victorians. One of our key policies was to employ 940 protective services officers in addition to 100 transit police. This equates to a cost of approximately \$212 million. The Victorian people this week have responded very favourably to this particular policy, and it is disappointing that the opposition has not considered this to be a priority for all Victorians. Globally and nationally there have been terrorist attacks which have impacted on all Australians in one way or another, whether it be directly through family and friends or indirectly through people they know of. It is important that we take this seriously and ensure that terrorist attacks like those that have occurred in the past are never repeated.

It makes sense that we postpone looking at this act again until 30 June 2013. The step the Baillieu government has taken in introducing PSOs and transit police is a very responsible one, and if we look at this at a local level, we see that that sort of action could potentially transfer to a global level. All members of the house would agree that security is very important to all of us. It allows us to go about our daily lives safely, appropriately and without having to look over our shoulders every day, week, month or year, wherever we go, whether we are shopping in our local shopping centres, dropping our children off at school or travelling interstate or overseas.

We are approaching the school holidays, and the Parliament is about to take a winter break. It is important that we can all go about our daily lives, take trips and spend time with those we choose to in a safe environment. It is important that we do not have to worry about whether a bomb is going to go off or a car

is going to blow up — or even a plane, for that matter. I think the Terrorism (Community Protection) Amendment Bill 2011 is one that we should consider, and we should review the Terrorism (Community Protection) Act 2003 by 30 June 2013. I commend the bill to the house.

Mr SCOTT (Preston) — I rise to speak on the Terrorism (Community Protection) Amendment Bill 2011. The opposition does not oppose this bill. I would firstly like to state that the protection of citizens from external or internal threats to their security is one of the fundamental roles of the state, and when I say that I mean in a general sense that coercive powers are given to state actors in order to protect the collective security of individuals. That is always an important process, and the utilisation of terrorism in the modern context has posed a significant threat to the welfare and safety of members of our community.

It has been touched on by previous speakers that this bill ultimately relates to legislation that was generated by Council of Australian Governments (COAG) processes in response to the Bali bombing and the September 11 terrorist attacks. I am sure all members hope successful legislative action was taken to prevent terrorist attacks. The bill is a fairly simple one that extends the time line for a review of the original legislation because of the commonwealth's appointment of Mr Bret Walker, SC, to the position of independent national security legislation monitor. This did not occur until April of this year, and that prevented the implementation of the original time line for the federal review and therefore the state review of the act. It is a fairly simple machinery-of-government bill that relates to actions by the commonwealth government and the time lines and constraints created by commonwealth action.

I am, however, slightly disappointed that the last government speaker attempted to score a reasonably cheap political point in this debate. I think all members in this house take very seriously issues related to terrorism and the need to protect the community from terrorist attacks. It is an important issue and one that has not been the subject of partisan political debate so far. I had hoped that that would continue, because there is a need to protect individuals from non-state actors who wish to use violence to advance political means. I would hope that we live in a community where violent action to achieve political means is foreign to our culture and remains foreign to our culture.

Sadly, legislative action has been required at both a federal and state level to ensure that our community has the best protection that we feel we are able to provide.

This bill is a sensible part of that process. However, part of ensuring that the most basic rights of the community are protected by the prevention of terrorist attacks involves commitment to a bipartisan approach to those particular issues wherever possible. The Labor Party does not oppose the bill, and I believe it will achieve speedy passage through both this and the other house.

Ms CAMPBELL (Pascoe Vale) — I rise to speak briefly in relation to the Terrorism (Community Protection) Amendment Bill 2011. There are only a couple of points I want to make. The purposes of the bill have been clearly outlined. It is a very clear bill. I thought members of the house would be particularly interested in any adverse comments the Scrutiny of Acts and Regulations Committee might have in relation to this legislation and the Charter of Human Rights and Responsibilities. The house can be assured that SARC has looked at the bill and understands the reasons for it. I make that comment and put it on the record. I wish the bill a speedy passage.

Debate adjourned on motion of Mr HODGETT (Kilsyth).

Debate adjourned until later this day.

BUSINESS OF THE HOUSE

Orders of the day

Mr McINTOSH (Minister for Corrections) — I move:

That the consideration of government business, orders of the day, nos. 2 to 8 inclusive, be postponed until later this day.

Ms ALLAN (Bendigo East) — I wish to speak on the motion moved by the Leader of the House. I indicate to the house and to the Leader of the House that the opposition does not support the postponement of the items on the notice paper. The next item on the notice paper is significant and one that each and every one of the 88 members of this house has a direct interest in. It is to do with the introduction of a fine for the naming of members of Parliament as a result of their conduct in this chamber. We will debate the merits of the Parliamentary Salaries and Superannuation Amendment Bill 2011 when it is called on, and I seek from the government that we do so immediately rather than dealing with second-reading speeches, which I understand the government is seeking to do at this stage.

For the 11½ years I have been in this chamber — and I think you, Acting Speaker Languiller, have also been here for that long — the convention of the house has been to deal with second-reading speeches after 4.00 p.m. on Thursdays. I recall a number of late Thursday nights when we had a number of second-reading speeches to deal with and when those of us who are country members and have some distance to travel did not get away at 4 o'clock or 5 o'clock but at 6 o'clock. However, that was our lot in life and what we understood to be the result of the practice of the house of dealing with second-reading speeches following the completion of government business program items at 4.00 p.m.

The time we have during the course of a sitting week for debate on items is precious. Our role as members of Parliament is to consider and speak on legislation; that is the role we are elected by our constituents to do. I am not comfortable with this move by the government, and it is not the first time this year that the government has moved to have second readings undertaken during the course of the day. I am happy from time to time, when there are exceptional circumstances, as was the case with the Minister for Public Transport a couple of sitting weeks ago when he needed assistance to scoot away at around 4 o'clock on the Thursday — —

Mr Mulder — I think you are trying to trip me up.

Ms ALLAN — Not at all. I am on the minister's side; he should know that by now. From time to time we are happy to accommodate exceptional circumstances, because we understand they do arise. However, this is becoming a pattern that I am not keen to see continue. The normal practice, as I have said, is for second-reading speeches to be undertaken after 4.00 p.m. on Thursdays, following the conclusion of the government business program and the passage of those items on the notice paper. If we introduce a practice where second-reading speeches are held during the time allotted to debate, it will mean we will not get to those items on the government business program. There are a number of important items, but most particularly I draw the attention of the house to the Parliamentary Salaries and Superannuation Amendment Bill 2011, which every member on this side of the house wishes to express a view on.

Now we are seeing the time set down for the government business program being eaten into. One can only presume it is because the government does not want the scrutiny and accountability that is applied by the opposition to its actions. So be it; that is also a pattern we are seeing well and truly develop from this government, which ducks and weaves at every turn to

avoid accountability and scrutiny. Be that as it may, I do not support the postponement of the consideration by the house of the Parliamentary Salaries and Superannuation Amendment Bill 2011. It is the next item on the notice paper, and I believe the house should turn immediately to debate it.

Mr CRISP (Mildura) — I rise to support the motion moved by the Leader of the House. What we are seeing is typical time wasting by the opposition. There is so much passion about wanting to get on with debate on the bill, but if we had got on with the business of the house, we would be halfway through the second readings by now. The opposition has been offered until 10 o'clock tonight to debate the Parliamentary Salaries and Superannuation Amendment Bill 2011, which is surely adequate time for that debate. The manager of opposition business carrying on like this smacks of hypocrisy. By my memory, it is a convention that has been broken several times in the past. Let us get on with the second readings of bills and prevent this time wasting.

Mr PALLAS (Tarnait) — I rise to support the opposition's position on the motion to depart from the notice paper as circulated. At the outset I make the point that it is not appropriate for the house, other than when we think there are exceptional circumstances, to require a move away from debating the bills that are already on the notice paper. The position I am putting was supported by the previous speaker when he indicated that it is a convention that is applied, although it is not applied each and every time. This convention is applied unless there are exceptional circumstances that would otherwise warrant a moving away from it.

There are people in this chamber, particularly on this side, who actually put some value on the opportunity to speak about bills that substantially impact upon the effective functioning of the Parliament and upon the right of members to get up, speak their mind and represent their constituencies, such as on the Parliamentary Salaries and Superannuation Amendment Bill 2011, which is yet to come on. That bill is next on the notice paper, and we should turn our minds to it now. We should not be subjected to the time wasting those opposite encourage us to engage in by seeking to circumvent the ordinary course of business of this place. We therefore take the view that if the government is of a mind to get on with the job of this Parliament, then it should do it as is proposed on the notice paper and do nothing more.

Quite frankly a substantial piece of legislation is on the notice paper, and the gagging of members of Parliament is an implication of that bill. It is being

proposed that that legislation be deferred for the purpose of simply second reading bills that could be second-read in the normal course of events under the standard procedures of this Parliament. In those circumstances it is necessary that sufficient time be put aside to enable members to express a view about the legislation that is yet to come before us, rather than time being taken to worry about bills that are yet to be second-read.

As an opposition we think it is important that scrutiny and accountability start first and foremost with the bills that are on the notice paper. Those are the bills that we are charged with the responsibility of debating in this Parliament, having had the opportunity to be briefed on the content and terms of that proposed legislation. We should not simply change the order in which second-reading speeches are made in this Parliament by having them delivered on a day that would not normally be set aside for them. Unless there are exceptional or compelling reasons why the normal form, course and processes of this chamber should be altered, there is a very good argument for saying that this should not be allowed to occur by happenstance. If there is to be a change to how matters come before this chamber, there should be justification for the change to the process. After all, the government puts together its business program and it argues for what it needs to prosecute in this place to have the state of Victoria functioning effectively. That is what the business program is all about, and that is what we are here to address.

Many members of this chamber, I for one, want to talk about what is in the government's business program and to debate in particular the implications of the Parliamentary Salaries and Superannuation Amendment Bill 2011. It is critically important that we do not change the direction, focus and business of this chamber simply for the lame convenience of the government and without a clear and focused explanation for why those circumstances should change. There has been no explanation. The government is simply saying, 'Let us get on with the job of doing whatever we see as appropriate'.

There are circumstances that would warrant a second-reading speech being brought forward early and we accept that. We do not accept the government saying, 'Change the business program that we as a government put forward because we think it would be a good thing to do'. This is once again a demonstration that this government is not open to scrutiny and does not believe in the business of accountability. The government simply wants to ram through its agenda, however it sees fit.

Mr HODGETT (Kilsyth) — I cannot believe the stupidity of opposition members wanting to spend half an hour debating this motion when we could be moving through the second-reading speeches in under that time. It is little wonder that they wasted the opportunity to get \$3 billion from poker machine licences. I can understand the opposition is embarrassed by the Auditor-General's report and will try anything to deflect attention from that, but the hypocrisy is unbelievable. In the 56th Parliament time after time the opposition, then in government, fiddled with and interrupted the business program to suit its own commitments, needs, ministers' commitments and media commitments and presented second-reading speeches during the time allocated for debate. If we are able to get past this motion and through the second-reading speeches, there will be ample debating time left to scrutinise the remainder of the bills that members on both sides of the house want to get on with. I commend the motion and seek support for it.

Ms THOMSON (Footscray) — I rise to oppose the change to the business program. I do so because this government has form when it comes to making commitments on the debates that are to occur in this house. I hark back to the Equal Opportunity Amendment Bill 2011, where a guarantee was given that members on this side would be afforded every opportunity to speak on the bill and it was denied us. We did not get the opportunity we were expecting; there were MPs who had done their research and were prepared to come into this house to debate what was for us an iconic piece of legislation who did not get the chance to do that. If members on this side stand up and oppose the government's changes to the business program, which the government gets to set at the beginning of the parliamentary week, we do so in that light.

We understand that from time to time there will be necessary changes to the government business program, but that is not the case here. There is no urgency and no requirement to bring on the second-reading speeches now. This is about government members ensuring that we do not get to adequately debate the bills before the house that we wish to debate after work has been put in by opposition members to make their contributions on important legislation.

We have heard from other members on this side of the house that there are many members who wish to speak on the Parliamentary Salaries and Superannuation Amendment Bill 2011 and have a lot to contribute to debate on that bill and the lack of respect this government shows for this house, the way it operates and the separation between the executive and the

Parliament. We want to debate that bill and to have the opportunity to do that in this chamber. We are not confident that we will be afforded this opportunity. The reason we oppose the changes to the business program is our lack of confidence in how this government has behaved in not honouring its commitments to the opposition on the length of time that will be given for debates. We will continue to be sceptical until the government starts honouring the commitments it gives to the opposition, so that we can plan our debates accordingly and members can be afforded the opportunity to make the contributions they wish to make.

The ACTING SPEAKER (Mr Languiller) — Order! The Chair will not hear anything further on this debate. We have had six contributions, including that of the Leader of the House. As I understand it, it is now incumbent upon the Chair to put the question.

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 R.
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, 42

Allan, Ms	Howard, 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
 Helper, Mr
 Hennessy, Ms
 Herbert, Mr
 Holding, Mr

Richardson, Ms
 Scott, Mr
 Thomson, Ms
 Trezise, Mr
 Wynne, Mr

convictions for fraud and dishonesty offences that are over 10 years old for the purposes of the bus safety accreditation scheme.

The bill introduces a dispute resolution mechanism where transport safety regulators have a difference of opinion where jurisdiction is shared, and that difference of opinion cannot otherwise be resolved, to avoid regulated bodies being caught in a stalemate between regulators.

The definition of a rail safety work infringement offence is also amended by the bill so that the concentration of alcohol in blood or breath is correctly stated and the offence is properly enforceable.

Human rights issues

The bill does not raise any human rights issues.

Conclusion

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

The Hon. Terry Mulder, MP
 Minister for Public Transport

Second reading

Mr MULDER (Minister for Public Transport) — I move:

That this bill be now read a second time.

The main purposes of this bill are to promote public transport safety, to limit the regulatory burden on transport operators and to provide a means of resolving potential conflicts between decisions of rail and road safety regulators.

These purposes are achieved by a range of practical measures. The bill recognises that to obtain the best regulatory and safety outcomes, legislation must take account of the practical realities involved in effective regulation.

The bill responds to the Victorian Ombudsman's December 2010 report (*Investigation into the Issuing of Infringement Notices to Public Transport Users and Related Matters*) which noted significant underreporting of incidents involving authorised officers used on the rail, bus and tram networks. The changes made by the bill tighten government scrutiny and oversight of passenger transport companies such as Metro Trains Melbourne and Yarra Trams in their management of authorised officers.

The bill supports the department's ability to take action against authorised officers involved in adverse incidents by reducing reporting times from 14 days to 48 hours after an incident occurs. The Department of Transport will also be able to serve improvement notices

Motion agreed to.

**TRANSPORT LEGISLATION
 AMENDMENT (PUBLIC TRANSPORT
 SAFETY) BILL 2011**

Statement of compatibility

**Mr MULDER (Minister for Public Transport)
 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 Transport Legislation Amendment (Public Transport Safety) Bill 2011.

In my opinion, the Transport Legislation Amendment (Public Transport Safety) 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 the bill

The main purposes of this bill are to promote public transport safety, to limit the regulatory burden on transport operators and to provide a means of resolving potential conflicts between decisions of rail and road safety regulators.

In the rail sector, the bill achieves its aims by —

- aligning safety management requirements applying to rail operators with national provisions;
- clarifying the application of rail safety duties during loading and unloading operations; and
- ensuring that Victoria can enter into reciprocal agreements with transport ministers of other states and territories so rail safety regulators can act cooperatively, thereby reducing the regulatory burden on the rail industry.

In the bus sector, the bill reduces the regulatory burden by —

- allowing registered operators of minibuses to continue to use drivers with probationary driver licences where this is currently the case to avoid increasing the regulatory burden on operators who provide services for disabled people and other vulnerable people following implementation of the Bus Safety Act 2009, which came into effect on 31 December 2010; and
- providing greater flexibility in scheduling compulsory bus safety inspections; and
- providing the director, transport safety with greater flexibility in deciding to accredit persons holding

requiring passenger transport companies to take steps to improve their management performance.

In the rail sector, the bill achieves its aims by —

aligning safety management requirements applying to rail operators with national provisions;

clarifying the application of rail safety duties during loading and unloading operations; and

ensuring that Victoria can enter into reciprocal agreements with transport ministers of other states and territories so rail safety regulators can act cooperatively, thereby reducing the regulatory burden on the rail industry.

In the bus sector, the bill reduces the regulatory burden by —

allowing registered operators of minibuses to continue to use drivers with probationary driver licences where this is currently the case to avoid increasing the regulatory burden on operators who provide services for disabled people and other vulnerable people following implementation of the Bus Safety Act 2009, which came into effect on 31 December 2010; and

providing greater flexibility in scheduling compulsory bus safety inspections; and

providing the director, transport safety with greater flexibility in deciding to accredit persons holding convictions for fraud and dishonesty offences that are over 10 years old for the purposes of the bus safety accreditation scheme.

The bill introduces a dispute resolution mechanism where transport safety regulators have a difference of opinion where jurisdiction is shared, and that difference of opinion cannot otherwise be resolved, to avoid regulated bodies being caught in a stalemate between regulators.

The definition of a rail safety work infringement offence is also amended by the bill so that the concentration of alcohol in blood or breath is correctly stated and the offence is properly enforceable.

I commend the bill to the house.

Debate adjourned on motion of Ms RICHARDSON (Northcote).

Debate adjourned until Wednesday, 13 July.

JUSTICE LEGISLATION AMENDMENT (PROTECTIVE SERVICES OFFICERS) BILL 2011

Statement of compatibility

Mr RYAN (Minister for Police and Emergency Services) tabled following statement in accordance with Charter of Human Rights and Responsibilities Act:

In accordance with section 28 of the Charter of Human Rights and Responsibilities Act 2006 (charter act), I make this statement of compatibility with respect to the Justice Legislation Amendment (Protective Services Officers) Bill 2011.

In my opinion, the bill, 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 purpose of the bill is to provide protective services officers (PSOs) who are on duty at designated public places with appropriate powers in order for those officers to be effective in combating crime and antisocial behaviour occurring in those public places. The bill achieves this by amending the following acts to provide those officers with certain powers:

the Police Regulation Act 1958;

the Bail Act 1977;

the Control of Weapons Act 1990;

the Crimes Act 1958;

the Drugs, Poisons and Controlled Substances Act 1981;

the Environment Protection Act 1970;

the Graffiti Prevention Act 2007;

the Liquor Control Reform Act 1998;

the Magistrates' Court Act 1989;

the Mental Health Act 1986;

the Road Safety Act 1986;

the Summary Offences Act 1966; and

the Transport (Compliance and Miscellaneous) Act 1983.

Human rights issues

Liberty

A number of provisions in the bill engage the right to liberty and security of person in section 21 of the charter act and, most pertinently, the right not to be 'arbitrarily' arrested or detained (section 21(2)). The prohibition on 'arbitrary' interferences has been said to require that a lawful

interference must be reasonable or proportionate in all the circumstances, and has also been said to incorporate elements of inappropriateness, injustice and lack of predictability.

The following clauses confer on PSOs the power to arrest:

Clause 6 amends section 24 of the Bail Act 1977 to provide that a PSO may arrest, without warrant, a person who has been released on bail for reasons including that there are reasonable grounds to believe that the person is likely to break, is breaking, or has already broken, relevant bail conditions; or that any surety for the person wishes to be relieved of surety obligations for those reasons; or that any surety is dead or that for any other reason the security is no longer sufficient. This is in an existing power that applies to members of the police force, and is necessary to uphold justice by enforcing orders of the court.

Clause 30 amends section 126(5) of the Liquor Control Reform Act 1998 to provide that a PSO may arrest, without warrant, a minor who refuses to provide his or her name and address upon request. Such a request may be made where a PSO has reason to believe that the minor has consumed, is consuming or is about to consume liquor. This is an existing power that applies to members of the police force and is necessary to enforce provisions designed to protect children from the harmful effects of under-age liquor consumption.

Clause 35 amends section 63(2) of the Magistrates' Court Act 1989 to provide that a warrant to arrest directed to a named member of the police force may be executed by a PSO. The power to execute a warrant is important in the interests of justice.

Clause 50 inserts a new section 15 into the Summary Offences Act 1996 to provide that a PSO may arrest a person found drunk or drunk and disorderly in a public place. Such persons must then be lodged in safe custody. This is an existing power that applies to members of the police force and is for the purpose of protecting the safety of both the person themselves and others in the community.

Clause 58 amends section 219 of the Transport (Compliance and Miscellaneous) Act 1983 to provide that a PSO may arrest, without warrant, a person if there are reasonable grounds to believe that the person has committed an offence against that act or relevant regulations or the Graffiti Prevention Act 2007, and the arrest is necessary to ensure the appearance of the person before a court, to preserve public order, to prevent the continuation of the offence or a further offence, or for the safety or welfare of members of the public or of the person.

I consider that the powers to arrest persons for the reasons outlined above are not arbitrary. They are powers that members of the police force currently have in order to achieve legitimate public purposes. In each case, a PSO is required to hand an arrested person into the custody of a member of the police force as soon as practicable after the person is arrested. Accordingly, the provisions are compatible with section 21 of the charter act.

In addition to powers to arrest, the following clauses confer on PSOs the power to apprehend, detain or move persons in certain circumstances:

Clause 10 inserts a new section 10AA(7) into the Control of Weapons Act 1990 to provide that a PSO may detain a person for so long as is reasonably necessary to conduct a relevant search. There are various procedural safeguards that apply for the purpose of conducting such searches. For those search powers to be effective, PSOs must be able to place necessary restraints on the liberty of individuals to ensure that they receive cooperation for the duration of the search. The power goes no further than is necessary to achieve that purpose.

Clause 17 amends section 459 of the Crimes Act 1958 to provide that PSOs may apprehend a person, without warrant, if there are reasonable grounds to believe that the person has committed an indictable offence. This is an existing power that applies to members of the police force and is in the interests of justice and community safety. A PSO must, as soon as practicable after apprehending the person, hand the person into the custody of the police.

Clause 20 inserts a new section 60BA into the Drugs, Poisons and Controlled Substances Act 1981 to provide that PSOs may exercise police powers under division 2 of that act. This includes the power to apprehend and detain a person if there are reasonable grounds to believe that the person is under 18 years of age, is inhaling or has recently inhaled a volatile substance, and there is a risk of immediate and serious harm to that person or another person. The purpose of this power is to prevent harm to minors and others as a result of the use of volatile substances, and a PSO may only exercise the power in relation to a person who is at, or in the vicinity of, a designated place. Persons must only be detained while there is a risk of harm. PSOs must attempt to release detained persons into the care of a suitable person who can care for the person (for example, a parent or guardian); if the PSO has been unable to release the person into the care of a suitable person, then they may continue to detain the person until the person can be handed into the custody of police.

Clause 38 amends section 10 of the Mental Health Act 1986 to provide that a PSO may apprehend a person who appears to be mentally ill if there are reasonable grounds to believe that the person has recently attempted suicide or serious bodily harm to themselves or another person (or is likely to). A PSO must, as soon as practicable after apprehending the person, hand the person into the custody of the police or a mental health practitioner. This is an existing power that applies to members of the police force and is for the purpose of protecting the safety of both the person themselves and others in the community.

Clause 59 amends section 220 of the Transport (Compliance and Miscellaneous) Act 1983 to provide that PSOs may remove a person and the person's property from public transport vehicles and premises if there are reasonable grounds to believe that the person is committing an offence under that act or regulations and is likely to be attended with danger or annoyance to the public or hindrance to the police or relevant officers.

This is an existing power that applies to members of the police force and is for the purpose of protecting the safety of the community.

I consider that the powers to apprehend, detain and move persons for the reasons outlined above are not arbitrary. They are powers that members of the police force currently have in order to achieve legitimate public purposes. Accordingly, the provisions are compatible with section 21 of the charter act.

Freedom of movement

A number of provisions empower PSOs to limit a person's free movement, in a way that falls short of detention, including:

Clause 41 gives PSOs powers under the Road Safety Act 1986 to prevent driving by incapable persons.

Clause 48 gives PSOs powers under the Summary Offences Act 1966 to direct that a person move on where the PSO suspects on reasonable grounds that: a person is breaching or likely to breach the peace; a person is endangering or likely to endanger the safety of another person; or the behaviour of a person is likely to cause injury or damage to property or is otherwise a risk to public safety.

