

**PARLIAMENT OF VICTORIA**

**PARLIAMENTARY DEBATES  
(HANSARD)**

**LEGISLATIVE ASSEMBLY**

**FIFTY-SEVENTH PARLIAMENT**

**FIRST SESSION**

**Thursday, 30 August 2012**

**(Extract from book 12)**

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## **The Lieutenant-Governor**

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

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**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 Carroll, Mr Foley 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*): Mr Brooks, Ms Campbell, 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**

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The Hon. J. A. MERLINO

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Blackwood, Mr Gary John	Narracan	LP	Morris, Mr David Charles	Mornington	LP
Brooks, Mr Colin William	Bundoora	ALP	Mulder, Mr Terence Wynn	Polwarth	LP
Brumby, Mr John Mansfield <sup>1</sup>	Broadmeadows	ALP	Napthine, Dr Denis Vincent	South-West Coast	LP
Bull, Mr Timothy Owen	Gippsland East	Nats	Nardella, Mr Donato Antonio	Melton	ALP
Burgess, Mr Neale Ronald	Hastings	LP	Neville, Ms Lisa Mary	Bellarine	ALP
Campbell, Ms Christine Mary	Pascoe Vale	ALP	Newton-Brown, Mr Clement Arundel	Prahran	LP
Carbines, Mr Anthony Richard	Ivanhoe	ALP	Noonan, Mr Wade Mathew	Williamstown	ALP
Carroll, Mr Benjamin Alan <sup>2</sup>	Niddrie	ALP	Northe, Mr Russell John	Morwell	Nats
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Crisp, Mr Peter Laurence	Mildura	Nats	Pallas, Mr Timothy Hugh	Tarneit	ALP
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Delahunty, Mr Hugh Francis	Lowan	Nats	Perera, Mr Jude	Cranbourne	ALP
Dixon, Mr Martin Francis	Nepean	LP	Pike, Ms Bronwyn Jane <sup>6</sup>	Melbourne	ALP
Donnellan, Mr Luke Anthony	Narre Warren North	ALP	Powell, Mrs Elizabeth Jeanette	Shepparton	Nats
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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 <sup>3</sup>	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
Kanis, Ms Jennifer <sup>4</sup>	Melbourne	ALP	Wooldridge, Ms Mary Louise Newling	Doncaster	LP
Katos, Mr Andrew	South Barwon	LP	Wreford, Ms Lorraine Joan	Mordialloc	LP
Knight, Ms Sharon Patricia	Ballarat West	ALP	Wynne, Mr Richard William	Richmond	ALP
Kotsiras, Mr Nicholas	Bulleen	LP			
Languiller, Mr Telmo Ramon	Derrimut	ALP			

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

<sup>2</sup> Elected 24 March 2012

<sup>3</sup> Resigned 27 January 2012

<sup>4</sup> Elected 21 July 2012

<sup>5</sup> Elected 19 February 2011

<sup>6</sup> Resigned 7 May 2012



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**Thursday, 30 August 2012**

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

## PERSONAL EXPLANATION

### Member for Albert Park

**Mr FOLEY (Albert Park)** — By way of personal explanation, during yesterday's debate on the matter of public importance allegations were made by the member for Caulfield that I am a supporter of the boycott, divestment and sanctions movement. I advise the house that I and the opposition have publicly opposed the boycott, divestment and sanctions movement and will continue to do so.

## BUSINESS OF THE HOUSE

### Notices of motion: removal

**The SPEAKER** — Order! Notices of motion 12 to 21 will be removed from the notice paper unless members wishing their notice to remain advise the Clerk in writing before 2.00 p.m. today.

## PETITIONS

### Following petitions presented to house:

#### Buses: route 509

To the Legislative Assembly of Victoria:

This petition of the people of Victoria draws to the attention of the house the deep concern in the local Brunswick-West Brunswick community at news of the possible removal of bus route 509 — the Hope Street bus.

The petitioners note that this bus route:

has been in place for many years; and

is utilised by the community, particularly senior citizens and those with limited mobility, for access to:

essential activities such as shopping;

services and appointments;

community and social organisations; and

Sydney and Melville roads for transport to adjacent areas.

Significantly, bus route 509 is the primary avenue of public transport for many residents, and its removal will cause distress amongst and have a negative impact on those in the community that rely on this service.

The petitioners therefore request that the Legislative Assembly of Victoria urge the Baillieu government to reverse

any plans for the removal of bus route 509 and take appropriate action for its continued service.

**By Ms GARRETT (Brunswick) (191 signatures).**

### Planning: Brunswick terminal station

To the Legislative Assembly of Victoria:

This petition of the people of Victoria draws to the attention of the house the deep concern at the recent action of the Minister for Planning, Matthew Guy, and the Baillieu government in approving amendment C140 to the Moreland planning scheme, rezoning the site of the Brunswick terminal station and approving the building of an additional 66 kilovolt facility alongside the existing 22 kilovolt terminal.

The petitioners note:

the proposal was twice rejected by Moreland City Council as a part of the local planning process and the actions of the minister in rezoning the site have ridden roughshod over that process;

answers have been sought of the state government about significant unresolved questions about the health and safety of the redeveloped facility, and the appropriate safety standard for such an industrial facility in a purely residential and environmentally sensitive area;

calls had been made of the state government to work with the power companies to fully explore other appropriate sites, specifically in an industrial setting, for the facility;

these significant questions and calls of the state government remain unanswered and unacted upon.

The petitioners therefore request that the Legislative Assembly of Victoria urge the Baillieu government to reverse this decision, acknowledge the significant concerns of the local community and work with the energy companies involved to fully explore another appropriate site.

**By Ms GARRETT (Brunswick) (39 signatures).**

### Planning: permit process

To the Legislative Assembly of Victoria:

The petition of certain citizens of Victoria draws to the attention of the house the Baillieu government's plan to rush through 'code assess' legislation which threatens the livability of Melbourne and our suburbs.

In particular, we note:

1. developers that meet the 'code assess' standards will be fast-tracked for multistorey developments and local residents will have no warning, no say and no right to go to VCAT;
2. this legislation does not protect our suburbs from inappropriate development and it does not protect the rights of Victorians to have a say about the shape of their community;

3. this unrestrained development will put more and more pressure on already strained infrastructure like roads, schools, health services and public transport.

The petitioners therefore request that the Legislative Assembly urges the Baillieu government to withdraw the radical reshaping of the planning act that will remove community consultation from the development approval process and to rethink, to consult with the community and to ensure that any proposal protects and improves rather than destroys our neighbourhoods.

**By Mr BROOKS (Bundoora) (2092 signatures),  
Ms DUNCAN (Macedon) (111 signatures), and  
Mr MERLINO (Monbulk) (1127 signatures).**

### **Planning: permit process**

To the Legislative Assembly of Victoria:

The petition of certain citizens of Victoria draws to the attention of the house the Baillieu government's plan to rush through 'VicSmart' legislation which threatens the livability of Melbourne and our suburbs.

In particular, we note:

1. developers that meet the VicSmart standards will be fast-tracked for multistorey developments and local residents will have no warning, no say and no right to go to VCAT;
2. this legislation does not protect our suburbs from inappropriate development and it does not protect the rights of Victorians to have a say about the shape of their community;
3. this unrestrained development will put more and more pressure on already strained infrastructure like roads, schools, health services and public transport.

The petitioners therefore request that the Legislative Assembly urges the Baillieu government to withdraw the radical reshaping of the planning act that will remove the community consultation from the development approval process and to rethink, to consult with the community and to ensure that any proposal protects and improves rather than destroys our neighbourhoods.

**By Mr CARBINES (Ivanhoe) (733 signatures).**

### **Geelong: motor racing facility**

To the Legislative Assembly of Victoria:

The petition of the following residents of Victoria, draws to the attention of the house that the Geelong area is in need of a motor racing complex.

The petitioners therefore request that the Legislative Assembly of Victoria urge the Baillieu government to fund a motor racing facility in the Geelong region.

**By Mr EREN (Lara) (592 signatures).**

**Tabled.**

**Ordered that petitions presented by honourable member for Brunswick be considered next day on motion of Ms GARRETT (Brunswick).**

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

**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 Ivanhoe for be considered next day on motion of Mr CARBINES (Ivanhoe).**

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

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

## **DOCUMENTS**

### **Tabled by Clerk:**

*Subordinate Legislation Act 1994* — Documents under s 15 in relation to Statutory Rule 87

Taxi Services Commission — Report period ended 30 June 2012.

## **MEMBERS STATEMENTS**

### **Member for Caulfield: comments**

**Mr FOLEY (Albert Park)** — Yesterday the member for Caulfield deliberately, falsely and maliciously chose to impugn me and other members of the opposition over a matter relating to the boycott, divestment and sanctions (BDS) movement. I seek the member's withdrawal of the comments he made in which he sought to associate me with this racist, anti-Semitic and anti-Israel boycott movement.

I sought to raise this matter with the member in a private discussion in the chamber and to dissuade him from his continued efforts to align members of the Labor opposition with the BDS movement. He indicated he would not. He suggested I needed to take on these people.

That evening I received an email from a young Mr James Mathias. He cited *Hansard* on the internet as evidence of my failure to stand up to thugs and oppose the BDS movement. As the *Hansard* in question had

not yet been published on the internet at the time of his email, I asked Mr Mathias where he had obtained this material and sought a withdrawal of his imputations and an apology. Mr Mathias signed off his email as president of the student representative council at University High School. I contacted University High School this morning and spoke to the principal. I was informed that on Wednesdays Mr Mathias works for a state member of Parliament in the Caulfield electorate.

This morning I received an apology from Mr Mathias. He changed his story and indicated that he had heard the material while visiting Parliament yesterday. I seek an apology from the member for Caulfield in this matter.

### **Member for Richmond: comments**

**Mr WAKELING** (Ferntree Gully) — All members have an obligation to be accurate and truthful in this place. We can have robust political exchanges, but we must always be factual and accurate. That is why yesterday I was appalled by the conduct of the member for Richmond, who stated in a question — —

*Honourable members interjecting.*

**The SPEAKER** — Order! The house will come to order. I will not allow members to continue like this; they will be leaving the chamber.

**Mr WAKELING** — In a question to the Minister for Local Government the member for Richmond stated that the CEO of a major Victorian council had attended a Liberal Party fundraiser in this building in support of the member for Mordialloc. This is completely and totally without foundation. The member for Richmond should know that the person in question was actually in the building attending a meeting on 14 August with the Minister for Mental Health about drug and alcohol challenges that affect young people in the south-eastern metropolitan council areas, which members on both sides will know is a very important issue. It was not a fundraiser at all.

As a long-serving member of this house, who is himself a former Minister for Local Government, the member for Richmond was fast and loose with his inaccurate and false assertions. He should have the decency to come into this house and offer a personal explanation and apology to the member for Mordialloc and to this house for making this false assertion. If he will not, the Leader of the Opposition should force him to do so. It is typical of Labor to smear, to make up some falsehood and present it as fact, and it is a great shame that the

member for Richmond chose to be party to this sort of dirty trick attack.

### **Firefighters: compensation access**

**Mr SCOTT** (Preston) — I rise to raise the issue of presumptive rights to accident compensation for both volunteer and career firefighters. This very serious issue affects a large number of persons and has been dealt with federally in a non-partisan manner. Firefighters are exposed to a toxic soup of chemicals when they attend fires, particularly those in contained buildings. There is little that can be done to remediate the risk in such circumstances because the danger of flashover requires that firefighting apparel breathe and that results in the chemicals being absorbed by the skin.

Research in other jurisdictions has found, as has a Senate inquiry, a causal link between these issues and greater instances of cancer. These are matters which can be dealt with in the Victorian Parliament in a cooperative and non-partisan manner, and that has always been the wish of the opposition. Firefighters in other jurisdictions have been shown to have an increased incidence of cancer due to the risks they encounter while they are protecting the community.

Victorian career and volunteer firefighters put their lives at risk protecting the community, but perhaps more troubling than the physical risk from fire is the risk from cancers which can haunt them later in life. It is appropriate that this Parliament take the action that these firefighters deserve by standing by them in the great work they do in protecting the community and ensuring they have due access to fair compensation in this matter.

### **Education: federal funding**

**Mr DIXON** (Minister for Education) — I have always said we will not support changes to commonwealth school funding that disadvantage even one Victorian family. For more than 12 months I have been calling for federal Labor to consult with Victoria but federal Labor has refused to do so. For more than 12 months I have been calling for federal Labor to guarantee that no Victorian family will be disadvantaged by these reforms, but again federal Labor refuses to do so. Anyone witnessing the level of mistrust and secrecy that exists in Canberra would have to conclude that Victorian families are at risk.

Recently my fears were confirmed when national school-by-school modelling of the Gonski reforms was released for the first time. I was particularly concerned

to see the impact in Victoria. For example, every year Olinda Primary School would lose \$140 000 a year.

**Mr Merlino** interjected.

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

**Mr DIXON** — Sassafras Primary School would lose \$152 000 a year; Sherbrooke Community School, \$486 000; Silvan Primary School, \$161 000; St Paul's Primary, \$397 000; St Thomas More's School, \$361 000; and Upwey Primary School, \$57 000. In all those schools stand to lose over \$2 million a year, and that is just in one electorate in Victoria. I will not support reforms like this that hurt Victorian families. I am particularly concerned because the local member has expressed an alternative view to mine.

*Honourable members interjecting.*

**Statements interrupted.**

## SUSPENSION OF MEMBERS

### Members for Gembrook and Monbulk

**The SPEAKER** — Order! The member for Gembrook and the member for Monbulk will leave the chamber for an hour.

**Members for Gembrook and Monbulk withdrew from chamber.**

## MEMBERS STATEMENTS

### Education: federal funding

**Statements resumed.**

**Mr DIXON** (Minister for Education) — On 21 August this year the local member told 3AW that it is absolutely vital that we get national agreement on these reforms. That is what he said — it is absolutely vital that we get national agreement to cut \$2 million from schools in his own electorate because the Labor Party says so. The local member is the Deputy Leader of the Labor Party in Victoria and the shadow education minister.

### Bernard Filbay

**Ms NEVILLE** (Bellarine) — It is with great sadness that I join with many in the Bellarine electorate, particularly those in Drysdale and Clifton Springs, in mourning the recent death of Bernard Filbay. Bernard was a warm, generous person and a great family man

who made a major contribution to the community. He was a popular and highly respected member of a wide range of organisations and a driving force in numerous projects over many years.

Bernard joined the Rotary Club of Drysdale in May 1975 and served as a board member and as president. He was involved in many of the club's charitable ventures, including the highly successful art show, and he played an integral part in the development and success of the miniature railway. Bernard was a Paul Harris Fellow, and earlier this year was awarded the sapphire pin in recognition of his continued dedicated service to the work of Rotary. He was a captain in the Drysdale fire brigade and an enthusiastic and dedicated member of the brigade. For many years he was on the advisory committee of the Drysdale Community Health Centre and also served as treasurer of the Bellarine Peninsula Health Service.

Bernard's interest in the local environment was reflected in his involvement in the redevelopment of the Dell on the foreshore at Clifton Springs. As the local MP and also the former coordinator of the neighbourhood house, I thoroughly enjoyed working with Bernard over many years and will always remember his sincere commitment to helping others and his work to improve things for the broader community. I join with so many others in offering my sincere condolences to his wife, Wendy, and to his sons Gary and Mark and their families. Bernard will be greatly missed and long remembered in our community.

### Refugees: settlement

**Mr KOTSIRAS** (Minister for Multicultural Affairs and Citizenship) — Earlier this month I attended the Select Council on Immigration and Settlement in Canberra. At this meeting the national framework for settlement planning was discussed, a framework that the Victorian government has been calling for for a number of years and something that it has supported. The framework is about coordination between the three tiers of government to make sure there are services for newly arrived refugees and family reunion entrants so that they can integrate into and become active members of the community. But we also wanted the federal government to ensure in the document that the blame game stops — in other words, that there be clear roles and responsibilities for each of the three tiers of government and a commitment by each level of government. I hope that the commonwealth agrees to our recommendations to make sure that the three tiers of government do meet the needs of newly arrived refugees.

### Youth: African community

**Mr KOTSIRAS** — On another matter, there have been some stories circulating recently on the challenges being faced by young people from African backgrounds. Yes, there are challenges, and yes, there are individuals who do the wrong thing. But this is true for all communities, and it is important for all community leaders and the media to make sure that they do not group everyone together as one and blame everyone for the actions of one individual. The individual should be punished and criticised but not the community as a whole. I call on everyone to make sure that they think carefully before they say anything.

### Medical physicists: shortage

**Ms KAIROUZ** (Kororoit) — I rise today to draw the house's attention to the industrial action taken by the Medical Scientists Association of Victoria and its campaign for fair wages and conditions. The MSAV represents medical physicists, who play a critical and highly specialised role in the treatment of cancer victims in our community. They are charged with the responsibility of delivering safe radiotherapy, including performing quality checks on the patient's treatment plan as well as on the software and hardware used to ensure that the patient is treated to the safest and highest standards.

The availability of medical physicists in Victoria does not compare favourably with other states, with our state failing to attract and recruit the required number of professionals in this area to properly service the needs of the community. The discrepancy in remuneration and working conditions has no doubt led to a current shortfall of 29 per cent in the numbers of qualified radiation oncologists. In my local area the Sunshine Hospital radiation therapy centre has been affected by this inability to attract these medical professionals. Despite being open for 18 months, the centre has been unable to commission its units to perform more complex treatments and as a result has had to send residents into the city. This is simply unacceptable.

Given the critical nature of the work done by these wonderful professionals, I call on the government to match the salaries of their New South Wales, Australian Capital Territory, Northern Territory and Western Australian colleagues and ensure that the conditions they work in are commensurate with the importance of the role that they perform. Currently they are up to 70 per cent more than —

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

### Sport and recreation: community code of conduct

**Mr WELLER** (Rodney) — Recreation reserves across the Rodney electorate are abuzz with sporting club finals taking place in many leagues. Finals are a timely reminder to all sporting participants and enthusiasts about expected behaviour at sporting events. I have echoed the comments of the Minister for Sport and Recreation in his media release of 16 August reminding all sporting clubs about good behaviour during finals.

The coalition government wants to see more people more active more often. To achieve this goal the coalition is focused on delivering positive programs and investment in sport and recreation. The Victorian coalition government is constantly working with state sporting associations to ensure that everyone, from players to fans, volunteers and umpires, enjoys their sport and adheres to the Victorian code of conduct for community sport. We need to remind everyone to be a good sport, and we need to lead by example.

Unfortunately I have noticed that in his current role with the opposition as shadow Minister for Sport and Recreation the member for Lara is proving he is not a good sport. In particular his comments in relation to the code of conduct for community sport and volunteers are an example of the member for Lara not playing the game as it should be played. There is a current Victorian code of conduct for community sport, and the coalition fully supports and promotes the role it plays. The shadow minister's ignorance of the code and his comments are reminders of the sporting and community facilities and initiatives that we could have had if Labor had not mismanaged more than \$1 billion in cost blow-outs.

### Housing: government policy

**Mr TREZISE** (Geelong) — On Tuesday, 21 August, in partnership with the Geelong South Public Tenants Group, I held a public meeting to discuss the Baillieu government's current review of the future operation of public housing in Victoria, which in part raises three major concerns for public tenants. These are limited tenure of tenancy, rent increases and the privatisation of housing stock. The meeting was well attended by about 60 public tenants who heard from the shadow Minister for Housing.

Concerns were first raised with me by the Geelong South Public Tenants Group, whose members at the time were concerned that the state government had already held a so-called public consultation meeting in

Geelong, but of course with very few tenants in attendance. I say 'of course' because if you hold a consultation meeting after having failed to notify many tenants and hold it at a venue that is well and truly out of the way, especially for public transport users, then of course no-one will attend. It was a typical Baillieu government Clayton's consultation. We held our consultation meeting after having letterboxed the Thomson area and surprise, surprise, people turned up to voice their concerns.

The state government has no commitment to public housing in Victoria, and it has no commitment to public tenants. Federally a Labor government spent \$1 billion constructing 6500 units, including those on the former TAFE site in Geelong. Under state Labor and the former Minister for Housing, the member for Richmond, we saw a record \$500 million injection into public housing in 2008–09. I call on the Minister for Housing and the Baillieu government to come clean with public tenants in Geelong and across Victoria on their secret plans for the future of public housing in Victoria.

#### **Mitcham Junior Football Club: premiership**

**Ms RYALL** (Mitcham) — Congratulations to the Mitcham Junior Football Club under-14s who this season won the first premiership for the club in nine years. It was a fabulous win — one for the boys, their families and the club to be very proud of.

#### **Fiona de Preu**

**Ms RYALL** — Congratulations to unsung hero Fiona de Preu of the Blackburn Juniors Football Club on receiving the Victoria award after having being nominated by the club. With 10 years continuous service, Fiona is not just a runner but is involved in a wide range of support activities for the club. Anyone who sits next to the coach's box will see that she is a tactician who provides ongoing advice to the coaching staff. She is a great communicator who has achieved a milestone as a runner in 200 games.

#### **Dwayne Rabel**

**Ms RYALL** — Congratulations to unsung hero Dwayne Rabel of the Blackburn AFL Auskick centre. Dwayne, a committee member and junior section manager of the Blackburn Cricket Club, is looked up to by many participants in both the Auskick and in2CRICKET program as well as by parents. His fellow in2CRICKET and Auskick coaches at the Blackburn Sporting Club say he is an outstanding coach, a

fantastic leader and dedicated to junior sport and coaching. Well done, Dwayne.

#### **Barbara Gardiner**

**Ms RYALL** — Congratulations to unsung hero Barbara Gardiner of U3A (University of the Third Age) Nunawading for her years of commitment and dedication. Barbara's generosity with the time she has given to all her roles coupled with her expertise, commitment and support to her fellow volunteers is outstanding. She makes a major contribution to U3A Nunawading.

#### **Lesley Eckfeld**

**Ms RYALL** — Congratulations to unsung hero Lesley Eckfeld of the 1st/8th Blackburn Scout Group on 25 years of dedication and service. A driving force in the group, she has held many positions and has participated well.

#### **Education: funding**

**Mr HOWARD** (Ballarat East) — It seems that as further details of the effects of this year's Baillieu government funding cuts become available we are seeing more and more that the vulnerable members of our community are losing out. Not only are low-income families finding, via the removal of education maintenance allowance funding to schools, that their children are at risk of missing out on receiving support to buy uniforms and stationary and may miss the opportunity of going on school excursions or camps but also the massive cuts to TAFE will mean that many pathways to employment will be denied to students who may now drop out of the education and training system.

#### **Social housing advocacy and support program: funding**

**Mr HOWARD** — Recently I met with Ann Foley, the executive officer of PACT Community Support in Ballarat who advised me that funding for the social housing advocacy and support program (SHASP), which supports vulnerable families and individuals in public housing, has also been substantially cut. Ann advised me that, despite its being Victoria's most successful homelessness prevention initiative, SHASP is set for cuts averaging around 30 per cent to take effect from October this year.

Those involved in managing SHASP have been able to demonstrate that in the six years since the program was initiated thousands of tenancies across the state have been saved, so bringing about a significant reduction in

the eviction rate in Victorian public housing. Such cuts will clearly reverse that trend and put more households at risk of eviction as well as seeing more dedicated workers losing their jobs. When you then learn that only last week — —

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

### **Craig Watts**

**Mr BLACKWOOD** (Narracan) — I take this opportunity to pay tribute to Craig Watts, who sadly passed away on Friday, 17 August. Craig was a devoted family man, a dedicated police officer, a very loyal friend to many and an outstanding contributor to the community of Neerim South and district. Craig's distinguished police career began in 1984 when he graduated from the police academy and was appointed to the Prahran station. From Prahran he was transferred to the dog squad, which he absolutely loved. Then in 1993 he transferred to the Warragul uniform branch as a senior constable. From Warragul he was promoted to sergeant and posted to Morwell, where he worked until 1999 before transferring back to Warragul to fill a sergeant's position.

In 2003 Craig transferred to Neerim South as the officer in charge, where he served out the rest of his career before retiring in 2010. During this time Craig established a committee of youth and police in partnership in Neerim South, comprised of students from Neerim District Secondary College and supported by Craig and other community members. This committee took on an initiative of fundraising for the construction of a skate park in Neerim South which was officially opened in 2005. Craig served as president of the college council in 2005 and 2006.

Craig's commitment to the youth of Neerim district was exceptional. His ability to relate to and understand teenagers and the energy he applied to engagement resulted in a profound decline in antisocial behaviour in the Neerim South township. To lose a man of Craig's calibre at the age of 47 is absolutely devastating for his family, friends, work colleagues and community. I extend my deepest sympathy to Cheryl, Tom, Liam and Sam.

### **Oakleigh Grammar: junior school leadership program**

**Ms BARKER** (Oakleigh) — On Monday, 20 August, I attended Oakleigh Grammar to view part of a day of activities in the junior school following the implementation of a leadership program 18 months

ago. The program, 'The Leader in Me', is based on *The Seven Habits of Highly Effective People* by Dr Stephen Covey and is an exciting and innovative initiative built into the curriculum and work of all in the junior school to develop life skills, self-confidence and a real sense of teamwork.