Clause 59 gives PSOs powers under the Transport (Compliance and Miscellaneous) Act 1983 to remove offenders where the PSO believes on reasonable grounds that the person is committing an offence against the act or the regulations; and that the commission of the offence is or is likely to be attended with: (i) danger or annoyance to the public; or (ii) hindrance to any member of the police force or any authorised officer or any employee of, or person engaged by, a passenger transport company or bus company.

In each case I consider that the limit on the person's movement is reasonable and justified, as they are necessary to achieve the important purpose of the provisions (to prevent offences and to protect the public). Accordingly, I consider the provisions are compatible with the right to free movement in section 12 of the charter act.

Privacy

Protective services officers are given a number of search powers, including:

Clause 10 gives PSOs powers under the Control of Weapons Act 1990 to search persons, vehicles and things in a person's possession or control where the PSO has reasonable grounds for suspecting that the person has a weapon. These powers are subject to procedural safeguards as set out in proposed section 10AA(4) and searches must be conducted in the least invasive way as is practicable in the circumstances (section 10AA(6)).

Clause 20 gives PSOs powers under division 2 of the Drugs, Poisons and Controlled Substances Act 1981, which relate to the protection of the health and welfare of persons under 18 years of age with respect to volatile substances. This includes the power to search persons, vehicles, packages or things for volatile substances where the PSO has reasonable grounds for suspecting: that a young person has and is inhaling, or intending to inhale, a volatile substance (section 60E); or that a

person intends to provide a volatile substance or instrument to a young person (section 60F). These powers are subject to procedural safeguards (sections 60G and 60H).

Clause 25 gives PSOs powers under the Graffiti Prevention Act 2001 to search persons, vehicles, packages and things where a PSO has reasonable grounds for suspecting that a person has in his or her possession a prescribed graffiti implement. This can be without warrant where the PSO suspects that relevant evidence is likely to be lost or destroyed if a search is delayed until a search warrant is obtained and the person is 14 years of age or more (section 13). These searches are subject to procedural safeguards generally (sections 13 and 15) and specific safeguards for persons under 18 (section 14).

Having regard to the purpose and of the powers, the basis for the exercise of the powers (reasonable grounds to suspect) and the procedural safeguards, I consider that any interference with privacy occasioned by these powers is neither unlawful nor arbitrary. Accordingly, the provisions are compatible with the right to privacy in section 8 of the charter act.

Protective services officers are also given a number of powers to obtain personal information, including:

Clause 30 empowers PSOs to demand a person's age, name and address where a PSO has reason to believe that a person who appears to be under the age of 18 years has consumed, is consuming or is about to consume liquor in contravention of the Liquor Control Reform Act 1998. PSOs are also empowered to seize a proof-of-age document if the PSO has a reasonable belief the document is fake (clause 31).

Clause 57 empowers PSOs to require provision of names and addresses where the PSO believes on reasonable grounds that the person has committed or is about to commit an offence against the Transport (Compliance and Miscellaneous) Act 1983 or the Graffiti Prevention Act 2007.

I consider that any interference with privacy through the gathering of such information is neither unlawful nor arbitrary. Accordingly I consider that clauses 30, 31 and 57 are compatible with the right to privacy in section 8 of the charter act.

In addition, clause 42 gives PSOs powers under the Road Safety Act 1986 to enter a motor vehicle, using reasonable force if necessary, to establish the identity of the driver or to arrest a person, if the driver refuses to obey a lawful direction. The entering of the motor vehicle may involve an interference with privacy but it is neither unlawful nor arbitrary. Accordingly I consider that clause 42 is compatible with the right to privacy in section 8 of the charter act.

Property

A number of provisions empower PSOs to seize property, either permanently or temporarily (e.g. clauses 9, 10, 20, 25, 31, 32, 41). However, in each case any deprivation occurs in accordance with the law and therefore there is no limit on the right to property in section 20 of the charter act.

Conclusion

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

Peter Ryan, MLA
Minister for Police and Emergency Services

Second reading

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

That this bill be now read a second time.

This government was elected with a mandate to introduce protective services officers (PSOs) on the rail network to protect the community against violence and other antisocial behaviours which had made travel on the network, particularly at night, an unacceptable risk for many in the community.

This government is committed to the deployment of 940 PSOs on the rail network by the end of its first term in office. PSOs will be deployed on stations from 6.00 p.m. until last train 7 days a week, 365 days a year.

The purpose of the bill is to provide PSOs who are on duty at designated places with appropriate powers in order for those officers to be effective in combating crime and antisocial behaviour occurring in those public places. The bill achieves this by amending the following acts to provide those PSOs with certain powers:

the Police Regulation Act 1958;
the Bail Act 1977;
the Control of Weapons Act 1990;
the Crimes Act 1958;
the Drugs, Poisons and Controlled Substances Act 1981;
the Environment Protection Act 1970;
the Graffiti Prevention Act 2007;
the Liquor Control Reform Act 1998;
the Magistrates' Court Act 1989;
the Mental Health Act 1986;
the Road Safety Act 1986;
the Summary Offences Act 1966; and

the Transport (Compliance and Miscellaneous) Act 1983.

These powers have been selected carefully to ensure PSOs will have the necessary powers to support their community safety role on the rail network. Unlike police members, who may exercise their powers 24 hours a day, PSOs will only be able to exercise the powers they are being given while on duty at places designated by regulation.

PSOs will be able to exercise these powers in respect of incidents that occur at and in the vicinity of designated places, that is, places designated in the Police Regulations 2003 as places where PSOs may be deployed.

The training that these PSOs will receive has also been extended from 9 weeks to 12 weeks to include instruction in the exercise of these new powers. It should also be recognised that PSOs already receive the same level of training in the use of tactical equipment (firearms, oleoresin capicum spray, batons and handcuffs) as police and are required to requalify in the use of that equipment every six months in the same way that police members are required to do.

The policy intention of this bill is to increase safety on the rail network addressing commuter concerns about travel on the network, particularly at night.

The recruitment standards for PSOs will be as high as for police officers. The PSOs recruited for this role will receive an appropriate level of training having regard to the new powers they will be able to exercise. PSOs will also be subject to the same complaint and discipline system as applies to police officers and are subject to investigation by the Office of Police Integrity.

The operation of the PSOs is purposely constrained to the execution of these new powers while on duty, at or in the vicinity of rail stations. The powers, and the area of operation for these powers, have been limited to ensure a proportionate response to the types of incidents that have occurred on the network.

The power to arrest an offender who is wanted on a warrant issued by a court will extend to cover all PSOs while on duty, not just those PSOs on duty at railway stations.

The deployment of the PSOs will be determined on a priority basis, with the incidence of crime and public disorder a key factor in determining placement.

The bill will implement a key government commitment to enhance community safety and complements the

government's other law and order initiatives; the extra 1700 police (including 100 additional transit police).

I commend the bill to the house.

Debate adjourned on motion of Mr MERLINO (Monbulk).

Debate adjourned until Wednesday, 13 July.

FARM DEBT MEDIATION BILL 2011

Statement of compatibility

Mr WALSH (Minister for Agriculture and Food Security) tabled following statement in accordance with Charter of Human Rights and Responsibilities Act:

In accordance with section 28 of the Charter of Human Rights and Responsibilities Act 2006 (charter act), I make this statement of compatibility with respect to the Farm Debt Mediation Bill 2011 (the bill).

In my opinion, the bill 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 main objective of the bill is to provide for the efficient and equitable resolution of farm debt disputes. The bill does this by requiring a creditor to provide a farmer with the option to mediate before taking possession of property or other enforcement action under a farm mortgage, and by conferring relevant functions on the small business commissioner (SBC).

Human rights issues

The bill engages human rights to the extent that it impacts on the ability of a creditor to take enforcement action and stipulates the manner in which certain notices are to be provided and information is to be dealt with.

Freedom of expression

Section 15(2) of the charter act provides that every person has the right to freedom of expression, which includes the freedom to seek, receive and impart information.

Section 15(3) of the charter act provides that the right to freedom of expression may be subject to lawful restrictions reasonably necessary to respect the rights and reputation of other persons, or for the protection of national security, public order, public health or public morality.

Clause 27 of the bill prohibits persons from disclosing, or attempting to disclose, information obtained in a mediation session or in connection with the administration or execution of the act, unless one of the specified exempt categories of circumstances applies. To the extent that this clause engages the right to freedom of expression, it falls within the permissible limitation set out in section 15(3) of the charter act. Restricting the disclosure of information obtained in mediation is reasonably necessary to protect the privacy of all

parties to those proceedings. Moreover, the restriction on disclosure of information is limited, and does not extend to disclosure made with the consent of the relevant party or parties, disclosure necessary to ensure the administration or execution of the act, disclosure reasonably required for the purposes of facilitating mediation, or disclosure otherwise required by law or made with other lawful excuse.

Clause 8 of the bill, which compels a creditor to give written notice and provide certain specified information to a farmer before taking enforcement action, and clause 10(4) of the bill, which requires a creditor who agrees to mediation to notify the Department of Primary Industries, may also engage the right to freedom of expression. This is because the right to freedom of expression has been interpreted in some jurisdictions to include a right not to impart information. To the extent that these provisions impose a limitation on free expression, they also fall within the permissible limitation set out in section 15(3) of the charter act. Requiring the information is an important aspect of the regulatory function of the bill, and is reasonably necessary to allow the SBC to allocate and provide mediation services.

Accordingly, the bill is compatible with the right to freedom of expression in section 15 of the charter act.

Property rights

Section 20 of the charter act provides that a person must not be deprived of his or her property other than in accordance with law.

Clause 8 of the bill requires a creditor to provide a farmer with a notice of availability of mediation prior to taking any enforcement action in respect of a farm mortgage. Clause 12 of the bill prohibits a creditor from taking enforcement action in respect of a farm mortgage if the farmer has requested mediation, unless an exemption certificate is in force. Clause 14(2) of the bill states a creditor must not commence enforcement action against a farmer if a prohibition certificate is in force.

Although not defined in the charter act, 'property' is a broad concept. To the extent that a mortgage is a form of property, these provisions may engage the right to property as they limit a creditor's right to take enforcement action in respect of a farm mortgage. However, the provisions do not seek to 'deprive' a creditor of their property by extinguishing the legal rights of a creditor or substantially interfering with the enjoyment of the property; rather, the relevant provisions merely temporarily limit the exercise of a right to property. Moreover, the right in section 20 of the charter act protects against deprivations of property that occur 'other than in accordance with law'. This requires that powers authorising the deprivation of property in legislation are confined and structured rather than unclear, are accessible to the public and are formulated precisely. The provisions in the bill that limit a creditor's ability to take enforcement action are clear, precise, and limited in their operation.

For these reasons, the bill is compatible with the right to property in section 20 of the charter act.

Right to a fair hearing

Section 24(1) of the charter act provides that a party to a civil proceeding has the right to have the proceeding decided by a competent, independent and impartial court or tribunal, following a fair and public hearing.

The right to a fair hearing has been held to include an implied right to access to courts. This right is engaged by the temporary prohibitions on a creditor taking enforcement action in clauses 8, 12 and 14(2) of the bill. However, to the extent that these clauses engage the right to fair hearing, they constitute a reasonable limitation on the right. The purpose of the provisions is to provide temporary restrictions on access to judicial enforcement to facilitate the efficient and equitable resolution of farm debt disputes. In my view, the provisions serve a purpose that is sufficiently important to justify this proportionate and effective limit on the implied right to access the courts.

Accordingly, the bill is compatible with the right to a fair hearing in section 24 of the charter act.

Conclusion

For the reasons given in this statement, I consider that the bill is compatible with the charter act.

Peter Walsh, MLA
Minister for Agriculture and Food Security

Second reading

Mr WALSH (Minister for Agriculture and Food Security) — I move:

That this bill be now read a second time.

I am pleased to introduce the Farm Debt Mediation Bill 2011 into the house.

This bill delivers on an important coalition election commitment to Victoria's food and fibre producers.

This bill will develop a framework for efficient and equitable resolution of farm debt disputes.

It will provide a legislative basis to require financial institutions and other creditors to undertake a mediation process with farmers before enacting debt recovery processes. The need for this legislation has been highlighted by the impact of drought over the past decade, followed by recent floods across much of northern Victoria.

The introduction of this bill is timely because of the expiry of exceptional circumstances drought assistance across northern, central and eastern Victoria, the loss of which will have a significant impact on many farm families who had been relying on assistance.

The government has made every effort to design and implement this scheme as early as possible in recognition of these extenuating circumstances.

The proposed Victorian model

The bill will require a creditor, usually being a bank or other financial institution, that is seeking to commence

enforcement action over a farm debt, which is wholly or partly secured by a farm mortgage, to provide a farmer with the option to mediate before the creditor may take enforcement action, for example to commence the process of foreclosure.

Farmers offered mediation have no compulsion to take up the opportunity.

The intention is to provide for the efficient and equitable resolution of farm debt disputes by preventing creditors from taking enforcement action on a farm debt without first exploring, in a neutral setting and in a non-adversarial fashion, alternative terms and conditions which may provide a mutually beneficial solution to the problem.

The bill only deals with farm debt. This is defined in the bill as debt incurred by a farmer for the purposes of the conduct of a farming operation that is secured wholly or partly by a farm mortgage.

Key features of the Victorian model in relation to the availability of mediation are:

- (a) A creditor seeking to commence enforcement action over a farm mortgage is required to give the farmer the option to mediate.
- (b) The farmer has 21 days to accept the offer to mediate; if not, enforcement action can proceed as normal.
- (c) In the event that a creditor refuses to meet the obligation to initiate mediation, or refuses an invitation from a farmer who is in default to mediate, the scheme regulator can prohibit the creditor from taking recovery action for six months.
- (d) A farmer does not have to be in default to request mediation with their creditor concerning the farm debt but in this instance there is no obligation for the creditor to accept.
- (e) Mediation continues until a mutual agreement is reached or the small business commissioner is of the view that an agreement cannot be reached despite both parties mediating in good faith.

The establishment of this farm debt mediation scheme will provide farmers with greater security knowing that a creditor cannot suddenly foreclose on their property without an opportunity to discuss alternative solutions with the assistance of an acceptable, neutral and impartial mediator.

For many farm families, the farm is both business and their home. The bill will reduce the fear felt by many farmers under financial distress of finding themselves suddenly without a farm, their home or a job. It will provide greater security to farmers through a heightened level of confidence in dealing with their creditors and in being able to negotiate alternative options to foreclosure.

Often in these situations, communication has broken down and the two parties are no longer able to negotiate in a constructive manner. This bill will facilitate a renewal of communication between the farmer and their creditor.

The Victorian farm debt mediation process provides farmers with a government-supported forum that enables them to receive a fair hearing before a creditor commences recovery action, or may even prevent this action occurring. The bill will also provide a pathway for farmers to be assisted to negotiate in a professional and sensitive manner to exit their farm with dignity and be able to continue to live within their rural community with their heads held high.

This bill provides for a mediation process. It is not arbitration. Settlements will not be imposed on farmers or financial institutions by a third party. The process opens the way for mature negotiation whereby the farmer and the creditor can discuss the individual circumstances and optimally agree on a mutually beneficial way forward.

As the process is introduced in Victoria, it will be important parties not have unrealistic expectations, but to enter mediation open to consider resolutions that respect the dignity and business aspirations of both parties.

This scheme has been modelled on the New South Wales Farm Debt Mediation Act 1994. Revisions to the model have been made which reflect Victorian administrative structures and best practices in mediation service delivery which have evolved over the 17 years since the NSW scheme was developed.

A close alignment to the NSW model was adopted to support consistency across state boundaries and minimise implementation costs to financial institutions that operate in both jurisdictions.

The administrative support for the legislation will be provided by the Department of Primary Industries with the mediation services provided by the Office of the Small Business Commissioner.

The Office of the Small Business Commissioner is considered well placed to manage the mediation services provided for in this proposed scheme. It currently administers similar mediation initiatives under the Retail Leases Act 2003 and the Owner Drivers and Forestry Contractors Act 2005, and maintains a panel of mediators with acumen in commercial matters and a strong presence in regional and rural areas. Where possible the proposed scheme has been designed to keep consistency with the Office of the Small Business Commissioner's existing prescribed roles and practices.

The bill will provide greater certainty to participants about the costs of mediation by providing for a capped nominal fee for mediation services.

The bill adopts best practice with a focus at the premediation stage on being fully prepared and to enter negotiations with a view to settling the matter at the mediation and to move forward. There is, however, provision for mediation to be adjourned should a party so wish, particularly if the matter is complex. In the NSW experience the provision of support through the premediation dialogue phase often results in sorting out many of the problems expeditiously.

Discussions with rural financial counsellors in NSW suggest the scheme works well and is positive for both the farmer and the creditors with evidence that in at least 72 per cent of cases parties settled their disputes.

This proposed legislation will complement Victoria's rural financial counselling services. These counsellors are expected to play an important role in this scheme by assisting their clients to be well prepared for the process and can act as advocates should the client wish. This obviously makes the process more affordable for farmers in a difficult financial situation.

The vast majority of farm debt is with the large recognised banking institutions. The Australian Bankers Association has been supportive in the development of the proposed Victorian scheme. The ABA expressed a desire to have consistency across the nation which this bill is delivering.

The Victorian Farmers Federation is also supportive of the proposal.

Victorian farming families have been requesting this type of legislation for many years as a safety net to protect from being foreclosed on suddenly. I am proud to be part of a government that can deliver this initiative.

I commend the bill to the house.

Debate adjourned on motion of Mr MADDEN (Essendon).

Debate adjourned until Wednesday, 13 July.

DRUGS, POISONS AND CONTROLLED SUBSTANCES AMENDMENT (DRUGS OF DEPENDENCE) BILL 2011

Statement of compatibility

Ms WOOLDRIDGE (Minister for Mental Health) tabled following statement in accordance with Charter of Human Rights and Responsibilities Act:

In accordance with section 28 of the Charter of Human Rights and Responsibilities Act 2006 (charter act), I make this statement of compatibility with respect to the Drugs, Poisons and Controlled Substances Amendment (Drugs of Dependence) Bill 2011.

In my opinion, the Drugs, Poisons and Controlled Substances Amendment (Drugs of Dependence) 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 definition of 'drugs of dependence' in the Drugs, Poisons and Controlled Substances Act 1981 (the act) to create a new regulation-making power to enable temporary amendments to the definition of 'drug of dependence' to be made from time to time, where this is necessary for public safety. The purpose of the regulation-making power is to allow the making of regulations to enable control of new forms of illegal drugs of dependence that may appear on the market in Victoria for an interim period until legislation to ban them can be introduced into Parliament. For this reason regulations made under the new regulation-making power will be effective only for 12 months, and are to sunset automatically at the end of this period.

Human rights issues

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

The bill does not engage any human rights protected by the charter act.

Conclusion

I consider that this bill is compatible with the Charter of Human Rights and Responsibilities Act 2006.

Hon. Mary Wooldridge, MP
Minister for Mental Health

Second reading

Ms WOOLDRIDGE (Minister for Mental Health) — I move:

That this bill be now read a second time.

The Baillieu government is committed to protecting the public safety of all Victorians. The emergence of synthetic substances similar to prohibited substances such as cannabis is a threat to public safety.

Certain chemical compounds which have the same pharmacological effect as cannabis, but having different chemical structures have become widely available. There is concern that these compounds may have harmful effects that are similar to or greater than the effects of tetrahydrocannabinol (THC), the constituent element in cannabis. These substances are not presently caught by the extended definition of 'drug of dependence' in the act, because they are not forms of THC but, rather, are completely different substances.

The processes for banning new drugs of dependence can be slow. Australia has a national regulatory scheme, where the Victorian Drugs, Poisons and Controlled Substances Act reflects commonwealth legislation. When a substance is placed on a schedule by the commonwealth, it is automatically on the Victorian schedule. Adding a substance to schedule 9 bans the possession of the substance. States then amend their own legislation to deal with the sale and trafficking of that substance.

This process allows for consistency around the commonwealth.

Over the previous few months, the weaknesses of this approach have become apparent with the spreading use of synthetic cannabinoids such as 'Kronic' and 'Spice'.

Synthetic cannabinoids are among an increasing number of substances that mimic the effects of currently illicit substances. These drugs can be derivatives or substances similar in chemical structure or function to illegal drugs, or other compounds that have similar effects.

Many of these substances have not yet been captured under the schedules to drug laws which govern whether drugs are legal or illegal to use or supply.

Synthetic cannabinoids comprise an expanding group of chemically unrelated structures, all of which are pharmacologically similar to the active principle in cannabis, delta-9-tetrahydrocannabinol. These substances are added to mixtures of dried herbs and then smoked in order to obtain a similar effect to

cannabis. The 'herbal smoking mixtures' are sold under various brand names.

There have been reports of widespread usage of synthetic cannabinoids in some parts of Australia, in particular in Western Australia. Reports suggest that these substances are becoming more widely available in Victoria.

Victoria will continue to work with the commonwealth, the states and the territories to achieve uniform scheduling of drugs and poisons, including drugs of dependence. Victoria has been putting pressure on the commonwealth to move quickly to ban synthetic cannabinoids.

Existing Victorian legislation does not currently allow for quick, autonomous action. That will change with this bill.

This bill introduces a regulation-making power into the act to enable Victoria to be able to take prompt, autonomous action to ban emerging drugs. Recognising that the requirements of the Victorian Subordinate Legislation Act 1994 assume that substantive amendments creating significant criminal penalties will be contained in primary legislation, it is proposed that the new regulation-making power will be an interim power only, with regulations sunset after 12 months. Continuing proscription of the particular substances would need to be effected by a subsequent bill to amend the act.

This new regulation-making power would allow the government to move quickly to ban an emerging substance. Importantly, the regulation-making power will not only allow the minister to ban substances such as those contained in 'Kronic' now, but other substances and derivatives as they emerge over time.

A concern with the existing processes is that as soon as the machinations of banning a particular substance are completed, a tweak in a chemistry laboratory may make a new version legal, even though the effects are fundamentally the same.

While this legislation is being introduced in response to synthetic cannabinoids, new synthetic drugs are likely to keep being developed. The regulation-making power would allow the government of the day to keep up with the chemists who are manufacturing drugs in a lab for profit.

Regulation needs to move quickly, but it is incumbent that significant criminal penalties associated with drugs of dependence only be put in place with appropriate safeguards.

The regulations will automatically sunset after 12 months. That will give time to work through the federal processes, and means that this Parliament will have an opportunity to consider any needed amendments to the primary legislation while allowing an ability to put in a place a temporary prohibition.

Consistent with other subordinate legislation, regulations made under this power may be disallowed by the Parliament.

Acting Speaker, while the government will be using this legislation to ban 'Kronic', this legislation also provides the mechanism needed to ban the next synthetic, lab-derived substance similar to cannabis, and the one after that, and the one after that one; or indeed a synthetic substance similar to any drug of dependence.

This bill will provide a 'future-proofing' for regulating synthetic drugs. As soon as a chemist develops a new substance, the minister of the day will have the power to ban it, albeit temporarily to allow time for the Parliament to consider whether a permanent ban is warranted.

We live in an age where the internet, chemistry sets and a bit of talent in a laboratory has created an impression that drug-makers can stay ahead of the law. When the law is slow to respond, that impression is probably correct.

Prevention measures to prevent the uptake of drug use are a priority for this government. This bill gives the government the ability to move swiftly to ban new drugs as they emerge, rather than constantly being one step behind.

I commend the bill to the house.

Debate adjourned on motion of Mr MADDEN (Essendon).

Debate adjourned until Wednesday, 13 July.

LOCAL GOVERNMENT AMENDMENT (ELECTORAL MATTERS) BILL 2011

Statement of compatibility

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

In accordance with section 28 of the Charter of Human Rights and Responsibilities Act 2006 (charter act), I make this statement of compatibility with respect to the Local Government Amendment (Electoral Matters) Bill 2011.

In my opinion, the Local Government Amendment (Electoral Matters) Bill 2011, as introduced to the Legislative Assembly, is compatible with the human rights protected by the charter act.

Overview of bill

The bill has two main purposes as follows:

1. to bring forward the date of local government general elections from the last Saturday in November to the fourth Saturday in October; and
2. to make the City of Melbourne subject to regular independent electoral representation reviews in the same way as all other Victorian councils.

The change to election dates, which delivers on an election commitment and which responds to requests from the local government sector, will allow more time for new councillors to learn about their role and responsibilities before having to address major decisions around the preparation of the council plan and the budget.

The City of Melbourne is the only council which has its electoral structure set out in legislation (the City of Melbourne Act 2001). Enabling regular reviews of that council will ensure that its electoral structure continues to provide fair and equitable representation to the municipality's voters.

The bill also broadens the range of circumstances when an order in council may be made to set another election date for one or more councils, which avoids overlaps with school holiday periods or state or commonwealth elections or other events or circumstances such as natural disasters, which may adversely impact on the conduct of the election in the future.

The bill further provides for consequential amendments to the Local Government Act 1989 regarding the timing of other statutory processes which will be affected by the change of election date.

Human rights issues

The bill does not raise any human rights issues.

Conclusion

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

Jeanette Powell, MP
Minister for Local Government

Second reading

Mrs POWELL (Minister for Local Government) —
I move:

That this bill be now read a second time.

This government is committed to the maintenance of democratic electoral arrangements for local government in Victoria. This bill will make two important

improvements to the electoral framework for councils in this state.

Firstly, it will improve the electoral schedule, by bringing forward municipal general elections by one month.

Secondly, the bill will make the City of Melbourne subject to regular independent electoral representation reviews in the same way as all other Victorian councils.

Currently municipal general elections are set down for the last Saturday in November in each four-year cycle. This bill will move that forward to the fourth Saturday in October of each cycle.

The purpose of this change is to overcome problems identified by the local government sector.

These centred on the fact that the current schedule leaves little time between the elections and the Christmas/New Year holiday period.

This means there is insufficient opportunity for newly elected councillors to be inducted into their roles before the Christmas/New Year break.

Furthermore, November elections allow little time for new councils to begin work on their four-year council plans and annual budgets prior to interruption by the holiday period.

This is inefficient and unnecessary.

This government responded to the sector's concerns by making an election commitment to move elections to a more suitable date in each four-year cycle. This bill delivers on that commitment.

This change will take effect from the next council general elections in October 2012.

The bill also makes a number of consequential amendments to the timing of other statutory processes which will be affected by the change of the election date, including lodgement of campaign donation returns, election of mayors and the setting of mayoral and councillor allowances.

On the matter of the timing of council elections, the bill broadens the range of circumstances which may adversely impact on the conduct of elections which would enable an order in council to be made to change the election date for one or more councils. These include school holidays, state and commonwealth elections and natural disasters such as flooding and bushfires.

The bill also brings the City of Melbourne into the same framework of electoral representation reviews as all other Victorian councils. Until now, that council has not been subject to reviews, as its electoral arrangements have been specified by the City of Melbourne Act 2001.

The City of Melbourne Act 2001 recognises that, in many respects, Melbourne has specific characteristics which distinguish it from other municipalities.

However, following representations and a formal request from Lord Mayor Robert Doyle on behalf of the council, this government has decided that providing for regular electoral representation reviews of Melbourne will be in the best interests of local democracy.

This is because there have been significant demographic changes in the City of Melbourne since 2001 when the council's electoral structure was last considered. New residential development in and around Melbourne's central business district has expanded significantly over the past decade, as well as the incorporation of the Docklands and parts of Kensington and North Melbourne into the city.

In recognition of these major changes, the government has agreed that regular reviews are required.

Accordingly, this bill makes provision for the City of Melbourne to be included in the regular cycle of electoral representation reviews of all councils by the Victorian Electoral Commission.

The position of Melbourne's Lord Mayor and Deputy Lord Mayor will not be included in these reviews. Any changes to Melbourne's electoral structure recommended from a review would require an amendment to the City of Melbourne Act 2001 by Parliament.

This government is committed to effective local democracy in Victoria, and this bill will make an important contribution to strengthening the municipal electoral framework.

I commend the bill to the house.

Debate adjourned on motion of Mr MADDEN (Essendon).

Debate adjourned until Wednesday, 13 July.

CONSUMER ACTS AMENDMENT BILL 2011

Second reading

**Debate resumed from 28 June; motion of
Mr O'BRIEN (Minister for Consumer Affairs).**

Mr THOMPSON (Sandringham) — In dealing with consumer legislation, issues arise which affect people across the state of Victoria in their day-to-day lives. This bill is a significant bill as it deals with the sale of property, the purchase and sale of business and with owners corporations, among other matters. Members of the legal profession, of whom there are a number in the gallery today, have a very clear understanding of issues, not in cases where matters proceed smoothly but when dispute arises in the range of transactions that take place.

I would like to make some general and specific comments in relation to the bill before the house. In relation to changes for estate agents, what will be facilitated by the bill is the ability of a person with an interest in a property to proceed with a purchase without requiring wider approval, as had been the case under previous consumer regulation. Clause 4, which substitutes a new section 55 into the act, provides:

Restriction on agent purchasing property

- (1) An estate agent must not obtain a beneficial interest in any real estate or business that the estate agent has been commissioned by any principal to sell.
- ...
- (2) An agent's representative employed by an estate agent must not obtain a beneficial interest in any real estate or business that the estate agent has been commissioned by any principal to sell.

The purposes of those provisions are clear cut and obvious. Unfortunately Consumer Affairs Victoria could provide a number of examples of cases which have been prosecuted at real estate agent disciplinary proceedings where there has been acquisition of an interest in a property by a person connected with an agent or by an agent where there gives rise the impression or appearance of a conflict of interest. In proposed new section 55A(3) the legislation outlines a range of cases where a person might be construed as obtaining a beneficial interest. No doubt members on the other side of the house will be across the provisions, so it is not necessary to go through them in detail at this point other than to draw attention to the fact that proposed subsection (4) states:

A person does not contravene subsection (1) or (2) if —

- (a) the person —
 - (i) before a contract for the sale of the real estate or business is entered into, obtains the principal's written acknowledgment in the form approved by the Director that the principal —
 - (A) is aware that the person is interested in obtaining a beneficial interest in the real estate or business; and
 - (B) consents to the person obtaining the interest; and
 - (ii) acts fairly and honestly in relation to the transaction; and
- (b) no commission or other reward is payable in relation to the transaction; and
- (c) the principal is in substantially as good a position as the principal would be if the real estate or business were sold at fair market value.

Having attended a number of auctions throughout country Victoria, where the market might be more finite, I am aware of circumstances where an agent may have an interest in proceeding with an investment in a property, and this bill amends a more stringent recommendation that was translated into the law that operated previously. This act still provides equity, fairness and transparency but fundamentally protection for the primary property owner and vendor who has the principal interest in the property. This is important consumer legislation that provides a pathway for an agent to have a declared interest but also seeks to arrive at a clear-cut and beneficial outcome.

It is regrettable that the disciplinary proceedings that have been undertaken in Victoria in the past reflect a lack of transparency and a lack of honesty amongst a very small subsection of the real estate community. There was a former member in this place who brought great expertise to debates on real estate agents, and that was the former member for Bellarine a number of years ago. In his prior working life — —

Mr Wells — A very good man.

Mr THOMPSON — The member for Scoresby notes that he was a very good man. I was referring to Garry Spry, who, it might be added, is undertaking a masters degree in the area of indigenous matters at the present time. Having left this arena, he has gone on to make a wise contribution. He made a substantial contribution in this place in relation to matters concerning the real estate industry, and this particular provision is an important reform.

The next matter I wish to comment on is in relation to owners corporations. It is said that a man's home is his castle. If your home is surrounded by a moat and a drawbridge, then you are fairly immune from the activities of other people, but if you live in a high-rise body corporate development, there is much closer interaction between you and your neighbours. During my time as a member of Parliament I have talked to many people who have been concerned about their inability to prosecute a dispute that may relate to maintenance or the use of common property or issues such as people parking on common property, which is a matter that may not be important in passing or to someone who is working and would otherwise not be aware of who was parking where during the working day. However, for many retirees who spend their days cooped up in their strata unit or residence small matters can become big matters. A neighbour wheeling his wheelie bin over common property where body corporate insurance might not have been paid or someone parking a vehicle in a manner that blocks access for others can give rise to a disputation. It is important that there be clear-cut avenues for redress.

I might say that over the last decade or so there has not been swift action in this place in relation to owners corporation issues. There have not necessarily been clear-cut methods of dispute resolution between neighbours. I think it is important that there be a good, cost-effective mechanism so that disputes can be easily resolved and outcomes wisely achieved. There are a number of changes to owners corporations law under this bill, which deals with the management of owners corporations and the power to delegate; the audit of the accounts of owners corporations; proxies; the functions and powers of the committee; and the issue of absent owners. In addition there is the power to make rules about proxies; who may apply to the Victorian Civil and Administrative Tribunal in relation to a dispute; and what orders VCAT can make. All these changes are the result of long-term problems that have arisen within each of those categories of issues.

There is immense frustration experienced by people who have had to wrestle with significant issues with only a lay understanding of matters. In earlier debates in this place there have been stories of some rogues who have operated as body corporate managers and have made it very difficult for tenants to achieve fair outcomes. Reference to comments made by the former member for Mordialloc and my own comments in previous debates in relation to rogue body corporate managers would give rise to an understanding of the magnitude of difficulties that some people are confronted with.

The final area I wish to comment on in relation to the bill before the house relates to changes to the Conveyancers Act 2006. Clause 19 of the bill, which is headed 'What is conveyancing work?', inserts into section 4 of the Conveyancers Act 2006 the following definition:

In this Act, conveyancing work also means legal work connected with the sale of a business, including the sale of goodwill and stock-in-trade and the transfer of any business licence.

That is an expansion of the capability of conveyancers to undertake legal work in relation to the purchase and sale of a business.

There are some outstanding legal minds in the chamber as we speak, including people who have worked at the bar, and there are members of the other place who have a very high level of understanding of legal disputation. While I support the bill before the house, I do so with some degree of caution, noting that the legal skill and proficiency required for the purchase and sale of a business can be significant. Shopping centre leases can run to 50, 60 or 100 pages. The goodwill paid for in the transfer of those businesses can be significant. Unless somebody is well guided and well advised as to what their rights and entitlements might be, there can be adverse outcomes. I cite the example of a person who bought a newsagency in Canberra a number of years ago. He paid many hundreds of thousands of dollars — in fact, his life savings. The only thing he did not do at the time was check that having bought the business there was an assignable lease that gave him sufficient tenure to have the benefit of the terms of the purchase of the business. He lost his life savings as a result of the non-assignment of the lease. I urge the conveyancers who might have this power to transact wisely.

Mr MADDEN (Essendon) — I rise to speak on the Consumer Acts Amendment Bill 2011. I appreciate that this is a type of omnibus consumer affairs bill which we often see before the houses of this Parliament in relation to matters that need adjusting, finetuning and, on the odd occasion, some significant reform.

Probably the most contentious elements of the bill are the amendments to the Estate Agents Act 1980, which include the proposed new regime for estate agents. That new regime is in relation to a commission to sell. A real estate agent must not purchase a property or business for which they obtain a beneficial interest unless they meet the requirements for an exemption. The exemptions provided by the bill mean that the onus will be on estate agents alone to demonstrate that they have acted in the best interests of a vendor, particularly if they are involved in some fashion in the purchase of

that property for their own interests and as a result there is no third party signing off on the fairness of the sale.

I express some reservation and concerns about this area. I understand there are fewer examples of such sales being undertaken than ever before, and that that is predominantly because real estate agents try to stay well clear of any potential conflicts. I understand that the association is very keen to reinforce to real estate agents the need to stay as clear of those sorts of potential conflicts as is practically possible, but I express some caution about these changes. It is a concern for elderly persons selling their properties if they are being asked to take the agent's word on the fair price of their property. They might be trying to save a few dollars around the edges by not taking significant legal advice. I express concern that if an agent is engaged in this practice the onus is on that agent to ensure that his or her actions are transparent. We know from some examples that have already been referred to that sometimes the great tragedy in these sorts of tales is about what occurs well and truly after the event, when it is too difficult to put things back as they once were.

The bill makes amendments also to the Owners Corporations Act 2006 and the Conveyancers Act 2006. The rest of the bill is made up of predominantly minor or consequential amendments to a number of acts.

Finally, I want to comment on the former Labor government's record in consumer protection law. The former government led the way in policy development for a national consumer law. We strengthened the Fair Trading Act 1999 to regulate telemarketing; we introduced mandatory conciliation and model contracts for the building industry, which is particularly important because often a house is the most significant purchase an individual or family makes; we modernised legislation in this area; and we significantly reduced red tape for business in Victoria.

In addition we used information technology to make it easier to do business and to register a business in Victoria and we identified, raided sellers of and destroyed unsafe toys for children, which is a story often referred to by various consumer affairs ministers and a way that you can tangibly prove that you are involved in the consumer affairs and consumer protection space. We also prosecuted dodgy car dealers and increased funding for financial counselling.

Members on this side of the house are not opposing the bill, but we express a degree of concern about the amendments and the potential for difficulties arising

from the adjustments to the Estate Agents Act 1980. As I said, I understand there are fewer examples of those conflicts than there have ever been, but again I offer a word of caution. I certainly hope that, as a result of a slight increase in the number of incidents that may occur because of adjustments to the provisions relating to conflicts of interest, we do not see an undermining of the good reputation of so many hardworking real estate agents in the business, who are out there on a regular basis doing a fantastic job. With those words I complete my contribution to the debate on the bill. As mentioned previously, the opposition does not oppose the bill.

Dr SYKES (Benalla) — I rise to contribute to the debate on the Consumer Acts Amendment Bill 2011. I have noted the contributions by previous members. I would like to take some time to put this legislation and the thought processes behind it into context, first of all from a personal perspective of doing business and secondly from the broader perspective of a community approach.

First of all, my principles for doing business relate to the process being simple and cost effective and they rely very heavily on the integrity of both parties. While legislation can be put in place to protect each party, the reality is that there is still a high dependence on the integrity of both parties. I am proud to say that in my business life relating to my livestock in particular I still do my trading on the basis of a person's word. If a person says they will buy the product — in my case, bulls — and I say I will sell at a certain price, my word is my bond and the purchaser's word is their bond. Similarly if you then have the opportunity to seal the deal with a handshake, then that is a rock-solid commitment by both parties that the deal is done and the product will be sold and paid for.

Going back a number of years, I had an experience where, having less confidence in fellow human beings than I have today, I sought to put in some protections when I was selling some animals to another person. Basically, I wanted money on the knocker for selling the animals. The person buying baulked at the safety measures I put in place and I wondered why he had done so, but it transpired that he had been a victim of an arrangement by which a person had agreed to buy his property — I think he had paid a deposit — but the purchaser did not continue with the full payment. When the case went to court the magistrate ruled that whilst the person had agreed to buy the property he had not agreed to pay for the property and therefore the sale was null and void. I found that an interesting interpretation of legislation. It certainly failed the common-sense test, but it highlighted to me why that

person was a bit jumpy when I was putting in place mechanisms to protect myself.

Therefore I stick by my position: my word is my bond, and I expect that of the person I deal with. It has now reached the stage where, having a pretty busy life but still having a few bulls to sell, I do a bit of bull shipping interstate. I am now in a situation where when I am going off to work I leave a message with the person, saying, 'The bull's in the yard. If you like it, put it on a truck and take it and leave the cheque on the gatepost'. And do you know what? I have not been done over yet! It is good to know that the people I deal with still have those basic values and integrity.

Another matter I refer to is that the member for Rodney, who was in the chair prior to you, Deputy Speaker, has some background in the buying and selling business. One of the fundamental principles for an agent representing people is that they are responsible to the person who pays the commission — that is, the vendor. If a person seeks to cheat the person paying the commission, that is just not consistent with the values we expect in country Victoria.

Leading on, then, to the broader context of the bill, I see it as part of a process of improving the real estate regulation, consistent with the Baillieu government's plan to cut red tape, make it simpler and make it clear cut to do business. The plan is also to make people accountable for their actions. If they muck up, they should be hit hard. Related to that is the notion of modernising things to reflect current times, particularly where there is a need to recognise, from a national perspective, various qualifications and expertise that people have.

More and more we need to move towards national recognition and, in some cases, international recognition, because that is the way the world is. For a number of years veterinarians had to be registered in each state. That made no sense at all. That was one of the many border anomalies the former member for Murray Valley spent in the order of 34 years attempting to address. People living in border areas particularly have the illogicality of needing to have qualifications and registrations applicable in two or more states. This move in terms of this legislation is about simplification. It moves towards national recognition. The other thing about it is that this is an orderly process. It is about bringing change in an orderly manner; it is not a knee-jerk type of reaction as we have seen from the opposition. I do not think I am allowed to criticise the opposition, so I will refer to it as 'the former government'. We saw today an example of where it could not manage money.

We are looking to have an orderly approach. There was an earlier contribution made by the present member for Murray Valley, who comes to this Parliament with experience as a real estate agent. He recognises that the work that has been done is going to simplify things and make the situation better.

One of the key provisions of the bill is proposed section 55A(1), which will make it an offence for an estate agent to obtain a beneficial interest in the sale of any real estate or business that the estate agent has been commissioned to sell. That is the principle of working for the person who pays you.

The thing about living in small country towns and country communities is that people get to know each other. Charlatans, cheats and crooks do not last in those towns. We have the sayings 'What goes around comes around' and 'It's a long road that has no turns'. Very often things get squared up in unexpected ways. This legislation is going to strengthen the protection of our people.

The other important aspect of this legislation is the changes it will make to the Owners Corporations Act 2006. We MPs from The Nationals have a vested interest in terms of this legislation. We own property in Melbourne, which is a second place of residence. We are members of bodies corporate. As a person living away from the Melbourne area it is difficult to be involved in the management process even though at times you can have a vital interest in it. In the set of apartments where I have an apartment there are major issues such as whether pets should be allowed in apartments and antisocial behaviour that affects tenants in some of the apartments because of the ownership arrangements. It is difficult as a person living distant from the Melbourne area to be involved in the decision-making process and therefore at times to bring common sense to situations that often get blown out of proportion. Therefore the opportunity to provide a proxy, albeit that the proxy may have limited powers, gives people such as my colleagues from The Nationals and me an opportunity to have representation. We see a need for that, because we may not always be able to be in the Melbourne area.

In conclusion, this is a piece of legislation which is consistent with the Baillieu-Ryan approach to government, which is responsible, transparent and simple, that cuts out red tape, delivers common sense and holds people accountable for their actions. But we in country Victoria would like to retain the old-fashioned values of a person's word being their bond and a handshake definitely sealing the deal: we would like to think that that is the way things operate

most of the time. The penalty requirements in this legislation should be used a minimal number of times. I wish the bill a speedy passage.

Mr BURGESS (Hastings) — It is a pleasure to rise to speak on the Consumer Acts Amendment Bill 2011. As the previous speaker said, this is another step by the Baillieu government to improve the consumer protection framework in Victoria. The framework that is required in any jurisdiction ebbs and flows depending upon the changes that take place in the market and to consumerism. The approach that has been taken by the Baillieu government is in keeping with the government's commitment to responsible and transparent government and its views about the way it should treat the marketplace.

The bill proposes amending the provisions in the Estate Agents Act 1980 to deal with conflicts of interest in terms of sales. Section 55 of the Estate Agents Act 1980 regulates the situation where an estate agent or agent's representative acquires a beneficial interest in a property that the estate agent has been commissioned to sell. The thing that needs to be focused on is that at any time legislation regulates the way a relationship happens, it is generally to protect a weaker party or one party that does not have an equal relationship with the other when the parties are doing a transaction. In this case an agent and a seller are involved. In most circumstances the sale transaction takes place in an orderly manner, everyone is up front in terms of the way that happens and every party knows what there is to benefit from in terms of the transaction, and so business takes place.

What we are trying to legislate on is the protection of that relationship and the parties in that relationship from someone who is in a position of strength or, in this circumstance and generally, in a position of knowledge — that is, the agent. The agent has knowledge of the marketplace and therefore knows what can be achieved in terms of a particular property. They have an advantage over the vendor in those circumstances. This bill regulates that relationship to the point where it prevents, as I said, the estate agent's representative from acquiring a beneficial interest in a property that they have been commissioned to sell.

Until recently vendors and purchasers were required to obtain the consent of the director of Consumer Affairs Victoria for such a transaction. While that procedure certainly seems appropriate as a form of third-party regulation, in practice, as has been mentioned before, no agent who wishes to do something dishonest is about to go and get permission to do so.

After that the procedure was changed so that estate agents had to obtain the consent of a legal practitioner, conveyancer or accountant. The failing in that circumstance is that we are still reliant upon a third party to consent to a vendor's decision to sell a property. Again, there is very little chance that somebody who was looking to act dishonestly would go and obtain permission to do so.

This bill proposes to introduce a completely new approach that focuses on ensuring fair outcomes for vendors rather than regulating the procedures surrounding the sale. In essence the bill proposes that an estate agent or agent's representative will be prohibited from obtaining a beneficial interest in the property that they have been commissioned to sell. The legislation specifies a wide range of examples where such a beneficial interest would exist.

The penalties for contravening this legislation are significant and can include imprisonment for up to two years. This is legislation that has to operate in the real world. It would be easy to legislate for such circumstances in a vacuum, but that is not what has happened. Governments will be forever trying to finetune legislation to make sure it encourages commerce but also protects the participants. In this case there is a relationship between the vendor and the agent that needs to be regulated.

The legislation also provides an exemption which will allow vendors and estate agents to reach mutually beneficial arrangements regarding the sale of the property. The key elements of the exemption are that the estate agent must obtain the vendor's acknowledgement and consent to the estate agent obtaining a beneficial interest. The legislation defines 'beneficial interest' broadly. The estate agent must also act fairly and honestly, must not be paid commission or other remuneration and must obtain the interest at a fair market value.

The exemption operates to change the onus. The onus is switched to the estate agent so that the estate agent alone will have to demonstrate that he or she has acted in the best interests of the vendor which, in fact, is why we are regulating this provision in the first place. We are regulating it because of the fiduciary relationship that exists between the vendor and the estate agent; we are putting the onus where the onus should be. In the real world — in commerce — the estate agent is the one who has knowledge of the market and therefore is at an advantage compared to the vendor in those circumstances. In circumstances where there has been any sort of conflict the bill requires that there be a refund of any commissions. The bill also introduces

new rules for the management of owners corporations and their ability to delegate powers. The statement that an owners corporation is to be managed by or under the direction of the lot owners is intended to emphasise that lot owners own the common property as tenants in common and can collectively direct how it is managed in accordance with the procedures set out in the act. This contrasts with normal trading corporations because it pertains to a different relationship between the people in a corporation as a company and those who are shareholders. In particular, while an owners corporation can choose to delegate powers to a committee, by default the committee will have all the powers and the functions that can be exercised by the owners corporation.

The bill gives owners corporations a power to make a rule restricting the voting rights of people who have been appointed to act as a proxy for a committee member where they have not been elected or coopted to the committee. In such cases the consent of the other committee members is required before the proxy-holder can vote, although under the act such consent clearly should not and cannot be unreasonably withheld. That is an important part of this legislation, because people may have a conflict of interest, and if the ability of the members of the committee to prevent that proxy-holder from voting were removed, that would encourage conflict of interest, which is something the legislation is clearly setting out to prevent. This provision will also ensure that the two competing issues relating to committee membership — namely the right of lot owners to choose who serves on the committee and the right of those elected representatives to make their opinions known once elected if they are unable to attend meetings — is balanced in a fair and proper manner.

The third area of the bill deals with a very old area of law pertaining to the precedent set by the case of *Foss v. Harbottle*, which basically states that when a wrong is done to a company, the company is the proper plaintiff to pursue any claim. That applies specifically to the company we are talking about. However, lot owners in the area we are addressing with this legislation have a direct proprietary interest, and that is something different from what happens with shareholders in companies. This legislation draws a very clear distinction about the rule in *Foss v. Harbottle* and how that applies to a company and what happens to a lot owner in the particular entity that we are discussing.

There are many other very worthy elements to this piece of legislation. Time does not allow me to go into them in any great detail and, in fact, does not allow me

to go into them at all. However, I have covered what I think are the most important elements — those relating to the company versus the lot owners of these entities — and it is important that we concentrate on those. I commend the bill to the house.

Mr WAKELING (Ferntree Gully) — It gives me great pleasure to contribute to this important debate on the Consumer Acts Amendment Bill 2011. The bill seeks to amend a number of acts in the consumer affairs portfolio. I will come to those acts in a moment. My colleagues have been very keen and passionate in their contributions to the debate on this important piece of legislation.