A visit to a school is always a nice way to start the week, and it was particularly nice to be at Oakleigh Grammar last week to see the junior school children outline to us the seven skills, which are: be proactive; begin with the end in mind; put first things first; think win-win; seek first to understand, then to be understood; synergise; and sharpen the saw. The children clearly showed us they understand how these skills provide them with the ability to plan and prioritise, assess a situation and develop a positive response, strive for solutions and, importantly, balance their lives and opportunities through physical and spiritual activities. We also heard from two parents who outlined to us the positive impact that this program has had on their child and the family environment.

The concept of introducing this leadership program was initiated by Mrs Kathy Haramis, a teacher at Oakleigh Grammar, and I congratulate Kathy on her energy and work. Congratulations also to the head of the junior school, Mrs Stav Athanasopoulos, and principal of Oakleigh Grammar, Mr Mark Robertson, on their willingness to introduce a groundbreaking program at a very early stage in a child's life. Congratulations also to the staff, who have taken up this program with enthusiasm.

### **Country Fire Authority: Murray Valley electorate flood assistance**

**Mr McCURDY** (Murray Valley) — I was absolutely thrilled to be able to catch up with Bill Watson, president of Volunteer CFA Victoria on Saturday night. The Murray Valley was devastated by floods in March, with many farm fences and buildings destroyed. Last weekend a group of 60 volunteer CFA members from Melbourne helped local farmers to resurrect and remove damaged fences. I met them at the clubrooms of the Tungamah Football Club, and again I thank the volunteers from districts 8, 13 and 17 from the bottom of my heart. Their support for our communities in a time of need is absolutely amazing. Just to know that others care is of even greater value than the work they so unselfishly do. I thank them.

### **Maurice McNamara and Co.: 50th anniversary**

**Mr McCURDY** — Congratulations to Maurice McNamara and Co. on celebrating 50 years in business

in Numurkah which have involved three generations of the McNamara family, including Maurice, son David and grandson Danny. The McNamaras are extremely well known for volunteering their talents for charity auctions. When an urgent call for volunteers went out in Numurkah, the McNamaras nominated their four staff members, who deliver meals on wheels twice a month.

### **Wilby Recreation Reserve: playground restoration**

**Mr McCURDY** — Well done to the Wilby Recreation Reserve committee of management on the restoration of its local playground, with the assistance of grants from the Foundation for Rural and Regional Renewal and the Shire of Moira. The area was inundated by record floodwaters in February 2012, when installation was about to commence, creating considerable damage and leading to a budget blow-out.

### **Burramine Sports Club: community donations**

**Mr McCURDY** — Congratulations to the Burramine Sports Club committee, which has donated funds to Yarrawonga Health, Friends of Gorman House and Friends in Common following the Burramine Gift Carnival. This year's gift came immediately after the March floods and a very wet day for committee members working to prepare the oval for the running events and ensure the usual high standard of the carnival.

### **Brunswick Secondary College: Chatterbox event**

**Ms GARRETT** (Brunswick) — Last week was an inspirational one spent visiting some of the fine schools in my electorate of Brunswick. On Tuesday evening I was pleased to be on the judging panel of the inaugural public speaking competition at Brunswick Secondary College, the aptly named Chatterbox event. I was impressed with the depth of talent on display and the number of students who participated. A diverse range of topics was covered by students from all grades. They included our approach to asylum seekers, the issue of feminism in the 21st century and the importance of being part of a good sporting team. I would like to congratulate the principal of Brunswick Secondary College on instituting this event and Oki Gardner and the many other fine teachers at that school, who are encouraging students in their public speaking and political education.

### **Brunswick North Primary School: principal for a day**

**Ms GARRETT** — The following morning I was delighted to be principal for a day at Brunswick North Primary School. I spent a terrific day with the many vibrant and talented students and staff at this thriving local school, whose numbers have grown rapidly in recent years, reflecting the high standards of teaching and extracurricular activities offered and the engaged and committed parent group involved. I thank the dedicated and outstanding principal, Sonia Abdallah, who has been involved with the school for many years and whose passion and commitment to the school is evident for all to see. I also thank the students for making me feel so welcome in their classrooms. I look forward to being principal for a day again next year.

### **Fire services levy: reform**

**Mr BULL** (Gippsland East) — Much of my electorate of Gippsland East is subject to bushfires, and like all other areas of the state it relies heavily on a well-equipped and trained Country Fire Authority, an organisation that does a fantastic job serving our community. I am therefore delighted at the announcement this week of a new property-based fire services levy, which is a much fairer system than the previous insurance-based levy, as under this system everybody contributes.

### **Daniel McConnell**

**Mr BULL** — I would like to recognise the wonderful achievement of Daniel McConnell, who proudly represented Australia in the recent Olympic Games in London. Daniel competed in the men's cross-country mountain bike event, finishing in 21st place, improving 18 places on his Beijing games placing in 2008. Daniel grew up in Bruthen in East Gippsland, where he honed his skills on the many mountain bike trails that traverse our beautiful region.

### **Vietnam Veterans Day**

**Mr BULL** — I recently attended the Vietnam Veterans Day dawn service in Bairnsdale, and would like to recognise and commemorate the men and women of our defence forces who fought for Australia in the Vietnam War on this, the 50th anniversary of the deployment of Australian troops to Vietnam. In what were wintry conditions, a relatively small but dedicated gathering turned out to recognise this service.

### **Country Fire Authority: Briagolong brigade**

**Mr BULL** — Congratulations to the Briagolong fire brigade on receiving \$185 000 in state funds for a new tanker. John Hamment and his team from the brigade deserve strong recognition for their fundraising activities within the local community. The new tanker will add to an already impressive fleet of vehicles at Briagolong, which has a dedicated and well-supported brigade for a town of its size. This follows a new vehicle having recently been presented to Coongulla fire brigade.

### **Keilor Bowls Club: season opening**

**Mr CARROLL** (Niddrie) — On Saturday, 25 August 2012, I had the pleasure of officially opening the greens for the Keilor Bowls Club for season 2012–13. I take this opportunity to thank club chairman Peter Livy and president Joe Watkins for their hospitality last Saturday. A highlight was the club's recognition of super-veteran Eric Fynmore for his long, dedicated service to the club. Eric commented that the club was his 'second family'. Members may not be aware that outside of bowls, the Keilor Bowls Club is developing its own political narrative. Indeed it was visited by the now Premier and Deputy Premier on the eve of the last state election and I visited the club the night before the Niddrie by-election. The rest is history. The Keilor Bowls Club is a strong club, it is a welcoming club, and I wish it every success for season 2012–13.

### **Buckley Park Bowls Club: season opening**

**Mr CARROLL** — On Sunday, 26 August 2012, I had the pleasure of attending the opening day for season 2012–13 of the Buckley Park Bowls Club. Chairman Keith Gibbs and the board of management put on a wonderful lunch in celebration and anticipation of the oncoming bowls season. The presentations to longstanding club members Bernie Drakeford and Bap Gasparini for their committed service to the club were a highlight of the lunch. The Buckley Park Bowls Club is going from strength to strength, and will only get stronger when later this year lights are installed on the aptly named Bernie Drakeford green. I thank chairman Keith Gibbs, deputy chairs Kevin Cromie and Alan Renton, and secretary John Taylor for their hospitality last Saturday, and I wish the Buckley Park Bowls Club every success for season 2012–13.

### **Asian Business Association of Whitehorse**

**Mr ANGUS** (Forest Hill) — Several weeks ago I had the pleasure of attending the annual changeover

dinner of the Asian Business Association of Whitehorse. It was a great night of celebration, and I congratulate both the continuing and the incoming office-bearers and wish them well in their various roles for the year to come.

### **Youth Education Support**

**Mr ANGUS** — I recently attended Youth Education Support's inaugural fundraising and public awareness evening. It was a great night which included musical items and a fashion parade. I congratulate all the young people involved, as well as the chairman, Mrs Julia Mosley, and the other board members and volunteers who made this night such a success.

### **Vermont Primary School: member visit**

**Mr ANGUS** — I recently had the opportunity of attending Vermont Primary School to speak to the years 5 and 6 students about the Victorian parliamentary system. It was a great pleasure to speak to the students about my role as a parliamentarian and answer their many and varied questions. I congratulate Mrs Gillian Prentice for organising this morning and thank her and her fellow teachers for the opportunity to attend the school and address the students.

### **Eley Park Community Association**

**Mr ANGUS** — I recently attended the annual general meeting of the Eley Park Community Association in Blackburn South. It was great to be able to celebrate a very successful year, and I congratulate the manager, Midge Coll, the chairman and committee members and also the volunteers, who have all worked very hard to run the operations of the association. The introduction of a concert series this year has been an excellent initiative and I wish the association well for the remainder of the year.

### **Building industry: industrial action**

**Mr ANGUS** — The state Labor Party is to be condemned for not calling on its union mates to cease the unlawful industrial action and thuggery that we have seen operating in Melbourne this week. This lawless and violent behaviour is a flashback to the bad old days of the 1980s, when union thugs ruled the commercial building industry. The Leader of the Opposition must stand up for Victorian workers and call on the unions to cease this unlawful behaviour.

### **Melbourne Latin America Dialogue**

**Mr LANGUILLER** (Derrimut) — I commend Melbourne University vice-chancellor Glyn Davis for

his leadership in advancing Australian-Latin American relationships by holding an outstanding event, the Melbourne Latin America Dialogue. I commend the stewardship of Argentinian ambassador Pedro Villagra-Delgado, the dean of the diplomatic corps, and all of the ambassadors and diplomatic representatives of Australia and Latin America who attended the dialogue. As a panellist at the forum I spoke about the necessity of changing the paradigm that typically defines our relationship with Latin America from one of competition to one of collaboration, complementarity and partnerships.

The role of Victoria's state government, as demonstrated by the Bracks and Brumby governments, is a fundamental driver of growth. We need an action plan with measurable objectives, like the one we have with China and India, especially in higher education. We must continue to use local brainpower like Dr Esposto, Angel Calderon, Dr Del Rio, Dr Marino and Roger Frankel, amongst many others. I especially salute the work of Professor Spangenberg, Professor Timothy Reeves and Professor Snow Barlow. I take this opportunity to pay tribute to champions such as the Council on Australia Latin America Relations former chair, Bernard Wheelahan, and Jose Blanco of the Australia-Latin America Business Council.

Education has played a pivotal role in Latin American development. From 1970 to 2000 higher education enrolments increased by 620 per cent from 1.6 million in 1970 to 11.4 million in 2000. It is estimated that by 2035 Latin America will have 59.4 million higher education enrolments, making it the third most enrolments behind only East Asia and the Pacific, and South and West Asia. I commend the work of the many Latin Americanists who believe in this relationship.

### **Building industry: industrial action**

**Mrs FYFFE** (Evelyn) — Thuggish activity by unions should be condemned by all, and in speeches in this place not once have opposition members condemned the union organisers who encourage this aggression. The member for Essendon made a classic union diatribe of a speech that could have been set in the 1950s. He referred to men 13 times but not once did he mention women; not once did he acknowledge women's contribution to the workforce or those women who are the sole breadwinners. He would have done Arthur Scargill proud — in fact I will check to see if this was not one of Scargill's speeches from the 1970s and 1980s. Scargill and his union mates manipulated and organised a devastating long-lasting strike of English coalminers that saw the families of striking miners go hungry. This strike resulted in massive job

losses, the closure of factories, the loss of industries and thousands of people never working again.

It will be no surprise to members on this side of the house to hear that the union leaders were later attacked for paying themselves £150 000 while families of the strikers went cold and hungry. The brave individuals who risked everything to improve working conditions in the terrible Cornish chalk mines — the founders of the union movement — will be turning in their graves at the lining of pockets, the jobs for mates and the thuggish activities of today's union leaders.

Every member on the other side owes their position to unions. They will never stand up and criticise and condemn their masters for bullying and violent behaviour. Members on this side of the house owe our positions to no-one. We won our seats; we won government in our own right.

### **Bushfires: Yarra Valley practitioners project**

**Mrs FYFFE** — In the seconds I have left I would like to congratulate the Yarra Valley practitioners who ceased operation this week — those 135 individuals who gave so much of their time and energy in caring for the sufferers of the bushfires.

## **ENERGY LEGISLATION AMENDMENT BILL 2012**

### *Second reading*

### **Debate resumed from 29 August; motion of Mr O'BRIEN (Minister for Energy and Resources).**

**Ms McLEISH** (Seymour) — I am pleased to have the opportunity to resume my contribution to debate on the Energy Legislation Amendment Bill 2012. We know that the thrust of this legislation is to close up a loophole which could see a windfall of upward of \$35 million, up to perhaps \$94 million, to the energy distribution companies. I spoke at length yesterday on that subject.

I now want to touch on other elements of the bill, in particular how the amendments impact on the Electricity Industry Act 2000, the Gas Industry Act 2001 and the Fuel Emergency 1977. This bill clarifies that an energy company may comply with directions given under the state legislation. We are talking about what happens in the event of an emergency, and during an emergency there often comes a time when there is an energy supply emergency. The amendments in this bill will ensure that any direction issued during an emergency to make sure we have an ongoing electricity supply cannot be invalidated if there are inconsistencies

with other legislation, in particular with commonwealth legislation. It is very important to know that we can do things to guarantee and maintain electricity supply during emergency situations without having to worry about the implications or ramifications that might happen when the dust settles, so to speak.

Another element concerns amendments to the Energy Safe Victoria Act 2005. As in many areas the federal government is looking to have consistency across the states. Inconsistency makes it difficult for people who operate businesses in more than one area, and also sometimes for consumers. It is anticipated that during the last quarter of this year the federal government will legislate the greenhouse and energy minimum standards scheme, or the GEMS scheme. After that comes into effect, changes will be needed in other jurisdictions to make it consistent. When talking about this scheme we are really talking about the star rating stickers on household appliances. As members would know, when we go into any of the big retailers, or even small businesses, many of the appliances we go to buy have the star rating system. The scheme will provide some sort of consistency and will cut red tape and reduce costs for industry, which will ultimately reduce the costs for consumers.

I have been pleased to speak on this bill, which indicates the government's focus on keeping the pressure off energy bills. We know that the upward trend with all bills facing the average person puts everybody under a bit of pressure. Closing the loophole will help take off some of the pressure that could have been applied to the consumer. The government has done some good work in the energy space. It has doubled the energy concession period from 6 months to 12 months. I commend the bill to the house.

**The SPEAKER** — Order! I just say to the house that I have spoken many times before about and made a ruling on the reading of speeches. Members should not be reading speeches in the house.

**Mr LANGUILLER** (Derrimut) — It gives me pleasure to speak on the Energy Legislation Amendment Bill 2012. I quote from the statement of compatibility in relation to the purposes of the bill. It states they are to:

provide for new Corporations Act displacement provisions and/or amend existing Corporations Act displacement provisions under the Electricity Industry Act 2000, Gas Industry Act 2001 and Fuel Emergency Act 1977;

amend the National Electricity (Victoria) Act 2005 by inserting a new division 4 of part 3 to specify certain building block amounts to be applied by the Australian Energy

Regulator when approving the pricing proposals of Victorian distribution network service providers —

otherwise called DNSPs —

under the distribution determinations that apply to those providers; and

amend the Energy Safe Victoria Act 2005 to enable Energy Safe Victoria's staff to perform functions and duties and exercise powers under certain commonwealth laws ...

The other important matters I wish to refer to are the performance incentives that relate to the bill in terms of the closure of a particular loophole which was introduced by the previous Labor government as part of that government's robust rolling set of reforms in consumer protection. That was at a time when we saw the beginnings of the privatised monopolistic environment of electricity distribution.

Speaker, as a senior member of the house you would remember that it was in fact under the Kennett government that that privatisation took place. The then Premier argued that that privatisation, which was ideologically driven at the time, was done for the purpose of improving performance and delivering a much more competitive industry. What effectively happened is that consumer prices went up, and it was up to the Labor government when it came to office in 1999 to set up the framework to protect consumers against the rising and ongoing costs of energy.

It was our government that introduced these important reforms, one of which was commonly known as the S factor, which stands for the service factor, scheme. As I indicated, it was set for the purpose of protecting consumers from what was seen as the rising cost of energy which was increasing the cost of living generally and, particularly for families in my electorate, imposing unsustainable electricity costs.

This brings me to another important matter. Many members of the government speak about the tax on carbon, the tax on pollution and the tax on those who contaminate the environment leading to an increase in the cost of energy — specifically those costs relating to electricity. Members of this house would be aware that the federal government has provided important subsidies to families, many of whom are living in my electorate. But it was brought to my attention only recently, and we should put it on the record, that whilst, on the one hand, the federal government is providing assistance for families who are dealing with the potential increase in energy prices, the state government will take that money away. Buried in the Department of Human Services website is the information that those who receive benefits from DHS will not receive state

assistance, because they are receiving the federal government subsidy. In effect what is being given to low-income earners and the community by way of federal government assistance will be taken away by the state government.

In order to allow other members to make their contributions I will conclude my remarks by indicating that Labor does not oppose the bill.

**Ms WREFORD** (Mordialloc) — I rise in support of the Energy Legislation Amendment Bill 2012. The coalition is taking real action on electricity pricing and supply. Primarily this bill closes the loophole Labor created which would allow the energy distribution companies to jump up bills by a total of \$35 million to \$94 million. We are closing this loophole so that households are not overcharged and energy distributors are not overpaid. This bill also makes provision to ensure the quick restoration of energy supply if there is a real emergency in our state and, finally, it allows national legislation for greenhouse and energy minimum standards to be enacted through Energy Safe Victoria.

But primarily this bill is about fixing Labor's loophole that would cost households between \$35 million and \$94 million extra in electricity charges. One thing we have learnt is that Labor and energy prices do not mix. Prices are shooting up thanks to the federal Labor government's carbon tax, and the cost of living is skyrocketing. If it were not addressed, this loophole would make things worse for our communities. This is the sort of debate on a bill that I would like the community to watch, because it really shows the difference between what Labor does and what the government is doing. People often say there is no difference between the political parties, but this bill is about fixing yet another one of Labor's stuff-ups. This is about the coalition trying to drive down the cost of electricity prices, closing that loophole and saving Victorian households between \$35 million and \$94 million in electricity bills by fixing the previous Labor government's mistake.

Primarily the bill amends the National Electricity (Victoria) Act 2005 so that the electricity distribution network pricing system works as the Essential Services Commission originally intended. In a nutshell, the allowable annual revenues of electricity distribution businesses are based on their performance in previous years. If they perform well, they are allowed to increase the amount they charge their customers. That worked reasonably well from its inception in 2005 until 2011 when another Labor loophole appeared.

In 2009 the then Labor government transferred the monitoring of the S-factor scheme and efficiency carryover mechanism to the Australian Energy Regulator (AER) under an agreement led by the federal government. We had Labor governments at both state and federal levels, and what happened? Our energy prices went up. Sure enough, they bungled it. This transfer was meant to happen in the 2011–15 calendar years. Theoretically it was supposed to reduce the total allowable distribution revenue by about \$96 million. However, in January this year the Australian Competition Tribunal ruled the Australian Energy Regulator's determination invalid, and therefore it could not continue. The action by the tribunal has opened a window for energy distributors to put prices up. If the legislation had been right in the first place, this situation would never have arisen. When Labor governments are in, people do pay.

In my electorate of Mordialloc one of the major concerns for businesses and the wider community is the increased upward pressure on essential electricity pricing. Primarily this will be due to the carbon tax which has been imposed by the Labor government. People from many manufacturing businesses in my electorate have contacted my office to say how worried they are about how they will continue doing business. These people are struggling to pay mortgages, and general electricity prices are going up. By closing this loophole the government is at least making some inroads where it can. However, we cannot possibly change the carbon tax from applying to Victoria, although we would love to.

The bill will restore the intended operation of the network performance incentive scheme. Under this legislation the Australian Energy Regulator and distribution businesses will have to prepare and assess distribution network pricing proposals for the years 2013 to 2015 in a manner that preserves the scheme's operation as originally intended. Essentially the AER and distributors will have to make up any differences from the averages that were created by Labor's mistake so that there is no difference to households by the end of 2015. As usual, the coalition is fixing Labor's mess so that Labor's multimillion-dollar gift to electricity businesses can be recovered and households will not bear the brunt of that cost. As I said earlier, not much can be done about the carbon tax, but at least the government is fixing this loophole.

The second major aspect of the bill is that it improves emergency provisions for electricity supply. If there is a serious emergency in Victoria, we do not want red tape getting in the way of the energy supply being restored quickly. In many instances energy being restored

quickly may save lives, so this aspect is very important. This bill clarifies that an energy company may comply with directions given under state legislation in the event of emergency, notwithstanding that compliance may be inconsistent with the duties of the directors of corporations or the powers of administration of a corporation under the commonwealth Corporations Act 2001.

Anybody who has been on a board recently knows how much red tape is involved in these sorts of decisions. Once again red tape has been created for directors due to Labor having been in power at both state and federal levels. These days if you are on a board you virtually need to sign a form to sneeze, so I think this legislation will help cut through red tape in case of any state emergency. This bill takes into account and incorporates displacement provisions in various acts so that they are consistent with federal legislation, particularly in relation to energy emergency services.

Finally, the bill amends the Energy Safe Victoria Act 2005 to allow Energy Safe Victoria to undertake functions under national legislation for the greenhouse and energy minimum standards scheme that are comparable with the existing Victorian scheme. The national legislation overrides the Council of Australian Governments-coordinated minimum energy performance standards scheme that exists in Victoria. The legislation provides that Energy Safe Victoria staff can take on administrative functions and become compliance inspectors under the new scheme, much as they did under the old one.

In summary this bill is about taking real action for Victoria on electricity supply and pricing. Primarily this bill closes a loophole created by the previous Labor government which would allow energy distributors to jump bills up from anywhere between \$35 million and \$94 million, which would be totally unacceptable to the people of Victoria. The government is closing this loophole so that households are not overcharged and energy distributors are not overpaid. Primarily this legislation is about fixing Labor's loophole and preserving as best we can the energy prices of households and of businesses. Increases in the cost of energy do not just affect households; businesses are also affected greatly, especially in my electorate of Mordialloc. I commend the bill to the house.

**Mr McGuire** (Broadmeadows) — I rise to speak on the Energy Legislation Amendment Bill. Not only do I want to concentrate on the S factors, or service factors, but I also want to raise the issue of the C factors involved — that is, the costs and complaints issues that are involved.

The core proposition is that the primary purpose of this bill is to preserve the incentive schemes established under Labor, a point which seems to have been missed totally by the previous speaker, the member for Mordialloc. Governments, administrations and parties may change when in power, but legislation is amended, and as members of Parliament we look at how we can improve conditions relating to the wellbeing of the people of Victoria, particularly their cost of living. This is the evolutionary part of politics and of legislation. I make it clear that from the Labor perspective and my own perspective we support what is being done. There is a public interest benefit, and the government is taking action to restrict even more electricity price rises. That is a good thing, and opposition members support it.

That said, the point I want to make clear is that this is part of the normal business of managing government. Put simply, this is the least the government should do. I highlight that proposition. Let us not forget the key promises of this government: to fix the problems, to build the future, to govern for all Victorians and to cut the cost of living.

**Mr O'Brien** — Fix the problems you created. Your problems!

**Mr McGuire** — I thank the minister for the interjection; we will go to this issue. Forget the four pillars. These are the four key promises on scrutiny and accountability that will be examined, and we will be looking at them.

What I will say to the minister is that opposition members support this piece of legislation, but I will mention a range of other initiatives that the government could look at restoring and implementing that would further reduce and cut the cost of living. These include restoring ceiling insulation to the Victorian energy efficient target scheme, insulating houses and keeping heating bills down, restoring energy concessions to pensioners and other concession card holders, not using the carbon price as an excuse and requiring electric hot water systems to be replaced with more efficient solar or gas water heating. A range of other things need to be done, and I am arguing that we should be looking at what the other propositions are.

This bill also amends the Energy Safe Victoria Act 2005 to enable Energy Safe Victoria to undertake functions under the national legislation for the greenhouse and energy minimum standards scheme. A series of different things can be done. Opposition members want to look at what initiatives can help drive down costs for Victorians, because this is a critical issue that we want to target.

Another issue I also flagged at the outset is that we want to look at what is happening on the complaints side. This is an area the minister could examine, because low-income people feel the energy increases are hitting them extremely hard. I say this on behalf of the people of Broadmeadows. I draw the minister's attention to the reported increasing number of complaints being made to the energy and water ombudsman in Victoria. I will put some figures on the record so the facts will be accurate.

The number of complaints made about electricity to the Victorian energy and water ombudsman has increased by 33 per cent in the year 2010–11. Drilling down into the detail of the report, it states:

... the increase in the number of complaints is attributed to a combination of:

- customer concerns about rising energy and water prices
- associated affordability issues
- systemic billing issues
- the marketing and transfer practices of energy retailers
- energy retail issues generally
- publicity and concerns around solar installations ...

This is the heart of a critical issue for all Victorians. I specifically speak on behalf of the people of Broadmeadows, where energy prices are acutely felt.

I want to say to the minister that this bill is supported by Labor. We want to drive down costs. To cut the cost of living was a core blanket promise made by this government. We will be looking at what other initiatives will come. There are other speakers who want to make a contribution to the debate on this bill. I would like to say to the minister that this bill is a good start and we support it, but there needs to be more to come. We will look forward to it. I have put forward some other ideas that he can analyse and we can debate. He can work out whether he wants to adopt those ideas, amend them or accept them. I have done that in the context of the proposition that these issues exist across the board. We need to get a position of goodwill and support across the board to actually drive down costs for Victorians. I commend the bill to the house.

**Mr SOUTHWICK (Caulfield)** — I rise to speak on the Energy Legislation Amendment Bill 2012. This bill is very important. It deals with how we can introduce important measures to reduce electricity costs. We all know Victorian families face increasing costs in relation to their electricity bills thanks to — needless to say — the introduction of the carbon tax by the federal

Labor Party. We have introduced this bill because of other competing issues, prices and families who struggle to pay ongoing bills. The minister has worked diligently to introduce this bill that will introduce the three important measures of affordability, efficiency and security. I will talk about those measures in a minute.

It was interesting to hear the comments of the member for Broadmeadows. He said that members on his side of the chamber are supporting the bill. That is terrific. In his contribution he provided a whole lot of other ideas of what should be done. Many of them were not put forward when the Labor Party was in government. Some of them were cancelled when it was in government. I particularly refer to the ceiling insulation scheme which the federal government introduced. We all know of the pink batt scheme and what occurred during the implementation of that scheme. Lives were lost as a result of that scheme that was poorly introduced and poorly managed. The Labor state government at the time did away with it. The fact that the member for Broadmeadows would come into this chamber and say 'We want to introduce a scheme which Labor cancelled when in government' speaks of hypocrisy to me.

I am of the understanding that the minister is looking to introduce ideas that are a lot more measured and responsible than what has been done in the past. I commend him for those activities, because at the end of the day we want to reduce the cost of bills and ensure that a safe and measured scheme is in place.

The part about affordability in this legislation is in relation to a \$94 million windfall saving to householders. This is at the expense of many distribution companies that would have been able to claim those funds. That is very important. We are providing incentives for energy distribution companies to offer quality services, including renewable power, responsible call centres and efficient overall management of the grid.

It is always important that we consider programs that incentivise and provide carrots rather than sticks to whack the back of companies that could be looking at ways to be more productive and efficient and to deliver efficiencies back to their customers. It is a very important measure.

If organisations run a poorly managed system, then they should not be rewarded for those systems. These changes achieve that. These changes reward people for good behaviour and good business practice. They ensure that those who do not adhere to good behaviour

and a good business practice do not receive windfall gains.

The opposition correctly mentioned that the financial incentive schemes have been in place for a long time, but the Australian Competition Tribunal recently ruled that the regulations could not enforce revenue cuts for businesses delivering poor services. This bill goes a long way to ensuring that.

The bill has a number of other things in it. It is important to mention that as part of our changes to ensure that we keep the pressure on and reduce energy bills we have doubled electricity concessions for concession card holders that currently apply for six months of the year. Eligible concession card holders will now have 17.5 per cent off their annual electricity bills. This is a very important saving for concession card holders.

Many householders are accessing free stand-by power controllers and discounts in relation to other energy-efficient products through our expanded Energy Saver Incentive scheme. We have also changed the rules to rein in the costs of the former Labor government's smart meter program. We have reformed expensive and unfair green subsidies that benefited a few at the expense of many.

The minister recently announced a new informative website called Switch On. The website enables individuals to enter data about their energy consumption and to see in real time what they are using and how they can reduce their costs. Many people in my electorate who I speak to are confused and cannot even understand their bills. This is probably the biggest concern they have, because they never know what they are being charged for in terms of their asset and their use of electricity. Being able to utilise websites like Switch On will simplify the process for many consumers. It is a very important step. If consumers can understand what electricity they are using and how they can reduce their use by using a very simple and easy to understand website, then that is a great concept.

The Prime Minister has more front than Myer, but it is a pity she is not using it in relation to the blockade at the Grocon site at the moment. However, what she has done by writing to the Premier asking him to reduce costs indicates hypocrisy to me. There are a couple of very important issues here. The first is that the Prime Minister knows the state does not own the electricity assets; they are privately owned, unlike the situation in some of the other states. In suggesting that we are able to influence that by doing something other than what we are doing at the moment and are continuing to do,

the Prime Minister knows she is just taking a cheap political shot.

At the same time, the Prime Minister knows the introduction of the carbon tax and the net effect of it is going to hurt Victorians most of all. We have heard that many times. We benefit from cheap power here in Victoria, and the carbon tax will affect Victoria more than anywhere else. Many of the new costs for businesses will be passed on to consumers, and we have no answers from the Prime Minister on how she plans to resolve that.

On that note, it would be interesting if the Prime Minister could tell us which power stations will be closed under the contracts for closure program and if she could explain how the power they generate is going to be replaced, because we know there are shortages even during peak times, and we already struggle to cope with those shortages. What concerns me about the closure of power stations is that currently we have access to very cheap power, so if we were to close any of our stations, we would have to buy power from other states at a much higher price. Who would have to pay for that? Unfortunately it would be the poor consumers.

I will briefly touch on two other measures, the first being the energy efficiency measure of reducing red tape. As I have said many times, this government has a commitment to cut red tape by 25 per cent across the board, and this is another very good example that we are doing that. The greenhouse and energy minimum standards will come into effect to replace the Council of Australian Governments' minimum energy performance standards. Many consumers would know of the star ratings, which are indicated by stickers on appliances. This bill will ensure that these schemes such as this are run properly. It will appoint inspectors to undertake compliance and enforcement activities to ensure that these schemes are managed and that consumers are protected. This is an important measure that will streamline a system that consumers are starting to understand.

I turn to a third measure, that of energy security. It is important that in the event of energy supply emergencies — particularly in relation to the carbon tax — the Minister for Energy and Resources can use his emergency powers effectively. If companies go into liquidation, we need to ensure that we have control of our power and that we can keep the lights on here in Victoria.

This is a good, sound bill, and I commend it to the house.

**Mr DONNELLAN** (Narre Warren North) — It is an honour to speak today on the Energy Legislation Amendment Bill 2012. I note with disappointment that some members opposite seem to think the structure of the electricity industry was set up by the previous government. It actually resulted from a course that the Kennett government took us down, and while Labor was in government it set up parameters to manage price rises and the like.

We are here today to deal with not a loophole but an interpretation that the Australian Competition Tribunal made in relation to our legislation to ensure that price rises are not excessive. We are supportive of dealing with that and the government's putting forward of an amendment, which it has done, to deal with that, but for the government to suggest that this is the best it can do and that it is not the government but everybody else who is at fault would be to forget that this was a course the previous Liberal government set us on and which Labor, when in government, did the best it could to manage the new environment Victoria found itself in.

What concerns me is that we have heard a lot of talk about the carbon tax, and we know the compensation for the carbon tax has been incredibly generous, but we also know this government is stealing back its year-round energy concession, and doing it very swiftly. It is lovely to give something with one hand and take it back with the other. That is what we have here. We have a great robbery by government of pensioners. It is a bit like the great bookie robbery, but in this case we know who the offenders are. The Minister for Energy and Resources, who is sitting across from me, is one of the great bookie robbers. We have a supposed year-round energy concession being given with one hand and then stolen with the other under the guise that, somehow or other, because the federal government has been incredibly generous with its compensation for the carbon tax, we can quietly but surely steal a little bit back for the budget. That is fine, but I think a little bit of honesty is required here.

We have heard criticism of the carbon tax, but there has also been discussion of other potential energy sources, such as fracking. The Minister for Energy and Resources put out a media release on 12 April this year headed 'Labor's fracking hypocrisy knows no bounds'.

**Mr O'Brien** — I am glad you pronounced that correctly!

**Mr DONNELLAN** — Yes, of course I did! I pronounced that very carefully. The media release indicates that somehow or other the opposition is against alternative energy sources which are important

to the provision of cheap power. The media release states:

Victorian Labor talks about jobs, but the only three policies they have announced would each kill jobs: a new public holiday, support for Federal Labor's carbon tax and now a job-killing moratorium on exploration for new forms of gas ...

I find this rather amusing, because it is a bit of an overreach. We have now found out that the coalition itself has a moratorium on fracking. You have to be very careful when you reach out and accuse others of crimes and misdemeanours against humanity, because sometimes it can come back to bite you on the finger, I shall say. That is what this minister has done: he has accused everybody else of terrible crimes against humanity, and then he has suddenly appeared, like a superhero, saying this government is fixing up this loophole. He is wearing his underwear on the outside like Superman, and he has come to save the day.

We know loopholes like this constantly arise through legal interpretation, and as a former solicitor and barrister, the minister should know that. He should know that governments do not have 20/20 vision in relation to the way in which courts will interpret legislation. Sometimes the courts will go against the wishes of governments. It is important that we have an independent judiciary, and the courts have made an assessment here.

The opposition is happy to assist the government to ensure that energy providers are not able to rip more money away from Victorians, but to suggest that somehow or other this government has never had to come back into this house with amendments to its own legislation is a little ridiculous. I have been here while we have done that in the last 12 months. It is a little disappointing that the government is overreaching. One minute government members are suggesting they are superheroes, and the next minute they are reducing the year-round energy concession, with the idea that because the feds have been so generous they can take back a little bit of money. More consistency in approach would not go astray here.

With that said and done, as has been said, the opposition will support the bill to ensure that the energy providers do not take more money from us. With that short contribution I commend the bill to the house.

**Ms MILLER** (Bentleigh) — I am delighted to rise to contribute to the debate on the Energy Legislation Amendment Bill 2012. I would also like to put on the record that the Minister for Energy and Resources is currently in the house. He has done a marvellous job in

closing this loophole, which is certainly very important for Victorians.

In relation to the previous speaker, the member for Narre Warren North, I am delighted to hear that his side is happy to support the bill, but to refer to terms like 'superheroes' is not a joking matter, and he can tell that to those Victorians who are finding it tough out there trying to make ends meet. When the member talked about giving with one hand and taking with the other, I think that referred to the carbon tax, where the Labor government is imposing a carbon tax on Victorian families and at the same time offering a household assistance package. To me that is giving to one and taking from the other, so I think the statement the previous member made is a bit hypocritical.

The bill will amend a number of acts, including the National Electricity (Victoria) Act 2005, the Electricity Industry Act 2000, the Gas Industry Act 2001, the Fuel Emergency Act 1977 and the Energy Safe Victoria Act 2005.

The purpose of this bill is to do a couple of things. It makes provisions in relation to Victoria participating in a national scheme. It also provides the minister with some emergency energy supply powers, so if we have an emergency he has the power to direct resources appropriately and accordingly. But most importantly this bill will close a loophole which could have resulted in a significant financial burden for energy consumers here in Victoria. This will benefit not only the community of Victoria but also the community of Bentleigh. As to this loophole that was in place for 11 years under the previous Labor government, we are talking about \$94 million. That is a massive amount of money, so this legislation is certainly well overdue.

In terms of affordability, closing this loophole will stop electricity distribution companies from making up to \$94 million in windfall gains. It will also reinstate incentives for energy distribution companies to offer quality services, including reliable power supplies. In my community in Bentleigh we have quite a senior community there. In winter heating is important, as is cooling in summer, so this is very important. We are correcting an anomaly. Not only that, we have doubled the concessions of 17.5 per cent from six months to all year round. We are delivering on commitments and assisting Victorians to ease the cost of living.

The Victorian government is stepping in to correct this legal anomaly and to ensure that the performance of electricity distribution businesses is regulated according to longstanding rules. We have changed the rules to rein in the cost of the Labor government's smart meter

program and reformed expensive and unfair green subsidies that have benefited a few at the expense of many. Even the Auditor-General's report on renewable energy of April 2011 supports that view, so this is very important. The very hardworking Minister for Energy and Resources has acknowledged this, and that brings us to the debate today.

I would also like to make the point that the Prime Minister has got involved in the debate. This is a really good thing for Victoria. It is a very interesting point that I make because she has recently joined the debate about energy prices and aimed to pin the blame for rising energy prices on those states that own energy assets. This is very interesting, because after deliberately pushing up the cost of energy bills she now comes out and says that she is worried that they are too high. What does that mean? She gets to have a chat to her resources minister and then says to all other states in this wonderful country of Australia, 'Follow Victoria's lead'. That is right — 'Follow Victoria's lead'. So that means that we are leading the way in energy, resources and cost efficiency on a national stand. I think that is really important. So after 11 long, dark, miserable years of Labor's mess we have come in and we are going to fix the problems, fix the mess and build for the future. That is what Victorians want to see and hear. They certainly supported that view at the state election in 2010.

This is really important because times are tough out there at the moment, and this government is committed to easing the cost of living, where possible. How are we going to do that? As I said earlier, we have introduced an all-year-round concession of 17.5 per cent. This is very important. We are closing the loophole so that Victorians can save money. It might equate to only a nominal amount to some, but that nominal amount can be massive to some families who are finding it really challenging to make ends meet.

The bill is also going to strengthen the capacity of the state government to give direction and power to the minister so that in a time of emergency he has the authority to direct the energy where appropriate. We are cutting the red tape and we are cutting the bureaucracy, and that way we can get energy quickly to where it is needed.

Labor complained about the privatisation, but as I said, the Prime Minister and the federal Minister for Resources and Energy have now called on the other states to follow Victoria's lead, so clearly we are doing something right here in Victoria. Whilst the opposition says it is supportive of it, I think nationally Labor

should really take a good look at the good things that Victoria is doing.

In terms of my electorate of Bentleigh, there are a large number of young families who cannot afford to pay for Labor's failure to close the loophole, and that is exactly why we are acknowledging this important matter. In terms of small businesses in my community, these businesses cannot operate successfully if they do not have a reliable energy source, so that is also important. Manufacturers in the Bentleigh electorate employ hardworking people who enjoy going to work every day. These manufacturers also have to use energy, depending on what they manufacture. The savings made on electricity bills will support manufacturers who want to continue to employ Victorians in this difficult financial climate. Jobs are important to this government, and it will support small business where it can.

Local families are also suffering due to the increased costs of federal Labor's carbon tax, along with Labor's bungling of the smart meter program, Labor's bungling of the myki program, Labor's bungling of the desalination plant, Labor's bungling of the HealthSMART program and Labor's bungling of the ICT programs — the list goes on and on. The Baillieu government is committed to closing this important loophole and saving Victorians approximately \$94 million, which is important in these difficult economic times. As I said, the Baillieu government is committed to measures that reduce the cost of living for families, and these measures include the Energy Legislation Amendment Bill 2012. The bill will assist in easing costs for small businesses and other manufacturers in the community of Bentleigh. The minister's closing of this loophole with the amendments in this bill will benefit my community in Bentleigh and other communities throughout Victoria.

As I have said, the bill will lead to a cut in red tape and gives more authority to the minister in times of emergency so that power can be generated where it needs to be. The Baillieu government is doing a great job in remaining committed to easing the cost of living, fixing the mess and building for the future. I commend the bill to the house.

**Mr BROOKS** (Bundoora) — It is a pleasure to join this debate on the Energy Legislation Amendment Bill 2012. I will make a few brief remarks because I know a number of members wish to contribute to the debate on this and other bills today in the short time we have left this sitting week due to the large number of second-reading debates we have to deal with under the government business program.

It is a sign of this government's desperation that it is trying to pump this change up as a massive victory for consumers when in fact, as everyone in this place knows, this is a machinery change as part of the normal governing of this portfolio to ensure that there is proper regulation of electricity and power prices for Victorians. With no runs on the board, this government is trying to claim this as a massive victory. The Minister for Energy and Resources has claimed in his press release that this is a great and glorious victory. I do not think anyone really believes that.

Consumers in my electorate, who see daily increases in the cost of living, understand what this government has done; and that is particularly true of people who are eligible for concessions. The federal government has quite rightly produced subsidies to offset the impact of carbon pricing so that people will not be worse off. At the same time as concession card holders are receiving extra money from the federal government, the Baillieu government is putting its hands in those pensioners' pockets and trying to rip that money straight out. It is a disgrace, and it has been exposed as a disgrace by members of this house and by the media. I do not think that Victorians who receive concessions are fools. They understand what this government is doing. It is a cash grab. The government is effectively funnelling money straight from the federal government through the pockets of concession card holders back into the Treasurer's coffers. It is a disgrace. This government used rhetoric before the last election about keeping the cost of living down. I think the Premier was actually quoted as saying he was going to reduce the cost of groceries. This government has failed to meet its election commitments on the cost of power.

We do not oppose this bill. We think it is a normal machinery of government type of change. However, in the future we would like to see this government deliver on its promises on the cost of living, because so far it has shown it is not capable of doing so.

**Mr GIDLEY** (Mount Waverley) — It is my pleasure to rise to make a contribution on the Energy Legislation Amendment Bill 2012. This is another step forward in the Liberal-Nationals coalition government meeting its key aims on essential services. The key aims with regard to energy for essential services are, firstly, a reliable energy network, including the reliability of electricity and other energy services, and secondly, an affordable energy network and a network that is not priced out of the reach of consumers. They are the hallmarks of our government's approach to energy in this state. I commend the Minister for Energy and Resources on the work he has done on those two things. The minister has faced challenges from the

floods and other issues that have had an impact on the electricity supply and the security of that supply, but he has ensured that the lights have stayed and has made sure that electricity is reliable and affordable.

As part of that commitment this bill ensures that \$94 million that would otherwise leave consumers' wallets will not do so. That is the key point. The member for Bundoora and other Labor members talk about the machinery of government. A sum of \$94 million might not seem much to them, and clearly it was not much to them. The Labor government got so many projects wrong, such as myki, that \$94 million is probably a drop in the ocean so far as opposition members are concerned. However, to this government \$94 million is a substantial amount of money, particularly because it is taxpayers money. Taxpayers worked hard for their money and they expect their government to get value for them where that is possible.

This \$94 million was described by the opposition as a machinery of government cost and as a drop in the ocean and not significant. There could not be a stronger contrast between the government and the opposition on this issue than that the government has ensured that \$94 million of consumers money is going to stay in their pockets as a result of this bill. The bill achieves this aim by ensuring that there is an amendment to stop the windfall gains as the result of a legal loophole arising from a decision of the Australian Competition Tribunal.

What that decision means is that without this amendment \$94 million would have left the pockets of Victorians when they are already under cost of living pressures in energy as a result of the bungled smart meter program by the former government. When I think about the \$94 million and I look at some of the figures, I see that 640 000 United Energy customers across the east and the south-east would have been \$13.50 worse off after paying their power bill without this amendment and around 700 000 Powercor Australia customers in central and western Victoria would have been worse off by about \$10.50. About 640 000 SP AusNet customers across eastern Victoria will also avoid the increase.

This is not an outcome that is the result of a machinery of government amendment; it is a significant saving for consumers and a significant victory for them, and it is a direct consequence of the bill. Let me be very clear that the consequence of the bill will be to ensure that customers of United Energy, Powercor and SP AusNet will keep the money in their pockets rather than seeing distribution companies profiteering by exploiting a

legal loophole as a result of the Australian Competition Tribunal decision.

Another important aspect of the bill is that it ensures that where energy distributors have not met the benchmarks — the sorts of quality standards that Victorians expect — we are able to act to ensure there are penalties in place, and that is about empowering consumers. It is about saying that the government understands the importance of the security of energy supply and the importance of affordable energy and, as a result, is taking action. When I think about the small and medium size businesses that are facing challenges with profitability and cash flow in this environment and at the number of customers who will be saving, I shake my head and wonder how the opposition can call \$94 million in savings a machinery of government amendment. How can you call \$94 million a drop in the ocean? It is a lot of money that this government is determined to make sure stays in Victorian taxpayers' pockets to assist them with cost of living pressures.

If you look at the government's record, you see that in a very short period — and we are talking about less than two years in government — and in tight economic times it has implemented a 17.5 per cent all-year-round energy concession. Under the former government if you relied on cooling in your home, the size of the energy bill you received for the summer period was just tough luck, and you had to open your wallet. Whether it was about \$94 million or missing out on the 17.5 per cent concession, it was just tough luck. This government acted to implement a scheme to help low-income earners with the cost of cooling over the summer, with the 17.5 per discount to apply all year round on mains electricity.

In addition, we have attempted to put downward pressure on energy prices by expanding a range of energy-saving schemes for businesses that were not previously eligible, as well as looking, wherever possible, at in-built mechanisms, such as green energy schemes, to ensure that if people have to pay those electricity costs, the programs achieve their stated outcomes. The government has had a close look at that, and I am pleased to see that it is going to ensure that inbuilt electricity costs, whether they be green schemes or others, must have an outcome which is achievable; otherwise we are just making it harder for Victorians.

I find it difficult to sit in the chamber and listen to the hypocrisy of members of the opposition when they talk about the change to the concession for Victorians, which is a result of the commonwealth already providing assistance under the household assistance package. Opposition members are saying two things:

that they were not strong enough or committed enough and did not care enough to stand up for Victorians against a carbon tax. That was their decision, and it was the decision of the Leader of the Opposition. He has decided to walk on that side of the street, but you cannot walk on both sides of the street at the same time.

You cannot come into this chamber and say on the one hand that you feel for Victorians who are already getting compensation in the form of the household assistance package from the commonwealth and that you are concerned about their power bills, yet back the key mechanism that is putting pressure on families — that is, the carbon tax. The Leader of the Opposition is trying to walk on both sides of the street at the same time, and he is trying to deceive Victorians, but they are smarter than that. They will not cop that sort of deceit, untruth or misleading conduct. It is the height of hypocrisy.

Opposition members are also saying that they want Victorian taxpayers to pay even more compensation for the carbon tax so that people can double dip. The question for members of the opposition is: what programs will they cut to make up for the additional assistance they expect the Victorian government to provide as a result of the carbon tax? What hospital beds will they close? What schools will they not service? Which police officers will they not put on? What will they cut to fund what they are expecting — that is, for Victorian taxpayers to pay for a double-dip? The Leader of the Opposition and members of the opposition are silent on this. Maybe they will just pull out the credit card. We are told that \$94 million is just a drop in the ocean and is part of a machinery of government amendment. If they are prepared to splash \$94 million around at the drop of a hat, maybe they will just pull out the credit card and increase our debt, which will mean increased interest payments for Victoria, which will take money away from services.

I make these two points: securing the energy supply and putting downward pressure on energy prices are what this government, through the Minister for Energy and Resources, is doing by ensuring that profiteering cannot occur when Australian Competition Tribunal rulings go against the power distributors. The government is doing this by providing 17.5 per cent year-round energy concessions; it is doing it by ensuring greater access to reduced subsidisation for energy-saving products; it is doing it by making amendments to security of supply in situations where the minister needs to step in based on amendments to the Electricity Industry Act 2000; and it is doing it in an honest way. The opposition needs to tell us what it will cut to fund the double dipping that its proposal would allow. It needs to tell us why it wants to

walk on both sides of the street and deceive and mislead Victorians.

**Mrs BAUER (Carrum)** — It is a great pleasure to make a contribution to the debate on the Energy Legislation Amendment Bill 2012. The coalition government is introducing this important measure to reduce the cost of energy bills. The purpose of the bill is to amend the Electricity Industry Act 2000, the Gas Industry Act 2001, the Fuel Emergency Act 1977, the National Electricity (Victoria) Act 2005, the Energy Safe Victoria Act 2005 and for other purposes. I commend the Minister for Energy and Resources for introducing legislation that will close the loophole which creates unnecessary pain for consumers and unjustified rises in electricity charges.

From speaking to people in households and businesses in my Carrum electorate about the proposed changes, I know they welcome any measures that will assist with their cost of living challenges. At this stage as I look up into the visitors gallery, I would like to welcome students from Aspendale Gardens Primary School. I am delighted to see them here — —

**The ACTING SPEAKER (Mr Morris)** — Order! The member should be aware that the gallery is to be ignored.

**Mrs BAUER** — I was just about to mention that Aspendale Gardens Primary School — and it is nice to acknowledge that its students are here with us today — is in my electorate, and when I was preparing for my contribution to the debate on the bill, I was chatting to the students about energy and the ways in which they can contribute to saving energy. We were having a bit of a chat about turning off the lights at home and mum and dad often giving them reminders about that. The school's environmental initiatives and the way it is conscious about saving energy around the school are terrific.

Going back to the bill, as I mentioned, as a coalition we are happy to take action to reduce the cost of living for Victorians and to fix the problems we have inherited. Since we were elected we have been working very hard to help households save on their running costs.