The Consumer Acts Amendment Bill 2011 spells out a number of amendments to the Estate Agents Act 1980. Real estate agents fulfil an important role in the Victorian community in regard to the management of the process of selling a property and also in regard to the protection of residents who are renting a property. It is imperative that we have legislation in place that protects both parties. As a member of Parliament I have had many representations from both sides. Some renters feel they have been hard done by, not only by their landlord but also by their real estate agent. I have also received many representations from real estate agents about the operation of relevant consumer law and the necessary protections that are in place to protect not only them but also those people who are renting properties over which they have control. That is why it is important that the Estate Agents Act 1980 be kept relevant and be reviewed on an as necessary basis. In the previous Parliament we went through this process of review of legislation on a regular basis, and I know that those opposite were active participants in those debates. The member for Williamstown was very keen about the review of legislation in this area, and I am pleased to see him in the house today to participate in this process.

The bill before the house also seeks to make a number of amendments to the Owners Corporations Act 2006. The bill removes a restriction on conveyancers undertaking legal work on the sale of businesses from 1 July 2012. This has provoked some interest, and I have received representations from local constituents who are involved in this area. They have raised concerns about current operations in relation to this issue and have expressed their joy about the fact that this government is moving towards implementing this change.

The bill redrafts section 144 of the Fair Trading Act 1999, which imputes liability to principals for the actions of officers, employees and agents to bring it in

line with the commonwealth Competition and Consumer Act 2010. It also seeks to make amendments to new uncollected goods provisions to increase the value limits for motor vehicles and allow for the disposal of high-value goods by private sale where the receiver of the goods is of the opinion that the best price can be obtained by private sale and notice has been given.

In a previous life, as an employee of the Victorian Automobile Chamber of Commerce, I dealt with many traders of both new and used cars. We talked regularly about their concerns regarding the operation of relevant fair trading laws. It is important that we have strong laws in place not only to protect consumers but, more importantly, to protect those businesses that seek to invest their money, buy real estate and set up a business selling vehicles. Many reputable second-hand car dealers set up a business, become a licensed motor car trader and set up a premises to sell their second-hand vehicles. Under that system consumers are protected by law in that they are able to return the vehicle, if they wish, and are entitled to receipt of moneys.

However, many disreputable dealers would purchase a number of vehicles but not set up a business. They would not purchase or lease a site but would park their vehicles on the sides of roads throughout the state and put a mobile phone number in the windows of those vehicles. That was the way in which they operated their business. People who then bought those vehicles did so without the protection afforded to other consumers who purchased vehicles from second-hand car dealerships.

Putting aside issues relating to the protection of consumers, second-hand car dealers effectively had to pay for relevant licensing, pay for staff, pay for leases and pay the relevant on-costs associated with any business while being hamstrung by those other businesses that were in effect flouting the system. During my time at the chamber of commerce many operations were run to highlight these concerns. I am sure we have all seen cars for sale on the sides of roads. Some of course are owned by householders who are selling their own cars, but there are those who are unscrupulous and who do it as a business without affording consumers the opportunity of appropriate protection.

The bill seeks to make changes to the Chattel Securities Act 1987 and will amend the Consumer Affairs Legislation Amendment (Reform) Act 2010. It will also amend a range of other legislation. This bill will bring consumer acts up to speed and up to date. The Minister for Consumer Affairs has gone through a comprehensive process of community consultation

about this important piece of legislation. He, like this government, realises that we need relevant legislation that meets the needs of consumers and also the needs of businesses. This side of the house stands up for Victorian businesses, and we will ensure that we have a fair balance. Yes, we need to protect consumers, but we also need to ensure that we have a system in place that protects the needs of Victorian businesses.

As the Treasurer, who is at the table, would well know, small business is the engine room of the Victorian economy. If we work hard, we will ensure that our state grows. As he looks at me and agrees, he knows that we need to be a government that is working hard to ensure that we stand up for all Victorians, whether it be through consumer legislation or the other legislative amendments that are before this Parliament and that we have seen over the first six months of this government. I commend the bill to the house and applaud the Minister for Consumer Affairs for the work he has done on this important piece of legislation.

Mr ANGUS (Forest Hill) — It is a pleasure to rise this evening to speak on the Consumer Acts Amendment Bill 2011. I would like to start my contribution by commenting in general terms on the fact that this is another bill that reflects the commitment of the new Baillieu government to simplifying the running of businesses and doing business in this great state of Victoria. This government is committed to improving consumer protection in the overall area of trading and various business activities.

The overall objectives of this particular bill have been outlined for us. The bill amends a range of consumer acts and other legislation to improve their operation. As I just said, that is how we on this side of the house like to approach things. We in the new Baillieu government want to improve the operation of small businesses, streamline business and encourage business, the engine room of the Victorian and indeed the Australian economy. Simplifying these sort of matters, including cutting red tape, encourages people to go into business and encourages those who are already in business to grow their business, employ more of their fellow Victorians and generate the funds and resources necessary to meet their needs as business operators.

Turning to the bill, I refer first to part 1, which begins with the purposes of the bill. This is a comprehensive bill, as other contributors to the debate have mentioned. The main purposes of the bill are: firstly, to amend the Estate Agents Act 1980 in relation to estate agents purchasing real estate or businesses, and I will come back to that a bit later; secondly, to amend the Owners Corporations Act 2006 in relation to delegations,

proxies and service of notices; and thirdly, to amend the Fair Trading Act 1999 in a couple of areas — that is, in relation to conduct by officers, employees and agents of a body corporate and also to clarify the jurisdiction of the courts and the Victorian Civil and Administrative Tribunal (VCAT) in relation to matters under the Australian Consumer Law (Victoria).

The fourth main purpose of the bill is to amend the Conveyancers Act 2006 to remove a restriction on work involving the sale of businesses. The fifth purpose is to amend the Consumer Affairs Legislation Amendment (Reform) Act 2010 in relation to the disposal of uncollected goods; and the sixth purpose is to amend the commencement arrangements in the Associations Incorporation Amendment Act 2009, the Associations Incorporation Amendment Act 2010, the Personal Property Securities (Statute Law Revision and Implementation) Act 2010 and the Consumer Affairs Legislation Amendment (Reform) Act 2010. The last item in the purposes is to repeal the Companies (Administration) Act 1981.

As I said, it is a comprehensive bill and it reflects the attitude of the incoming Baillieu government. We are the free enterprise side of the house, and we are encouraging small business. We are sorting out some of these matters that needed attention.

Mr Hodgett — We are fixing the problems.

Mr ANGUS — My colleague from Kilsyth mentions that we are fixing the problems, and that is right. I will not digress into that area too much or I will use all my time talking about that rather than this bill, but we could talk all night about fixing the problems of the previous regime in this state. I will turn my attention to that somewhat in a few moments.

On the other provisions of the bill, which I want to go into in a bit more detail, the bill substitutes new sections 55 and 55A for the current section 55 of the Estate Agents Act 1980. As members know, the current section of the act restricts estate agents and their representatives from obtaining a beneficial interest in properties that they have been commissioned to sell. The amendments will deliver fairer outcomes to vendors and the new act will operate in a manner similar to those in other jurisdictions. A number of people on this side, particularly some of our learned members who have estate agent qualifications, talked comprehensively about this section. They were able to talk about those provisions on a firsthand basis, so I will leave my comments at that.

The bill clarifies delegations by owners corporations, allows owners corporations to restrict the voting rights of certain holders of proxies of committee members, clarifies standing to have owners corporation disputes heard by VCAT and provides more flexibility for service of documents under the Owners Corporations Act 2006. Again, those are common-sense and appropriate provisions.

The bill amends the Conveyancers Act 2006 to remove from 1 July 2012 the restriction on conveyancers undertaking legal work on sales of businesses. It also amends section 144 of the Fair Trading Act 1999, which imputes liability to principals for the actions of officers, employees and agents, to bring it into line with the Competition and Consumer Act 2010 of the commonwealth. The bill makes amendments to new uncollected goods provisions to increase the value limits for motor vehicles and to allow for the disposal of high-value goods by private sale where the receiver of the goods is of the opinion that the best price could be obtained by private sale and notice has been given. Those amendments will bring improvements and they deal with this area comprehensively.

The bill defers default commencement dates in several acts. This is an administrative matter, but one that needs to be attended to nevertheless. As I mentioned before, the bill repeals the Companies (Administration) Act 1981, with appropriate savings and transitional provisions. Again, this is attending to the various consequential amendments that are required.

Finally, the bill includes the necessary amendments to legislation to reflect the change of name of the National Institute of Accountants to the Institute of Public Accountants. Whilst this is a relatively small matter, it is nevertheless important to ensure that we are staying on top of the changes that are taking place out there in the community.

On the overall thrust of this bill, we on this side of the house consider it very important to have robust legislation governing residential and commercial matters of this type. It is very important for both those relying on the law and those seeking to comply with the law. Harking back to my own background in a public accounting practice, I know it is very important that all aspects of the law, both federal and state, are complied with. Having these sorts of matters attended to and improved goes some way to assisting practitioners and the people who are relying on these particular laws.

In conclusion, I reiterate that the Baillieu government is committed to business. We are committed to cutting red tape. We are committed to simplification of legislation

and to encouraging small business. What a contrast the new Baillieu government is to the previous financially incompetent and irresponsible Labor government! It is timely that I am speaking on this relatively simple piece of legislation, which deals with housekeeping, on the very day that we have received the Victorian Auditor-General's report in relation to the allocation of electronic gaming machine entitlements. What a condemnation of the previous regime this document is! I would encourage anyone who has not read it to get a copy of the report and read what an absolute debacle is outlined in that document as was witnessed by all of us in this place and in Victoria. The \$3 billion loss is a staggering amount, as other government members have outlined eloquently in the debate that took place earlier and in question time today. To think about what we could have done and what the Victorian people could have done with that amount, a figure of such magnitude, is mind boggling. It is shameful to think that the money was wasted in that manner.

I support the bill and commend it to the house.

Mr NEWTON-BROWN (Pahran) — It gives me great pleasure to rise in support of the Consumer Acts Amendment Bill 2011. As my good friend the member for Forest Hill has noted, this bill is indicative of the action the Baillieu government is taking to put the state back on track. We are tidying things up, we are streamlining things for business and we are clamping down on dodgy operators in various areas, and this is indicative of the way the Baillieu government is going to run this state.

This bill amends a number of acts including the Estate Agents Act 1980, the Owners Corporations Act 2006, the Fair Trading Act 1999, the Conveyancers Act 2006, the Consumer Affairs Legislation Amendment (Reform) Act 2010, and various other acts. My contribution will focus on the Estate Agents Act 1980.

Pahran real estate is something in which my local constituents have a lot of interest. There is an extraordinarily high number of renters in Pahran. That is not necessarily through choice, but it reflects the cost of getting into housing in the area. Stonnington is probably one of the most expensive areas in which to buy your first house, and many young people who live in Stonnington or Pahran would love to be in the property market, but under the previous Labor government they simply could not afford to get a foothold in the market. The Treasurer recently announced cuts to stamp duty: a 20 per cent cut will be coming in next week, rising to 50 per cent in coming years. Cuts to stamp duty for first home buyers will make a significant impact on the lives of young people

in my electorate of Prahran because they will be able to enter the housing market as a result.

You have to love your local real estate agent. It is a bit of a sport in Prahran, and I presume in the rest of the state, to have a stickybeak at weekend auctions and to have a look through houses that are open for inspection. The inevitable question people are asked by estate agents when they have their stickybeak is, 'Can I have your name and phone number?'. This can be a trap for young players as by giving your name and phone number you end up with a new friend. I certainly have lots of friends in my electorate who are real estate agents and who phone me on a regular basis. They think that because I happen to have looked through an expensive house around the corner I am actually in the market for an expensive house around the corner. I get calls suggesting that we should catch up, and I say, 'Catch up? What, in relation to that 5 minutes we spoke six months ago in that house around the corner?'. You have to say that they are better politicians than politicians with their marketing and their contact with local constituents. That is something we all love about real estate agents.

However, some questionable practices have arisen in the industry which in the view of the Baillieu government require tightening. That is what this legislation does. When you contact a real estate agent to sell your house, you will expect the overinflated quotes of, 'Yes, this is what we think we'll get for your house'. You sign up and then there is the inevitable talkdown in the days prior to the auction. All of this is perfectly legitimate, but there are some less ethical practices which this legislation seeks to address.

To speak from my own experience, I know there are some rogue operators out there. Most real estate agents are ethical, honest and hardworking small business people, but I had one nasty experience when I bought my first house on the Frankston line. It was an impressively wide terrace — I think it was about 7 metres wide at the front — but the house was on a wedge-shaped block that narrowed to about 1 metre wide at the back. I very quickly grew out of that first house and engaged a local agent to sell it. The auction was botched for a number of reasons, probably in part due to my efforts, but in any case we did not sell at auction and then had to negotiate a sale subsequent to auction.

Against all the advice of those who knew better, we had bought elsewhere, so we were under pressure — we had bought a house and we had to sell. We ended up having no bridging finance and were on the ropes, so we really had to make that sale. The agent perhaps took

advantage of the situation we were in and came over one night and said, 'Look, I've got a buyer for you. I don't know exactly how much they're going to offer, but I need your best price. What is your lowest price, and I will try to sell this tonight? I need a signature on the document and then I will drive out there, but I am not going to bother driving there unless I've got the signature, unless I've got your absolute best price'.

We agonised over how low we would go, and we went as low as we could. We thought it was our last opportunity, and we signed up to a price which was exceptionally low and probably below market value just to get that sale. Then came the clincher from the agent. As he walked out the door he said to me, 'By the way, if I'm able to get more than that price, what about we split the difference 50-50?'. At that point it clicked: he actually had a buyer at a higher price, but he had trapped us into signing an agreement at a certain price and was going to get the extra commission on top of the price we had agreed to.

We said, 'No, we are not going to accept that 50 per cent commission you are seeking', and I think he ended up coming back with an offer that was about \$10 000 more than we had agreed to. This sort of behaviour is obviously an aberration in the industry, but in every industry there are people who push the boundaries. Certainly on this occasion it was unethical, if not illegal.

The Consumer Acts Amendment Bill 2011 will help clean up the industry. It will address situations such as the one I experienced in relation to the sale of my first house. The proposed tightening will create a better environment for people who are in the real estate industry and for those who are buying and selling in that industry. I commend the bill to the house.

The SPEAKER — Order! The time has arrived for this house to meet the Legislative Council in this chamber for the purpose of electing three members of Parliament to the Victorian Health Promotion Foundation. The joint sitting will conclude at an appropriate time for the dinner adjournment, so I propose to resume the chair at 8.00 p.m.

Sitting suspended 6.15 p.m. until 8.02 p.m.

Debate adjourned on motion of Mr HODGETT (Kilsyth).

Debate adjourned until later this day.

JOINT SITTING OF PARLIAMENT

Victorian Health Promotion Foundation

The ACTING SPEAKER (Ms Beattie) — Order! I have to report that the house met today with the Legislative Council for the purpose of sitting and voting together to elect three members of the Parliament to the Victorian Health Promotion Foundation and that Mr Neil Angus, MP, Mr Tim Bull, MP, and Ms Danielle Green, MP, were elected.

PARLIAMENTARY SALARIES AND SUPERANNUATION AMENDMENT BILL 2011

Second reading

Debate resumed from 24 March; motion of Mr McINTOSH (Minister for Corrections).

Ms ALLAN (Bendigo East) — What a delight it is to finally have the opportunity to debate the Parliamentary Salaries and Superannuation Amendment Bill 2011, and let me say at the absolute outset of my contribution there can be no doubt that the Labor opposition will be opposing this bill. This bill is nothing but a feeble stunt — let me repeat that for The Nationals — a feeble stunt by the government in a desperate attempt to be seen to be doing something.

Let us go back to the origins of this bill. We all turned up for the first day of Parliament this year back on 8 February, and we were greeted with an article in the *Herald Sun* entitled ‘Unruly politicians to lose their pay’. Through that article we saw the Premier run up the flagpole his big idea for the parliamentary session, his big reform of the Parliament and the big issue that his party and his government were going to pursue over the course of the coming parliamentary weeks.

It was such an important priority for the Premier that the information was given to the *Herald Sun* as a special little exclusive. That article stated, ‘Parliament this week will debate a motion’. Here we are 20 weeks later and we are finally getting around to debating and considering the Premier’s no. 1 priority that he articulated back on 8 February. Given this pace, it is no surprise that the government is dragging its heels on infrastructure projects. We will be lucky to see major infrastructure projects in the state before the year 2155 at the earliest, given how this government drags its feet on this issue. So much for it wanting to drive an agenda to push change through the Parliament. It is only getting around to debating this motion some 20 weeks later,

and the legislation was not even introduced into Parliament until 22 March. So much for this government setting a cracking pace on delivering the Premier’s no. 1 priority.

Let us look further at why this is such a weak and feeble piece of legislation. The article in the *Herald Sun* stated that this government would be introducing legislation to fine MPs who have been suspended from the house. Once we saw the bill in its detail we saw that its scope had been narrowed somewhat, and I am sure that comes as pleasant news to those MPs who have been subject to suspension from this house from time to time. It has been confined to the naming of MPs only. Looking back at the number of MPs who have been named in this and previous parliaments, since 2006 eight members have been named and subsequently suspended. I am advised by the parliamentary library that between 1999 and 2006 no members were named. So we can see that this legislation will impact on only a small number of MPs in a small number of ways, although it is all being dressed up, trussed up and rolled out the door by the Liberal-Nationals government as legislation that contains big changes and big reform.

This bill also reminds us of the big things that the Liberal-Nationals coalition promised before the election. It was going to reform Parliament and change the practices of this chamber. I am sure members of the chamber all remember well the exchange in the leaders debate that was held on 5 November 2010 between the leaders of the two political parties. The now Premier was asked a question about accountability and what happens in a parliamentary question time. He was directed down this — —

Honourable members interjecting.

Ms ALLAN — I am more than happy to table this document, believe you me! He was asked this question by none other than Ms Josephine Cafagna. She encouraged the Premier to go down this path; she enticed him down this lane. The Premier’s response was to agree that Parliament needed to be reformed. He said that question time had really become a farce and he made a commitment. He went on to say that any visitor to our Parliament now would know that Dorothy Dixers are really a waste of time. He was then asked whether the standing orders of Parliament should be changed and he said that he believed the standing orders should be changed. He believed back then that there should be widespread reform of the Parliament.

What have we seen since then? From the very first day of this parliamentary session we have seen the government block every single attempt by the

opposition to change the standing orders. We were prepared on the very first day of Parliament to assist the Premier to implement his priorities. We took him at his word; we thought he wanted to make change. We understood that that was what he was committed to do. Unfortunately for the Premier, his own team refused to allow the changes that we are proposing even to be considered and debated. On 30 November last year the Premier was quoted in the *Age* as saying about his government:

There will be no hidden agenda, no spin, no secrecy. Accountability and transparency will be the principles that underpin our government ...

Well, goodness me! Let me read out four names that demonstrate how this government has ducked and weaved at every turn: Simon Overland, Tristan Weston, Michael Kapel and Frank Vincent, in regard to his report. These are four names that have been linked to circumstances that go to the heart of how this government has tried to conceal its involvement and meddling and how it has undermined institutions in this state. We have seen how that has transpired.

Mr Walsh — On a point of order, Acting Speaker, the member on her feet has, I believe, brought Justice Vincent's reputation into ill repute. No-one could question the reputation of Justice Vincent, and it is very disappointing that the member is doing that to someone with such a high reputation as Justice Vincent.

Ms ALLAN — On the point of order, Acting Speaker, if the member had been listening, he would have heard that I was referring to a list of names in relation to which the government has attempted to undermine individuals and those institutions they have been linked to. In regard to Justice Frank Vincent, I referred directly to the report that he provided to this government. I think it is a strange move for the minister. He is not the one who normally engages in this type of activity in this chamber; he usually plays things with a straighter bat. He obviously has the Liberal Party infection going through his veins, and he is now engaging in this sort of behaviour.

The ACTING SPEAKER (Ms Beattie) — Order! I have heard enough on the point of order. There is no point of order, but I will be listening carefully.

Ms ALLAN — I refer the Deputy Leader of The Nationals, who is sitting at the table, to comments made by John Ferguson in an article in the *Australian* of 25 June in which he talked about how the Premier 'has ducked and weaved his way around repeated questions on the issue' — that is, the issue of the involvement of his chief of staff, Michael Kapel, and former adviser to

the Deputy Premier Tristan Weston in the recent undermining of former chief commissioner Simon Overland. He went on to say:

But any observer with an ounce of political history will know governments only ever duck and weave when they know or suspect the ammunition is live.

This is a government that knows the ammunition is live. It does not want to have questions answered in this chamber, and what it is attempting to do with this bill is to stifle the opposition's opportunity to speak out clearly, freely and quite passionately in defending the institutions that it believes should be defended.

Let me go on. This also goes to the farce and the feeble attempt that the government has made in introducing this legislation. The Premier made some comments to the Liberal Party state council meeting on 29 May, and I am sure the Deputy Leader of The Nationals was there because The Nationals are Siamese twins with the Liberal Party these days. They are one and the same. We saw how the government tried desperately to spin to its own faithful. The Liberal Party Premier tried to spin to his own party faithful that this was a government that was doing something. Let me read the boast of the Premier on 29 May:

New standing orders in Parliament, and we've even introduced fines for members of Parliament who misbehave.

Goodness me! I can just imagine how the jewellery rattled with excitement in that Liberal Party state council meeting and how the crowd must have applauded their Premier for taking such strong action. It is just a shame that the Premier did not have the courage to look his own party members in the eye and say, 'Whoops — we have been dithering for quite a few months. We haven't actually got that one through the Parliament yet. We will come back to you when we do'. He was too asleep at the wheel to even admit the truth to his own party members.

I do not want to dwell on this because time is limited, but I am sure others on our side will underscore how this legislation attacks our ability as individual members of Parliament to stand up for those things we believe in, without fear or favour. We know that from time to time that debate can get passionate in this chamber, and we know there are conventions that already exist in this house for how members, when they overstep the mark from time to time, are to be brought back into line. Those powers already exist in the office of the Speaker and in the hands of the floor itself for how the house deals with members who behave inappropriately. Perhaps the member for Mount Waverley might want to reflect on that point over the

course of today. We do not need to go down this path, particularly when it is nothing more than a stunt. I hope the government does not shut down debate on this issue, because if it does, it is curtailing the right of every member of Parliament to stand up for what they believe in. We will wait and see what is going to happen.

I have already spoken on how this bill is flawed, and others will have the opportunity to raise this, but there is no process in this bill for how the Speaker will determine which charity is going to be in receipt of the funds. If this bill is passed, I urge the Speaker, through you, Acting Speaker, to consider setting up a bipartisan process to guide the determination of which charity this fund will be provided for. I hope the Speaker will take that matter up, and I will also raise it directly with him.

This legislation is also about parliamentary standards, which the Premier and the government have talked a lot about. It is a damned shame that they do not practise what they preach. In recent weeks we saw how one minister missed a vote because she was in la-la land and did not realise that the bells ringing at 4.00 p.m. on a Thursday afternoon meant she had to turn up to the chamber to vote. Another minister was in the Land of Nod, snoring her way merrily through the division bells while the member for South-West Coast was banging on her door, urging her to come out and vote.

We have also seen how this is a government that does not like the rules, so it goes about changing them. We saw the unprecedented and historic action whereby this government changed the votes of this chamber retrospectively because it did not like the outcome. It changed the rules so it could change the outcome retrospectively. I have already referred to how question time has become a farce. We have seen how the government has shut down debate on motions and bills. It does not want any scrutiny and has so far repeatedly refused to allow the opposition the opportunity of having a consideration-in-detail stage on any bill. We have also seen today the thuggish behaviour of the member for Mount Waverley in standing over a young woman exercising her democratic right. That is a direct analogy for what this bill is about. This bill is about thuggish behaviour by the government; it is standing over the opposition in return for allowing us to stand up for our democratic right to speak in this chamber freely and without fear or favour.

I want to conclude by saying that this bill will put significant additional powers into the hands of the Speaker. As we know, to date the practice in this house has been that many of the practices, particularly the naming of members, have been at the discretion of the

Speaker, and we respect the Speaker's right in that regard. The issue here is that if members of the government were not wanting to compromise the office of the Speaker, then perhaps they would have consulted with us before this bill came to the Parliament. This government is putting the Speaker in a very difficult position by ramming this legislation through the Parliament without providing appropriate consultation with the opposition or indeed with the Speaker. By no means am I wanting to reflect on the Chair, but it does put the Speaker in a very difficult position, particularly given the Speaker's tendency in the past to freely express himself without fear or favour.