It is no surprise that we have found another oversight on the part of the former government. As we progress through the year and through the term we continue to uncover examples of these oversights. Amendments spelt out in the bill will prevent the electricity companies collecting windfall gains from consumers. These gains are not just minor amounts. When you add up the cost of savings to all Victorians you see that the

gains amount to at least \$35 million and up to as much as of \$94 million. These are gains the electricity distribution network would have received in revenue — that would have continued to occur right through until 2015.

Electricity companies operate under performance and service standards schemes, and they are rewarded if they exceed their targets and penalised if they fail to meet them. A number of Victorian electricity network operators failed to meet the required performance standards, and they were to receive financial penalties. However, the Australian Competition Tribunal ruled that out — it ruled that the Australian Energy Regulator could not legally enforce these revenue cuts for businesses failing to meet the levels of service required. This equated to energy distributors being able to put their prices up — hence the windfall gain of \$94 million I mentioned earlier. Our amendments will ensure that businesses will be legally required to face the appropriate revenue cuts. To have left this loophole would have resulted in unwarranted increases across the electricity network. This would certainly have been irresponsible, and we were not going to stand by and let this go.

The coalition recognises that \$94 million is a substantial amount for the people of our communities. As a result of closing this loophole consumers will be able to use that money — to keep it in their pockets for other uses. As a coalition government we recognise the pressures on families and pensioners and other members of our community. We will work very hard to continue to find relief in as many ways and across as many portfolios as we can to get the best result for our community and the best deal for our consumers.

When we were elected in 2010 we inherited an unsustainable budget position with underfunded projects and unfunded and lapsing programs, and the commonwealth was withdrawing money from national projects. We will continue to fight hard to get the economy back on track, create jobs, end the financial waste and exploding debt of the former government and set our state up in a strong financial position with disciplined and responsible financial management.

I will mention some examples of what we have already achieved — and I commend the minister for already implementing some measures that will ease prices and pressures for our consumers. Since being elected we have doubled the period of the energy concession from six months, meaning eligible concession cardholders will now receive 17.5 per cent off their energy bills all year. This is an important saving for concession card holders. The Switch On campaign was recently

launched. This involves a new website, and it will assist in the reduction of costs for households. It provides a really simple, easy to use guide. You can log on and see your electricity consumption and get some great tips on how to reduce costs as well.

We have changed rules to reduce costs of the smart meter program introduced by the former ALP government. The Energy Saver Incentive program also allows for free stand-by power controllers and discounts for energy-efficient products. I have been told this is really handy and welcomed by consumers in my electorate. We have also been very vocal about fighting against the carbon tax for our communities. It is really unfair, and those opposite have been silent on the effects the carbon tax will be having. This has been imposed at a federal level.

We are taking a very good stance to try to come up with ways to assist our communities. This legislation is very important. It is a great step and implements measures with which we can assist consumers to reduce prices and the impact of the cost of electricity. I commend the bill to the house.

**Mr TREZISE (Geelong)** — I am pleased to contribute to the debate on the Energy Legislation Amendment Bill 2012. You cannot help but laugh at the government, Acting Speaker. Here is a government that is pretty much a policy-free zone. The minister is performing his responsibilities and basically introducing a mechanical piece of legislation that essentially preserves the intent of the incentive schemes put in under the Bracks and Brumby governments in the 2000s, yet the minister and government members opposite are gloating continuously that this is somehow a great deal for Victorians. They are saying they have come to save all Victorians from price increases, when given his responsibilities the minister should be doing that on a day-to-day basis rather than Parliament's time being wasted on members of the government gloating over their achievements with this bill.

The minister could be taking numerous initiatives to help Victorians with their energy bills, and he has failed to do so. He could easily, for example, be returning ceiling insulation to the VEET (Victorian energy efficiency target) scheme. That would result in the insulating of houses and the keeping down of heating bills for homes in Victoria. He could also require electric hot water systems to be replaced with more efficient solar-gas hot water systems. There are a number of real initiatives that this minister could have taken, but he has failed to do so.

As I have said, this bill pretty much reflects the normal business of managing government. The minister and members of the government should not be wasting hours of this house's time gloating about something that is not much more than what the minister is expected to be doing. I am not going to waste any more of the time of this house. I hope the government is not going to waste any more of the time of this house and that we get onto other legislation, because as I said before, and as other members of this house have said, this is pretty much something the minister should be doing as part of his day-to-day responsibilities.

**Mr SHAW** (Frankston) — I rise to talk about the Energy Legislation Amendment Bill 2012. I just want to pick up on something the member for Narre Warren North said, which I thought he said very well — that sometimes legislation which is passed has unintended consequences and has to come back to this place for amendment. That was a very sensible comment with regard to this issue.

As far as reducing costs goes, when we came to government in November 2010 we came with five priorities. Those were to have a strong and growing economy; to fix the fundamentals of our transport, energy, and policing and law and order systems; to have vibrant and strong communities and families; to have sensible water policies; and to have a government Victorians can trust. We were talking about reducing costs. We came in to government saying, 'What we want to do is relieve the cost pressure on our constituents, on Victorians in general and on people Australia wide'.

Apart from introducing this bill, which will save the community some \$94 million — money that will stay in the pockets of consumers — what are some of the great things we are doing to relieve cost pressures? Recently we introduced the property-based fire services levy, which will reduce costs for people who take the sensible option of insuring their property. Their premiums will now decrease. That is fantastic. We have year-round energy concessions of 17.5 per cent — double what the previous government had in place. We have subsidised energy-effective products. We have lowered WorkCover premiums by 3 per cent, and our goal is to reduce red tape by 25 per cent.

One way we can reduce costs for the public is by managing our own house properly. That means keeping the budget in surplus and keeping our AAA rating so that our interest component cost will stay down. I will share with my business colleagues on this side of the house, and maybe with those opposite, who are quite ignorant of business, that in business the main costs are

not only rent, wages and the wages on-costs of superannuation, WorkCover premiums and payroll tax but also interest. When people have borrowed to purchase, borrowed for working capital or borrowed to extend their investment in their own business or, dare I say, even just to keep up with costs because revenues have fallen and costs have increased, interest is a huge component.

Let us take, for example, a bakery in the Frankston area. One thing that a business does not want to see is surprises in its first month of operation. While the government is trying to reduce the cost of living by managing its own house in the areas I talked about before, by keeping us in surplus and reducing red tape, lo and behold, what happens is that this bakery will get its first bill at the end of July — an electricity bill that has gone up quite dramatically due to the carbon tax. While the conservatives want to be conservative in relation to costs, the opposition is quite happy to increase those costs to buggery. They are quite happy to do that —

**The ACTING SPEAKER (Mr Morris)** — Order! The member should withdraw that comment. That is unparliamentary language.

**Mr SHAW** — I withdraw the comment.

Opposition members are quite happy to increase those costs dramatically. What we have is the carbon tax coming in and the hypocrisy of federal Labor, not only through wanting to bring in a carbon tax but through its whole green agenda downgrading Victoria and taking away its competitive advantage as far as electricity is concerned by affecting coal prices. That affects us here in Victoria; it takes away that competitive advantage.

Where else is federal Labor increasing costs? It is increasing them through a mining tax that has been slammed throughout the industry. We are talking about energy in this state — and we are talking about mining as well when we are talking about energy — and what the federal government wants to do is whack on a mining tax. That is another great thing — we have not only a carbon tax but also a mining tax. While we are looking at ways to reduce costs to business, reduce costs to Victorians and reduce costs to our constituents, what federal Labor is doing is putting prices up. We hear from the other side that the mining tax will be a case of taking with one hand and giving with the other. Gee whiz, that sounds like the carbon tax to me. Here they are levying a carbon tax and saying, 'We will compensate those who are less fortunate'. It sounds exactly like a carbon tax.

Other costs which are skyrocketing and which the other side introduced include the cost of the desalination plant. We have talked about that many times. The cost of that plant will be close to \$2 million a day for more than 27 years. That is an incredible burden that the Treasurer has to work with. There is also the myki system, the cost of which has gone berserk, totalling over \$1.4 billion. On top of that we read, if we can believe it, that over \$350 million of fares have been evaded since the myki system was put in place. HealthSMART was more than 40 per cent overbudget and has now been scrapped. That was a ridiculous waste of money. There were also other failed ICT projects.

While we are trying to reduce costs throughout the state and are looking to relieve the cost pressures on families with regard to electricity and energy prices, the opposition at both the federal and state levels wants to put prices up. With this bill we want to keep energy bills down as best we can. We also want to be able to keep the lights on if things happen. As I said earlier, we have doubled the 17.5 per cent energy concession period from 6 months to 12 months — all year round — which is terrific. There was also the launch of the Switch On website, where people can look for information on electricity prices and make a choice. Many households are also accessing free stand-by power controllers and discounts on other energy-efficient products.

It is interesting to note that the Prime Minister looked to Victoria when she talked about the debating of energy prices and how things are going in that realm. On the one hand she is putting prices up with the carbon tax but on the other hand in a letter to the Premier she wrote:

I am especially seeking Victoria's help in demonstrating to other jurisdictions the positive experiences that you have been able to deliver from your reform agenda.

I thought that was quite interesting. On one hand the Prime Minister slaps the community with a price rise and a complicated extra tax and on the other hand she asks, 'Hey, Victoria, how are you guys actually doing it?'. The feds do not mind smashing our competitive coal industry; they do not mind that at all. They do not mind putting the prices up, but then they have the cheek to ask, 'How are you guys doing it?'. It would be very good if they would listen to Victorians when they talk about the effects that the carbon tax is having on them.

With regard to the energy side of things, renewable energy has been talked about here by members of the opposition, but we know from the Victorian Auditor-General's report of April 2011 that in 2002 the

then government wanted a commitment to increase the share of Victoria's electricity consumption from renewable sources from 4 per cent to 10 per cent by 2010. That all sounds very nice, but how did it actually work out? How did those targets work out? That share did not even start at 4 per cent; it started at 3.6 per cent, and by the end of 2009 it was only 3.9 per cent — a failure once again of the opposition with regard to energy. I am thankful that we have a proactive minister in the energy sector.

With respect to the mining sector, I am a member of the Economic Development and Infrastructure Committee, which looked into greenfields mining and said, 'The door is closed. Victoria's door is closed. We are not open for business'. We looked at the situation and saw that we still have great resources in this state; we can have that boom. We need to be able to cut the red tape; we need to be able to give confidence to a mining industry that would like to say, 'We're quite happy to come into Victoria. Give us that confidence, give us the green light and we'll be able to do that. Reduce some red tape and give us that confidence'. Businesses ride on confidence; they do not want extra taxes. They do not want a carbon tax and they do not want a mining tax; they want a conservative government that will lead them.

What this government is doing is reducing the cost of living. It is reducing the cost of doing business through the fire services levy, through the reduction in WorkCover premiums, through cutting red tape by 25 per cent, through keeping our house in order, through making sure we have surpluses in our budget and, in the case of this energy bill, through saving \$94 million across Victoria for all consumers.

**Debate adjourned on motion of Ms KAIROUZ (Kororoit).**

**Debate adjourned until later this day.**

## **RACING LEGISLATION AMENDMENT BILL 2012**

*Second reading*

**Debate resumed from 28 August; motion of  
Dr NAPHTHINE (Minister for Racing).**

**Mr McCURDY** (Murray Valley) — I am delighted to rise to speak on the Racing Legislation Amendment Bill 2012, and it is great to see the Minister for Racing in the house today. This minister is showing outstanding leadership in racing right throughout Victoria. Regional Victoria has seen changes like you

would not believe, and we are very grateful for those changes. People underestimate what an important part racing plays in the lives of all Victorians and our communities, particularly in rural and regional Victoria.

The four main purposes of this bill are to amend the Racing Act 1958 to enable bookmakers to accept telephone and electronic bets at approved offcourse premises, to provide for the removal of the turnover cap that applies to the bookmakers licence levy, to provide for the specification of further bodies in respect of which the racing integrity commissioner may disclose integrity-related information and to make various other amendments to the act.

The Racing Legislation Amendment Bill will provide for the implementation of a number of necessary reforms to the Racing Act 1958. Firstly, the bill will enable professional bookmakers to compete more effectively by permitting registered bookmakers to accept bets via telephone and the internet at an approved offcourse premises. That reform will make Victorian bookmakers far more competitive, because as we move into the online markets with the Darwin bookies and international bookmakers we need to be competitive or we will lose business to people offshore and certainly outside our state. This legislation will remove the requirement for bookmakers to be physically present at a racecourse to accept those types of bets. Bookmakers will still be required to be oncourse to accept cash bets. That requirement will still be part of the process.

Secondly, the bill will remove the current ceiling for product fees charged by Victorian racing control bodies to Victorian registered bookmakers as part of the bookmakers licence levy. This amendment is being made to enable Racing Victoria to implement a new product fee pricing model for wagering service providers and to ensure that the racing industry can obtain a fair and reasonable return for its product.

The bill will also strengthen integrity assurance in the Victorian racing industry by formalising, through legislation, the authority for the racing integrity commissioner to share integrity-related information with four new specified bodies. Finally, the bill provides for various miscellaneous amendments to correct typographical errors and other minor discrepancies.

This legislation will ensure Victorian bookmakers can compete more effectively with their interstate counterparts as they will be able to take phone and electronic bets at offcourse locations. While bookmakers will still be required to accept all in-person

bets oncourse, they will be able to open approved offices subject to monitoring and certain other conditions.

Currently Victorian bookmakers can accept bets only while they are located at a licensed racecourse, which can make things rather difficult. The bill will ensure that as the industry grows bookmakers can do so in a lawful manner. Such betting can occur face to face as part of a race meeting or at any other time using a method of communication approved by the minister — that is, via the telephone or the internet. In Wangaratta racing is an important part of our community. We have had tremendous support from the minister for both the turf club and the harness racing club, which has been reinvigorated at Wangaratta and is also very strong at Cobram. My electorate is a great beneficiary of the changes that have taken place thus far, and I certainly look forward to more changes and improvements to the racing industry because it really does benefit our whole community, not just the racing fraternity.

People come to Wangaratta for many and varied reasons, whether for our fine wine, racing or other tourism pursuits. The Wangaratta Turf Club is only one of the city's race clubs, and it is growing and growing in strength. Paul Hoysted, the CEO, with whom I spend considerable time trying to understand the racing industry and what it offers to Wangaratta, is doing an exceptional job there. He is very comfortable with where we are heading with the racing industry. The flow-on effects from successful race days benefit many of the businesses in our towns and enhance the outstanding culture that exists in the north-east of Victoria.

I refer to the removal by the bill of the turnover cap that applies to the bookmakers licence levy. In order to minimise the impact of the new pricing policy on smaller oncourse bookmakers, particularly those who operate only in regional areas, Racing Victoria will set a fee of 1 per cent for all bookmakers who have a turnover below \$5 million.

The Victorian racing industry is widely recognised as an international leader, contributing more than \$2 billion to the state economy and supporting more than 70 000 jobs. It supports many communities throughout Victoria — obviously those associated with the major metro tracks but also those associated with the more minor turf clubs and other racing clubs that operate throughout regional Victoria. They are significant employers and contributors to our economic prosperity. I believe this legislation has been well thought out to assist regional racing clubs, including the Wangaratta Turf Club.

The future of the Wangaratta Turf Club looks bright. The club is preparing for a return to racing after the winter break, with the first of the 12 meetings for the season planned for this Sunday. It will be another great day. It will be an opportunity for people to get into the spring carnival as spring starts to take hold this weekend. Wangaratta Stock Foods Father's Day Racing will produce strong fields for a seven-race program. That is also well supported by this government, and we are appreciative of that.

The racing events calendar includes four months of different events, including the Melbourne Cup Day event. The Wangaratta Racecourse was one of the first regional racetracks to be given a Melbourne Cup Day event, for which we are grateful. That has grown over many years. The legislation we are debating will assist in continuing to keep racing competitive in Victoria and certainly regional Victoria. Looking after our local turf clubs is like shopping locally. We need to look after our local businesses, and turf clubs are an example of that. The changes we are making today will assist in doing that.

As I am running out of time, I will give a quick summary of the bill. Obviously removing the turnover cap is one of the main considerations, and providing for bookmakers to take bets online when they are elsewhere is a major change for the industry. It is a proactive change and a common-sense way of doing business. We on this side of the house are continuing to look at how we can make suitable changes and improvements — without throwing the baby out with the bathwater, so to speak — that are ideal for the whole industry, not just one part of it. I believe the bill will make those necessary changes. I look forward to the bill having a speedy passage through the house.

**The ACTING SPEAKER (Mr Morris)** — Order! For the second time in quick succession, the member for Geelong.

**Mr TREZISE (Geelong)** — I am happy to be speaking briefly on the Racing Legislation Amendment Bill 2012. I am always happy to contribute to debates on racing bills because, as all members of the house well and truly know, the racing industry is important to Victoria. It is a multibillion-dollar industry which employs thousands of people — from trainers to strappers to jockeys to farriers to vets, and the list goes on — and it is essential that we have a thriving racing industry in Victoria. It is important for regional areas such as my area of Geelong to have a thriving racing industry.

Now we are just about to move into September and the Spring Racing Carnival, and one of the major cards in the spring carnival is the Geelong Cup. The Geelong Cup attracts something like 30 000 or 40 000 racegoers to Geelong in the third week of October. I am looking at the Minister for Racing, and I have to say to him that I think this is the first year when we will have a parliamentary sitting day on Geelong Cup day.

**Dr Napthine** — We'll do a pair!

**Mr TREZISE** — We could do a pair. I am looking at the member for South Barwon, actually. We could do a pair. I would have to talk to our whip, who is walking into the house, about that! The Minister for Racing should get his act together and look at the parliamentary calendar for next year and note when in October the Geelong Cup will be run.

In mentioning the Geelong Cup, I refer to the Geelong Racing Club. I commend the committee and executive of the club, who hold a great meet. With the synthetic track, they now have a regular Friday meet. I must admit that I get out there at probably 3 or 4 o'clock on a Friday afternoon to try to support the club. I congratulate the club on running that successful regular meeting.

As we have heard from numerous members, the bill addresses issues, including some relating to bookmakers. I acknowledge that the bill is about improving the lot of bookmakers, but it is important that we continue to retain bookmakers oncourse. I can recall going to race meetings as a kid. My memory is that dozens upon dozens of bookies were lined up in the ring and hundreds, if not thousands, of punters were taking whatever odds they could get. Now when you go to regional race meetings, especially during the week, there will be only a couple of bookies and a few punters there and you could just about shoot a shotgun through the betting ring!

At a time when we have various types of gambling and people can sit at home on their couches and bet using their iPhones, iPads or whatever while they watch the races on their big flat-screen TVs, it is important that we support racing clubs and retain bookmakers on site. I am not saying that this legislation is discouraging bookmakers from being oncourse, but I am mindful that this government and this Parliament should ensure that we always retain bookmakers at race meetings. It is a particular character of Australian racing, and probably English racing, that we have bookmakers there.

The other issue of course that is raised by this legislation is the integrity of the racing industry. We are

not just talking about horseracing; we are also talking about harness and greyhound racing. Gambling is a heavy part of the industry, and it is essential that this government through this legislation and any future legislation that is passed over the coming years continues to protect the integrity of the three codes of racing. I am concerned that this legislation is slow in dealing with a number of integrity issues, and we do not need to go to some of those questions that are being asked within the industry at present. As I say, it is important that we protect the industry of racing. With those few words, I wish the legislation a speedy passage through the house.

**Mr MORRIS** (Mornington) — It is a real pleasure to rise to support the Racing Legislation Amendment Bill 2012. I should declare up-front that I have recently renewed my membership of either the Mornington racing club or the Melbourne Racing Club — I am never sure which one it is. I think it might be the Mornington racing club subset of the Melbourne Racing Club. A couple of years ago the Mornington members decided their interests and those of the club would be better served by merging with the Melbourne Racing Club, and I have to say that while I regret the loss of the distinctly local atmosphere of the Mornington club, in terms of benefits to the facilities and to the members it has certainly been an important move forward. Another factor that impacted that decision is that while Mornington was Victoria's premier country racing club for many years, it is of course now a metropolitan racing club. So we have all had to come to terms with that change as well, which has not necessarily been easy.

One of the things that is often forgotten by the community, but which has been recognised in this debate, is the critical importance of the racing industry to our state economy and, more importantly, to local economies wherever racing clubs are located. A 2006 study found that the total economic benefits were worth almost \$2.1 billion; that was six years ago, so it is significantly more than \$2.1 billion now. Obviously money comes from the racing operations and businesses associated directly with racing — the trainers, transport and so on — and there are of course lots of spin-off industries which benefit indirectly, such as farriers, feed merchants, veterinarians and so on. Hospitality also is a particularly significant industry in that regard. Whether you are talking about thoroughbred, harness or greyhound racing, it is a very important part of our economy.

One of the real benefits to the state is that more than half of that contribution to the economy occurs in country Victoria. Racing provides around 11 000 jobs

and brings significant amounts of money — I think it is \$1724 million by my quick arithmetic — into regional Victoria: in the Central Highlands, \$90 million; in East Gippsland, \$44 million; in West Gippsland, \$64 million; in the Goulburn region, \$124 million; in the Loddon region, \$108 million; in the Mallee region, \$55 million; in north-eastern Victoria, \$32 million; and so on.

It is a very important industry in terms of the economy and also in terms of the tremendous joy it gives to so many of its participants. Almost 50 000 people are involved in the industry as volunteers and participants. There are 121 race clubs — 72 thoroughbred, 36 harness and 13 greyhound — and 107 movables. It is a huge industry. Racing gives tremendous joy to people, whether they engage in wagers — I tend not to do that; it does not seem to work for me — or simply in enjoying being there and watching the races rather than getting any secondary thrill from putting money on a race. It is a very important part of both industry and recreation.

Obviously as a Parliament and as a government we need to do all we can to ensure that the racing industry is strengthened and has the opportunity to not only maintain its place — perhaps it was not as relevant as it might have been for a while, but it has certainly regained its place in recent decades — but also to continue to develop. It is important that we provide a framework that allows the industry to keep developing and growing and to keep providing more jobs and more opportunities for people to become engaged in it.

The bill before the house does three major things: firstly, it enables registered bookmakers to accept bets by phone and other electronic means at approved offcourse premises; secondly, it removes the current cap of 1 per cent of wagering turnover which relates to the bookmakers licence levy; and thirdly, it provides some additional opportunities for disclosure in order to strengthen the integrity framework of the industry, because in any industry that involves gambling, integrity is a critical part of that. Those three changes do all of that.

Probably the most important one in terms of strengthening the industry is the change that permits bookmakers to accept telephone and electronic bets via offcourse premises, because of course up until 2008 bookies had to be physically present on a racecourse during a race meeting. It was a very different era. I can recall going to Flemington — not to the races, but to a local government meeting; the venue was required just for the size of the meeting — probably in the early 1990s when mobile phones were first becoming

widespread. There were big signs up everywhere saying, 'You need to surrender your mobile phones' and 'You cannot use telephones'. That applied on the course, not just to the club area. Times certainly have moved on. It is important that we provide a framework to allow bookmakers in an era which has become increasingly competitive — we are all aware of the operations in Darwin and other places — to have the opportunity to remain engaged in the industry and to compete in what is a significant offcourse wagering market. This bill provides the opportunity to do that.

Of course even with the proposed changes a bookmaker will still be required to accept all in-person bets on course, which is a good thing. Bookmakers will not be legally able to take cash bets unless they are on course. There are some appropriate penalties for people who breach those arrangements. There are also some provisions relating to advertising limits and a strengthening of the licensing regime.

The bill contains a number of other changes, which are all aimed at strengthening the regime and ensuring that racing continues to be able to play the part it does right across the state but particularly in regional areas, and providing opportunities for people to engage. The changes are yet another well-considered and appropriate evolution of the industry and will set the industry up to maintain its position well into the 21st century. With those few words, I commend the bill to the house.

**Ms KAIROUZ** (Kororoit) — I rise to speak on the Racing Legislation Amendment Bill 2012. Victoria has a vibrant racing industry, including the three codes: thoroughbred racing, harness racing and greyhound racing. I understand that Victorian racing is generally acknowledged to be the strongest in Australia, based on a number of measures, including the financial returns to the owners, the number of races conducted and the number of licensed participants.

According to the Department of Justice website, the Victorian racing industry contributes over \$2 billion to the local economy and employs more than 64 000 people in more than 30 000 equivalent full-time jobs. Most of these jobs are filled by young people, and the majority of these jobs are based in rural and regional Victoria. However, recent news reports have highlighted the importance of protecting the integrity of the racing industry. Sadly, as we have seen from incidents over the years across Australia and across the codes of racing, and indeed in other sporting events, some immoral types will do anything and go to extreme lengths to cheat.

I note that the bill provides for changes to legislation to improve the sustainability of licensed bookmakers, and I think it is far more acceptable to regulate licensed bookmakers than it is to have a proliferation of unlicensed or starting price bookmakers flourishing as they did in past decades.

While these legislative changes are reasonable to support, my view is that it is incumbent upon the government to be ever vigilant and willing to embrace and introduce at a moment's notice any reforms necessary to thwart the efforts of undesirable elements to undermine the system with their criminal activity. I say this because an attack on the integrity of racing threatens its viability and its existence. I acknowledge that the industry has the support of the current racing minister, as it did with former ministers, but I think it is the owners and the punters who need to keep racing viable. Continued participation is vital for the future success of the industry, so it is absolutely imperative that regulators continue to examine their processes of detection and reinforce integrity systems to keep ahead of cheats.

Providing further support to the racing integrity commissioner and providing him with increased information-sharing arrangements is good, but simply not enough. Creating a loophole that defers the tabling of the commissioner's report by six months does not support the industry alone. Rather, it puts the industry at further risk by potentially keeping any information for a period that is significantly longer than previously required.

The importance of the racing industry both as an employer and in its own right as an activity that attracts visitors to Melbourne during the spring and autumn carnivals is certainly not underestimated by the opposition. We think it is extremely important, because the racing industry contributes significantly to the economy and to Victoria as a whole. That is why Labor is not opposing this bill. However, Labor will move an amendment in the Legislative Council to remove the provision of allowing the minister an extra seven sitting days to table the annual report of the racing integrity commissioner reports. Opposition members will not be opposing the bill, and I look forward to seeing what occurs in the upper house.

**Mr KATOS** (South Barwon) — It is my pleasure to rise and make a contribution to the debate in support of the Racing Legislation Amendment Bill 2012. The bill amends the Racing Act 1958 to enable Victorian bookmakers to accept phone and electronic bets at approved offcourse premises, removes the current cap of 1 per cent of wagering turnover relating to the

bookmakers licence levy, specifies additional bodies to which the racing integrity commissioner may disclose related information, and corrects a number of minor typographical errors and minor discrepancies in the act.

The racing industry is a vital part of Victoria's economy. The three codes of the racing industry generate almost \$2.1 billion for the Victorian economy. The racing industry is particularly important in country Victoria, with more than half of the economic benefit being generated there. In the Barwon region, where my electorate sits, approximately \$105 million of economic activity is generated by all the codes in the racing industry, and more than 1400 jobs are a direct result of the racing industry.

I commend the Minister for Racing for his strong support of the racing industry. He is genuinely liked by the racing fraternity, and he realises the importance of the racing industry to country Victoria. The minister has commented on the trend of the previous government of closing many country racetracks where greyhound, harness and thoroughbred racing events were held. These events are important and vital for country Victoria, and particularly affected the seats of my Nationals colleagues. A lot of movables were closed by the previous Minister for Racing, but the current Minister for Racing realises the importance of racing to the Victorian economy and to country Victoria, so I commend him for his fine work in this area.

As a result of this amendment bill Victorian bookmakers will be able to accept bets made via the phone and electronic bets at approved offcourse premises. Prior to 2008 bookmakers were required to be physically present at a licensed racecourse during race meetings to legally accept bets. In 2008 the act was amended to remove the compulsion for Victorian bookmakers to conduct betting while meetings are in progress. This was a good step which enabled Victorian bookmakers to be competitive in the offcourse wagering market, but it created a number of problems and challenges for Victorian bookmakers.

A lot of Victorian racecourses are simply not designed to cater for the modern bookmaking business. There are issues regarding IT infrastructure, marketing, customer service and administration. The compulsion to house bookmaking offices on unlicensed racecourses creates occupational health and safety problems. This is particularly evident in relation to the movement, especially during nights or non-race days, of staff and business capital to and from racecourse offices. Bookmakers are dealing with large sums of cash. People might go to a racecourse during a race meeting.

A racecourse may be a very open and inviting place in the daytime, and if people go to a night meeting, there are lights on and staff around, but if people are at a racecourse when it is closed, it is not a very inviting place. It is not good to be going backwards and forwards from racecourse offices when handling large sums of cash on non-race days, hence the change. At the moment electronic betting via telephone and on the intranet can be legally conducted as long as the methods are approved by the minister. This is a tightly monitored situation.

The amendments remove the requirement of bookmakers to be physically present at licensed racecourses in order to take bets using methods approved by the minister. This means that a bookmaker will still be required to accept bets in person. If a cash bet is made, bookmakers will still be required to be at racecourses to accept that bet. It allows the bookmaking market to be competitive, allows smaller bookmakers to enter the electronic betting market and promotes continued growth in the bookmaking industry. Before a bookmaker can operate at an offcourse premises, approval must be given by the relevant racing control body. As I said, a bookmaker will not be able to legally take cash bets unless they are at an oncourse premises. Taking cash bets at an offcourse premises or office is illegal for bookmakers. Both the bookmaker and the person placing the bet will be subject to new offences and penalties. In addition to these penalties, a bookmaker who takes an illegal bet will breach conditions. If this is done, there is an ability to close their offcourse premises, cancel their licence and issue penalties.

In relation to issuing a licence to a bookmaker, the relevant controlling body may stipulate conditions that guarantee that racing stewards will be able to have access to betting information and equipment for monitoring purposes. This is really important, because there is a need to have probity and integrity in the industry. As the member for Kororoit mentioned in her contribution, there have been recent news articles published about this issue. It is very important to have that probity and integrity.

This bill will also remove the ceiling on the bookmakers licence levy. Currently the ceiling provided in legislation is 1 per cent. Racing Victoria recently announced that it intends to return to a turnover-based model for licence levy with a base rate of 1.5 per cent in relation to wagering turnover. During the Spring Racing Carnival in October and November this will increase to 2 per cent. It is important to note that there is no regulatory constraint preventing Racing Victoria from applying those fees to bookmakers

outside Victoria, but a problem arises domestically. This freedom should be provided in respect of state bookmakers. We had to change legislation to remove the 1.5 per cent cap so the levy can be applied equally to Victorian and interstate bookmakers. There is protection in the bill for small bookmakers. If a bookmaker has a turnover valued at below \$5 million, the levy will be capped at 1 per cent. That is important because many bookmakers are situated in country Victoria at small racetracks. We need to ensure that those small bookmakers have a lower levy imposed on them and are protected.

There are changes in this bill in relation to specifying additional bodies to which the racing integrity commissioner may disclose integrity-related information. In 2009 the act was amended to enable the commissioner to disclose integrity-related information as appropriate to a range of persons or bodies, including racing controlling bodies, stewards, the Chief Commissioner of Police and the Commissioner of Taxation of the Commonwealth of Australia. The racing integrity commissioner sought an amendment to the act to add a further four persons or bodies to that list — that is, the Australian Crime Commission, the Australian Securities and Investments Commission, the Commonwealth Services Delivery Agency — more commonly known as Centrelink — and the Ombudsman. When there are large amounts of cash changing hands and going through accounts, it is important that these bodies be involved.

This is sensible legislation. It will make the bookmaking market more competitive for Victorian bookmakers and allow them to have greater access to the electronic gaming market. I commend the bill to the house.

**Ms GREEN** (Yan Yean) — It gives me great pleasure to join the debate on the Racing Legislation Amendment Bill 2012. I grew up in country Victoria, in Warrnambool — —

**Dr Sykes** — Have you grown up yet?

**Ms GREEN** — I do not know what I will do when I grow up, but in my formative years in Warrnambool I spent many happy days at the track with my extended family and friends, and I hope to continue to do so in the future. I have always enjoyed the May races, and I know that the Minister for Racing has as well. Like me, the former member for South Barwon, Michael Crutchfield, who also grew up in Warrnambool, was deeply anxious each year, wondering if the state budget would clash with Warrnambool's May racing carnival. It seems that, given the scheduling of the state budget, I

am definitely doomed to attend that fantastic carnival only about once every four or five years. I certainly hope to make up for that when I am there. Also, going to the Woodford Cup between Christmas and New Year is very entertaining. It is another great race meeting in Warrnambool that I would recommend that members of the house attend.

Growing up in Warrnambool, I saw the great contribution the racing industry makes to local economies. In the area I have the privilege to represent, the Yan Yean electorate, there are numerous people involved with horses and in the racing industry who take a great interest in how the industry is regulated. Some members of the house may know that American, the 2011 Melbourne Cup winner, has connections with the town of Doreen in my electorate. Many people who love racing and horses call my electorate home. W. S. Cox had a beautiful property, a great part of Victoria's racing history, in Eden Park, in Yan Yean electorate. I have spent time at country racetracks and have been a member of the Yarra Valley Racing club at Yarra Glen, just outside the Yan Yean electorate. There is also a racing club up at Kilmore. Racing is a significant activity in the area.

Many of the schools in my electorate have equine studies classes that feed into the racing industry, including Ivanhoe Grammar School and a number of government schools. The Northern Melbourne Institute of TAFE campuses at Epping and Northern Lodge stud at Eden Park offer courses in horse training, breeding and farriery. NMIT's Australian College of Wine is also in my electorate. The Northern Lodge at Eden Park campus of NMIT has some wonderful teachers, including the great Roy Higgins. I certainly hope the government's cuts to TAFE are not going to impact on the great work that is done by NMIT at its Yarra Glen campus and the Australian College of Wine.

Because of the passion Victorians have for the racing industry and their commitment to it, they are very interested to see that integrity is front and centre and upheld in this industry. That is something that we as legislators bear a great responsibility for, because of not just the enjoyment that racing delivers to members of the community but also the significant economic benefit it brings to local country communities and indeed Melbourne. We will see that very soon in the forthcoming spring carnival. I hope a number of my colleagues, including you, Acting Speaker, and I will get to a number of those race meetings, of course not neglecting our parliamentary duties but fitting the meetings around them.

I ought to have said at the outset that the opposition does not oppose this bill and that we have signalled that we will move an amendment in the Legislative Council to remove a provision that will allow the Minister for Racing an additional seven sitting days to table the report of the racing integrity commissioner. This would be a damaging thing to do, and it could delay the tabling of that report by many months, which would not be good for integrity in this state.

In my brief contribution to this debate, I note that the bill expands the list of agencies to which the racing integrity commissioner can pass information, including the Australian Crime Commission, the Australian Securities and Investments Commission, Centrelink and the Ombudsman. However, it is a significant indictment of this government's delay in introducing the Independent Broad-based Anti-corruption Commission that the IBAC is not an agency listed in this bill; it should be. There should be amendments very soon to correct that. Recently we have seen media reports, particularly on *Four Corners*, that have thrown into doubt the integrity of some aspects of this industry, and that should be dealt with in the firmest way possible, so I implore the government to expand that list.

With those brief comments I have galloped through, I commend the bill to the house.

**Mr WELLER** (Rodney) — It is my great pleasure to rise to speak on the Racing Legislation Amendment Bill 2012. There are three or four things that this bill does. It will enable the Victorian bookmaking profession to compete more effectively by permitting registered bookmakers to accept bets via telephone and the internet at an approved offcourse premise. This will remove the requirement for bookmakers to be physically present on a racecourse to accept those types of bets. Bookmakers will still be required to be oncourse to accept cash bets. Secondly, the bill will remove the current ceiling for product fees charged by Victorian racing controlling bodies to the Victorian registered bookmakers as part of the bookmakers licence levy. This amendment is being made to enable Racing Victoria to implement a new product fee pricing model for wagering service providers and to ensure that the racing industry can obtain a fair and reasonable return for its product. The bill will also strengthen integrity assurances in the Victorian racing industry by formalising, through legislation, the authority for the racing integrity commissioner to share integrity-related information with four new specified bodies. Finally, the bill makes various miscellaneous amendments to typographical errors and other minor discrepancies in the act.

As the member for Lowan said in relation to this bill yesterday, the current Minister for Racing is to be congratulated. He is the champion of racing in this state. You only have to go around to the racing clubs of Victoria to be told that this bloke, the Minister for Racing, is the best racing minister since Sir Henry Bolte. I acknowledge the member for Geelong is in the house, and his father was a great racing minister, but the current minister and Sir Henry Bolte have set the bar so high that, while we acknowledge the good contribution of the father of the member for Geelong, they are far ahead — by the length of the straight, you might say.

Let us talk about what the Minister for Racing has done. He has been very understanding and has returned the harness racing cup to Gunbower. The previous government took that away from the Gunbower community. It is returning this November, and I am going to be there, along with the Minister for Racing when the Gunbower Harness Racing Cup returns to Gunbower.

I will also put a plug in for the Gunbower thoroughbreds. The Gunbower Cup will be on the first Saturday of October, and this year the member for Rodney is presenting the winning cup to the horse that wins the race.

**Mr Noonan** — Who is?

**Mr WELLER** — The member for Rodney. He is an outstanding local member.

The Echuca Harness Racing Club has about 17 events. The Kyabram Harness Racing Club had a track that was closed by the previous government, but it has chosen to remain at Echuca rather than go back to having its own races at Kyabram. The Echuca Racing Club has a great and progressive committee. Some 7000 people turn up to its meeting on Melbourne Cup Day. It is the social event of the year in Echuca.

**An honourable member** interjected.

**Mr WELLER** — Seven thousand. Do you want me to go through them? Seven thousand people turn up, and it is a great day. Might I say I do go and have a bet with the bookies on Melbourne Cup Day at the Echuca races, and I always recommend that you back no. 3 in the fourth. It is a very successful way of doing it.

The Echuca Racing Club has its annual cup meeting on the long weekend in March, and indeed it is a three-day weekend. On the Saturday they usually have ladies day at the races, and it is a great day. I have been there a couple of times as a guest, and it is a great day for the

ladies to go to the races. Then on the Sunday they have the Echuca Cup. It is a great cup and it is well sought after, and the very progressive Echuca Racing Club promotes it very well.

I mention Alabar stud in my electorate; it is for harness racing horses. It is probably a little-known fact, but this is how important Alabar stud is to harness racing: it supplies semen for 5000 mares. It exports it. That is how important the racing industry is to my electorate; the stud exports the horse semen to New Zealand. We get all the New Zealanders coming over here to win our races; it is actually the semen from Alabar that is — —

**An honourable member** interjected.

**Mr WELLER** — Yes, it gets flown over. To help the good doctor next to me, I will explain the process. They start collecting the semen at 5 o'clock in the morning. They get the stallions in and collect the semen, and then they put it in a little lunchbox with temperature control and they put a little chocolate frog in there. When it gets to New Zealand, if the chocolate frog has melted, the semen is off, and that is the quality assurance. Five thousand mares are serviced from Alabar.

**Mr Noonan** — On a point of order, Acting Speaker, as entertaining as the member for Rodney's contribution is, I would ask you to direct him to come back to the bill.

**The ACTING SPEAKER (Mr Languiller)** — Order! It is indeed entertaining and very educational, but I ask the member to come back to the bill.

**Mr WELLER** — I was just explaining how important the racing industry is to my electorate and how we work for all parts of it. But on the bill, this bill is also cleaning up some of Labor's mess. If members would like to read clause 16, it refers to Greyhound Racing Victoria rather than Harness Racing Victoria; it is correcting a typo. With those few words, I commend the bill to the house.

**Mr McGuire (Broadmeadows)** — As entertaining as the member for Rodney's dissertation was, I would like to frame this speech around the fact that this is the government for early declarations. We now have a government saying that it has the best ever Minister for Racing in Victoria's history. I am glad the member for Geelong is in the house, because the member for Geelong's father, who was the member for Geelong North, the Honourable Neil Trezise, was widely hailed right across the political spectrum for years as being a fantastic Minister for Youth, Sport and Recreation, and within that the minister in charge of racing, and that had

bipartisan support. So let me just frame this for everybody: the jury is still out on making a claim like that. It fits with that other proposition that we have had, where the Minister for Public Transport was pitching himself within nine months, I think it was, and stating that he would make the trains run on time and all that sort of thing. That was a latter-day Mussolini proposition, and he has already had to backtrack from that. We have seen that.

We are just noting for scrutiny and accountability purposes the way the government is overpitching itself. Let us see how well it delivers, because the worst thing you can do in government is to make grandiose promises and just rattle them off like slogans, 'Fix the problem', 'Build the future', 'Govern for all' and 'Cut the cost of living'. These things actually do come back. Let us see what happens with the passage of time.

On the bill, it makes some recommendations that Labor supports, but while Labor does not oppose the bill there are some amendments that we think need to be made, and for good reasons we would like the government to analyse those, assess them and look at incorporating them.

This bill removes the cap on the bookmakers licence fees to allow Racing Victoria Limited to apply its newly announced turnover licence fee model in a uniform way. The bill also lists further bodies to which the racing integrity commissioner may disclose information about the integrity of the industry and make other minor amendments. The opposition believes the integrity provisions of this bill are deficient because of the delays in establishing the Independent Broad-based Anti-corruption Commission (IBAC), which are preventing the commission from inclusion in oversight of the racing industry. The opposition also believes stewards should be able to continue to inspect bookmakers premises even after they move off course.

The opposition does not oppose this bill but will move an amendment in the Legislative Council to remove a provision allowing the minister an extra seven sitting days to table racing integrity commission reports. The issue there is that we need to have this scrutiny and accountability brought to the Parliament. What has been happening in the racing industry has been subject to a fair bit of investigative journalism from some of our major investigative teams, and there are issues that are now being heavily scrutinised. That is the context and the background as to why we are asking for that amendment to be moved.

Labor does not see the need for an extension of time to be granted to the Office of the Racing Integrity

Commissioner to present its annual report, and it does not support the extension of time granted to the minister to table that report. The changes mean that the government could potentially keep the information confidential for a period significantly longer than the amendment implies. That is the critical point. On paper it does not look like it, but it can be a long time with the different sitting dates of Parliament. The bill delays by one month the deadline for the integrity commissioner's report, from 31 August to 30 September, and by seven sitting days the deadline for the tabling of the report. Considering the parliamentary sitting calendar, the deadline of 14 sitting days after 30 September may mean that the bill is not tabled until February the following year.

The Independent Broad-based Anti-corruption Commission situation arises again. The government is looking at what needs to be done to get IBAC up and running. The issue of a shield law for journalists has been before the house this week. I have made my position clear on that — that the law should be extended to cover IBAC, which is a much-troubled major promise by the government. The community still does not know how IBAC will end up or what its full powers will be. We are still waiting for that to be established. Because of those delays and the cost blow-outs and the criticisms that IBAC has had, this public interest issue is of major significance to the community.

The opposition is happy to support or not oppose major parts of the bill. However, we still have key propositions we want included in the bill, including ensuring that information is delivered to the necessary authorities, that there is transparency in what is brought before the Parliament of Victoria, that information is disclosed to the media and the public generally and that the bill is where we need it to be. I hope the government listens to and accepts the positions that are put in good faith by the Labor Party, and I commend the bill to the house.

**Dr SYKES (Benalla)** — It gives me great pleasure to join the debate on the Racing Legislation Amendment Bill 2012. Having listened to the members for Rodney, Broadmeadows and Yan Yean, I have learnt more about the importance of the racing industry to their electorates. In the case of the member for Broadmeadows, I have heard broader comments about governments and a number of other issues. In relation to the member for Rodney's contribution, as a veterinarian I have an interest in what he was talking about — the collection and dispatch of semen.

**Mr Noonan** interjected.

**Dr SYKES** — With guidance from the member for Williamstown, I will come back to the bill and then discuss the importance of the racing industry to my electorate. As other members have said, this bill will enable Victorian registered bookmakers to accept phone and electronic bets on approved offcourse premises. This is a common-sense approach by the coalition government and it reflects the common-sense approach the Minister for Racing has brought to racing in general in Victoria. This bill takes the next step. There has been a freeing up of the ability of Victorian registered bookmakers to take bets on premises whilst races are proceeding. However, because there are issues relating to occupational health and safety and to facilities at racecourses not being set up appropriately for all betting operations, this is a logical step to enable legitimate betting to proceed under supervision but still maintain the integrity of the industry.

Other speakers have mentioned that racing is very important to their electorates. In my electorate of Benalla, there are racing clubs, horse studs and training establishments. The racing clubs include one at Merton, which has a picnic race meeting on New Year's Day. That is always a great day out. This is a classic example of the importance of racing to small communities. There is only one local store at Merton, but on picnic race day a couple of thousand people are in the town. The course is maintained by the local community. The local Landcare group meets there and its members do their bit to maintain the course. Overall the club is able to operate on a very modest budget. At one stage, that modest budget was in danger of being closed up by the previous government, but that has been addressed. There is also a racetrack at Mansfield, where there is a great meeting at Christmas time, and there used to be one there on Melbourne Cup Day. The neighbouring electorate of Seymour has races at Alexandra and Yea. I know the member for Seymour gets along to those race meetings and supports them well.

At Benalla we have a very good race club, but we have had some issues with our racetrack. We are hoping that it will be back in order for our spring race meeting. The Benalla Cup is being run on 7 October, just ahead of the Gunbower Cup. I encourage people to come to the Benalla Cup, which is a well-supported event on a lovely track. Again, as other members have mentioned, it is not just the race club that benefits from having the race meeting in the town, it is also local schools, local service clubs and the community in general. Interestingly, as our communities share, the Euroa Racing Club is holding the Euroa Cup meeting at Benalla on 14 October. As I said, the income comes through to all of our community.

We also have a vital interest in the stud and training industry. David Hayes has his establishment in the shire of Strathbogie. He has a \$40 million investment with a magnificent set-up there, including his own training track. His presence in the area has been a magnificent boon to the Strathbogie shire. The area is also the home of a fairly handy horse, Black Caviar. She was born at Nagambie, and we are extremely proud of our role in that. We all worked very hard to make that come about.

Black Caviar has been the darling of the racing industry and has given it a magnificent boost. We also have a lot of other studs, including Swettenham and Blue Gum Farm. Darley Stud is just down the road in the electorate of Seymour and Sheikh Mohammed has a magnificent set-up there. Again highlighting what the racing industry does for our community, Sheikh Mohammed donated more than \$1 million to bushfire recovery and preparedness. He supports a Country Fire Authority leadership training program, which is strengthening our communities through the CFA, so there is an example of the racing industry giving back to its local community. Just back on the Black Caviar theme, amongst the achievements of the trainer, Gerald Egan of Mansfield, is his training of Luke Nolen. Of course Luke has ridden Black Caviar to her many wins.

The racing industry is extremely important to the electorate of Benalla. The legislation being put in place is a practical step forward by the Minister for Racing, who shows great hands-on knowledge of the industry. He has very practically supported racing being returned to country Victoria. This legislation is a practical step forward, and I commend the bill to the house.

**Mr CARBINES** (Ivanhoe) — I am pleased to make a contribution on the Racing Legislation Amendment Bill 2012. Racing is a key part of our culture in Victoria. Just to reflect on an Ivanhoe electorate event, Melbourne Cup Day often centres around the West Heidelberg Combined Pensioners, whose members have their Melbourne Cup Day hat parade. I have been the judge for a number of years and, while that has excluded me from attending the Melbourne Cup, it is always a pleasure to spend time with members of the West Heidelberg Combined Pensioners in their cup day festivities and particularly to judge their cup day hat parade.

Turning to matters that relate more to the bill, I note that racing is a key interest for people in the Victorian community, not only in attending race meetings but in a range of other festivities that happen around race meetings and the opportunities that people take to travel widely across Victoria to attend the races, particularly around public holidays and other significant events.

Racing is a great employer of people across regional and rural Victoria as well as in metropolitan Melbourne. As someone who attended the Kerang Cup last year I can vouch for the fact that people in metropolitan Melbourne make a point of getting out and about to regional Victoria, and race meetings are a part of their way of doing that.

The particular concern that the Labor Party has in relation to this bill relates to the changes proposed by the minister, particularly in clause 9. The explanatory memorandum states that the clause:

amends section 37F(1) and (2) of the Racing Act 1958 to amend the date by which the racing integrity commission is required to submit an annual report to the minister on the performance of his or her functions and to increase the amount of time available for the minister to lay this report before each house of Parliament to 14 sitting days.

This will double the time the minister has before he is required to be accountable to the Parliament by the tabling of this report. It means we could see several months delay between the time when the government receives the report of the racing integrity commissioner and when it is tabled in the Parliament, and that is not acceptable. The minister has given no explanation as to why he feels the need to provide himself and his government with greater time. It will double the time he has to withhold the report from the Victorian public after it has been completed and submitted to the government by the racing integrity commissioner. The government needs to explain why it needs to withhold this report from the people of Victoria for twice the current legislated time. We have yet to have an explanation from the minister as to why the bill needs to include this critical change.

The Labor Party opposes this aspect of the bill, and it will make that very clear, particularly given the range of racing issues that have been raised in the community that go to the heart of confidence in the racing industry. Smoking Aces is a case in point. It has led to a range of concerns being raised by people in the community. It is particularly important that when the racing integrity commissioner's report is due each year it is tabled swiftly in the Parliament. The government presently has an appropriate period in which to consider reports before they are tabled in Parliament for all Victorians and this Parliament to consider, and he should stick to the conventions on their tabling. The decision of the Minister for Racing to seek to double that time and, potentially, to draw out for some months the tabling of the racing integrity commissioner's report is not acceptable to the Labor Party, particularly at a time when we are dealing with significant concerns in the racing industry. The matters that are under investigation

go to the heart of the confidence that we can have in the racing industry.