An article in the *Herald Sun* of 8 February 2011 describes the Chair as 'the poacher now turned gamekeeper'. He is a man who has always stood up and spoken freely and clearly. The Speaker is a person who respects that opportunity. I hope his colleagues continue to allow the practice of this house to go down that path, particularly when the opportunity to name a member and reject them from the house is one that already carries with it a significant consequence. Given that this is a tight Parliament, with the government having a majority of only one member, the naming of a member becomes a significant and powerful tool in the hands of the Speaker or Deputy Speaker, one that is used judiciously and does not need additional attempts by the government to stifle the debates that go on in this chamber and compromise the office of the Speaker.

With those words, I conclude by saying that if this government were fair dinkum about parliamentary reform, it would go further and consult with the opposition and it would do it properly. I hope that happens eventually during the course of this Parliament.

Ms MILLER (Bentleigh) — It is disappointing to hear that the opposition will not be supporting this bill. Given the behaviour in recent times of members of the Labor Party, particularly in question time, I have lost count of the number of times members on the other side have been removed from the chamber during question time, not to mention other times during sitting weeks. It is no wonder that opposition members will not support this bill. They are happy to waste taxpayers money — Victorians' money — but when it comes to their own pay packets the purse strings are closed.

This bill forms part of the government's intention to restore the integrity of Parliament and rebuild public trust in government. Members of the Legislative Assembly and the Legislative Council have been elected by our communities to lead the state of Victoria and to provide leadership to all the constituents we

represent. It is not unreasonable therefore to expect a certain standard of behaviour from members of this Parliament. As the member for Bentleigh I am honoured to be representing such a wonderful community in Victoria. Members who act in such a way as to warrant suspension from the house have clearly committed an offence that requires a substantial punishment.

This bill does not cast aspersions on or evaluate the behaviours of specific members; rather it sets a clear standard. The bill will ensure that members act in a way that reflects our position as community leaders. I would like members to consider, as I have a number of times, that after a visit to this Parliament or to the federal Parliament constituents have commented on the rowdiness of question time or the severity of some of the comments made. From time to time we may laugh it off as being part of the nature of Parliament, but it is now time we took measures to show our communities our ability to retain professionalism.

When members discuss the need for society to abide by the rules of civility and good manners, the same members should literally be putting their money where their mouth is. This bill has a precedent in a highly esteemed Parliament of the United Kingdom. Since 1998 the standing orders of the House of Commons have included section 45A, which provides:

The salary of a member suspended from the service of the house shall be withheld for the duration of his suspension.

This has been accepted as part of parliamentary practice for more than a decade. This demonstrates — —

Honourable members interjecting.

The ACTING SPEAKER (Ms Beattie) — Order! Could we have some silence in the chamber, please.

Ms MILLER — This demonstrates that such a provision is productive and should be implemented in the Victorian Parliament. I contend that if it is good enough for Westminster then it is good enough for Spring Street. This bill provides that if a member is suspended from the service of the Council or the Assembly after being named under the standing orders of the Council or the Assembly, a fine will be imposed on the member. This is not punitive. It simply provides that if on a parliamentary sitting day a member is not able to serve in this or the other house due to their behaviour, then they will not be paid the day's salary. It is that simple.

The question that must be asked is: where will the funds go? — and I particularly like this provision.

Funds collected from members of this place will be placed into an Assembly Suspension Fines Fund. This fund will be administered by the Speaker and he or she must distribute the amount to one or more charitable institutions nominated by the Speaker each year. There are reporting requirements for both the Speaker and the President to ensure that funds are distributed appropriately. This is a great provision because it means that when members are fined under these provisions Victoria's vital and selfless charitable sector will benefit, and that will be a very good thing. Undoubtedly the ability to support those great institutions will provide comfort to those members who are affected.

The bill will reinforce to members of this Parliament the importance of good conduct. A respect for the institution will demonstrate to the community our ability to lead by example.

Honourable members interjecting.

The ACTING SPEAKER (Ms Beattie) — Order! A little less noise in the chamber, please!

Ms MILLER — The Victorian coalition government will uphold the standards of conduct as a demonstration of fixing the problems and building the future. The government intends to act responsibly, and its members will be held accountable for their conduct in the Parliament. The government is of the opinion that to impose a fine on members who are named and suspended from the Legislative Assembly or the Legislative Council is completely justified. This will enforce accountability for one's behaviour when one is receiving a salary for such behaviour.

The government will uphold accountability by supporting this bill, unlike the previous government which was not accountable at all, and we have seen very good examples of that today. Paying members of Parliament to behave badly is considered by this government to be wasteful spending. However, it was evidently not considered to be such a waste by the previous government, which was continually wasteful with money, as evidenced by the fact that it ripped off the Victorian people by wasting \$3 billion. This was shown in the Auditor-General's report headed *Allocation of Electronic Gaming Machine Entitlements* — —

Mr Brooks — On a point of order, Acting Speaker, I think you can probably foreshadow what I am going to raise. The member is straying from the bill before the house. She is also reading from a document. I ask that if

she is reading from a document, she table it for the benefit of the house.

The ACTING SPEAKER (Ms Beattie) — Order! Is the member reading from a document or using notes?

Ms MILLER — I have some extensive notes that I am referring to.

The ACTING SPEAKER (Ms Beattie) — Order! I thank the member. However, the member was straying from the bill, and I ask her to come back to it.

Ms MILLER — Certainly, Acting Speaker. In fact I have 3 billion reasons for referring to my copious notes because — —

The ACTING SPEAKER (Ms Beattie) — Order! On the bill, please!

Ms MILLER — The previous government was not necessarily accountable, and over the last month or two we have seen several members of the opposition being removed from question time. We have also seen members removed from the house during other times of the sitting day. It is more appropriate now than ever before that we introduce this bill, because clearly during 11 long, dark years of Labor we did not see accountability; we saw waste and mismanagement. But we have an accountable government now, a responsible and caring government that is going to do the right thing by all Victorians. This is a bill for which we are advocating. I hope the opposition sees the light so that we can fix the problems that have been created in the past, build a future, put Victoria back in a better position and lead it in the right direction.

Honourable members interjecting.

The ACTING SPEAKER (Ms Beattie) — Order! I remind members that we are in the parliamentary chamber and not at the MCG.

Mr PALLAS (Tarneit) — I want to thank the member for Bentleigh for her contribution. She has demonstrated to us exactly why we deserve performance pay in this Parliament — for staying awake when there is clearly an affront to democracy on display in this place. The affront to democracy is that there is no attempt to engage in genuine debate; there is just a desire to lull the entire Parliament into the same coma that the government is in.

This bill is a piece of legislation that says so much about this government. It says this is a government of colour but no movement. This is a government that would prefer to get the headline rather than do the hard

work. This is a government that wants to bludgeon dissent in order to create a brave new world in which it and its acolytes are effectively the only ones allowed to voice their views. That is not democracy, and these are not the sorts of issues that this Parliament should be debating.

This bill, make no mistake, is an affront to democracy. It goes to the very heart of the concept of parliamentary democracy. Here in this place some of us — those on this side of the chamber at least — actually take our responsibilities to our constituents seriously. We do not fall for the threats and the intimidation of being told, ‘If you misbehave, through legislative fiat, you will be docked for the time you are out of the chamber because we consider that your behaviour is unconscionable or inappropriate’.

I quote Charles Millhuff, who said:

Many of life’s circumstances are created by three basic choices: the disciplines you choose to keep; the people you choose to be with; and the laws that you choose to obey.

In many ways discipline is a demonstration of your values. What we see here today is this government’s values. It is about fining, it is about gagging and it is about essentially shutting down dissent. This legislation is nothing more than a stunt. In fact we suspect it is nothing more than a thought bubble from the Premier, who might have given it to the *Herald Sun* in a desperate effort to kill a slow news day. That is the sort of thing we expect from a government that promises much but does very little.

I do not know whether you had the opportunity, Acting Speaker, when we were talking about action as opposed to colour, to read the *Age* on Monday when we saw business sitting back bemoaning the very fact that government members are effectively, in the words of business, ‘sitting on their arses’. I do not know whether business would be fined for using such language in this place, but that was a genuine, heartfelt expression of concern about a government that has lost its direction, its purpose and in many ways its fundamental values. When you become so obsessed with how you deal with dissent and unconcerned with what you do in terms of progressing the general wellbeing of the community, the body politic, ultimately you are a government that is more intent on pulling lint out of your own navel than proceeding and benefiting this community.

There are very few examples that would justify the introduction of this legislation. I want to quote just briefly from the all-parliamentary Public Accounts and Estimates Committee’s report on strengthening government and parliamentary accountability in

Victoria. Page 36 of that report refers to, effectively, the practice of the naming in Parliament and suspending of a member:

... who repeatedly transgresses standing orders or who refuses to acknowledge the Speaker's rulings. This is demonstrated by the naming and suspending in the Assembly in September 2007 of a member for refusing to withdraw comments that the Speaker ruled had breached standing order 118 — the first time this had happened since sessional order 10 was adopted.

Sessional order 10 was a process aimed at providing a broader capacity for the powers available to the Speaker.

We have to ask ourselves what the mischief is that this legislation is seeking to address. We do not legislate because we wake up one morning and say, 'The *Herald Sun* has an empty front page. What are we going to do?'. What we do is legislate because there is a public good that requires addressing. This is where the Public Accounts and Estimates Committee report is so instructive. The report states further:

Data supplied by the Assembly's procedure office demonstrates that the change in standing orders has reduced the number of members being named.

We actually already had a process in place that was massively addressing the way that parties had behaved. It goes on to say:

The naming that occurred in September 2007 was the first instance in the eight years since the sessional orders were adopted.

Mr Wynne — How long?

Mr PALLAS — The first time in eight years. The report continues:

This compares with 12 instances in the eight years prior to 1999 ...

As soon as this had been introduced, there was a naming-free period of eight years and 12 instances in the eight years prior to that. There was a total of 38 instances —

Honourable members interjecting.

The ACTING SPEAKER (Ms Beattie) — Order! Could the member for Tarneit just hold on for a moment? Could we have a little less noise in the chamber? If members want to indulge in long conversations, they should leave the chamber.

An honourable member — It's boring.

Mr PALLAS — Sorry! I hear that I might be boring. We will wait for the milk and cookies to come in from another contribution from those on that side of the chamber.

Honourable members interjecting.

The ACTING SPEAKER (Ms Beattie) — Order! The member for Tarneit has the call.

Mr PALLAS — Those of us on this side who want to debate the facts might actually have an opportunity to do so. The report continues:

This compares with 12 instances in the eight years prior to 1999, and a total of 38 instances of members being named since 1897. However, the incidence of members ordered to withdraw since 1999 is significantly larger ...

The basic point is this: we have in place a process that means that naming was working. The procedures and disciplines of this place had been working. If you want to see proof of how many instances it had been able to address, you will see that the process had addressed it quite well.

There are some fundamental flaws in the way this legislation operates. Firstly, it is not retrospective. If we are all going to be sinners, we might as well recognise that there are some repeat offenders; there are recidivists when it comes to naming. Very few of them are on this side of the house, with the greatest respect to the member for Albert Park, who recently has become an offender but through no fault of his own in many cases, I think.

The point here is: should it be based purely on a day's salary at base rate? I think not. Surely this should be based upon a member's capacity to pay. I think if we are going to have offences, then the offences should demonstrate the salaries of the incumbent and those who are misbehaving. The offence is so much more profound when you are a member of the government and you offend. Heaven forbid that such an offence might occur. This is not a debate about this chamber having an exchange of polite ideas over cucumber sandwiches; this is about being able to live in the crucible of a debate of ideas whereby as members of Parliament we get the opportunity to put our views vociferously in the interests of the communities that depend on us. We cannot, we should not and we must not circumscribe our rights to express ourselves.

There are disciplines and there are processes in this chamber. There are no transparent reasons why the rules should change, but more importantly there are no transparent processes by which a Speaker would exercise the unbelievably wide powers of discretion

that are in effect visited upon him. If democracy is to prosper in a community such as ours, then we must stand up for it, we must aggressively speak for it and sometimes, heaven forbid, we might be offensive. I speak for the member for Benalla — it occurs on occasion, I know — but these things are important to defend. That is what democracy is about.

Mr McCURDY (Murray Valley) — I was so inspired by the last speaker that I nearly fell asleep. Opposition members have talked about pulling lint out of each other's navels and about cookies and milk, and I think they have forgotten what this bill is about. It is about accountability and responsibility. They are things members on the other side of the house do not want, which is why they start to talk about milk and cookies and everything else.

Talking about being accountable and responsible is something that is very dear to my heart. As an elected representative I believe it is a privilege and an honour to be a member of this chamber. It is a privilege to represent my community, all the people in the electorate of Murray Valley and all Victorians. The opportunity to be part of this government in delivering for all Victorians is something that we need to do well. It is a very fulfilling experience, but within our communities we all need to be responsible. We are all told that we should not drink and drive, that we should not break the law and that we should be civil to each other and not bully others. The halls of Parliament and, more importantly, this chamber are places for great debate. The opportunity afforded to us is truly a gift, and I take the opportunity very seriously, as do many members on this side.

On the whole the behaviour in this chamber is very good, but once in a while, every now and again, somebody crosses the line. Sometimes, on very rare occasions, it is someone on this side — that is, a government member — who is absolutely passionate about their issues and stands proudly to support their constituents. Sometimes, like the member for Benalla, who is very passionate about plugging the pipe and other issues that are of paramount importance in his community, we make mistakes and we cross that line. Sometimes we deliver a set of words that is unacceptable. On such occasions you will find that the member is disappointed with their actions and disappointed that they overstepped the mark because of the passion that drives them.

Sometimes it is a member of the opposition. Some individuals want to make a scene just to be noticed. They want to carry on and give such a performance that maybe somewhere some news editor might be having a

quiet day, thinking, 'Here is someone who needs their 15 minutes of fame. Let's give them their 15 minutes of fame'. However, no longer will they get their 15 minutes of fame without a substantial cost. This will hit them in the nerve where they do not like to be hit, and that is the hip pocket nerve. They will get stung, and they deserve to be. We all deserve that if we do not act responsibly in this Parliament.

The Baillieu government is getting tough on hoon drivers, drunks who misbehave and violence on public transport, and now we are getting tough on members of Parliament in this house who think they can misbehave. I believe this is outstanding leadership from a government that is not about do as I say, but do as I do. It is a government that says we are not above the law; we are accountable, we will be responsible and we will be fined if we transgress.

This leadership inspires me. We are not following other states; it is something we are beginning on our own. Victoria is the first state in Australia to adopt this tough stance, and those who act inappropriately within the parliamentary chamber will pay a severe price. I pause to congratulate the government for leading from the front. We are not afraid to bring ourselves to account, as also happens in the House of Commons in the United Kingdom. Currently the Speaker may order a member whose conduct is disorderly to withdraw from the chamber for an hour and a half, although suspended members can still attend divisions.

In more serious cases members can be named and a motion moved that a member be suspended from the house for the remainder of the day. Members who are suspended through that process are not able to attend divisions while suspended. This demonstrates that it is a serious offence, certainly for government members — it probably does not matter if you are on the opposition side and you are not in the chamber for a division. As the elected representative of the people of Murray Valley I am very passionate about representing them and do not want to miss those opportunities. I would be doing them a major disservice by not being permitted to vote in a division.

Members need to realise that there are consequences of not obeying the rules. It is not a badge of honour to be thrown out of this place; it is not an opportunity that you should aspire to. Members need to be respectful of the opportunity that is afforded them. The government is not afraid to expect Victorians to conform to its standards, to expect an improvement in social behaviour and to expect people to be sensible in all other parts of the community, so it is not too much to ask members of Parliament to also show some respect

and to behave in an appropriate manner. Passionate debate is encouraged — there is nothing wrong with that — but there is a line that you should not cross. Lively discussion is very exciting, but there is also a line, just as there is in workplaces, in sporting groups and with respect to the community expectations we have of all others. We cannot afford to cross that line in the community, and nor should we in here.

Moving on to the detail, the bill provides that a member who is suspended will pay a fine equivalent to the basic salary of a member of Parliament for the period of the suspension. In the Legislative Assembly the fine will be paid into a fund to be administered by the Speaker, and in the Legislative Council into a fund to be administered by the President. In both cases the entire fund for each house must be distributed to charitable organisations, and that is only fair. Accountability is what this government is all about, and we have raised the bar in the community on accountability. We came to government on the expectation that we will be accountable and make a difference to law and order and feeling safe in our communities. The saying, ‘Do as I say and not as I do’ just does not cut it anymore. I am a firm believer that standards need to be upheld, and we are prepared to show that leadership through our elected members.

Like many of the changes implemented by the government, if you do the right thing and you do not do anything wrong in this place, you have absolutely nothing to worry about, so where is the problem? The approach in this bill is the same: you can feel proud to be passionate about your community but you should not cross the line. Members should represent the people as we expect our children to represent us on their local sporting fields, netball courts or at the local tennis club. They should not engage in the ugly parent syndrome. Members should be responsible and act seriously — and not cross the line. The people of the Murray Valley electorate elected me to be their voice in state Parliament, and I am particularly grateful for the opportunity to be their voice. They expect me — they do not ask — to represent them in a manner that is responsible, caring and accountable. Most of all they expect me to show some leadership. This bill ensures that those who cross the line will be brought to account. I commend the bill to the house.

Mr NOONAN (Williamstown) — I join the debate on the Parliamentary Salaries and Superannuation Amendment Bill 2011. Of course we have just had the member for Murray Valley make a most inspiring contribution to the debate. It was very noble, but what he did was let the cat out of the bag. Midway through his contribution he said that this bill was intended to

attack the opposition. That is the intent of the bill. That is what it is really all about. Those opposite know what it is all about — it is about attacking the opposition. With regard to the member for Bentleigh, when the government wants to send in the big guns, it sends in the member for Bentleigh. If you could be named for being boring or making a boring contribution to this debate, the member for Bentleigh would have been named during her contribution.

What a farce this bill is! The member for Bendigo East used the word ‘farce’ in her contribution on a number of occasions, and that is what this bill is. This is the type of bill you get from a government that has no plan for Victoria. This is the type of bill you get from a government that has no plan or vision for Victoria, a government which is led by a weak and lifeless Premier. This bill completely lacks substance. It will make no real difference to the functioning of this Parliament, and it is designed to limit legitimate debate and scrutiny of government. The purpose of this bill is simply to introduce a penalty system for members who are named in either the Assembly or the Council. This new penalty will result in named members having a day’s pay forfeited from their salary. This day’s pay will then go to the Speaker or the President and will be distributed in its entirety at the Speaker’s or the President’s discretion to either a charitable organisation or other organisations nominated by the Presiding Officers.

As far as I can tell from reading through the bill, there is really no governance structure to ensure that these funds are appropriately disbursed, although there are requirements under clause 3 that the Speaker and the President need to table a report to the Assembly and the Council in terms of where that money goes. However, it is not clear why organisations other than charitable organisations would or should ever be considered for the receipt of those appropriated funds. I am not wishing to cast aspersions on the current Speaker or the President in this regard, but I think some basic governance arrangements would probably protect the integrity of those officers.

Let me get back to the substance of this bill. In the second-reading speech the Minister for Corrections states that the bill is a way to make members accountable for inappropriate conduct in Parliament. Let me pose this question to the minister — and to the Premier and his government. If the Baillieu government truly respected the need to protect the integrity of this Parliament against inappropriate conduct, why did the Premier not demonstrate some leadership on this issue when in opposition? The fact is that the Premier has no credibility on this issue, and he should be judged by his

actions and not his words. He has been out there in the media talking up the need to create serious consequences for those named in the Parliament, and of course he has had his 6 o'clock news grab on this issue, but we all know that if the Premier when in opposition had had just one ounce of leadership in that great frame of his he would have disciplined the members for Bass, South-West Coast, Warrandyte, Hastings and Polwarth during the last Parliament. Instead we had the member for Bass kicked out on at least 14 occasions. The member for South-West Coast was also suspended from the Parliament on 14 occasions.

Honourable members interjecting.

The ACTING SPEAKER (Ms Beattie) — Order! I am having difficulty hearing the member for Williamstown.

Mr Wynne interjected.

The ACTING SPEAKER (Ms Beattie) — Order! The member for Richmond! I am having difficulty hearing the member for Williamstown.

Mr NOONAN — I will repeat those numbers. The member for Bass was kicked out of the last Parliament 14 times. The member for South-West Coast was kicked out on 14 occasions. The member for Warrandyte was kicked out eight times.

Mr Wynne interjected.

Mr NOONAN — The member for Bass and the member for South-West Coast were kicked out 14 times. Given the member for Richmond's strong interest in this matter, I point out that between them the members for Bass and South-West Coast accounted for almost 30 per cent of the number of suspensions in the last Parliament. The member for Warrandyte was kicked out 8 times, the member for Hastings 7 times and the member for Polwarth 5 times. I will not embarrass the member for Ferntree Gully, given that he embarrassed himself in his contribution on the Consumer Acts Amendment Bill 2011 earlier this evening.

One can only assume that the Premier when he was the opposition leader in the last Parliament could not have given two hoots about his own members acting inappropriately — he could not have cared less. In fact poor behaviour was rewarded by the former opposition leader, now the Premier. Why else would you promote the member for Warrandyte? The member for Warrandyte could not be promoted on merit alone — surely not; no-one could make that argument. One can only conclude that this bill before the Parliament is nothing more than a cheap stunt to attract populist headlines.

In his second-reading speech the minister tried to justify the bill by drawing upon the practice in the UK House of Commons where since 1998 standing orders have provided that a suspended member shall be docked his or her pay for the duration of their suspension. The member for Tarneit touched on this issue. The minister did not mention a report by the Public Accounts and Estimates Committee that was tabled in this Parliament in 2008. I was a member of that committee in the last Parliament. The report is entitled *Report on Strengthening Government and Parliamentary Accountability in Victoria* — —

Mr Andrews — I have not read that.

Mr NOONAN — You have not read that?

Mr Andrews — No.

Mr NOONAN — It is a very good report. But for those members who are in the chamber tonight who are less than familiar with that body of work, I refer to chapter 4, which is worth having a look at. It examines issues associated with standards of parliamentary behaviour. To save all members the trouble of having to go back and reread that particular report, about seven or eight pages in that chapter refer to parliamentary behaviour. The chapter covers issues such as recent changes to standing orders regarding the suspension of members; the role in other jurisdictions of parliamentary standards commissioners; the independence of Parliament; training members of Parliament in ethics and in relation to conflicts of interest; registering members' interests; and a code of conduct. In all there were 26 submissions to the inquiry from a range of well-regarded individuals and organisations.

In terms of members' behaviour, I can inform members in the house that there was not one mention in this all-party report of the need to implement some type of penalty system to improve the conduct of members. The report concluded:

... the committee considers that the ultimate responsibility for members' behaviour in Parliament lies with the members themselves —

not the Speaker and not other members who might have a view about this particular bill, but the members who sit in the Parliament.

Former federal senator Barney Cooney made a submission to the inquiry. He is absolutely a fine man. He said:

There is little doubt that where debate is courteous its quality improves. Debate can be rigorous and effective and at the same time gracious.

They are wise words from a wise friend.

In terms of the issue of a parliamentary standards commissioner, the committee came to the conclusion that such a position could undermine the independence of the Victorian Parliament. I come back to the central point: nothing in that report, which is barely two years old, including chapter 4 regarding parliamentary behaviour, comes anywhere close to a recommendation to fine members for their behaviour or when they are named in the Legislative Assembly or the Legislative Council.

I do not have time to address the other jurisdictions across Australia. Other members may do that. Needless to say some members on the other side of the house may be quite proud we are doing this in Victoria. However, in terms of jurisdictions such as New South Wales, Western Australia and Tasmania, nothing comes close to what is being proposed in this piece of legislation. What are we to conclude from this? We can conclude simply that this is a political stunt. That is why the Labor opposition will oppose this political stunt. We will not be party to any measures that are purely designed to shut down debate and shut down government security. I am proud to stand with my opposition members to oppose this very poor bill.

Mr SOUTHWICK (Caulfield) — I rise to support the Parliamentary Salaries and Superannuation Amendment Bill 2011. This bill is about ensuring good behaviour in this house and good standards in this house and that we as members of Parliament act responsibly in this house.

We operate in this fine building. This parliamentary building was built in 1856, and some 11 prime ministers have sat in this chamber. It is a great chamber and house. When visitors come to this place to visit the building, they are in absolute awe. When they sit in the gallery and watch the way we behave, that is where unfortunately in many instances it all goes downhill.