There is no excuse for holding back the tabling of the report in Parliament and no reason to accept that we need to hold it back. It is a very serious matter and one that we have yet to have an appropriate response or explanation from the government on. The government needs to reconsider the matter; it is one we will continue to pursue. It is very important for all Victorians to have unfettered access to the annual report of the racing integrity commissioner, and it should be tabled within the appropriate time under the current legislation and further time should not be sought, as is currently proposed by the minister. We will continue to hold the government to account in relation to those matters and to seek answers as to why it is choosing to hide from scrutiny and accountability in the Parliament. With those comments, I will leave it at that so that other speakers on this side of the house have an opportunity to continue to make that point and others in relation to the bill.

**Mr SHAW** (Frankston) — I rise to speak on the Racing Legislation Amendment Bill 2012. Specifically it seeks to amend the Racing Act 1958. We have heard from speakers on both sides of the house that racing is a big part of the Victorian economy.

When I was doing some study on Frankston I was told that Frankston used to have a racetrack where the Long Island Country Club is now. The person who told me that was a niece of G. J. Coles from the Coles-Myer business. I remember when I was growing up I used to play football at Jubilee Park. There used to be a trotting track there too, but we have none of that now. We have a golf club and a junior football oval. The biggest racetrack around our area is at Mornington. I try to attend the Mornington Cup every year, and I have probably done so for the last eight or nine years. It is a fantastic event. I love the carnival atmosphere and, for the most part, I love the weather, although some of the years have been pretty cold. I do not gamble; I am not into the whole gambling thing, but I appreciate that people like to have a flutter, a bet, in the way that they see fit.

The bill, firstly, enables the Victorian bookmaking profession to compete more efficiently using current technology including the internet and telephones. Instead of having to be on the racecourse in order to accept the bets, bookmakers can now be off-site at an approved site. It is interesting to know what an approved site is. Any registered bookmaker who is issued with a bookmakers licence may apply to the controlling body, which could be Racing Victoria or

Greyhound Racing Victoria or Harness Racing Victoria, for approval of off-site premises. The operator of a potential premises must fill out an application form and send it to the relevant controlling body. Approved premises are not allowed to have advertising. Such premises could be at someone's house. Cash bets or bets from the public cannot be accepted at such premises.

It is interesting to note the different advertisements we see from Tom Waterhouse and how he conducts his business. He has an on-site office where he can accept internet and telephone bets. The bill will allow bookmakers to accept bets in a way that allows them to be more competitive. It also removes the current ceiling for product fees charged by Victorian racing controlling bodies and strengthens the integrity assurance in the Victorian racing industry by formalising the authority of the racing integrity commissioner to share integrity-related information with the four new specified bodies. Finally, the bill provides various miscellaneous amendments to correct some errors and minor discrepancies within the act.

It is interesting to know that there are over 40 000 volunteers in the industry and that tens of thousands of people work in the industry, providing over \$2 billion of benefit to the Victorian economy. Another thing about Frankston is that apart from the trotting track and the racetrack we have probably the best known jockey living in Frankston — the rider of the best known horse in Australia, Black Caviar. I am referring to Luke Nolan. His wife Alicia used to work for me in one of my businesses, until she had a bubby in December. It is terrific to have that connection in Frankston.

This is a good bill. The racing minister is a very competent minister and is very well liked in the racing arena. He is very proactive and a great member of this government as we take racing in Victoria forward. With those few words, I commend the bill to the house.

**Debate adjourned on motion of Mr HODGETT (Kilsyth).**

**Debate adjourned until later this day.**

**Sitting suspended 12.59 p.m until 2.02 p.m.**

**Business interrupted pursuant to standing orders.**

**QUESTIONS WITHOUT NOTICE**

**Places Victoria: chairperson**

**Mr ANDREWS** (Leader of the Opposition) — My question is to the Premier. I refer the Premier to revelations today that the chairman of Places Victoria, the Premier's good friend and political appointee, Mr Peter Clarke, is also on the payroll of one of Australia's largest property developers, the Walker Corporation, and I ask: how is it in any way appropriate for the person in charge of facilitating some of Victoria's largest developments to also be on the payroll of a developer benefiting from projects overseen by Places Victoria?

**Mr BAILLIEU** (Premier) — I thank the Leader of the Opposition for his question. I am advised that the chairman of Places Victoria advised the board of Places Victoria that he had accepted a consultancy to Walker Corporation for a development in Fiji. Mr Clarke advised the board, as he should, of that appointment, and further to that I understand Mr Clarke then withdrew from all matters that had anything to do with Walker Corporation, including recusing himself from associated board meetings.

**Building industry: industrial action**

**Ms MILLER** (Bentleigh) — My question is to the Premier. Can the Premier advise the house on the Victorian government's submission to the federal government about the conduct of unions engaging in unlawful industrial activity?

**Mr BAILLIEU** (Premier) — I thank the member for her question and for her interest in this very important subject. Today we have seen in the Australian media warnings about the finances of the federal government, warnings about investor uncertainty and warnings about investor confidence. We have seen, further, that the blockade of the Grocon site in Lonsdale Street has continued.

On page 12 of the *Australian Financial Review* this morning the Master Builders Association warned about the impact of the Grocon blockade on investor confidence, and on page 13 Abigroup reported there was unrest escalating in regard to this blockade. Further, the *Australian* reported this morning that the Construction, Forestry, Mining and Energy Union was threatening further action, and indeed the *Herald Sun* online this morning reported that the CFMEU was threatening police and promising to defy the law, with members saying they were 'ready to rumble'. These blockades are now extending to other sites and other states. At page 8 of the *Herald Sun* this morning the CFMEU is reported as saying in regard to the Supreme

Court's orders that it was just going to pay the fines and stay in defiance of the orders. The *Herald Sun* editorial this morning said that militant unions were 'taking Victorians back through a time tunnel to a violent industrial past'.

This blockade continues; it continues to be unlawful and it has expanded to other sites. What is important is that the actions of the CFMEU leadership are simply appalling. We have called for the Office of the Australian Building and Construction Commissioner to be reinstated, we have called for the Fair Work Act 2009 to be amended and we have called for an inquiry into construction industry costs. We have established a construction code in this state, we have established a compliance unit and we have appointed a director of that compliance unit, who the *Herald Sun* editorial this morning said was 'proving to have plenty of bite'.

I wrote to the Prime Minister yesterday urging the Prime Minister to ensure that non-compliance with the rulings of the Supreme Court become grounds for cancellation of union registration. In June last year the Federal Court observed in one case that the national governing council of the CFMEU was 'either unable or unwilling to curb the unlawful activities' of the Victorian branch. Under the Fair Work Act unfortunately it is not the case that breaches of Supreme Court rulings are grounds for deregistration, only breaches of Federal Court orders, and that is unacceptable. The actions of the CFMEU leadership are threatening the economy and they are threatening the building and construction industry.

Some people have responded in certain ways. Steve Bracks, asked about this yesterday, declined to comment — a leader of this state who declined to comment. Bill Shorten said — —

*Honourable members interjecting.*

**The SPEAKER** — Order! I ask the house to come to order and stay in order.

**Mr Trezise** interjected.

**Questions interrupted.**

**SUSPENSION OF MEMBER**

**Member for Geelong**

**The SPEAKER** — Order! The member for Geelong can leave the house for 30 minutes. I asked for quiet.

**Honourable member for Geelong withdrew from chamber.**

**QUESTIONS WITHOUT NOTICE**

**Building industry: industrial action**

**Questions resumed.**

**Mr BAILLIEU** (Premier) — The federal minister, Bill Shorten, said, ‘I would expect the CFMEU to respect and comply with the orders of the Victorian Supreme Court’ — ‘expect’, but not ‘must’. As for somebody else who stood shoulder to shoulder with the CFMEU at a media conference to proclaim and promise that they would abandon the watchdog, not put the ABCC back and abandon the compliance code and the director with no call to withdraw immediately from the blockade, it is time that the Leader of the Opposition ceased to submit to the thuggery of the leadership of the CFMEU and stop his cheering for his mates and masters in the CFMEU.

**Places Victoria: chairperson**

**Mr MERLINO** (Monbulk) — My question is to the Premier. I refer to the conflict of interest of the Premier’s close friend and political appointee, Mr Peter Clarke, as chair of Places Victoria and his employment with the Walker Corporation. Given that Mr Clarke notified Places Victoria of this conflict in May this year and seemingly never told the Minister for Planning, when were the Premier or his office first informed about Mr Clarke’s conflict of interest?

**Mr BAILLIEU** (Premier) — As I indicated before, the chairman of Places Victoria advised the board of his engagement with the Walker Corporation and indeed has withdrawn, as I am advised, from all decision making associated with that — —

**Mr Andrews** — On a point of order, Speaker, in terms of relevance, the Premier was asked about when he was informed or when a member of his staff was informed. It is not an opportunity to simply repeat the previous answer. This answer is completely irrelevant to the question asked, and I ask you to remind the Premier of his obligations under standing orders.

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

**Goods and services tax: distribution**

**Mr BLACKWOOD** (Narracan) — My question is to the Treasurer. Can the Treasurer advise the house on the Victorian government’s submission to the federal government’s panel examining the distribution of the goods and services tax?

**Mr WELLS** (Treasurer) — I thank the member for Narracan for his interest in this area. Recently the Baillieu government lodged its submission to the GST panel. It is yet another example of the Baillieu government standing up for Victoria and every single Victorian. The current distribution is unfair, it discourages efficiency and it is complicated. Let me explain how.

Last year the rate of GST was cut from 94 cents to just 90 cents, costing this state \$2.5 billion. At the moment every Victorian pays \$161 to other states. Other states can have the most inefficient health or education system and they are rewarded under the current system. When you look at infrastructure, there is an inconsistency right across the states. I will give a disappointing example. Victoria received \$3.2 billion for the regional rail project. With a \$2 billion clawback through GST, that \$3.2 billion grant became \$1.2 billion. That is grossly unfair, and yet the same formula did not apply to the building of a hospital in Tasmania.

The problem also is that we are in the midst of a mining boom. Victoria is not a mining state and yet we receive the second-lowest relativity of any state behind Western Australia. When you look at the Northern Territory, the economic growth is faster there than anywhere else in the country, yet when you look at the relativity, you see that it has jumped 33 per cent: in just two years the grant for every person in the Northern Territory through the GST has jumped by \$850. It is complicated. There are 14 expenditure categories and 43 subcategories, and you need 1000 data points to be entered. Even when state Treasury receives the amount for GST it can still be written down because of backcasting.

What is Victoria looking for? We want a fair share that is equal per capita. We want the correct amount given to each state so they can provide an efficient health system and an efficient education system and not reward states that have inefficient health or education systems. In addition we want the infrastructure treated in the same way right across the nation. We want the backcasting of the numbers eliminated. What we want are broadbased indicators to simplify the system.

This is yet another example of the Baillieu government standing up for Victoria, we will continue to oppose the job-killing carbon tax, we will continue to oppose the federal laws on occupational health and safety, we will continue to push for tougher laws to deal with rogue unions and we want a fair share of GST. Is it not interesting that state Labor has been silent on every one of these crucial issues? State Labor has been absolutely

silent on every single one of these issues, and its members should hang their heads in shame.

**East–west link: government policy**

**Mr DONNELLAN** (Narre Warren North) — My question is to the Minister for Roads. I refer to comments published today in the *Hobsons Bay Leader* from Mr Andrew Elsbury, a Liberal member for Western Metropolitan Region in the Council, who has called on the government to build a second river crossing before any subsequent connection to the Eastern Freeway. Given the government has stated that this major piece of infrastructure will be constructed in stages, will the minister adopt Mr Elsbury's recommendations and prioritise construction of a second river crossing to support the growing western suburbs and Geelong?

**Mr MULDER** (Minister for Roads) — I thank the honourable member for his question in relation to the Baillieu government's commitment to build the east-west link. It is quite obvious that in this house we stand alone. Quite obviously there is no support from the other side of the house for the east–west link. We are going down the pathway at this particular point in time of developing a comprehensive business case for the entire east–west link, and we are also going down the pathway of the planning from the end of the Eastern Freeway over to Tullamarine.

You only have to look at VicRoads traffic monitor information that points to the very importance of that project; there is no way known that any responsible politician could come out and not support the east–west link. We have to support the east–west link, but it is quite obvious that some of those opposite simply do not. The Leader of the Opposition does not support the east–west link; the member for Williamstown does; the member for Footscray does; the member for Tarnet is sitting on the fence. They are all over the place in relation to this project. We know, the broader community knows, all the advocates for this project know, and they know very, very quickly — —

*Honourable members interjecting.*

**Mr Merlino** — On a point of order, Speaker, the minister is not being relevant to the question. The report today said Mr Elsbury said he agreed with the argument that the — —

**The SPEAKER** — Order! The point of order is not an opportunity for the member to raise and ask the same question. The member was repeating the question.

**Mr Merlino** — No, I was not.

**The SPEAKER** — The member was.

**Mr Merlino** — No, I was not, Speaker.

**The SPEAKER** — Order! I am not here to argue with the member. He should not repeat the question, or I will sit him down.

**Mr Merlino** — Speaker, I accept your ruling.

**The SPEAKER** — Thank you.

**Mr Merlino** — I am not repeating the question. I am happy to table the report from today's *Hobsons Bay Leader* in which Mr Elsbury is reported to have said he agreed that the western section should be built first. Does the minister agree with his colleague or not? I am happy to table it.

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

**Mr MULDER** — It is widely known that the M1 and the West Gate Bridge are currently carrying something in the order of 160 000 vehicles per day, and that is predicted to grow to something in the order of 235 000 vehicles by around 2020. There is just no way known that you could accept that the West Gate Bridge is going to be able to cope with those traffic volumes going forward. You would be absolutely irresponsible not to support another crossing. We have had interest — —

*Honourable members interjecting.*

**Mr MULDER** — Absolutely. We have had support, international support; we have held seminars. We have had international interest, whereby we have brought people from overseas, people from around Australia, including construction companies and finance companies, all of whom are supporting this project. The federal opposition leader, Tony Abbott, has come out and put \$1.5 billion on the table for this project. We have support from the federal opposition for this project. We do not have support from the federal Labor government, because it is not getting the message from the other side that this project should be supported.

**Mr Andrews** — On a point of order, Speaker, the answer is not relevant to the question that was asked. The question related to Mr Elsbury's comments, and it would be good if you could remind the minister that he should at least pretend to address the question. Mr Elsbury is on the record today as being at odds with the minister, and we would all like to know his view on that.

**The SPEAKER** — Order! I believe the minister was being relevant to the question that was asked. The question included a preamble, and the answer was relevant to the question that was asked.

**Mr MULDER** — It is quite obvious there is broad support for this project. We need support from federal Labor. We need support from state Labor. We do not want the knockers and the blockers — the Leader of the Opposition and his union mates. We do not want another militant union on the site, breaking the site up and causing disruptions.

**Mr Andrews** — On a further point of order, Speaker, the minister is both irrelevant to the question and debating the issue. For a third time, will the minister please address the question relating to the commentary run by his colleague Andrew Elsbury, who does not support starting at the eastern end of this project?

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

**Mr MULDER** — Obviously there is still resistance to the project; there is still resistance from the other side to the project. Standing side to side with their union mates — —

*Honourable members interjecting.*

**The SPEAKER** — Order! I ask the minister to resume his seat.

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

**Mr McCURDY** (Murray Valley) — My question is to the Minister for Water. Can the minister update the house on progress towards resolution of the Murray-Darling Basin plan?

**Mr WALSH** (Minister for Water) — I thank the member for Murray Valley for his question and particularly for his interest in this issue about protecting the irrigation communities that are part of his electorate, because he recognises the economic activity that is produced by those industries and the wealth they create for the Victorian economy.

The Murray-Darling Basin plan saga has run for almost as long as the *Days of Our Lives* TV program. It is ongoing, and Victoria has engaged constructively in that debate. But we have made it very clear as a government that we will not agree to a plan that is not in the best interests of Victorians and does not deliver a balanced outcome for the environment and for the socioeconomic issues and a balance between the states.

We have put the Murray-Darling Basin Authority and the commonwealth water minister on notice that the authority needs to take account of the ministerial consensus document of 9 July and the consensus document of last Monday when putting those issues into a future plan. At this stage the Murray-Darling Basin Authority has not inserted all those advices from the ministers into a future plan.

The key issue that Victoria still has concerns about, which the Murray-Darling Basin Authority has not addressed, is an adjustment mechanism for sustainable diversion limit offsets and the benchmark modelling that underpins that. The Victorian government is firmly of the view that you can achieve 650 gegalitres of environmental offsets by environmental works and measures and you can achieve good outcomes for the lower lakes with 2100 gegalitres of held entitlement.

Another key issue is the apportionment of water that is recovered between the basin states. We firmly believe that should be apportioned on a historical-use percentage basis. The issue here is that South Australia expects all the outcomes but will not make a fair contribution to a future basin plan. It is interesting that the South Australian Premier will spend \$2 million of his taxpayers money on an advertising campaign pushing Victorians to support the South Australian view, but he will not engage in a proper process to achieve a good outcome and make a contribution from South Australia.

A key issue that we also have major concerns about is constraints management. From a constraints management point of view this is a very simple argument: to get the water down the river without flooding private land. The Murray-Darling Basin Authority has not yet done the work to determine if it can get the water down the river without flooding private property and leaving a Victorian water authority or a Victorian government open to litigation because people have been deliberately flooded out through the environmental water manager's use of environmental water.

From Victoria's point of view, we want to work constructively to get a basin plan. If a basin plan cannot be achieved, the sun will still come up and the world will not end. We will revert to managing the basin, as has been done for decades, in a constructive way. The states will work with the commonwealth, rather than Canberra taking a dictatorial attitude that does not take account of the states' interests.

The key message I would like to leave with the house and particularly with all Victorians is that we are

working in the best interests of our economy, the communities of northern Victoria and the irrigation sector that underpins their economies.

**Government: funding priorities**

**Ms NEVILLE** (Bellarine) — My question is to the Minister for Environment and Climate Change. Can the minister confirm that staff from the Department of Sustainability and Environment (DSE) have been issued a directive to cease their existing work, including work in important areas of biodiversity and national park management, and have been reassigned to search for the Deputy Premier’s big cat?

**Mr R. SMITH** (Minister for Environment and Climate Change) — I thank the member for Bellarine for her question. I am happy to take this question on board even though the member has directed the question to the wrong minister. I understand —

*Honourable members interjecting.*

**The SPEAKER** — Order! The member for Bellarine, on a point of order. Points of order will be heard in silence.

**Ms Neville** — On a point of order, Speaker, just to be clear for the minister, this is about DSE staff who have received directions. The minister was obviously unclear about the question I asked.

**Mr R. SMITH** — The question related to the search for the big cat, and it is my understanding that the Department of Primary Industries will take a lead on this particular issue. But while the DSE is not formally involved in the search for the big cat, what the department is responsible for is the mapping and surveying of the public estate to understand the distribution and prevalence of native flora and fauna.

I am very pleased to say that earlier this year, in April, I announced a \$1.86 million program to collect new information about the state’s rarest inhabitants. This is the biggest survey that has been done by the state government in over 10 years. We are going to use that survey to gather up-to-date information and ensure that DSE’s policy and regulatory framework for threatened species management is based on this particular information gathering exercise. I am very proud to have been able to announce that.

*Honourable members interjecting.*

**Questions interrupted.**

**SUSPENSION OF MEMBER**

**Member for Essendon**

**The SPEAKER** — Order! The member for Essendon can leave the chamber for an hour.

**Honourable member for Essendon withdrew from chamber.**

**QUESTIONS WITHOUT NOTICE**

**Questions resumed.**

**Tourism: government initiatives**

**Mr SHAW** (Frankston) — My question is to the Minister for Tourism and Major Events. Can the minister advise the house of the government’s response to the Victorian Competition and Efficiency Commission’s final report into tourism and outline any reaction there has been to the government’s position?

**Ms ASHER** (Minister for Tourism and Major Events) — I thank the member for Frankston for his question and for his interest in the economic worth of tourism. Last week the Treasurer —

*Honourable members interjecting.*

**The SPEAKER** — Order! I woke up this morning and wondered what day it was, and I have found out now that it is mad Thursday. I do not think there is any need for this outrageous behaviour, and I ask the house to come to order and listen to the answer from the minister.

**Ms ASHER** — As members of Parliament would be aware, last week the Treasurer and I released the Victorian government’s response to the Victorian Competition and Efficiency Commission (VCEC) report entitled *Unlocking Victorian Tourism — An Inquiry into Victoria’s Tourism Industry*. This report contains two substantial reforms primarily for the tourism industry. The first one is a series of very significant reforms to the planning system to allow more tourism businesses, and I think that has been welcomed widely. We also have announced that we will have sensitive, environmentally friendly investment in national parks. Members of this house would be aware that Victoria is the only state that does not allow sensitive development in national parks — the only state — and development will be only allowed —

*Honourable members interjecting.*

**Questions interrupted.**

**SUSPENSION OF MEMBER**

**Member for Eltham**

**The SPEAKER** — Order! The member for Eltham can leave the chamber for an hour.

**Honourable member for Eltham withdrew from chamber.**

**QUESTIONS WITHOUT NOTICE**

**Tourism: government initiatives**

**Questions resumed.**

**Ms ASHER** (Minister for Tourism and Major Events) — Development will be only allowed under a range of very stringent conditions, some of which have been outlined in the VCEC report in terms of sensitivity, and the government has also added an additional protection of non-development in wilderness areas which are one-third of national parks.

The member asked me what reaction there was to this particular policy. The tourism task force issued an immediate statement saying:

The Baillieu government is to be commended on its pragmatic and positive response to the VCEC report, which will support the continuing growth of Victoria's tourism industry.

Dianne Smith, the chief executive officer of the Victorian Tourism Industry Council, said:

Victoria's tourism industry has today been given the key to unlock the door that will bring real and valuable tourism investment opportunities to the state.

Indeed, the CEO of Destination Melbourne, Chris Buckingham, also made a positive comment and called on both sides of the house to support this particular reform. I even note that the *Herald Sun* wrote a positive editorial saying 'Park plan a worthy one'.

It may also interest members of Parliament that the document I have before me, entitled *Australian Tourism Investment Guide* and dated May 2012, which was put out by the federal government, also strongly supports low-rise, environmentally sensitive development in national parks. The federal government has been a very strong supporter of development in national parks, and I am pleased to work with such a pragmatic minister.

I also note the member for Lyndhurst said that he would support reasonable measures which facilitated future tourism investment and jobs. Indeed the member for Essendon has not indicated opposition to it. He of course supports the Windsor Hotel development, so I would imagine developments of any size do not bother him. However, one particular — —

*Honourable members interjecting.*

**Ms ASHER** — I would love it if he were here; he was one who was thrown out. However, one particular member tweeted that this policy was 'disgraceful' — and that member is the member for Tarneit. Which Tim's views will prevail — the member for Lyndhurst's or the member for Tarneit's?

**Government: funding priorities**

**Mr ANDREWS** (Leader of the Opposition) — My question is to the Premier. Can the Premier explain to students who have seen their TAFE courses cut, to families missing out on the School Start bonus and to the parents of newborns who no longer receive subsidised whooping cough vaccinations for their newborns why those issues — —

*Honourable members interjecting.*

**The SPEAKER** — Order! The Minister for Ports and the Treasurer!

**Mr ANDREWS** — I had better start again. My question is to the Premier. Can the Premier explain to students who have seen their TAFE courses cut, to families missing out on the School Start bonus and to parents missing out on subsidies for whooping cough vaccinations —

*Honourable members interjecting.*

**Mr ANDREWS** — the parents of newborns missing out on subsidies for whooping cough vaccinations — that is the question.

*Honourable members interjecting.*

**Mr ANDREWS** — That is a laughing matter, is it? That is really funny stuff.

**The SPEAKER** — Order! I ask the Leader of the Opposition to conclude his question.

*Honourable members interjecting.*

**Mr ANDREWS** — I am in the wrong?

**The SPEAKER** — Order! No. It had gone silent, and I was giving you a chance to conclude your question.

**Mr ANDREWS** — I am indebted to you for your protection, Speaker.

Why does the Premier believe that those are less important than spending taxpayers money in the search for the Deputy Premier's big cat?

**Dr Naphthine** — On a point of order, Speaker, while I am sure the Premier would love the opportunity to answer the question, the question is asking for an opinion. The question is, 'Why does the Premier believe?'. That is asking for an opinion. It is not in the appropriate format, and I ask that the Leader of the Opposition be asked to rephrase his question in the appropriate format that suits the standing orders of this house. He has had a couple of goes, he has fallen at a few hurdles and I ask you to ask him to rephrase the question.

**Mr Andrews** — On the point of order, Speaker, the question does not need to be rephrased. It relates to the Premier's priorities as the Leader of the Government in this state and why he thinks in the setting of those priorities that it is more important to search for a big cat than to provide subsidies to parents and provide support for TAFE students — the list could go on and on. That is what the question related to, this Premier's priorities, and he ought to answer for them.

**The SPEAKER** — Order! I accept the question.

**Mr BAILLIEU** (Premier) — The coalition made an election commitment to investigate the presence of big cats in Victoria, and a desktop study is being undertaken by existing resources at the Arthur Rylah Institute for Environmental Research.

*Honourable members interjecting.*

**Questions interrupted.**

## SUSPENSION OF MEMBER

### Member for Macedon

**The SPEAKER** — Order! The member for Macedon can leave for an hour.

**Honourable member for Macedon withdrew from chamber.**

## QUESTIONS WITHOUT NOTICE

### Government: funding priorities

**Questions resumed.**

**Mr BAILLIEU** (Premier) — A desktop study undertaken by existing resources at the Arthur Rylah Institute for Environmental Research will review historical reports, existing literature, correspondence and other available evidence and make an informed assessment of the likelihood of the presence of a wild population of big cats in Victoria. A desktop study is the most cost-effective means of addressing the issue.

The Leader of the Opposition raised the issue of whooping cough vaccine. Obviously he did not know his stuff, because he got it wrong in the first question and had to change his question. On that subject, I was interested in a press release that was issued on 19 May, entitled 'Victorian Labor to fund whooping cough vaccine'. If I could read from that press release in the name of whooping cough vaccine, which the Leader of the Opposition did not get right when he asked the question, it says in this press release about whooping cough vaccine:

Mr Andrews said Labor would scrap — —

**Mr Andrews** interjected.

**The SPEAKER** — Order! The Leader of the Opposition! Once more and he will be out.

**Mr BAILLIEU** — In this press release it says:

Mr Andrews said Labor would scrap the construction code of practice compliance unit.

*Honourable members interjecting.*

**Questions interrupted.**

## SUSPENSION OF MEMBER

### Member for Mulgrave

**The SPEAKER** — Order! The Leader of the Opposition can leave the chamber for an hour.

**Honourable member for Mulgrave withdrew from chamber.**

## QUESTIONS WITHOUT NOTICE

### Government: funding priorities

**Questions resumed.**

**Mr Merlino** — On a point of order, Speaker, you have ejected a number of opposition members from the chamber today, and you have now ejected the Leader of the Opposition. There has been disgraceful behaviour by government members which you, Speaker, have ignored, yet you continually kick out members of the opposition. I respectfully submit that you need to apply the rules equally to every member of this chamber.

**Dr Napthine** — On the point of order, Speaker, I ask you to reject the point raised by the Deputy Leader of the Opposition. Speaker, you have behaved impeccably during the constant barrage of interjections by opposition members, who want to turn question time into a farce. It has been a deliberate strategy of the opposition it has used for some time to take frivolous points of order and make a barrage of interjections rather than use question time to raise genuine issues of concern to the people of Victoria.

**The SPEAKER** — Order! I have heard enough on the point of order.

**Ms Hennessy** — On a point of order, Speaker, I accept and understand that in question time it is difficult to maintain order when members on both sides of the house are feeling passionate and combative about issues they care about. However, the purpose of question time is to enable the government to be questioned about matters of government business. If we as opposition members are constantly selected for the purposes of being thrown out, and if we have an ongoing concern that the rules of the house are being applied disproportionately to members on this side of the house as compared with members on the other side of the house, then that fundamentally undermines the purpose of question time, which is to hold the government to account.

**The SPEAKER** — Order! The government can be held to account if I can hear the answers of ministers, which are constantly drowned out by opposition members. If members behave, do not yell out and do not interject in the way that members have been interjecting, they will not be thrown out of the chamber.

**Mr BAILLIEU** (Premier) — As I was saying, in the media release of the Leader of the Opposition of 19 May — —

**Mr Nardella** — On a point of order, Speaker, the Premier is not speaking on government business. A press release made by the opposition is not government business. I ask you, Speaker, to bring him back to answering the question.

**The SPEAKER** — Order! If I understand it, there was a question raised about whooping cough. The Premier was speaking about whooping cough, therefore the answer is relevant to the question that was asked.

**Mr Nardella** — On a further point of order, Speaker, whooping cough was referred to in the question in terms of a program being cut by the government, so that is government business. A press release made by the opposition or anyone else is not government business. I ask you, Speaker, to bring the Premier back to answering the question on government business.

**The SPEAKER** — Order! I do not uphold the point of order, but I ask the Premier to return to answering the question.

**Mr BAILLIEU** — Indeed, Speaker, I have addressed the matter of the search that is being undertaken by the Arthur Rylah Institute for Environmental Research. The Leader of the Opposition raised the issue of whooping cough. He clearly did not have an understanding of the government's decision regarding whooping cough, which was made consistent with advice. It was the Leader of the Opposition who raised the issue. I again make the point that someone who issued a press release in regard to whooping cough used that — —

**Ms Hennessy** — On a point of order, Speaker, I refer you to page 161 of *Rulings from the Chair*, and specifically to the ruling of Speaker Plowman:

Ministers should not debate opposition policy or promises.

The Premier has been asked a simple question about his priorities. In my view, Speaker, you should direct him back to answering questions about his choices and his priorities, not those of the opposition.

**Mr BAILLIEU** — On the point of order, Speaker, it is quite clear that the Leader of the Opposition did not understand the basis or the facts associated with whooping cough. Given the Leader of the Opposition did not understand that, it is perfectly in line for me to make remarks in regard to the Leader of the Opposition's question.

**Mr Merlino** — On the point of order, Speaker, there are strong precedents in the form of previous Speakers' rulings to support the argument that what the Premier was doing was debating the policy of the opposition. His response was not in order. The question asked was in relation to priorities of the Baillieu government. It has cut funding to TAFE, stopped the School Start bonus and made cuts in relation to dealing with

whooping cough, yet it is searching for the big black cat. That is what the question was about, not debating the policies of the opposition.

**The SPEAKER** — Order! Making a point of order is not an opportunity for the member to debate the answer that has been given.

**Mr Merlino** — I am not debating the answer, and I am not repeating the question.

**The SPEAKER** — Order! The member is debating it.

**Mr Merlino** — I am speaking in favour of the point of order made by the member for Altona. The Premier's answer was not in keeping with standing orders, and I ask you, Speaker, to bring him back to the question.

**The SPEAKER** — Order! I believe the Premier's answer was relevant to the question that was asked.

**Mr BAILLIEU** — It is clear that the Leader of the Opposition was wrong in regard to the issue of the search for the — —

**The SPEAKER** — Order! This is getting to a ridiculous stage.

**Ms Hennessy** — On a point of order, Speaker, I appreciate that and heed your warning. I ask you to request the Premier to reflect upon the appropriateness of attacking the Leader of the Opposition when he is not in this place and not in a position to defend himself while you, Speaker, continue to defy ongoing precedents in *Rulings from the Chair*.

**The SPEAKER** — Order! I ask the member to resume her seat. I do not uphold the point of order.

**Mr BAILLIEU** — In asking his question the Leader of the Opposition was incorrect in regard to the issue of big cats. The previous question was wrongly directed to the Minister for Environment and Climate Change. The question of the Leader of the Opposition in regard to whooping cough was incorrect. It is a fact that the Leader of the Opposition, when he first raised the issue of the whooping cough vaccine, sought to misrepresent that issue and use it to disguise his shoulder-to-shoulder stance with the CFMEU (Construction, Forestry, Mining and Energy Union) at the Labor Party state council — and there is the release.

**Mr Nardella** — On a point of order, Speaker, the Premier is now debating the question. He referred to the CFMEU and he referred to the opposition. This has

nothing to do with either the question or government business. I ask you to bring him back directly to answering the question on government business.

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

**Mr BAILLIEU** — The Leader of the Opposition got it wrong on big cats, he got it wrong in regard to whooping cough — —

**Mr Nardella** — On a point of order, Speaker, the Premier is flouting your ruling. The first words he said were, 'The Leader of the Opposition', and he was about to continue to attack the opposition. That is not government business. Again I refer you to page 161 of *Rulings from the Chair*, where it says:

Ministers should not debate opposition policy or promises.

The Premier is doing that. He is flouting your ruling, and I ask you to either bring him back to answering the question or sit him down.

**Dr Napthine** — On the point of order, Speaker, the fact is that the Leader of the Opposition asked the question, so it is entirely appropriate for the Premier in answering the question to refer to the Leader of the Opposition, who asked the question, and point out that the nub of the question and the points raised in the question were wrong. It is absolutely relevant to the question, and it is absolutely appropriate to standing orders, and clearly this opposition has completely lost the plot.

**The SPEAKER** — Order! I do not uphold the point of order. The Premier will return to answering the question.

**Mr BAILLIEU** — I regret very much that the Leader of the Opposition has gone missing.

**Mr Merlino** — On a point of order, Speaker, the Premier's answer continues not to be relevant to the question. The Leader of the Opposition is standing up for students who have lost their TAFE funding. If the Premier is so proud of the search for the black cat — —

**The SPEAKER** — Order! I have turned off the member's microphone. I do not uphold the point of order.

**Mr BAILLIEU** — I say again that in regard to the person who asked me the question, I regret that that person has gone missing. I regret also that that person has gone missing on many issues — all the major issues.

**Mr Merlino** — On a point of order, Speaker, this answer has been an absolute disgrace. The Leader of the Opposition has not gone missing. The Premier has been missing for two years.

**The SPEAKER** — Order! I do not uphold the point of order. The Premier has 5 seconds remaining.

**Mr BAILLIEU** — I simply say again that the government's election commitment will be fulfilled, and we will stick up for Victorians.

### **Emergency services: vehicle registration**

**Mr CRISP** (Mildura) — My question is to the Minister for Police and Emergency Services. Can the minister update the house on the facts surrounding the registration of trucks within the emergency services portfolio?

**Mr RYAN** (Minister for Police and Emergency Services) — I thank the member for his very relevant question. Yesterday the Leader of the Opposition and the member for Monbulk raised important issues regarding the registration of CFA (Country Fire Authority) vehicles and emergency services vehicles. I undertook to the house that I would make appropriate investigations on those important matters, and I am reporting today to the house on the outcome of those inquiries.

I can tell the house that the Metropolitan Fire Brigade has advised me that it has a uniform registration expiry date for its vehicles. That date is 15 July, and on 15 July this year all its vehicles were registered. I have been further advised by the Victoria State Emergency Service that as at 31 July 2012 all its vehicles were duly registered. Out of an excess of caution I also made inquiries of Victoria Police, and I am able to tell the house that all Victoria Police vehicles are registered.

Insofar as the CFA is concerned, the situation is different. As it happens, an employee of the CFA recently undertook a process of comparing the VicRoads database of registration of CFA vehicles with that of the CFA itself, and that search indicated that there were 22 vehicles whose registration had lapsed. I might say that that excited the member for Monbulk to issue a press release headed 'CFA trucks deregistered due to Baillieu government dithering'. As an attachment to his press release, he listed the 22 vehicles that had not been reregistered.

I made further inquiries with regard to these vehicles, and the advice to me was that these CFA vehicles are all CFA operational vehicles and these are apart from the 900 brigade vehicles that are out and about in regional

Victoria. As to these 22 vehicles, they are all CFA operational vehicles: 17 of them are operational trucks, 2 of them are museum trucks and 3 of them are training ground trucks, including a static pumper at Fiskville, which does not move; it cannot go anywhere. The issues in relation to the dates of deregistration —

**Mr Merlino** — On a point of order, Speaker, as the Deputy Premier has quoted, or quoted in part, from my press release, I ask that it be tabled in full to convey the full story.

**Mr RYAN** — On the point of order, Speaker, if the member would like his own press release tabled, I am very happy to table it.

**The SPEAKER** — Order! I ask the Deputy Premier to table that press release.

**Mr RYAN** — When I am finished with it, I will certainly table it.

In the list of trucks to which the member for Monbulk referred, the first was the Brucknell Ayrford tanker. I am now able to tell the house that that tanker was deregistered in 2004. At the time the then member for Kororoit, the Honourable André Haermeyer, was the Minister for Police and Emergency Services in the previous government. The Moe tanker, which is the second vehicle on the list, was deregistered in 2008. At that time the then member for Bendigo West was the Minister for Police and Emergency Services in the former government. The Sandford tanker was deregistered in 2009. The next three vehicles on the list were all deregistered in the time of the former minister, the member for Bendigo West, and that occurred in 2010, before the last election was held. It has been discovered with this search that the balance of these vehicles were deregistered in the course of this government's time in office.

The take-out from all of this is that you have to be very careful before you listen to, let alone believe, anything said by the member for Monbulk, let alone his leader, because the facts invariably are different.

### **AUSTRALIAN DEFENCE FORCE: AFGHANISTAN DEATHS**

**Mr BAILLIEU** (Premier) (*By leave*) — I have just been advised that five Australian soldiers have died in Afghanistan today. We should note that with sadness and express our condolences. There are servicemen in Afghanistan at present in the interests of this country, and obviously the death of any serviceman or servicewoman hits hard. We should reflect on that and

express our condolences immediately, and perhaps the Deputy Leader of the Opposition might like to respond. On behalf of all Victorians I express our deepest condolences to the families of those servicemen.

**Mr MERLINO** (Monbulk) (*By leave*) — I join the Premier in expressing the deep condolences and horror of members of the parliamentary Labor Party. We had a dedication ceremony last weekend for the soldiers who fought in the Kokoda campaign, we recently commemorated Vietnam Veterans Day and we note with despair that today we further honour our soldiers who continue to perish in wars overseas. I join with the Premier in expressing our condolences. Perhaps we in the chamber can pause for a few moments. I leave that up to you, Speaker, but I think that would be appropriate.

**The SPEAKER** — Order! We will have a moment's silence.

**Honourable members stood in their places.**

## FIRE SERVICES PROPERTY LEVY BILL 2012

### *Statement of compatibility*

**Mr WELLS (Treasurer) tabled following statement in accordance with Charter of Human Rights and Responsibilities Act 2006:**

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

In my opinion, the Fire Services Property Levy Bill 2012, 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 abolish the insurance industry statutory contributions to the Country Fire Authority and the Metropolitan Fire and Emergency Services Board and provide for the imposition and collection of a fire services property levy on all land in Victoria, unless specifically exempted, for the purpose of funding the Country Fire Authority and the Metropolitan Fire and Emergency Services Board to provide public services.

The Victorian Bushfires Royal Commission concluded that the current insurance-based model is highly inequitable, lacks transparency and is a disincentive to fully insure property. The bill implements recommendation 64 of the Victorian Bushfires Royal Commission that 'the state replace the fire services levy with a property-based levy and introduce concessions for low-income earners'.

#### **Human rights issues**

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

##### Freedom of movement

Section 12 of the charter provides that every person lawfully in Victoria has the right to move freely within Victoria and to enter and leave it and has the freedom to choose where to live.

Clause 54(2)(b) of the bill provides that the commissioner of state revenue may require a person to attend at a specified time and place to answer questions relevant to an authorised investigation. Similarly, clause 89(1)(c) provides that the Essential Services Commission may require a person to appear before the commission to provide evidence.

To the extent to which these provisions may require a person to move to, or from, a particular location they may represent a limit on that person's freedom of movement.

##### Right to privacy and reputation

Section 13 of the charter provides that a person must not have their privacy, family, home or correspondence unlawfully or arbitrarily interfered with or to have their reputation unlawfully attacked.

Clause 24 engages the right to privacy as it provides for the maintenance by councils (collection agencies) of levy records which will to some extent contain personal information. The levy will apply to non-rateable properties. Currently councils (collection agencies) do not keep valuation records for non-rateable properties. For the purposes of collecting the levy, they will be required to keep records of the value, description and names and addresses of owners to allow the properties to be assessed for levy purposes. These provisions are reasonable and necessary to enable collection agencies to maintain records that allow them to perform their functions.

Clauses 54 empowers the commissioner of state revenue to require a person to provide information, documents or evidence. Clause 55 empowers authorised tax officers to enter, search and inspect premises, as well as to require persons to provide documents for inspection and answer questions relevant to an authorised investigation.

Certain safeguards have been included, for example:

a person may refuse to give information, produce documents or answer questions on the grounds that it would incriminate that person;

an authorised officer may only enter premises with the consent of the occupier or with the authority of a warrant. On request, an authorised officer must produce their identity card;

particular information obtained under the act is prohibited from disclosure without the consent of the person to whom the information relates, unless its disclosure is required in connection with the administration or enforcement of the act or otherwise required by law.

It is envisaged that the commissioner, in his or her oversight role, may require a council officer to provide an annual return or other information outlining the number and value of

properties in the councils' municipality and the extent of any underpayments by property owners. This information will be used to ensure the council has remitted the correct amount of revenue to the commissioner. The commissioner may also be required to investigate the costs incurred by a council in collecting the levy for the purposes of determining any fees to be paid.

The commissioner of state revenue will be responsible for overseeing councils in the performance of their responsibilities as collection agencies under the scheme. It may be necessary for the commissioner to require a person to comply with a notice where the commissioner is of the view that a council is either not accurately assessing property owners for the levy, is not taking reasonable steps to collect the levy revenue, or is not remitting the correct amount of revenue to the commissioner.

These qualified powers are therefore reasonable and necessary for the administration of the scheme established by the bill, as they enable the commissioner to conduct investigations for the purposes of exercising his or her functions under part 4, in particular to monitor the performance of councils as collection agencies for the levy.

Clauses 89 and 91 are intended to enable the Essential Services Commission to undertake a review of the movement in insurance premiums and to report on the review to the government.

Such reports may contain personal or confidential information thus engaging the right to privacy and reputation. Protections are provided in that the report must be divided into a document containing confidential information (if any) and another document containing the remainder of the report. Further, the person or body potentially impacted may apply to the Essential Services Commission (under section 38 of the Essential Services Commission Act 2001) for non-disclosure of the information and the Essential Services Commission must not disclose the information where to do so would cause detriment (a public interest test applies in certain circumstances).

These provisions are justified because the purpose of the review is to ensure the protection of consumers of insurance after the transition to, and implementation, of the fire services property levy. Further, the purpose of the Essential Services Commission review would not be achieved without the collection of some commercially sensitive information such as the price of insurance premiums and policy inclusions. It is appropriate that this information be separated from the remainder of the report to prevent commercially sensitive information being made public if the report were released.

Once the Essential Services Commission's functions are complete these provisions will be repealed.

To the extent that information obtained under the bill is personal information, the Information Privacy Act 2000 provides a further safeguard that will assist in ensuring the right to privacy is upheld.

Whilst these clauses raise the right to privacy and reputation, for the reasons stated above these clauses do not limit that right.

#### Freedom of expression

Section 15(2) of the charter provides a person the right to freedom of expression.

Clauses 54 empowers the commissioner of state revenue to require a person to provide information, documents or evidence. Clause 55 empowers authorised tax officers to require persons to provide documents for inspection and answer questions relevant to an authorised investigation.

Clause 89 empowers the Essential Services Commission to compel a person to give evidence or produce documents.

To the extent that these clauses compel a person to provide information, they engage the right to freedom of expression as freedom of expression encompasses a freedom not to express.

#### Right to property

Section 20 of the charter protects against deprivation of property other than in accordance with law.

Clauses 54 and 55 of the bill engage this right because they respectively empower the commissioner of state revenue to require a person to provide documents and empower authorised tax officers to enter, search and inspect premises, as well as to compel persons to provide documents for inspection relevant to the investigation including the power to retain a document, to make a copy of it, or to take extracts from it.

An authorised tax officer may only enter premises with the consent of the occupier or with the authority of a warrant. On request, an authorised tax officer must also produce their identity card.

These appropriately circumscribed powers are reasonable and necessary for the administration of the scheme. They are not arbitrary as they will enable the commissioner to conduct investigations for the purposes of exercising his or her functions under part 4, in particular to monitor the performance of councils as collection agencies. The right to property is upheld by these clauses because any deprivation of property will be neither unlawful nor arbitrary.

Clause 89 also engages the right to property because it empowers the Essential Services Commission to require a person to produce documents. It is envisaged that the Essential Services Commission will primarily require the production of documents by insurance companies and insurance brokers to undertake a review of the movement in insurance premiums. The Essential Services Commission may require information related to the current price of a range of insurance policies, movements in pricing over time and levy amounts collected.

This power is reasonable and necessary so that the Essential Services Commission can verify information provided to it, so as to ensure the accuracy of its reviews of insurance premiums. Again, the right to property is upheld because any deprivation of property by this clause will be neither unlawful nor arbitrary.

Right to a fair hearing

Section 24 of the charter provides for the right to a fair hearing.

Clause 84 of the bill outlines that it is the intention of clauses 12, 15 and 37 (read with clause 5) to alter or vary section 85 of the Constitution Act 1975.

The levy rates for a particular land use classification is set by the minister pursuant to clause 12. Pursuant to clause 15, the land use classification of a particular parcel of land is based directly on the AVPCC allocated to that parcel of land by the Valuation Authority under the Valuation of Land Act 1960.

The right to a fair hearing is engaged by clauses 12(5) and 15(5) insofar as an objection, review or appeal in respect of a levy rates determination or land use classification cannot be made under the bill.

Clause 37(6) does not engage the charter as it only circumscribes the standing of councils which are not within the scope of the charter.

Right to be presumed innocent

Section 25(1) of the charter provides that a person charged with a criminal offence has the right to be presumed innocent until proven guilty according to law.

Clause 55(6)(b) of the bill provides that it is an offence for a person to refuse or fail, without reasonable excuse, to comply with a requirement made by an authorised officer in the exercise of that officer's powers of search, entry and inspection.

This right is engaged insofar as an evidentiary onus is placed on the accused to provide a reasonable excuse for failing to comply. In the absence of any evidence of reasonable excuse a conviction may ensue without the prosecution proving all the elements of the offence in the usual way.

Right not to be compelled to testify against oneself

Section 25(2)(k) of the charter provides that a person charged with a criminal offence has the right not to be compelled to testify against himself or herself or to confess guilt.

Clauses 54 and 55 empower the commissioner of state revenue and authorised tax officers (respectively) to require a person to produce documents or answer questions on pain of penalty. Clause 89 similarly empowers the essential services commissioner to compel a person to produce documents and provide evidence.

This right could be engaged to the extent that clauses 54, 55 and 89 could be used to compel a person charged with a criminal offence to provide information that would tend to incriminate the person.

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

Freedom of movement

The right to freedom of movement under section 12 of the charter may be limited by operation of clauses 54(2)(b) and 89(1)(c) of the bill.

These limitations are important because they form part of the suite of powers required to effectively monitor, investigate and enforce compliance with the bill where cooperation with an investigation or review is not forthcoming.

The limitation only extends to an individual person who is required to attend or appear and the limitation only operates for the period of time a person is required to attend or appear.

Ordinarily, a person will be asked to answer questions or give evidence on a voluntary basis, or provide the relevant information in writing. However, attendance or an appearance may be considered necessary where a person refuses or demonstrates a reluctance to do so, and the information cannot be obtained from other sources.

These limitations are reasonable and necessary to achieve the legitimate aim of establishing a regime which operates fairly and effectively. In so doing, it is necessary to have some powers which can be used where cooperation with an investigation or review is not forthcoming. Ultimately, these powers will help to ensure that the Country Fire Authority and the Metropolitan Fire and Emergency Services Board are funded to provide public services for the public good.

Freedom of expression

To the extent that clauses 54, 55 and 89 compel a person to answer questions, provide information or produce documents, they may limit the right to freedom of expression under section 15 of the charter.

In the case of clauses 54 and 55, the purpose of the limitation is to ensure that, where cooperation with an investigation is not forthcoming, the commissioner of state revenue and authorised tax officers can effectively conduct investigations for the purposes of exercising the commissioner's functions under part 4, in particular to monitor the performance of councils as collection agencies.

In the case of clause 89, the purpose of the limitation is to ensure that, where cooperation with a review is not forthcoming, the Essential Services Commission can effectively conduct reviews as the provision of information and documents provides the means by which the Essential Services Commission can verify information provided to it, so as to ensure the accuracy of its reviews of insurance premiums.

The powers in clauses 54 and 55 are limited to being upon written notice from the commissioner of state revenue or to during the exercise of an authorised tax officer's entry, search and inspection powers. In each instance the request can be made only in relation to matters relevant to an investigation requested and authorised by the minister. The powers in clause 89 are limited to being upon service of a notice or summons by the Essential Services Commission.

Further, the powers provided for by clauses 54 and 55 would generally be used only in relation to councils and the powers at clause 89 would generally be used only in relation to insurance companies and brokerage companies (bodies not encompassed by the charter).

The limitations are reasonable and necessary so that the commissioner of state revenue and the Essential Services Commission can gather the information necessary for the purpose of effectively implementing the scheme where cooperation of persons is not otherwise forthcoming.

Right to a fair hearing

The right to a fair hearing under section 24 of the charter may be limited by the operation of clauses 12, 15 and 37 of the bill.

Clause 12's limitation on review of the levy rates determination is required for the efficient determination and collection of government revenue. The setting of levy rates will be considered by budget and expenditure review committee ministers. If the levy rates were challenged there would be a danger that insufficient revenue would be collected to meet the fire services budgets. Minister's discretion to determine rates should not properly be the subject of review.