What we are doing with this bill is very clearly ensuring that we set the standards so that we behave in the manner that all Victorians would expect of us. I see some members of the opposition taking absolutely no notice of this. It is very unfortunate to have to say that this is about how we behave, about leadership and about what Victorians expect from their politicians. Unfortunately over many years, and particularly over the last 11 years, we have had a spiralling downwards trend in behaviour in this chamber thanks to the former government.

The declining confidence, particularly in the 11 years of Labor's spin and waste, is about to be rectified by this bill. It is part of setting the standards, which the coalition has been doing since coming to government — setting the standards on the streets when it comes to hoon driving and putting more police on the roads, setting the standards on our train stations with protective services officers and setting the standards in the home with legislation governing teenage drinking. There are so many frames in the bills we have introduced into the Parliament since coming to government with which we are setting the standards, and we are continuing to set standards in this chamber. That is what this bill is all about — setting the standards and ensuring that we deliver what is expected of us as members of Parliament.

This is a workplace and we come here to work. In any other workplace you would not expect to hear what is said and see some of the behaviour that we see in this place at certain times. The standing orders are not being changed by the bill, but we are changing the penalty for not behaving. What we are saying is that if you do not behave, you will be penalised. It is very simple: you will lose a day's pay for bad behaviour. If you behave in the manner that one would expect, nothing changes, but if you use parliamentary privilege and things get to a point where there is effectively no other alternative but for you to be thrown out, you will lose a day's pay. As it is very simple, I am sure the action could be undertaken by members of either side of the house. It is a fair bill; it is not directed at the opposition or the government. It is directed at each and every member of Parliament in order to lift the standards of behaviour. What this coalition government is doing is lifting the standards and delivering on our commitments.

I am sure that many people, including many members of the opposition, have had visitors, including schoolkids, come into the chamber. I will share with the chamber a story about a 16-year-old schoolkid who, while she was doing work experience with me this week, came into the chamber. Her first impressions were not what she expected of a Parliament. I notice that in debate on this very important bill, in which we would expect some sort of respect, we hear the opposition leader shouting from across the table and not giving the bill the due respect that one would expect for a bill of such importance.

The coalition parties are leading in setting the standards. Victoria will be the first jurisdiction to introduce a disincentive for inappropriate conduct in Parliament, and as Victorians we should all be proud to be leading the way on this matter. I am sure we will find other parliaments around Australia taking note of

this very important initiative. The Parliamentary Salaries and Superannuation Amendment Bill 2011 imposes a fine on members of Parliament who are named and subsequently suspended from the Legislative Assembly or the Legislative Council. While we are the first Australian Parliament to propose such a measure, we are also following in the footsteps of the House of Commons of the Mother of Parliaments at Westminster, which is governed by its standing order 45A, which provides:

The salary of a member suspended from the service of the house shall be withheld for the duration of his suspension.

Although we are certainly setting the standards in Australia, we are following a precedent in the British system. The loss of salary has been accepted as part of that Parliament for more than a decade.

This bill removes a double standard in that it sets the standard of conduct that members should exhibit in Parliament. At all times members should display behaviour that could be expected of parliamentarians and not students in a rowdy classroom. Anyone visiting constituents and schools in my area would find kids behaving a lot better than some of us do here in Parliament, and this would be the case in a lot of the electorates that members in this house represent. Some students who misbehave receive disciplinary action, and the same level of disciplinary action should be applied to members of this house.

We should take into consideration that since February of this year there have been 26 recorded suspensions, 15 of which exceeded an hour in duration. There were repeated suspensions of four members. We have not started off the year all that well. Hopefully the threat of incurring a penalty will at least make people think about their behaviour before behaving in a manner that would warrant a penalty.

New section 7B(1) of the bill provides that:

If a member is suspended from the service of the Council or the Assembly after being named under the Standing Orders of the Council or the Assembly, a fine is imposed on the member by virtue of this Act ...

This fine will be calculated as 1/365th of a member's base salary multiplied by the number of days the member is suspended. This is not an unfair punishment. It simply says that on a parliamentary sitting day any member not able to serve in this house due to his or her behaviour will not receive that day's salary. It is very simple: anyone not able to serve or work will not be paid. The question of where this money is to be distributed highlights one of the strengths of the legislation, and I strongly support the fact that we are

giving the money back to the community; we are not taking it. We are actually putting the money back into the community, and that is something I as part of the coalition am happy about and proud of.

The member for Bendigo East even thought this was a good idea and wanted to be involved in the way the money would be divided up. I am sure that we will have a process in place so that the money is allocated to the charities that deserve it. Hopefully there will not be a lot to give because the level of behaviour will improve with the introduction of this legislation. However, people will be people and individuals will behave accordingly, and if they do, there will be more money to divide up. We will do that appropriately.

The presiding officers will oversee the way this money is distributed. This is a great piece of legislation; it is setting standards and following what we are doing out on the streets. It follows up on the bills we have passed since being in government and seeks to ensure that the way in which we conduct ourselves in this Parliament is appropriate and respectful on both sides of the house. It will ensure that we behave in a manner that all Victorians expect of us. I commend the bill to the house.

Mr DONNELLAN (Narre Warren North) — It is an honour to speak on the Parliamentary Salaries and Superannuation Amendment Bill 2011. If only this bill would improve standards. This bill is not a reform and is not revolutionary. It is a gag and is here to stifle debate. Parliament was established to ensure that people could vigorously discuss and debate issues. At the end of the day this bill will severely limit a member of Parliament's capacity to represent the issues of their electorate, to do it fearlessly and to ensure that they are not penalised and do not lose money out of their own family's pocket.

This legislation is very much a gag that will see the people and parliamentarians being treated as the Premier's subjects. The patrician Premier believes all his subjects should just accept his word. In his answers at press conferences in relation to Michael Kapel's meeting with Sir Ken Jones, the Premier told us, in a patrician manner, that we should just accept that this meeting was held in good faith. Democratically elected members have no right to ask questions; their only right is to be neutered by this ridiculous bill. It will not improve standards. It shows a bad attitude to say, 'You just need to accept that our answers are honest and that at the end of the day we are always right'.

I refer briefly to the great debate, the leaders' debate, which occurred prior to the last election. The then

Leader of the Opposition, Mr Baillieu, now the Premier, indicated that one of the great reforms that this do-lots government would undertake would be to remove Dorothy Dixers from question time. I remember the Dorothy Dixers about Dorothy Dixers that was asked during the debate by journalist Josephine Cafagna, now the Premier's media adviser. Mr Baillieu just responded, 'Question time is a joke; we will remove them'. They have not been removed; they are still here. You have to wonder why this great reform — —

An honourable member interjected.

Mr DONNELLAN — I don't know, but this great reform that was put up and that the Premier accepted was never followed up by the *Age*, the ABC or others. At the end of the day this great reform has been forgotten.

I want to talk about one of the other great reforms that was supposedly coming our way — the freedom of information commissioner. What has happened to that reform to date? Absolutely nothing has happened. I have freedom of information requests before the Minister for Community Services. Guess who is poring over those requests? It is not the FOI officer in the department who is assessing them, but the minister's political staffers. These people are making assessments of the FOI requests we made of the minister in an attempt to get answers to our questions. We now have a political office neutering the FOI process. The same minister also instructed the department not to provide briefs so that she could circumvent the FOI process to ensure that nothing came through. We have a minister who is deliberately and utterly trying to — —

Mr Clark — On a point of order, Acting Speaker, I am having difficulty relating the honourable member's remarks to the bill. He is entitled to make some general opening remarks, but he is embarking on an entirely different issue to the subject matter of the bill before the house.

Mr DONNELLAN — On the point of order, Speaker, this is a wide-ranging debate. It relates to reform, parliamentary standards, governance and accountability. I would have thought that is directly in line with what I am commenting on.

The ACTING SPEAKER (Mr Northe) — Order! I do not uphold the initial point of order at this point in time; however, I direct the member for Narre Warren North to keep his remarks as close to the bill as he can. It has been a wide-ranging debate thus far.

Mr DONNELLAN — This is genuinely about accountability and transparency. It concerns me that one of the other great proposed reforms that is not included in the bill is the introduction of an FOI commissioner.

I asked a question without notice on 5 April. In her reply the minister started off by saying:

I thank the honourable member for his question, but experience has taught me not to take any question from the member at face value. In fact, in one of the recent questions he asked me he accused me of failing to act to protect — —

The Speaker then intervened, which was quite a blessing, to ask the minister to return to the question. The minister continued:

I do not take questions from the member for Narre Warren North on face value because it has been proven that his questions are incorrect before they have even been asked. On that basis all his questions are questionable.

What did we find out that evening? We heard a confession from the minister that my question was correct. We found that by ensuring that briefs did not come up to her, the minister could use the children overboard defence — that is, she could say, like Sergeant Schultz, 'I know nothing'. Instead of answering the question honestly, the minister is trying to nobble the Freedom of Information Act 1982 — one of the great reforms of former Premier John Cain. We do not have the reform of introducing an FOI commissioner but the nobbling of the process. The minister went on to say that the memo had gone out from her chief of staff and she was not reading all category 1 briefs. Neil Mitchell was actually providing the brief — the answer to the children overboard problem that we have seen.

The Parliamentary Salaries and Superannuation Amendment Bill 2011 is not reform. In this house today I will happily wager \$50 that not one Liberal Party member will ever end up paying a fine of a day's pay for being named in the house. I am absolutely certain of that. I am happy to take up the bet — anyone can come and see me afterwards — that there will not be one Liberal Party member who will ever have to pay up.

What do we have? We have a government that will not answer questions honestly in relation to the police commissioner, and we have political advisers being sent on leave for no reason at all. We have the deputy leader's relationship with people investigating Jeremy Rapke being questioned, but if we ask these question too vigorously, we will be named and thrown out. These are all legitimate issues for the opposition to fearlessly seek answers to. We have seen some of the

bullying behaviour of the Liberals today. Do members remember how the Deputy Leader of the Opposition was not gracious when answering questions in relation to his potential conflicts of interest? We saw aggression towards the member for Bendigo East whereby she was in effect called a dill. Supposedly we have no right to ask questions. We have to take on face value the honesty and integrity of all these people and never ask questions.

What else do we have? Think about the independent, broadbased anticorruption commission (IBAC). What has happened to IBAC? We obviously forgot to organise approval for phone taps, but what has happened to this great big reform? What we have is a stunt. This is not reform, it is not revolutionary and it will not improve standards. This is a poor joke and a ridiculous thing to bring before the house. We have a government that has just got in, and this is its big bit of legislation for reform. I would be ashamed to be a member of a government that brought this before the house. I would think I was back at kindergarten if my government brought in this type of stuff. We may as well have a naughty corner. I do not know why we do not have a naughty corner, because there are lots of lovely corners of the house that we could use to put members in. We could even provide a little strap to whack them with on their way to the naughty corner, because that is about the seriousness of this reform.

Last of all, we have comments from the great Scrutiny of Acts and Regulations Committee. That committee, including Edward O'Donohue, a member for Eastern Victoria Region in the upper house, the member for Mount Waverley, the member for Burwood, and David O'Brien, a Nationals member for Western Victoria Region in the upper house, made the following observation in relation to this bill in *Alert Digest* No. 3 of 2011:

While the committee accepts that a house of the Parliament of Victoria is 'a competent, independent and impartial ... tribunal' for the purposes of charter s. 24(1), it notes that there is no provision for a hearing in relation to the naming or suspension of a member.

There is no ability to question the assessment made, which to me suggests that this is definitely not about reform. Even the committee broadly referred to that point. This is about neutering the capacity of the opposition to ask questions vigorously, aggressively and in a manner in which we have been elected to ask them. This is a very poor stunt. As I said before, there will not be one government member who will ever have to pay a day's pay, and I am very happy to offer a \$50 bet to whomever on whether a government member will ever lose a day's pay.

Mr KATOS (South Barwon) — It gives me great pleasure to rise this evening and speak in favour of the Parliamentary Salaries and Superannuation Amendment Bill 2011. The government is of the firm belief that members of Parliament, as elected officials and representatives of the community, have a responsibility to act in an appropriate manner, particularly whilst in the Parliament. The community that elects us to this place has high expectations that we will represent its interests and conduct ourselves in an appropriate manner whilst in this place. This place is certainly not the World Wrestling Federation, with 'Macho Man' Randy Savage in that corner and Hulk Hogan over in this corner and all the shenanigans that go on there. Members in this place should be held accountable for their inappropriate conduct in the Parliament.

In order to maintain the decorum of this house and keep the standards of behaviour high, the government believes that a financial penalty should be imposed when a member is suspended from either house under the standing orders of each house. I have heard all sorts of nonsense coming from the other side of the house. The standing orders have not changed. There is simply a penalty being imposed for breaching those standing orders. This bill imposes a fine on members of Parliament who are named and suspended from the Legislative Assembly or the Legislative Council. This is similar to the system that has been in place since 1998 in the United Kingdom's House of Commons. Under the standing orders of that parliament, a member who has been suspended from the house shall not be paid their salary for the duration of their suspension. Only 12 members of the House of Commons have been suspended since the loss of salary was introduced in 1998, so clearly this measure has acted as a deterrent to unruly behaviour in that Parliament.

The introduction of this scheme will be a first in any jurisdiction in Australia. It will increase the accountability of members of Parliament in their respective houses and increase the capability of each house to deal with serious cases of inappropriate behaviour. Members of both houses are afforded parliamentary privilege and given ample opportunity to speak and express their views. If members act appropriately and conduct themselves in an orderly manner, they have nothing to be concerned about.

Honourable members interjecting.

The ACTING SPEAKER (Mr Northe) — Order! Opposition members are interjecting out of their place and are therefore out of order.

Mr KATOS — Clearly members opposite are concerned by this legislation, as they have been acting in a disorderly fashion and disrupting the business of this house for months. Obviously those opposite are now concerned that their hip pocket might be affected by their disorderly conduct. In the Legislative Assembly, standing order 125 provides that a member may be named by the Speaker or Deputy Speaker when they behave in a particular way. Such conduct would include obstructing the business of the house, using offensive words, refusing to withdraw or apologise and disorderly conduct.

At present if a member of the house is named and subsequently suspended, they are not subject to any financial penalty. The procedure enacted by this bill is that if a member is suspended from the service of either house, they will be fined — the Parliament will not withhold sums of money from their pay. It is not the intention of this bill to affect the calculation of salary entitlements of suspended members, such as their superannuation.

Ms Duncan — Who wrote this for you?

Mr KATOS — Actually, I do my own writing, thank you.

If a member is named and suspended from the Legislative Assembly or the Legislative Council under the relevant standing orders, that member is to be fined an amount equivalent to their daily rate of basic salary for each day they are suspended. The basic salary for a state member is defined as the annual allowance paid to members of the commonwealth House of Representatives, less \$5733. When a member is named and suspended from the service of the house for the remainder of the day's sitting, they will be fined one day's basic salary. If a suspension from the house is for multiple days, the member will be fined an amount equivalent to the number of days of their suspension.

There are a number of reasons for fining a member who is suspended from the house rather than having a sum of money withheld from their salary. The imposition of a fine emphasises the point that this measure is to be seen as a punishment to deter disorderly behaviour. A suspended member will be expected to continue their work during the period of their suspension. For example, they would still be expected to work in their electorate office, so their salary should still be paid for the work they are doing. However, a fine would be imposed according to the number of days for which the member has been suspended.

The bill also establishes two fines funds. Clause 3 establishes the Assembly Suspension Fines Fund, which is administered by the Speaker, and the Council Suspension Fines Fund, which is administered by the President. Any fine imposed will be paid into the relevant fund. At the end of each financial year the balance of each fines fund will be distributed to one or more charitable organisations nominated by the Speaker, in the case of the Legislative Assembly fund, and the President, in the case of the Legislative Council fund. The definition of a charitable institution in this case includes any charitable, religious, scientific or educational institution or a hospital or any institution whose sole or principal purpose is to assist in the saving of life or the prevention of damage to property. The charity must also be an institution that operates for the purpose of profit for its individual members and which does not make any distributions — whether of money, property or otherwise — to its members.

Ms Duncan interjected.

The ACTING SPEAKER (Mr Northe) — Order! I have given the member for Macedon plenty of latitude. I ask her to refrain from interjecting while she is out of her place. If she wants to interject, she should go back to her designated place.

Mr KATOS — Perhaps the member for Macedon should read the legislation. That is where this has come from — the actual legislation. I invite her to do so.

The bill reinforces community expectations that high standards of behaviour will be set in both houses of Parliament and that members will behave accordingly. As I said earlier, the bill makes no changes to the standing orders. The rules have not changed in relation to the naming of members and the period for which they are suspended, as determined by the Speaker or the President. The rules have not changed, so nothing is different. The only difference is that a fine will be imposed on a member for the duration of their suspension. With that, I commend the bill to the house.

Ms GARRETT (Brunswick) — I rise to make my contribution to the debate on the Parliamentary Salaries and Superannuation Amendment Bill 2011. There has been a lot of talk — a lot of hot air, if I may say so — from those opposite about the merits of this bill. They claim that the provisions of the bill represent what a responsible government would do. How misguided, full of spin and off the mark members of this government are. A responsible government governs, and this government should govern, for all Victorians on the basis of a substantial policy agenda and vision for the state. A responsible government is not, unlike those

opposite, consumed by cheap political stunts, and it certainly does not start misusing its power as soon as it gets it to squash democracy.

Mr Watt interjected.

Ms GARRETT — I am glad the member for Burwood is listening to my speech.

I am sure many Victorians, if they were stirred from the slumber-inducing tempo of this government, may be sorely tempted to stamp their feet, crack a tantrum and perhaps use some unparliamentary language. As this initial parliamentary session draws to a close and we push ever closer to the first anniversary of the Baillieu-Ryan team — I use the word ‘team’ loosely, because you would be hard pressed to find a more fractured and jittery group of individuals on a leaky boat — we are forced to ask: is this the best this government can serve up for debate, or not, as the case may be, in this house? Clearly it is.

It is worse than that, because this little gem of a democracy stifler was just about the first bill that the government mooted it would introduce way back at the start of its term. It did so without the Speaker even being informed of the idea and without even a whiff of legislation prepared. There was fanfare, trumpeting, the obligatory leaks and excitement in the conservative ranks at coming up with such a cute little stunt. It was an enticing smokescreen behind which they could hide their abject lack of a policy agenda. I am sure there were backslapping, laughs and comments such as ‘Imagine where we can plonk the fines of our political opponents’ among giggles in the corridors of power. Unfortunately this whole mess is not the slightest bit funny. It is sad. It is sad for the standards of this house, sad for open and democratic debate and sad for the people of Victoria.

The fact that this government is focused on cheap stunts rather than on the health, education and wellbeing of our community is distressing enough, but the fact that it has taken this government so long to bring this little stunt to a stuttering legislative start fundamentally calls into question its competence and capacity to deliver on any of the major and mounting issues facing the state. It is not as if we needed any more reminding of its lack of capabilities, after its embarrassing performance during the debate on its own matter of public importance this morning. It was embarrassing. Its attempts to backslap itself were as clumsy and as hollow as its failure to deliver on any of its election commitments.

We all know that when the government said prior to the election that it would not increase the state’s debt by

one dollar it was telling the truth, for it was clearly determined to increase the state’s debt by \$23 billion. When the government said prior to the election that it would deliver 940 protective services officers on train stations across Victoria, who knew this actually meant having its own backbenchers moonlight as special railway station enforcers, as renegades, saying, ‘I’m an MP; you must show me your ID’, while it jerked all over the place trying to unravel the bowl of spaghetti that this ill-thought-out policy has created?

More than anything we now know that when the government promised to be open and transparent, it actually meant quite the opposite. Touching on just one example, it actually meant that it was going to have its political staff — I repeat, its political staff — making determinations on FOI applications. It is no wonder Officeworks is reporting a sudden shortage of stock in its thick black — —

Mr Clark — On a point of order, Acting Speaker, you have allowed considerable latitude to the member in digressing from the bill. The normal practice of the house is to allow a fair degree of latitude to lead speakers but to expect the other speakers to relate their remarks to the bill. The member for South Barwon certainly did that in his contribution. The honourable member for Brunswick is straying far and wide on a wide range of topics other than the bill, and I ask her to address her remarks to the quite narrow and specific provisions of the bill before the house.

Ms GARRETT — On the point of order, Acting Speaker, I think I am being entirely relevant to the bill before the house, because this bill is yet another example of the fact that the only time — —

The ACTING SPEAKER (Mr Northe) — Order! I will rule on the point of order. I do not uphold the Attorney-General’s point of order at this point in time. We have had some wide-ranging debate on the bill, although I must make the comment that I was almost going to interject to bring the member back to the bill before us.

Ms GARRETT — The bill has been central to my entire contribution, because this is another example of the fact that the only time this government seems to get a bit of wind in its sails and a bit of colour in its otherwise pallid cheeks is when its members are stuffing around with democratic rights and freedoms. Who can forget, by way of just one example, the time that a senior minister failed to answer the call of the pesky but oh-so-loud bell to attend the chamber and cast her vote at a crucial moment? Or the time another senior minister fell asleep on the job — fell asleep on

the job! But everyone on that side of the house was wide awake and positively fizzing when the standing orders were disgracefully suspended and the legislation that eroded the protections of the equal opportunity legislation was rammed through. Cheers erupted from that side of the house when notice was received that the equal opportunity bill had been passed by the Legislative Council, and they looked positively alive.

Mr Watt — On a point of order, Acting Speaker, clearly the member for Brunswick has strayed very far from the bill, and I would ask that you bring her back to the bill.

The ACTING SPEAKER (Mr Northe) — Order! I do not uphold the point of order.

Ms GARRETT — I am back — and once again, this is a case in point. Members opposite are only animated when there is something before the house about quashing the rights and freedoms of people — they are alive, they are chirpy! My goodness, they are conscious! There is nothing like it. Certainly based on today's reactions of members opposite, senior ministers trying to pad out an hour talking about non-existent achievements of a dithering government does not do it for the team. Here we are again with this bill, which is designed to quash legitimate debate. It is a bill that gives wide-ranging and unchecked powers to the Speaker. Maybe the streamers will pop when this one passes, because far from adding to the standards or conduct of this house, this bill will undermine — and at its heart it is designed to do so — the capacity of MPs to effectively speak their minds on behalf of their constituents.

The bill gives the important office of Speaker the role of judge, jury and executioner. It allows the Speaker to say 'I name you, I kick you out and now I fine you a whack of cash, which will be sent wherever I choose'. How do you use your power when you have it? Do you respect the solemnity of that power? Or do you rub your hands in glee and seek to exploit it unfairly? This is the latter — this bill is the latter — and it is a one-way ticket on the arrogance express. It is of particular concern that this bill gives the Speaker or President the sole discretion to determine where the fines imposed will be directed. This could include a party political organisation or a charity not registered in this state. This is not good enough.

When we look around at what happens in other jurisdictions in our neighbourhood or in our country, we see that no other jurisdiction has chosen to go down this path, or where a jurisdiction has been down that path previously it has since abolished such a scheme. In

Tasmania there did exist in 2002 the capacity for the presiding officer to impose a small fine of \$40, but our friends in the south clearly cottoned on to the inherent problems of this sort of a scheme and abolished it. Yet here we are in Baillieu-Ryan Victoria in 2011 introducing the power to impose a fine — and it is a significant fine, I might add, of nearly \$400 — and giving the Speaker the sole discretion to decide what to do.

As a part of their core responsibilities, members of Parliament should be able to vigorously stand up on behalf of their constituents. This representation often includes robust criticism and analysis of the decisions of the government of the day, and that is how it should be. To introduce a system that allows a Speaker, who is a member of the government of the day and not a tenured judicial officer, to preside over the suspension and fining of an MP fundamentally undermines the core responsibilities and rights and role of MPs. We oppose this bill, and we call on the government to remove its ever-thickening cloak of secrecy and get on with governing for all Victorians.

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

Mr BATTIN (Gembrook) — I rise to support the Parliamentary Salaries and Superannuation Amendment Bill 2011, because we on this side of the house believe that, as elected officials with public responsibilities, members of Parliament should be held accountable for their inappropriate conduct in Parliament.

I want to start off by saying that I am 100 per cent supportive of democracy in Victoria. It is something that we work in, and not once has it been mentioned in this bill that we want to change the standing orders to try to smother or stop debate. If those opposite are reading that into it, then I will give them an explanation of the bill, which maybe they should have read first. The bill states that:

The purpose of the Bill is to amend the Parliamentary Salaries and Superannuation Act 1968 to provide for a fine to be imposed on a member who is suspended after being named.

They will be named in exactly the same circumstances as those provided for in the standing orders. We are not changing the standing orders at all. It also states that the bill:

inserts section 7B to 7D into the Parliamentary Salaries and Superannuation Act 1968. These sections provide that ...

... If a member is suspended from the service of the Legislative Council or the Legislative Assembly after being named under the Standing Orders —

that is, the current standing orders —

of the Legislative Council or the Legislative Assembly, a fine is imposed on the member.

The amount of the fine is to be determined by multiplying the daily rate of the basic salary of the member by the number of days in the sitting period during which the member is suspended from the service of the Legislative Council or the Legislative Assembly.

The Clerk of the Council or the Clerk of the Assembly must notify the member in writing of the amount of the fine. Although the fine is deducted from a member's salary, it is explicitly provided that the fine does not constitute a reduction in salary.

Sections 7C and 7D: Separate Fines Funds are to be established for the Legislative Assembly ... and Legislative Council ... into which fines of members are to be paid. The Speaker of the Legislative Assembly and the President of the Legislative Council administer the Fines Fund for their House.

The Speaker must distribute the amount standing to the credit of the Assembly Suspension Fines Fund as at 30 June each year to one or more charitable institutions nominated by the Speaker in each year, and table a report specifying the amount distributed and the name of the charitable institution or charitable institutions to which the amount was distributed. The President must do the same in respect of the Council Suspension Fines Fund.

I reiterate — and I have read the whole lot — that not once does it say that we are changing the standing orders or trying to stifle debate, as those opposite would try to make people believe. Not once does the bill mention that we will be stopping debate on these things at any time. All the bill does is put in place an appropriate penalty for members misbehaving in Parliament, making them responsible for their actions.

I believe I should be held responsible for my actions. I was elected to represent my electorate in Gembrook, and I am proud to stand here and do that. Should I misbehave in Parliament — that is, if I use offensive language or anything else — I can be named under the standing orders, which state:

125 Naming a member

A member may be named by the Speaker or the Deputy Speaker for:

- (1) persistently and wilfully obstructing the business of the house; or
- (2) being guilty of disorderly conduct; or
- (3) using offensive words, and refusing to withdraw or apologise; or

(4) persistently and wilfully refusing to conform to any standing order, rule or practice of the house; or

(5) persistently and wilfully disregarding the authority of the Chair; or

(6) refusing to immediately follow an order to withdraw under SO 124.

I reiterate: if you breach any of those standing orders, you should not be paid for the day. If you get named by breaching any of those, I do not understand why you would want to be here. You are here to represent people in your electorate. We want robust debate, we want debate that gets out there and we want to stand up for what we believe in and what our electorate believes in. I believe we have that opportunity under the current standing orders.

As I said, it is an absolute privilege to represent my community, and I know that people in my electorate would expect me to be in Parliament as often as I can. They do not expect me to stand here and disrespect the Chair, and they do not expect me to stand here and yell out, swear and use offensive or abusive language whilst in Parliament.

An honourable member interjected.

Mr BATTIN — That is exactly right, and they should not. They expect us, as community leaders, to stand up respectfully, contribute to wide-ranging debate on many different issues and ensure that we deliver for our communities. Should we breach that expectation, I honestly believe we should be fined — and that includes members of the government, not just members of the opposition. It includes any member of the house. Should you step over that line and breach the trust that was put in you by the people who voted you in, you should be fined, and that fine should reflect the time you could not represent your community.

It is just like in sports. In local sports every week we see a player or occasionally a parent step over the line. Those kids and parents are suspended from the sport they love if they misbehave or breach a rule. In the AFL if a player breaches any of the rules, not only are they suspended but they do not get the match payments for the matches they miss out on. I believe that any member of Parliament should have exactly the same rules apply to them. Those opposite tell us that nowhere in other jurisdictions in the country has this ever been done and that because no-one in the country does it, then we should not do it.

I turn around and say that maybe Victoria should return to where it was between 1992 and 1999, when we were the leading state. Back then we were the state that took

the lead and brought in policies not because other states did or did not do so but because we believed it was the right thing to do on behalf of Victorians. Since 1998 the standing orders of the United Kingdom House of Commons have provided that a member suspended from the house should not be paid a salary for the duration of their suspension. This is the Parliament that we base a lot of our rules and standing orders on, and obviously this standing order is one that began in the Westminster system. I want to put my support behind this, because as a member of and a leader in my community I want to ensure that I stand up for my community and deliver on what I committed to. What I am going to deliver on is standing up and representing my community.

I have heard many members opposite talk about members on this side reading their speeches or having speeches written for them. I will tell you now that I write all my speeches.

Mr Nardella interjected.

Mr BATTIN — Here comes a comment! Of course you could not write yours, so who else would write them? It would be some bureaucrat that writes them. Who else would want to admit to writing my speeches! Thank you very much for that, Mr Nardella.

I had an issue with my education. I went through the state education system at a very difficult time — during the Cain and Kirner governments when education was an absolute farce. It made it a bit more difficult. At that time I had to leave school early and go out and work hard to make sure we could get through the recession. That is why I am here. I am here to represent my community, and I will ensure that I will be in Parliament each and every day that I get the opportunity. I support the bill and commend it to the house.

Mr McGUIRE (Broadmeadows) — This bill is a classic example of how democracy is broken. It demonstrates how the executive wields power over the Parliament. Put simply, it is a stunt born of spin by the Premier's office. It is another diversion from the policy-free Baillieu regime. All this regime had was an election campaign strategy, and there are still no vision, no jobs and no plan to lead Victoria. Instead, the Parliamentary Salaries and Superannuation Amendment Bill 2011 is the latest in a spate of superficial responses to serious issues.

The point of this bill is to fine a parliamentarian who is named or suspended by the Speaker or President. It is typical of the approach of the coalition government, a

regime that is interested in fiddling with symptoms because it is inadequate at confronting causes. This bill is symbolic of this government's modus operandi. It is not interested in constructive and substantive measures. The Baillieu government's signature interest is superficially populist responses to problems that deserve an enlightened approach.

What makes this initiative galling is that it comes from a government that has shredded 160 years of precedent in this house simply to cover up a political embarrassment — a government that rammed through amendments that overturned three decades of bipartisanship on equal opportunities and made them exclusive, not inclusive. It is a response from a seven-month-old government that is already arrogant, that refuses to answer questions and that suspends standing orders and then gags debate. Now it turns up with another stunt and wants to blame the opposition for becoming frustrated with its contemptuous strategy. This is the response of a government contemptuous of Parliament and the community — a government whose communications strategy is to deflect, deny, suppress, run away and then rewrite.

The opposition will oppose this bill. Labor believes parliamentarians should conduct themselves in a manner that befits this place, their constituents and themselves. The reason Labor opposes this bill is that it will not fix the problems. It does not build the future. It has no preventive strategy; it is just another punitive tactic. This government offers no vision, no jobs and no plan to lead Victoria, but we have more guns, more prisons and now fines for parliamentarians.

This regime is the refuge of narrowers and punishers. It is the triumph of the superficial over substance. The Minister for Corrections has not addressed the causes of disorderly behaviour: the processes and practices in this place that allow a government to avoid scrutiny and accountability. That is the heart of the problem. Tactics designed to obstruct and impede this house from operating as a healthy and democratic parliamentary system are being used. The coalition had a choice between a regressive, punitive approach and introducing reforms in the public interest to improve transparency and accountability in the manner that a 21st century democracy demands.

A constructive approach was the least the coalition was required to deliver after the debacle for democracy known as the Equal Opportunity Amendment Bill 2011. Undermining history and precedent, the government suspended standing orders, gagged debate and rammed its retrograde amendments through this house. These were not the actions of an open and

accountable government, something the coalition had promised Victorian voters. They were the actions of a regressive regime intent on suspending custom, practice and precedent to override a political embarrassment. That is all it was ever about.

The coalition's conduct established a pattern of behaviour that restricts rights, and this continues in the bill before the house. This bill seeks only to establish a punitive threat to elected members of Parliament. It expressly seeks to further restrict the ability of members to voice disagreement and concern over the government's lack of transparency and accountability. What makes the coalition's behaviour worse is that on the first day of this parliamentary session the leader of opposition business suggested a series of amendments to standing orders — in good faith — to ensure that this house functions in a manner befitting Victorians. She suggested that question time be reformed to remove Dorothy Dixers and adopt practices such as those in the Legislative Council. She also suggested changes to the sessional orders and the parliamentary committee system. The dirty little secret here is that all members know that the processes and practices of this house should be amended and improved. The point of difference is that the coalition is not interested in adopting measures that would improve scrutiny and accountability or in fact any measure that would uphold its election promises to be a transparent and honest government.

The call for such reforms is not Labor's alone. It has bipartisan support. Former Liberal Prime Minister Malcolm Fraser and the previous leader of the federal coalition, Malcolm Turnbull, have outlined amendments to parliamentary standing orders that I support. At a recent debate event hosted by the Wheeler Centre entitled 'Is Australian democracy broken?' both the former Prime Minister and former federal coalition leader lamented how quickly debate in our parliamentary institutions can descend into farce. Mr Turnbull suggested changes to question time that would allow for a more forensic approach to questioning, allowing follow-up questions — a practice common to upper houses of Parliament — and time allocated to specific portfolios.

If the Baillieu-Ryan coalition government had any interest in seriously addressing issues and refining democracy in Victoria, as a pioneer in progressive democratic ideals it would adopt proposals such as those proposed by the leader of opposition business in this place, by former Prime Minister Malcolm Fraser and by former federal opposition leader Malcolm Turnbull. These are proposals I endorse because they are in the public interest.

Instituting fines is not holding parliamentarians to a higher standard; it is holding them to a lower one. It demeans the role of this house and its members. It is a further way of entrenching a system whereby a government can avoid proper scrutiny and review. Members rarely express frustration because they are uncouth. Their frustration boils over because the government hides behind sessional orders, suspends standing orders, gags debates and steadfastly refuses to answer questions of state significance. The government knows this, the opposition knows this, the media knows this and large sections of the public know this. Nevertheless, the Victorian coalition has taken a regressive approach because this is a regime that is punitive, not preventive; interested in stunts, not substance; and one that addresses symptoms, not causes. The opposition in good faith has offered amendments that would achieve the intended results without the devaluing and demeaning measures the government has proposed. Apart from these amendments, a former Liberal Prime Minister and a former Liberal leader of the federal opposition have both proposed measures to refine the institutions of our democracy.

The Minister for Corrections stated in the second-reading speech in this place on 24 March this year:

... no other jurisdiction in Australia adopts this practice. Therefore, Victoria will lead the way ...

The flaw in the minister's logic is that he assumes this is an effective and just approach. No other jurisdiction in Australia adopts this practice, not because they have not thought of it but because it is a bad approach. The Victorian coalition has an opportunity to take a positive step to elevate the standard of debate in this house, now and in the future. I fear this government is incapable of taking and unwilling to take a positive, creative stand to address a problem. To do so would turn the tide on a government that is building a painstaking record for populism and expediency — no vision, no jobs, no plan. This legislation is another example of the failure of the coalition — no competence, no conviction, no inspiration.

This bill is another sham. Every time this house votes, the Liberal Party Whip boasts the number of 'individual' yeses. However, Australians have just witnessed how much of a sham that is after seeing the show-and-tell of the federal coalition leader, Tony Abbott, over his vote for the Liberal Party presidency. It is time for coalition members to end the shams and stand up for themselves, for their electors and for the finest traditions of democracy. Here is the coalition's

rolled gold chance to vote as individuals. I invite coalition MPs to stand up and be counted as parliamentarians and vote down this sham. Otherwise, they will from now on define themselves as narrowers and punishers, wedded to stunts and gesture politics. Shape without form, shade without colour, gesture without motion — these are the defining features of the Hollow Men.

Mr ANGUS (Forest Hill) — It is a pleasure to rise this evening to speak in support of the Parliamentary Salaries and Superannuation Amendment Bill 2011. Having heard a number of contributions to the debate, especially from members opposite, you would think there had been some sort of extraordinary proposal, but in reality this is a very simple bill. To start off with we can ask, ‘What is the purpose of this bill?’. In the explanatory memorandum at clause 1 the very simple purpose of the bill is outlined for all to see. It reads:

The purpose of the bill is to amend the Parliamentary Salaries and Superannuation Act 1968 to provide for a fine to be imposed on a member who is suspended after being named.

This is what you would call a very straightforward bill, particularly by comparison with some of the measures considered in this place; yet we have heard contributions from those opposite speaking as if there were a dramatic change in relation to a whole range of things when clearly that is not the case at all. It is a very simple encouragement for all of us who have the honour of representing our various constituents and electorates to behave in an appropriate manner within this place.

Turning to some of the more detailed components of this bill, in particular in relation to the insertion of new sections, I point out that new section 7B details the imposition of the fine. It talks about a range of matters, including:

- (1) If a member is suspended from the service ... a fine is imposed on the member by virtue of this Act calculated in accordance with subsection (2).
- (2) The amount of the fine is to be calculated by multiplying the daily rate of the basic salary of the member by the number of days in the sitting period during which the member is suspended from the service of the —

house. So far it is very straightforward. New section 7B(3) talks about the calculation of the daily rate by dividing the basic salary by 365. So far, so good — we are talking about some pretty simple components in this bill. The proposed new section refers to rounding up to the nearest whole day for the sitting period. It talks about some administrative matters, with the Clerk having to notify the member in

writing of the amount determined to be deducted, and that is an appropriate course of action and a very fair thing. It talks about the fine imposed under this provision being deducted from the salary of the member, but not constituting a reduction in the salary of the member or affecting other salaries and so on in relation to that particular member. In relation to that aspect of the bill, there is a clear component: the imposition of the fine.

The second component of the bill inserts other new sections to make the legislation effective. New section 7C, headed ‘Assembly Suspension Fines Fund’, is again very straightforward. It states:

- (1) There is established an Assembly Suspension Fines Fund.

The fines are to be paid across into that fines fund, and, as other members have eloquently spoken about, it is administered by the Speaker. At 30 June each year those funds will be passed on to one or more charitable institutions as nominated by the Speaker. Again holding everybody accountable is very simple. As soon as the Speaker has made that distribution under new section 7C(4), he has to table a report in this place to give an account of where those funds have gone. We will all be able to see which charities have benefited from the inappropriate behaviour of members in this place.

It is important to consider this bill in those simple terms. Members on this side have talked about other jurisdictions and the fact that the process to be introduced is not included in legislation in any other jurisdiction, but as the member for Gembrook so eloquently put it a few minutes ago, we are used to being leaders here in Victoria rather than followers. This is an opportunity for us on this side to once again be leaders in Australia through the legislative program. We are proud to be leaders with this bill, leaders in a number of other areas of the legislative program and indeed leaders in the responsible behaviour and management of this Parliament. If we look abroad, we see that in the UK under the standing orders of the House of Commons a similar fining provision has been in operation since 1998 in relation to members who have been suspended.

This bill is clearly another example of terrific leadership by the Baillieu government, which is committed to integrity and good behaviour in the community and in the Parliament.

Business interrupted pursuant to sessional orders.

ADJOURNMENT

The SPEAKER — Order! The question is:

That the house now adjourns.

Mr Brooks — On a point of order, Speaker, I want to draw your attention to sessional orders, which require that ministers respond to matters raised on the adjournment within 30 days of a matter being raised. On 26 May, I raised the very serious matter of safety along the bike path on Greensborough Highway in my electorate. I have yet to receive a response from the Minister for Roads in relation to that matter, and I ask you to write to him to ask that he address that important matter.

The SPEAKER — Order! I will write to the minister in regard to that matter.

Mr Languiller — On a point of order, Speaker, I draw your attention to sessional orders adopted by this chamber requiring ministers to provide a response to adjournment matters within 30 days. On 5 May I raised an important matter in this place for the Minister for Police and Emergency Services requesting that the Victoria Police multicultural advisory unit be implemented with community consultation. 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 SPEAKER — Order! I will write to the minister in regard to that matter.

Ms Edwards — On a point of order, Speaker, I draw your attention to sessional orders adopted by this chamber requiring ministers to provide a response to adjournment matters within 30 days. On 25 May I raised an important matter in this place for the Minister for Education calling on him to commit immediately to fully funding a new Castlemaine secondary college. 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 SPEAKER — Order! I will write to the minister in regard to that matter.

Ms Garrett — On a point of order, Speaker, I draw your attention to sessional orders requiring ministers to provide responses within 30 days of adjournment matters being raised. On 26 May I raised an important matter on the adjournment for the attention of the Minister for Consumer Affairs regarding a residential development at 108 Union Street, Brunswick. I have

yet to receive a response, and I ask that you draw that to the minister's attention.

The SPEAKER — Order! I will write to the minister in regard to that matter as well.

Portarlington: safe harbour

Ms NEVILLE (Bellarine) — The matter I raise is for the Minister for Environment and Climate Change, and the action I seek is for the minister to commit to progressing the development of the Portarlington safe harbour project and to ensure that this project continues to move forward. The project is managed and overseen by Parks Victoria, and the work on the redevelopment has been led by it.

An honourable member interjected.

Ms NEVILLE — Do not worry; the Minister for Public Transport will have that discussion and mention you. The redevelopment and expansion of the Portarlington safe harbour is a priority project for the City of Greater Geelong and G21, and it is an important project for the Portarlington community and also for the aquaculture industry.

Over a period of time the local community worked with the previous government and the aquaculture industry to develop a plan for the redevelopment. As a result a well-supported plan was approved by the local community and was launched two years ago by the then Minister for Environment and Climate Change. This redevelopment included improving the main street of Portarlington and its link to the harbour area as well as extensive expansion and improvement of the current pier and harbour area. This will cater for recreational boaters, the fishing and mussel industry and a commuter-based ferry, and it will potentially create new jobs for the local residents.

After the plan was signed off and approved by the local community, the then Brumby government provided funding for the streetscape and the rotunda area to bring the town closer to the harbour and foreshore area, and it upgraded the pier area. All that work has now been completed. In addition Parks Victoria was coordinating further studies, including of environmental and cultural heritage works that were required before any proposal of this nature could move forward. Despite the loud noises made by the then opposition, including the current Minister for Transport and the local Liberal candidate, that this was an important project, since the election there has been no action and no progress — there has been zero. It has dropped off the agenda completely. In fact I recall that the Liberal candidate

organised a public meeting with the now Minister for Public Transport, who said, 'I will try to get this in the Liberal Party policy'. But of course there was no such thing as a Liberal Party policy, only media releases. So again there was nothing, nothing, nothing for the community of Portarlington.

Lots of promises were made before the election, but there has been silence since — except when the former Liberal candidate was reported in the *Echo* newspaper, as he was on 17 February, saying, 'I'm going to be on the ferry group committee', because of course the ferry is part of this proposal. He sits on the ferry committee, but there have been no meetings with the Minister for Public Transport, no meetings with the Minister for Environment and Climate Change and no meetings with the Minister for Ports. There has been no progress at all on this important project. I call on the minister to come out and inform the community about what is happening.

Bentleigh Secondary College: ministerial visit

Ms MILLER (Bentleigh) — I raise a matter for the attention of the Minister for Environment and Climate Change. The action I seek is for the minister to visit the Bentleigh electorate and accompany me to meet with members of Bentleigh Secondary College. The college was recently awarded a United Nations Association of Australia Excellence in Sustainable Water Management Award. This proactive school in the Bentleigh electorate triumphed over other entrants in the competition, such as Coca-Cola's \$1.2 million Great Barrier Reef project. This award is particularly important given that five years ago the school was one of South East Water's highest spending clients, using 14 million litres of potable water a year.

Under the guidance of Bill Thomas, the school's manager of sustainable practice, Bentleigh Secondary College fixed its leaking pipes and installed water tanks, waterless urinals and water meters. Most significantly, the school developed a wetlands and a 2000-square metre native Australian forest. Bentleigh residents will soon be able to stand in this forest and be unaware that they are in the middle of suburbia. In addition, the wetlands and forest will soon serve as an outdoor classroom for the college. A meditation centre will also be built between the two habitats. The college was able to reduce its water usage by 93 per cent, which was a significant decrease of 972 000 litres between 2009 to 2010. This remarkable and commendable effort saved the school \$30 000 in water and sewerage charges.

Bentleigh Secondary College has also demonstrated a focus for spreading the message of sustainability to other schools and organisations throughout Victoria. Mr Thomas's green team of students deliver their message at conferences and host tours and workshops. These driven young people also organise plantings and working bees. Bentleigh youth are passionate about the environment and conserving our vital resources. Education practices such as these enhance the ability of Victorians, and more specifically Bentleigh residents, to improve their sustainability practices. The coalition government supports the education of young people in important sustainability and conservation practices. This ensures long-term environmental stability for all Victorians. I would like to congratulate Bentleigh Secondary College on its significant and inspiring achievement. Mr Thomas was awarded a Public Service Medal in the Queen's Birthday honours list for his exceptional contribution as a leader in sustainability education.

I request that the minister accompany me to acknowledge the efforts of Bentleigh Secondary College and commend its hard work in the areas of environment and sustainability. In addition I commend Bill Thomas, who has been teaching at the college for 26 years.

Crime: Broadmeadows electorate

Mr McGUIRE (Broadmeadows) — The matter I raise is for the Deputy Premier in his capacity as the Minister for Police and Emergency Services. The action I seek is for the minister to provide a mechanism by which I, as the member for Broadmeadows, can be briefed on the actions being taken by Victoria Police officers to ensure the safety and security of the people of my electorate in the wake of the recent drive-by shootings. As a local member of Parliament I am gravely concerned for the safety of residents and the causes and effects that have led to this escalating violence. After the fifth shooting episode in nine days, I would like the people of Broadmeadows to be reassured that Victoria Police officers are taking every possible measure to bring about a peaceful resolution as soon as possible.

According to media reports, this cycle of violence has so far been contained to two rival families. In itself this behaviour is unacceptable and puts the public at risk. The fear is that innocent bystanders and members of the community could become victims in this increasing cycle of violence. It is understood that these incidents are the manifestation of a wider range of dangerous behaviour, drugs, kidnapping and extortion. This has now escalated to shootings on the street, and it cannot

be tolerated. These are concerns constituents have raised with me.

It is imperative that this violence is stopped and that people can once again be assured of their safety. I know police in Broadmeadows have had a long-established and productive relationship with the community, and I am seeking their advice and assistance in allaying the fears of residents. It is also important that these acts of violence do not stigmatise a proud community. The people of Broadmeadows have worked hard, forging a reputation for the area as an economic engine room, driving and underwriting prosperity in this state. Broadmeadows is the capital of Melbourne's north. This title has been hard earned, in spite of a lack of vital social infrastructure that has been denied to the families of this area for half a century.

The social infrastructure needed to develop this community was built by Labor during the past decade of the Bracks and Brumby governments, providing the landmark Hume Global Learning Centre and the \$60 million 'light on the hill' project to regenerate schools. These initiatives have been internationally acclaimed in promoting leadership, excellence, equity and lifelong learning. They promote social inclusion, collaboration, creativity and unity. These are the ideals that can help heal communities from past injustices and build brighter futures.

I urge the: think beyond yourselves, and know that your violence will solve nothing. Violence only begets violence. We must do our utmost to contribute constructively to our communities.

Bees: sites

Mr CRISP (Mildura) — I raise a matter for the Minister for Environment and Climate Change. The action I seek is the restoration of access to bee sites. The Victorian Apiarists Association has long maintained that up to 400 sites were lost when responsibility for bee sites was transferred from the Department of Sustainability and Environment to Parks Victoria. Sites are important for apiarists because conditions in the bush vary. Not every site can be used regularly, and due to the drought, parts of the Mallee have not flowered for many years.

In order to maintain hives in health, apiarists have had to travel great distances. The bee industry is needed to secure the state's agriculture industry and to boost regional jobs. In my electorate hives are required to pollinate the vast almond orchards, and thousands of hives are required each year. As I understand it, almonds do not yield honey, so the hives need to be

replenished after the almond pollination. Avocadoes also need pollination services.

Apiarists need to understand the bush very well. They need to know where it has rained, where it has not, what effect that will have on flowering and what access they have to those areas where there is a heavy honey flow. It has been recognised for some time that sites have been lost, and the previous government had undertaken to investigate 200 sites put forward by the Victorian Apiarists Association. I understand that only a small number of these sites were reopened by the previous government. Victoria has about 200 commercial apiarists, with 70 000 to 80 000 hives. Many apiarists are based in or use the Mallee and most would be involved in almond pollination. The almond orchards are young and the trees are growing rapidly, so each year more and more hives are required for pollination.

There are several quarantine problems faced by the industry, particularly when hives are moved from the coastal areas in the north of Australia. These lost sites are also vital to allow Victorian hives to be in the best of health to allow pollination and minimise the influx of high-risk hives from those great distances away. The apiary industry needs the minister to find and license these additional sites and cut the red tape that is strangling the industry.

Clayton electorate: landfill sites

Mr LIM (Clayton) — The matter I raise is for the attention of the Minister for Environment and Climate. It concerns the constant odours emanating from landfill sites in Clayton South, Clarinda and Dingley. The action I seek is that the minister direct the EPA (Environment Protection Authority) to revoke the licences of landfill site operators that have failed to comply with the Environment Protection Act 1970.

In October 2010 the EPA issued a penalty infringement notice to Transpacific Industries at Victory Road and a pollution abatement notice to a company named enviromix. In November 2010 Din San nursery was also issued with a penalty infringement notice. By January of this year odours were emanating from the landfill site 24 hours a days, 7 days a week. The sickening smell was travelling as far as Parkdale Beach in the south and Princes Highway in the north and could be smelt at the entrance to the Monash Medical Centre. This has become a major health issue, not just for my constituents in the Clayton electorate but also for residents in neighbouring areas.

In February of this year I wrote to the minister alerting him to the problem. On 24 February the EPA acted — sort of. It issued enviromix with both a penalty infringement notice and a pollution abatement notice. The Transpacific Industries sites at Fraser Road and Victory Road were issued with notices of contravention, and Din San nursery had its licence revoked.

Unfortunately the sickening odours continued. Since February there have been hundreds of complaints from residents via telephone, letter and fax directly to the EPA, and three community meetings have been held. Between April and June my office received over 140 EPA odour reporting sheets, which were faxed to the EPA for recording and action. The comments from residents on these odour reporting sheets are a sad indictment of a government that has been slow to acknowledge the right of residents to quality of life. Common complaint comments are ‘Made me sick’, ‘Gave me a headache’, ‘Hard to breathe’, ‘Cannot open windows or doors or turn my air conditioning on’ and ‘Cannot go outside to hang clothes, do gardening, sit or invite friends to my home’. The odours reported were described as chemical smells, rotten eggs, sulphurous, gas-like, rubbish, rancid, putrid, foul, decaying, vomit, manure and sewage.

Last week the EPA finally issued pollution abatement notices to the Clayton South regional landfill and Transpacific Industries sites at Fraser Road and Deals Road, and it has been reported that the minister paid a visit to one of the operators, Transpacific Industries. In response Transpacific Industries has now offered a duplication of the new EPA 24-hour hotline. This is just a stalling tactic. These sickening odours continue. The evidence is clear. Now is the time to act. I entreat the minister to do his job. I also invite the minister to attend a public meeting on 20 July to experience the residents’ outrage firsthand.

Shire of Mornington Peninsula: RideSafe strategy

Mr MORRIS (Mornington) — I am very pleased to raise an issue this evening for my friend and colleague the Minister for Sport and Recreation.

An honourable member — Friend?

Mr Delahunty — We walked together on the Kokoda Track.

Mr MORRIS — It is approaching three years since we completed walking the Kokoda Track. If you are

not friends at the start, you are certainly friends at the finish! If you are not, you do not finish together.

To get back to the matter at hand, the Mornington Peninsula Shire Council has a very strong commitment to the use of bikes, not only for transport but also as a healthy form of recreation. The action I am seeking from the minister is that he visit the Mornington Peninsula, meet with the council and provide advice and assistance on the implementation of its RideSafe strategy and particularly the development of cycling as a healthy alternative.

I know the minister and indeed the government place a high priority on increasing participation in sport and recreation, and a key priority within that area of government is cycling and walking trails. The Mornington Peninsula Shire Council has an excellent strategy in place. It is aiming to provide an integrated and safe area for both visitors and residents to use bicycles as a means of transport and to participate in recreational activities not only in their immediate neighbourhoods but right across the shire. The council provides a range of on-road and off-road facilities. There are links with Peninsula Link and areas outside the municipality as well.

As is the case with many of these things, there are a number of different authorities involved in funding and being responsible for the areas involved. VicRoads is obviously involved, the council has become involved, the Department of Sustainability and Environment is involved due to the use of foreshore areas and the Department of Transport is involved due to the use of former rail corridors and so on. The shire takes the lead role to facilitate and sometimes provide the planning and design background. It does an excellent job, but in order to really cut through and implement the strategy to get the facilities up and running, it would appreciate some advice and support from the minister. I would welcome the opportunity to have him come down to have a chat with the council to see how we can progress this whole strategy.

Bicycle infrastructure: funding

Ms GARRETT (Brunswick) — I am pleased to follow the member for Mornington on the matter I wish to raise, which is for the attention of the Minister for Public Transport. The action I seek from the minister is that he make a clear commitment in relation to funding for bike infrastructure.

Data from the 2006 census ranks the electorate of Brunswick as having the highest proportion of people whose sole method of travel to work is by bicycle, with

this proportion being 6.5 per cent. As a point of reference, the median percentage by electorate is less than 1 per cent. One need only see the level of bike use in the mornings and evenings to know the situation in my electorate attests the accuracy of the data. When you take into consideration recreational bike use and children riding their bikes to school the numbers exceed the data.

The overall bike use in my electorate is a further demonstration of my community's commitment to environment and sustainability. Needless to say, my constituents are very passionate about bike infrastructure, in terms of not only enjoyment but also safety. Not surprisingly, our area also has a very active bicycle users group, the Moreland BUG, which was formed in 2006 through the merger of other bicycle user groups.

This advocacy group, which is a not-for-profit organisation, has many very worthy objectives, including the promotion of greater and safer commuter and recreational cycling in the city of Moreland; working with local and state government authorities regarding on-road and off-road bicycle facilities in the city of Moreland; the promotion of affordable and accessible membership and activities; and the promotion of the pursuit of cycling generally.

Members of this group, along with many people in the local community, have been passionate advocates for the building of better bike infrastructure. As a result of this, we now have the Upfield bike path, bike lane markings on Sydney Road and other main roads, bike-friendly traffic signals and many hoops. Whilst these are great, there is much more to do, and some of the future projects that are under active consideration by the BUG and the local council include a West Brunswick bike shimmy, a report for which has been completed; permanent bike treatments on Sydney Road; and a Craigieburn railway line bike path from Pascoe Vale to Broadmeadows.

Of great concern to my community are the persistent rumours that cuts will be made to the funding for bike infrastructure within VicRoads and other areas of government. These rumours have been made all the more virulent with the recent budget's flagging of \$2.2 billion in 'departmental savings', with still no clear explanation of how these savings will be manifested.

The action I seek of the Minister for Public Transport is that he provide specific assurance that, in delivering his department's share of the \$2.2 billion in 'department savings', not only will funding for bike infrastructure from VicRoads and his department not be cut but he

will also, as a matter of both fairness and safety, be looking to increase bike infrastructure funding to levels that reflect the growing numbers of bike users.

Lake Eppalock: flood damage

Mr WELLER (Rodney) — I raise a matter for the Minister for Ports, and I note that the minister is in the chamber. It is in relation to funding to help local communities repair waterways infrastructure that has been damaged by floods. The action I request is that the minister commit specific funds to works at Lake Eppalock to repair damage caused by flooding at the end of last year and the beginning of this year.

Lake Eppalock, Victoria's fourth largest reservoir, is located on the Campaspe River on the border of my electorate, and it impounds water for irrigators along the Campaspe River downstream of the lake. The lake is a very popular recreational area for fishing, swimming and boating enthusiasts, a large number of whom are drawn from the townships of Heathcote and Redesdale in my electorate. Heathcote is the closest major town to Lake Eppalock, and it therefore benefits significantly from the tourism spin-offs that the reservoir creates. Accommodation providers, supermarkets, bakeries, cafes, restaurants, service stations and other small businesses all benefit when the lake is full of water and buzzing with tourist activity.

Goulburn-Murray Water is designated under the Marine Act 1988 as the waterway manager for Lake Eppalock, and its assets were damaged in the flooding events of September and November 2010 and January 2011. Heavy rain and surface flows from the surrounding land led to the failure of the Moorabbee boat ramp car park. Whilst Lake Eppalock has since been reopened for recreational and boating operations, the car park has been closed to the public and repairs are required before the area can be used again. 'No boating' buoys also sustained damage during the floods, and replacement buoys are required.

The action I seek of the Minister for Ports is that he provide an update on the works needed at Lake Eppalock due to the flooding so that the lake and its facilities are able to cater adequately for the people using it for boating and recreational activities.

Upper Yarra Dam shed: heating

Ms D'AMBROSIO (Mill Park) — I raise a matter for the Minister for Environment and Climate Change, and the action I seek is that the minister arrange to have new log heaters installed in the Upper Yarra Dam shed.

This issue was raised with me by Whittlesea Maltese Senior Citizens Club. In April its president, Mr Alfred Fabri, booked with the ranger a visit by his club in June. Mr Fabri was informed by the ranger that the old heaters were in the process of being replaced and that it was hoped the shed would have heating installed by the time of his club's visit. A bus full of club members arrived at the shed, but unfortunately there was no heating. This was a concern for Alfred, and he was keen to ensure that the minister was aware of this and to see if the minister could intervene to have those heaters installed fairly quickly.

Mr Fabri and his club members love their visits to the Upper Yarra Dam. They often visit it, as do many senior citizens clubs from all around Victoria. It would be very much appreciated if the minister could attend to this matter so that visitors, especially senior citizens, are able to better enjoy their visits to this lovely site in greater comfort, especially during the winter period, with the availability of adequate heating in the shed.

Alfred Fabri is a remarkable fellow. He was very specific when he raised this matter with me, saying, 'You must raise this with the minister next time you are in the Parliament'. I am doing as he has asked me to do, and I want to take the opportunity to share with the house the terrific work that is undertaken by the Maltese Senior Citizens Club of Whittlesea and certainly by Alfred Fabri himself.

The club is unique to the city of Whittlesea. There is only one Maltese senior citizens club in the community, but it is a large club with 300-plus members, and it has been going now for about 20 years. I have known Fred for more than a decade, and he is a remarkable man. He is a formidable man in a lot of ways; he is very dogged on issues, but they are all about the community and not about him. I want to pay tribute to him because he is a champion and an advocate for the local community. He has achieved a great deal in terms of his advocacy, and I am certainly hoping the minister will be able to add to the achievements of Fred Fabri by offering his assistance in dealing with this particular matter.

I wish to also note that Fred has not had a very easy life. He has raised a family as a single dad with kids from a very young age, but his commitment goes well and truly beyond the family to the community. I pay my respects to him.

Ashwood College: funding

Mr WATT (Burwood) — My adjournment matter is for the attention of the Minister for Education, who is in the chamber. The action I seek is that the minister

visit my electorate and meet with the parents and teachers of Ashwood College to discuss the Baillieu government's commitment of \$10.5 million to rebuild the school. Ashwood College has suffered tremendously from neglect under 11 long, dark years of hard Labor. Not once in the previous 11 years was Ashwood College mentioned in the state budget, but we have rectified that situation this year.

As can be seen on page 27 of budget paper 3, we have committed to rebuilding the school to ensure that our kids have access to a great learning environment. This funding will provide for great new facilities for the future, much-needed amenities, improved classrooms and better education facilities to be developed for the whole school community. As a parent I want my children to have the best education possible. Our school, Ashwood College, is more than simply buildings; it is a community hub in which we all feel a sense of ownership.

Last year the school experienced an arson attack that devastated a large part of its infrastructure and placed a great burden on the parents, teachers and, most importantly, students of the Ashwood community. It was noted that the interest of the previous government was only sparked by the election campaign some six months after the fire. No work was done on the school in the aftermath of the fire until we came into government, and it is great to note that much of that work is now being done and will soon be completed. I thank the minister for ensuring that that was done as quickly as it possibly could have been. Like me, I know the minister wants the best possible education for our children.

As I said, I invite the minister to come to speak to the parents and teachers of students at Ashwood College to discuss with them the plans for the rebuilding of the school. I know the minister is interested in education. I would like to see him at the school.

Responses

Mr MULDER (Minister for Public Transport) — The member for Brunswick has raised an issue for my attention in relation to the provision of funding for bicycle infrastructure. I am sure, as the member would be aware, that in relation to any major road projects VicRoads now takes bicycle infrastructure into consideration. I have met with Bicycle Victoria over recent months; it had discussions with the coalition in relation to some of our funding commitments to bicycle infrastructure. One of those commitments that has captured the imagination of cyclists is the Yarra punt that runs on weekends. We have committed to funding

the Yarra punt and running that service seven days a week for cyclists. We are currently in negotiations with the operator of Yarra punt. For people who want to make the trip from Scienceworks to the Yarra River that is going to be a great piece of bicycle infrastructure and a great tourist attraction for Melbourne.

We have had discussions with Bicycle Victoria in relation to the regional rail link project and its requirement that we take into consideration the future provision of a bicycle pathway along the regional rail link project. I note the former Labor government gave some form of commitment that it would consider a bicycle path along the line of the regional rail link project, but as we now know, that project was almost \$1 billion underfunded. There was no money for trains, there was no money for a grade separation at Anderson Road and there was not enough money for signalling. It did not take into consideration the cost of land. That project had blown out by \$1 billion. When you add to that the \$3 billion that we discovered today has gone down the drain — —

Dr Napthine — How much?

Mr MULDER — It is \$3 billion, and \$4 billion in total. I just wonder how many kilometres of bicycle track could have been purchased with that money. I do not know whether you could put a bicycle track around Australia with \$4 billion, but you could have gone a hell of a long way with \$4 billion worth of bicycle track infrastructure. I will take into consideration the request from the member. I will have my department look at that request, and I will respond.

Mr RYAN (Minister for Police and Emergency Services) — The member for Broadmeadows has raised some issues regarding some very serious events that have transpired within his electorate over the course of recent days. These take the form of a number of shootings and random attacks upon different people within the community. There are instances where life and property have been threatened. In the case of the threatening of property, there has been substantial damage. Not surprisingly the communities within the member's electorate are very concerned about these events. Equally, and not surprisingly, they are anxious to ensure that all appropriate steps have been taken by police to accommodate the problems which are now occurring within the member's electorate.

As the member would know, these are operational issues. It would be completely inappropriate for a minister of the Crown to be directly involved in what might be needed by way of police resourcing to deal with the issues to which the member has referred.

However, I understand people in his communities are worried about current events. Therefore they seek some sort of reassurance with regard to what is being done to accommodate very obvious needs.

I can tell the member for Broadmeadows that I have regular contact with police command in regard to these events. I am advised by the police that very substantial resources are being dedicated towards the resolution of these absolutely unacceptable forms of conduct by the people who are responsible for the events to which the member refers. I will speak to the police further in relation to the issues the member has raised. I am sure they will be comfortable and pleased to be able to offer the reassurance which the member seeks to the extent that the police feel is appropriate.

I reiterate: this is a matter for the police. We, as a government, do not, will not and will never become directly involved in issues involving a police operational matter, although to the extent that I am able to assist in assuaging the concerns of people in the member's electorate, I will do that.

Dr NAPHTHINE (Minister for Ports) — I thank the honourable member for Rodney for raising this important issue during the adjournment debate tonight. In the latter part of 2010 and in the early part of 2011 large areas of Victoria were devastated by floods. The effects of these floods are still being felt by many communities across the north and north-west of the state. To assist in the flood recovery process I announced as the Minister for Ports that special funding opportunities would be made available to help local communities and waterway managers to repair waterway infrastructure and make these waterways safe for recreational boating again. These grants were to be provided to waterway managers in flood-affected areas to aid the restoration of navigation aids and safety signage around rivers and lakes. The grants were in addition to a range of flood assistance measures announced previously by the Baillieu coalition government.

The government recognises the importance of recreational boating in these communities. Many of the communities rely on tourism for economic activity and jobs in the area. If we can help these communities by restoring the waterways to enable safe recreational boating as quickly as possible, it will enable them to get back on their economic feet and to create jobs and opportunities around those waterways.

The member for Rodney specifically requested that I advise in terms of actions I have taken to assist the repairing of the damage caused by flooding at Lake

Eppalock. As the member said, Lake Eppalock is a very popular boating and recreational waterway for people living in and near the electorate of the member for Rodney. It is vital to the economy of the township of Heathcote particularly. I am pleased that Goulburn-Murray Water is the designated waterway manager of Lake Eppalock. It is concerned about the failure of the boat ramp car park at Moorabbee Lodge Caravan Park. This car park has been closed for repairs since the floods affected the area earlier this year. I can advise the honourable member for Rodney that Goulburn-Murray Water has been allocated \$10 000 from the special funding that has been made available to fund repairs to the Moorabbee boat ramp car park. It has also been allocated another \$1960 to replace four no-boating buoys at Lake Eppalock.

I understand the member for Benalla also has an interest in seeing repairs undertaken in flood-affected areas and waterways in his area, particularly at Lake Buffalo, Lake William Hovell and of course on the Goulburn River between Hughes Creek and the Goulburn Weir, including Lake Nagambie. I am pleased to advise the honourable member for Benalla that Goulburn-Murray Water will receive funding of \$31 560 to clean up flood debris and replace buoys at Lake Buffalo and \$980 to replace buoys at Lake William Hovell. The Shire of Strathbogie will receive \$8200 to reimburse costs incurred in the removal of hazards from the Goulburn River.

The honourable member for Bendigo West will be pleased to know that Goulburn-Murray Water will receive \$4900 to replace buoys at Cairn Curran Reservoir that were lost in the floods. It will also receive \$3920 to replace lost buoys at Lake Laanecoorie.

Ms Allan — What about the girls?

Dr NAPHTHINE — It is only the boys that get lost, like the member for Lyndhurst. The honourable member for Swan Hill will be pleased to be advised that the Shire of Ganawarra will be granted \$12 500 to repair buoys and flood erosion damage at the boat ramp at Lake Meran.

These grants are really important to the restoration of those waterways, navigational aids and safe boating signage so that we can get those waterways operating again for safe recreational boating. We can say to local people and visitors, 'Come up and visit these areas; they are open for boating and tourism'. People can then spend their money in the local community and create local jobs. I am pleased to announce these grants, and I

will be announcing further grants in the next few days in these very important areas of flood-affected Victoria.

Mr DELAHUNTY (Minister for Sport and Recreation) — I thank the member for Mornington for his active role in this Parliament representing the great community of Mornington. I know he works hard for his electorate, but I also know he does a great deal of work in his role as Parliamentary Secretary for Local Government. Tonight he has invited me to visit the Mornington Peninsula to meet with the members of the Mornington Peninsula Shire Council and the mayor, Graham Pittock, to discuss the shire's RideSafe strategy. The member for Mornington has given me a copy of the program's executive summary, which gives a good outline of the strategy the council is trying to implement.

In the short time I have been Minister for Sport and Recreation I have observed across all portfolios the development of good partnerships with local governments right across Victoria. As was discussed tonight by the Minister for Public Transport, bike paths often extend across a lot of government land, whether it be overseen by the transport portfolio, by the road or rail agencies, by the Department of Sustainability and Environment, by Parks Victoria or by local governments themselves. It is important that we all work together to implement a bike path strategy. Regional bike trail networks have been an outstanding success in rural and regional Victoria and have generated significant tourism and job opportunities over many years. I have to say, however, that over the last 11 years the previous government failed to deliver an effective, integrated and coordinated bike network. That is why, as part of the coalition's 2010 policy platform, we committed to extending the regional bike trail networks to get more people active and to support tourism and job opportunities right across Victoria, including in the member's electorate of Mornington.

We made that commitment, and it has been announced in the budget that we will be completing the construction of the Carrum to Warburton shared bike-walking trail, which will focus on the missing 7.1 kilometres of trail between Bayswater North and Mount Evelyn. We have also committed to linking Box Hill and Ringwood through the new shared-use eastern rail trail. This 9.9-kilometre link will encourage more Melburnians to take up cycling to work, to school or for leisure. The coalition government is committed to getting more people more active more often, and increasing bike trail networks will go a long way towards achieving this. The Mornington Peninsula shire's RideSafe strategy links into what we want to do as a government.

It is interesting to note that across Victoria there is a boom in cycling. I was pleased to launch the first ever Gran Fondo cycling event organised by the Amy Gillett Foundation, which takes place along the Great Ocean Road. We provided a \$50 000 funding boost for this event from the Victorian government's Significant Sporting Events program. This race will cater for cyclists of all ages and abilities. It will give them the chance to test their mettle on this 120-kilometre circuit featuring the iconic Great Ocean Road, Surf Coast and Colac Otway region, which is where the Minister for Public Transport, the member for Polwarth, is from. I am sure he has ridden along many of these roads in his time. He spoke about Bicycle Victoria, and we are developing stronger partnerships with Bicycle Victoria, Cycling Australia and organisations like the Amy Gillett Foundation. We can work together to allow cycling to become a big part of our daily life by providing a safe alternative form of transport.

I accept the invitation from the member for Mornington. I am looking forward to the opportunity of visiting his area and meeting with the Mornington Peninsula Shire Council to discuss the ways in which we can work together to provide for the implementation of the Mornington Peninsula RideSafe strategy.

Mr DIXON (Minister for Education) — The member for Burwood asked me to visit his electorate and more specifically to visit Ashwood College and talk to the community there, both parents and teachers, regarding the \$10.5 million grant we will be providing to upgrade the school. For some time now the member has been a staunch advocate for the school, and as a good local member of Parliament and a good community member he also takes a keen interest in the school. On numerous occasions he has pointed out to me the real needs of the school and the great work that has been done by the staff. They deserve an up-to-date and modern teaching environment so they can apply the teaching and learning they do so well, which can be only further enhanced by having facilities to match that teaching and learning. I am very keen to go out there. As I said, the member has been a great advocate for the school. I look forward to making a mutually convenient time.

Mr KOTSIRAS (Minister for Multicultural Affairs and Citizenship) — The member for Bellarine raised a matter for the attention of the Minister for Environment and Climate Change, and the action the member sought was for the minister to commit to funding for and progress on the Portarlington safe harbour project. I will pass that on to the minister for his direct response.

The member for Bentleigh raised a matter for the attention of the Minister for Environment and Climate Change, and the action the member requested was for the minister to visit Bentleigh and meet with school community members at Bentleigh Secondary College. I will pass that matter on to the minister for his direct response.

The member for Mildura raised a matter for the attention of the Minister for Environment and Climate Change, and the action the member sought was the reinstatement of access to lost beehive sites. I will pass that matter on to the minister for his direct response.

The member for Clayton raised a matter for the attention of the Minister for Environment and Climate Change, and the action he sought was for the minister to attend on 10 July a public meeting organised by the Environment Protection Authority. I will pass that matter on to the minister for his direct response.

Finally, the member for Mill Park raised a matter for the Minister for Environment and Climate Change, and the action the member sought was for the minister to provide funding for the installation of heaters at the Upper Yarra Dam shed. I will pass that on to the minister for his direct response.

House adjourned 10.48 p.m.

Wednesday, 29 June 2011

JOINT SITTING OF PARLIAMENT

Victorian Health Promotion Foundation

**Honourable members of both houses met in
Assembly chamber at 6.17 p.m.**

The CHAIR — I welcome members to a joint sitting of the Legislative Council and the Legislative Assembly. We will proceed with the election of three members of the Parliament to the Victorian Health Promotion Foundation. Under joint standing order 19(2), the Chair of joint sittings alternates. On this occasion it is the President, which explains why I am here.

I now take pleasure in inviting proposals from members with regard to the three members to be elected to the Victorian Health Promotion Foundation.

Mr BAILLIEU (Premier) — Thank you, Chair. May I not only welcome you to this chamber but also propose:

That Mr Neil Angus, Mr Tim Bull and Ms Danielle Green be elected to the Victorian Health Promotion Foundation.

I understand they are willing to accept the nomination and the appointment, if chosen.

The CHAIR — Is there a seconder for the proposal?

Mr ANDREWS (Leader of the Opposition) — I have pleasure in seconding the proposal.

The CHAIR — There being no further proposals, and as there are only three members proposed for the three positions available, I declare that Mr Neil Angus, Mr Tim Bull and Ms Danielle Green are elected to the Victorian Health Promotion Foundation. I now declare the joint sitting closed.

Proceedings terminated 6.19 p.m.