As to the limitation provided for by clause 15, the land use classification under the bill is wholly contingent on the AVPCC allocated to a parcel of land. Part III of the Valuation of Land Act 1960 provides for a person aggrieved by a valuation or AVPCC allocation to make an objection. Therefore, the restriction on review of land use classification is required to prevent unnecessary proceedings and overlap with the review procedures under the Valuation of Land Act 1960.

These limitations are reasonable and necessary to ensure the efficient administration of the levy assessment and collection scheme established by the bill, which is integral to the ultimate purpose of government's revenue raising for funding the Country Fire Authority and the Metropolitan Fire and Emergency Services Board to provide public services.

Right to be presumed innocent

The right to be presumed innocent under section 25(1) of the charter may be limited by the operation of clause 55(6)(b) of the bill.

The importance of the purpose of this limitation is to enable a person who has a 'reasonable excuse' to escape liability for what would otherwise be unlawful conduct.

The limit recognises that individuals may make honest and reasonable mistakes, or fail to comply because of circumstances which are beyond their control. These are facts that are peculiarly within the knowledge of the defendant and therefore it is reasonable that the defendant adduce or point to the evidence which puts these matters in issue. The limit deals with the problems of evidencing such matters.

The limitation will only apply where a defendant is charged with an offence under clause 55(6)(b). In addition, when evidence of reasonable excuse is adduced the prosecution will have the burden of disproving the matters raised beyond reasonable doubt. Finally, the defendant will only be exposed to a minor financial penalty.

The matters pertaining to reasonable excuse are peculiarly in the knowledge of the person charged and therefore it is reasonable that they point to evidence which puts the matter in issue.

Removing the defence altogether would mean that the relevant clauses no longer imposed a limit on the right to be presumed innocent, but this would defeat the purpose of the limitation, because a person charged could not avoid liability even if they could point to a reasonable excuse for non-compliance. To the extent that the limitation requires the

defendant to meet an evidentiary onus, rather than requiring that matter to be proven on the balance of probabilities, the limitation already represents a less restrictive means of achieving the purpose.

Right not to be compelled to testify against oneself

Where a person is charged with a criminal offence, the right under section 25(2)(k) of the charter not to be compelled to testify against oneself may be engaged by clauses 54, 55 and 89 of the bill.

It is envisaged that clauses 54, 55 and 89 will be used primarily against councils, insurance companies and brokerage companies where cooperation with an investigation is not forthcoming. Such entities are not encompassed by the charter.

To the extent that an individual person might be compelled, extensive safeguards have been included in the bill under clauses 59 and 90, which provide that a person may refuse to give such information if to do so would tend to incriminate the person in respect of an offence other than an offence under this bill. They further provide that any information given under clauses 54, 55 and 89 is not admissible in evidence against the person in any proceeding in respect of an offence under this bill. In addition, these powers are generally reserved for circumstances where an individual has failed to cooperate with an investigation or review and the information cannot be obtained from other sources.

There may be some remaining limitation on the right to the extent that a person may be compelled to give information that could lead to subsequent information being obtained and used as evidence for an offence under some other law (a derivative use).

Finally, the courts also have a role in determining the admissibility of information derived from compelled questioning.

Given the above, any remaining limitation is reasonable and proportionate as it will ensure that, where cooperation with an investigation or review is not forthcoming, the commissioner of state revenue or the Essential Services Commission can obtain the information they need to effectively conduct full and proper investigations or reviews for the purposes of the bill. This is essential to ensure the fair and proper administration of the scheme.

**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.

Kim Wells, MP  
Treasurer

*Second reading*

**Mr WELLS** (Treasurer) — I move:

That this bill be now read a second time.

This bill will enact the government's election commitment to implement the Victorian Bushfires Royal Commission's recommendation that the state

replace the fire services levy with a property-based levy. The new levy will ensure that all property owners pay a fair contribution for fire services and that Victoria's fire services continue to operate with sufficient resources.

The annual budgets of Victoria's fire services are mainly funded by financial contributions from insurance companies, the state government and metropolitan councils. The state and commonwealth governments provide additional funding in the event of major fires. Insurance companies recover the cost of their contributions by imposing a fire services levy (FSL) on insurance premiums.

In February 2009, Victoria experienced its most devastating bushfire in the state's history. One hundred and seventy three people died as a result of the Black Saturday fires and, unlike previous major Victorian fires, many perished in and around their homes. In response, the state government established the Victorian Bushfires Royal Commission to examine the causes and circumstances of the deaths that occurred as a result of the Black Saturday bushfires.

On 19 November 2009, the Victorian Bushfires Royal Commission released a discussion paper on insurance and the funding of fire services through the fire services levy.

The Victorian Bushfires Royal Commission concluded that the current insurance-based model is highly inequitable, lacks transparency and is a disincentive to fully insure property.

Under the current model, underinsured and uninsured property owners either do not contribute at all, or pay a lower contribution, to the cost of Victorian fire services. In addition, owners of similar assets can pay considerably different premiums, and therefore make different FSL contributions, depending on the deductible and the policies they choose.

The insurance-based model also increases the cost of insurance, leading to non-insurance and under-insurance. Removing the FSL will make insurance more affordable, and assist more property owners to recover from adverse events.

The bill will bring reform to a system that is complicated and unfair, involving a combination of insurance levies, and state and local government contributions. Although essential firefighting services and community safety programs have been available to all, only some people have contributed to them; indeed, many have received a free ride. From 2013–14 onwards, all Victorians will share the responsibility of

supporting these services, just as all Victorians benefit from these services.

This reform eliminates the tax on tax from the current FSL component of insurance premiums — the GST and stamp duty — which will not be recovered by the property levy. The removal of the tax on tax will significantly reduce the amount collected from taxpayers.

Victoria's move to a property-based levy is consistent with recent reform in other states and territories. The Australian Capital Territory (2006–07), Western Australia (2003), South Australia (1999) and Queensland (1985) have introduced funding systems for fire services that require property owners to contribute via a levy on property. Tasmania levies residential property owners, while retaining an insurance-based levy on businesses.

On 30 June 2011, the government released the fire services property levy options paper outlining a range of levy design and implementation issues. Over 130 submissions were received to this options paper. During October and November the government held 16 public consultation meetings across the state to allow Victorians to have their questions answered and comment on the options for the design of the new fire services levy.

The government has taken into account written submissions on the options paper and views expressed at the public consultation meetings.

This bill introduces a new levy on all real property, including non-rateable property and property owned by local councils. The state government contribution will be retained in lieu of a property levy on state government property, on the grounds of simplicity and lower administration costs.

The bill removes the statutory requirement for municipal councils wholly or partly within the metropolitan area serviced by the MFB to contribute 12.5 per cent of the MFB's approved annual budget.

Limited exemptions for network infrastructure assets such as roads and gas and water pipelines will be provided where there are significant limitations in obtaining accurate valuations and to prevent 'double charging' when networks cross leviable land. The exemptions would not extend to assets such as electricity generators where valuations can be obtained.

Local councils will be responsible for collecting the property levy, as they already have an established relationship with property owners. Where relevant, the

legislation is modelled on the Local Government Act 1989 to ensure continuity of the administrative framework in which local councils operate. The State Revenue Office will provide oversight.

The bill provides that local councils will receive fees for performing their administrative functions under the act. In addition, the state government will also fund establishment costs for local councils. The State Revenue Office will work closely with local councils to implement the new levy.

The government will also conduct public information campaigns to raise awareness and understanding of the new levy.

The most significant levy design feature is the valuation base. The levy will be assessed on the capital improved value (CIV) of property. CIV is consistent with the valuation base used by most local councils in levying rates. Using a consistent valuation base reduces the administration costs of the new property levy.

CIV is also the most equitable valuation base as it will not significantly benefit some land uses to the detriment to others. As CIV recognises the value of land as well as improvements, it strikes a fair balance between land intensive activities, such as farming, and capital intensive uses, such as industrial activities.

Non-rateable properties will be brought into the tax base and need to be valued so that they can be levied. As there will not be another property valuation cycle before 1 July 2013, the valuer-general will value these properties for the first time. This will ensure that non-rateable properties are valued in a timely and consistent manner. Consequential amendments to the Valuation of Land Act 1960 allow for local councils to value these properties as part of future valuation cycles.

The property levy rates will be set annually to ensure the fire services receive the appropriate level of funding. It will be the Treasurer's responsibility to determine the levy rates that are payable for a levy year by reference to a number of factors, including the annual funding requirement for the MFB and the CFA, and the administrative costs of the councils in performing their functions under the legislation. The legislation will allow the Treasurer to declare the levy rate by 31 May each year in the *Government Gazette*, prior to the commencement of the levy year in which the levy rates are to apply.

The levy is designed to meet the standard funding requirements of the fire services. Any additional funding, such as for catastrophic bushfire events, would continue to be funded from consolidated revenue. This

reflects the current arrangements for funding responses to major fires.

The bill will provide for the fire services property levy to comprise a fixed component and an ad valorem charge. The fixed component would reflect the public benefits received from the fire services, such as on-call capacity and fire prevention activities, while the ad valorem property rate (a charge calculated as a percentage of property value) will reflect the benefits to individual property owners, as well as capacity to pay. An ad valorem component reflects the value of the asset protected from fire damage and the additional cost of the fire brigades attending an incident at a large high-value retail complex over a small detached residential property. The fixed charge will be \$100 for residential property and \$200 for non-residential property, and will be indexed annually by CPI. The fixed charges have been set at level sufficient to ensure revenue exceeds collection costs from owners of low-valued property by an appropriate margin, while still reflecting the capacity to pay.

Under the current insurance-based fire services levy, the fire services are funded by contributions from insurers on the basis of the value of property insured in each service's area. This leads to different rates in the CFA and MFB areas. The new property levy will continue to apply differently in each area.

This bill will allow for different levy rates to apply to broad property classifications, according to the following: residential, commercial, industrial, primary production, public benefit and vacant. Treating properties differently according to broad property classifications is common in other jurisdictions, and will ensure a smooth transition to the new system. The property classifications will be fixed in the legislation, subject to future review, with the proportion of the required funding contribution from each classification to be determined with each rate setting cycle. Having different property classifications provides flexibility to set different levy rates for each property classification to ensure an equitable contribution from each sector and smooth the impact on property owners of the new levy.

The bill also provides the Treasurer with power to set a maximum property levy amount payable in respect of leviable land, if required by notice published in the *Government Gazette*.

The bill provides that certain land vested in, occupied by, or under the care, control and management of any council which is non-commercial or non-business in nature and has a public benefit property classification

will pay the fixed component of the levy only, not the ad valorem component. Council-owned community service and sporting club rooms and halls will also pay the fixed component only.

While focusing on the desire to ensure that the new funding system is more equitable than current circumstances, the government has also been mindful that there are people in the community whose ability to pay is limited. In this regard the bill provides a \$50 concession for holders of pensioner concession cards and Department of Veterans' Affairs gold cards only to align with the rates concession. The concession will only be provided for the eligible card holder's principal place of residence.

Local councils will be allowed to retain the bank interest they make on levy amounts and levy interest before they transfer these amounts to the commissioner of the SRO. The bill provides that the commissioner may require this bank interest to be paid to the SRO if a council fails to perform its duties or breaches its obligations under the act. The commissioner has discretion to send a series of warnings before this action is taken. However, if there is a serious breach, the Treasurer may seek the Minister for Local Government to exercise his/her powers under section 219 of the Local Government Act 1989.

The bill provides for the Essential Services Commission to review the insurance industry during and following the implementation of the new levy and provide reports to the Treasurer. The Treasurer may provide these reports to a third party.

Finally, I draw members' attention to clause 84 as this bill proposes to limit the jurisdiction of the Supreme Court. Accordingly I provide the following statement:

**Statement under section 85(5) of the Constitution Act 1975**

I wish to make a statement under section 85(5) of the Constitution Act 1975 of the reasons for altering or varying that section by this bill.

Clause 84 of the bill provides that it is the intention of sections 5, 12, 15 and 37 of the Fire Services Property Levy Bill 2012, as those sections apply after the commencement of clause 84, to alter or vary section 85 of the Constitution Act 1975. These provisions preclude the Supreme Court from entertaining proceedings of a kind, to which these sections apply, except as provided by those sections.

Section 5 of the Fire Services Property Levy Bill 2012 defines the meaning of non-reviewable in relation to the Fire Services Property Levy Bill 2012. 'Non-reviewable' is referred to in sections 12, 15 and 37 of the Fire Services Property Levy Bill 2012.

The reason for limiting the jurisdiction of the Supreme Court in relation to the determination of the levy rates under section 12 of the bill is that the levy rates will be determined by the minister each year having regard to the funding requirements of the MFB and CFA, the administrative costs of local councils as collection agencies and other relevant matters. This clause limits the jurisdiction of the court in order to provide for the efficient determination and collection of government revenue to fund Victoria's fire services which would not be achieved if the minister's decision was reviewable.

The reason for limiting the jurisdiction of the Supreme Court in relation to the determination of the land-use classification under section 15 of the bill is that the determination is based on the allocation of the Australian valuation property classification codes, or AVPCC, to all parcels of land by the valuation authority under the Valuation of Land Act 1960. Part III of the Valuation of Land Act 1960 permits a person aggrieved by the allocation of an AVPCC to make an objection. This clause limits the jurisdiction of the court to review the land-use classification determination to prevent unnecessary proceedings and overlap with the review procedures under the Valuation of Land Act 1960 in respect of the allocation of the AVPCC.

The reason for limiting the jurisdiction of the Supreme Court in relation to levy amounts and levy interest collected by the collection agency to be kept in a dedicated account (under section 37 of the Fire Services Property Levy Bill 2012) is that the commissioner may require interest earned by a collection agency on levy amounts and levy interest to be paid to the commissioner if he or she determines that a collection agency has failed to perform its duties or is in breach of its obligations under the act. This clause is intended to encourage compliance and penalise collection agencies that fail to perform their duties under the act. This is important, because breach of a collection agency's obligation may compromise the funding of Victoria's fire services. This clause limits the jurisdiction of the court in order to ensure the effectiveness of this provision as a penalty and deterrent in order to preserve the integrity of Victoria's new fire services funding model.

I commend the bill to the house.

**Debate adjourned on motion of Mr HOLDING (Lyndhurst).**

**Debate adjourned until Thursday, 13 September.**

## DRUGS, POISONS AND CONTROLLED SUBSTANCES AMENDMENT BILL 2012

### *Statement of compatibility*

#### **Mr RYAN (Minister for Police and Emergency Services) 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 Drugs, Poisons and Controlled Substances Amendment Bill 2012.

In my opinion, the Drugs, Poisons and Controlled Substances Amendment Bill 2012, 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 amend the Drugs, Poisons and Controlled Substances Act 1981 (the DPCSA) to add synthetic cannabinoids and other synthetic substances to the list of prohibited drugs of dependence in schedule 11 to the DPCSA, and to make a technical amendment to the DPCSA.

#### **Human rights issues**

##### *Charter act rights that are relevant to the bill*

There are no human rights protected by the charter act that are relevant to the bill. I therefore conclude that the bill is compatible with the charter act.

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.

The bill amends the Drugs, Poisons and Controlled Substances Act 1981 to add synthetic cannabinoids and other synthetic substances to the list of drugs of dependence in that act. The effect will be to ban these substances as illicit drugs in Victoria.

Changes to the illicit drug market in Australia have seen the emergence of new psychoactive substances. These chemical compounds are often marketed as ‘legal highs’ and are used to mimic the effects of, or provide alternatives to, illegal drugs. Although the long-term toxicity and health impacts of these synthetic substances are not yet known, the negative effects on drug users can be similar to those of illegal drugs.

Importantly, these substances have not been demonstrated to be safe for human consumption and are not subject to quality control processes in production. This increases the risks for drug users, particularly young people who may hold the mistaken notion that because synthetic stimulants are marketed as ‘legal highs’, they are safe.

Synthetic cannabinoids, for example, are designed to mimic the effects of natural cannabis. Marketed under brand names such as Kronik and Spice, they have been associated with adverse effects in users such as anxiety, memory impairment, increased heart rate and, in some reported cases, psychosis.

The Victorian government is determined to deter the supply and use of these psychoactive substances, and to make it clear that these potentially harmful drugs pose risks similar to those of the illicit drugs they seek to emulate.

Accordingly, the bill makes a number of amendments to schedule 11 of the Drugs, Poisons and Controlled Substances Act 1981, which lists drugs of dependence and the quantities of drugs in pure and mixed forms that constitute thresholds for trafficking and possession offences.

Firstly, the bill adds eight synthetic cannabinoids and relevant quantities to schedule 11. In response to rising concerns about the availability of synthetic cannabis products in Victoria, the Victorian government in 2011 temporarily prescribed eight synthetic cannabinoids as drugs of dependence under the Drugs, Poisons and Controlled Substances (Drugs of Dependence — Synthetic Cannabinoids) Regulations 2011. These regulations expire on 8 November 2012. The bill adds the eight substances to schedule 11 with effect from 8 November 2012, to ensure these substances will continue to be prohibited as illicit drugs.

Secondly, the bill widens the ban on synthetic cannabinoids by expanding schedule 11 to include eight generic chemical classes of synthetic cannabinoids and relevant quantities. The aim is to capture all currently known synthetic cannabinoids, as well as emerging synthetic substances that fit within the identified classes.

Classes of synthetic cannabinoids are already controlled in Victoria as schedule 9 poisons under the national poisons standard and hence the unauthorised supply, possession and use of these substances is prohibited under Victoria’s poisons control regime. By adding eight generic chemical classes of synthetic cannabinoids to schedule 11 of the Drugs, Poisons and

Controlled Substances Act 1981, the bill aims to boost the deterrent effect of Victoria's controls by enabling the higher penalties applicable to the possession and trafficking of illicit drugs to be applied to synthetic cannabinoids. The bill specifies that the addition of the eight classes to schedule 11 will take effect on 8 November 2012.

Thirdly, the bill adds five other synthetic substances to schedule 11. Three of these substances are psychoactive drugs commonly used as alternatives to illicit drugs. The synthetic drug known as 4-MMC (also known as mephedrone or 'meow meow') is a synthetic analogue of the illicit drug methcathinone and similar in effect to ecstasy. The synthetic drugs known as BZP and MDPV have stimulant effects comparable to amphetamine. Adverse effects of these psychoactive drugs will vary according to the particular drug used, but may include increased heart rate, elevated blood pressure, memory loss, nausea, depression and confusion, with more severe effects including paranoia, psychosis and violent behaviour.

The other synthetic substances being added to schedule 11 are the industrial chemicals commonly known as 1,4-BD and GBL. These chemicals may be used as substitutes for the illicit drug known as GHB because when ingested they convert in the body to GHB, a depressant drug that slows down the activity of the central nervous system. GHB and its substitutes are used as a form of 'liquid ecstasy' to produce euphoria and sociability or to 'come down' from stimulant drugs. They can cause negative side effects including memory lapses, decreased blood pressure, dizziness and tremor. Disturbingly, police report that they may also be used as 'date rape' drugs.

1,4-BD and GBL are widely and lawfully used in industry as tyre-and-wheel cleaning agents, paint strippers and in the manufacture of plastics, among many other industrial uses. It is intended that these lawful uses will be protected from the effects of scheduling the chemicals as illicit drugs of dependence. To achieve this, the schedule 11 entries for 1,4-BD and GBL in the bill explicitly except lawful industrial purposes where the chemicals are not for human consumption.

The bill makes one further amendment to schedule 11 by moving the illicit drug GHB from part 1 to part 3 of the schedule, to facilitate the forensic analysis of GHB in mixed and small quantities.

Finally, the bill makes a technical amendment to correct an outdated reference in section 52 of the Drugs, Poisons and Controlled Substances Act 1981.

Section 52(1) prohibits the setting of poison baits. Section 52(2) provides exceptions to this offence. For many of those exceptions, section 52(2) requires that reasonable precautions be taken to prevent access to the baits by domestic animals, including cattle. The bill removes an outdated reference to the Pounds Act 1958 and clarifies the meaning of the term 'cattle'.

I commend the bill to the house.

**Debate adjourned on motion of Mr HOLDING (Lyndhurst).**

**Debate adjourned until Thursday, 13 September.**

## PLANNING AND ENVIRONMENT AMENDMENT (GENERAL) BILL 2012

### *Statement of compatibility*

**Mr CLARK (Attorney-General) tabled following statement in accordance with Charter of Human Rights and Responsibilities Act 2006:**

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

In my opinion, the Planning and Environment Amendment (General) Bill 2012, 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 Planning and Environment Amendment (General) Bill 2012 (bill) is to amend the Planning and Environment Act 1987 (act) to abolish development assessment committees, establish the planning application committee, streamline processes under the act and generally improve the operation of the act.

The bill makes consequential changes to the Local Government Act 1989 and a change to the Subdivision Act 1988 in relation to public open space.

The amendments are designed to improve the efficiency and effectiveness of Victoria's planning system.

#### **Human rights issues**

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

##### Section 13 — privacy and reputation

Clause 19 of the bill engages but does not limit the right to privacy and reputation protected by section 13 of the charter act. Clause 19 establishes a new public register.

Clause 19 inserts new section 56A into the act to require a referral authority to keep a register containing the prescribed information in respect of all permit applications referred to

the authority for comment. The register must be made available for inspection free of charge during office hours.

The register is intended to make the performance and decisions of referral authorities in relation to permit applications more transparent and accountable. The information contained in the register will be prescribed in regulations and will specifically relate to the actions of the referral authority in assessing permit applications referred to it. The register will not contain the personal information of individuals.

Permit applications are of public interest. The community expects to have access to information about proposals that are being assessed for approval by responsible authorities and referral authorities. The information to be kept in the register will be limited to that required to maintain the integrity of the permit process.

On this basis, I consider that clause 19 of the bill does not limit section 13 and is compatible with the charter act.

**Conclusion**

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

Robert Clark, MP  
Attorney-General

*Second reading*

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

That this bill be now read a second time.

This bill implements a number of government election promises to deliver a fair, consistent, and transparent planning system for Victoria. The government is committed to improving the Victorian planning system, starting with its legislative base.

The Planning and Environment Act 1987 (the act) has provided a solid framework for planning in Victoria and has generally worked well. However, users of the planning system have told us that they want a system based on genuine consultation, openness and certainty. An efficient and streamlined system that delivers quality planning outcomes is a central desire of all stakeholders in the system.

The government recognises that the act is a means to an end, not an end in itself, and there is considerable scope for improvement.

This bill will reduce paperwork, simplify key planning processes, remove impediments to quick decision making, and restore certainty to residents, councils and businesses.

This bill reaffirms the role of a council as the primary decision-maker on planning matters in their local area

by abolishing development assessment committees. A new body, a planning application committee, will be set up which will be available to work with a council on complex planning matters.

This bill also returns certainty, clarity and accountability to the planning system by:

clarifying the role and responsibilities of a referral authority in the permit process;

introducing reporting requirements for all planning decision-makers;

reducing red tape in the planning scheme amendment and planning permit processes;

removing anomalies in the open space provisions of the Subdivision Act 1988;

speeding up the way in which proposed planning scheme amendments are authorised to proceed.

This bill will also refine, update and improve the general operation of the act to deliver better planning outcomes for Victoria.

The net result of these reforms will enable local councils to focus resources on the most important matters, spending less time on low-risk, low-impact matters, and more time on high-value proposals that deliver councils' strategic objectives.

The principal amendments are to the Planning and Environment Act 1987. There are also consequential changes to the Local Government Act 1989, and changes to the Subdivision Act 1988.

The bill is divided into 12 parts: part 1 deals with preliminary matters; parts 2 and 3 relate to the replacement of development assessment committees; part 4 relates to referral authorities; parts 5 and 6 deal with changes to the planning scheme amendment process; part 7 relates to changes for planning agreements; part 8 clarifies the allocation of financial responsibility for compensation under the act; part 9 sets out changes relating to proceedings before the Victorian Civil and Administrative Tribunal (VCAT); part 10 makes a range of general improvements to the operation of the act; part 11 amends the Subdivision Act 1988; and part 12 is an administrative provision relating to the repeal of this amending act.

That is an overview of the scope of the bill. I will now turn to specific proposals in the bill. I will not go through the provisions of the bill clause by clause; rather I will focus on the key areas of reform and the

effect that they will have on the planning system when implemented.

### **Abolishing development assessment committees**

Part 2 of the bill abolishes development assessment committees.

The previous government imposed the system of development assessment committees, supposedly to encourage joint government and council decision making. Local councils, rightly, did not support this heavy-handed approach. The government also does not support this approach and is abolishing the system. Communities, through their local council, should maintain their role as decision-maker over local planning decisions within their municipality.

Abolishing development assessment committees will ensure communities and local councils keep their say in developments that affect their municipality.

### **Planning application committee**

The government recognises that many councils are stretched for resources. Expert and specialist planning advice is a scarce resource and the shortage of planners is a nationwide problem. There is an opportunity to create a 'pool' of expert resources available to local councils to assist them in making decisions on complex matters.

Part 3 of the bill establishes a new body, the planning application committee (PAC), to work with councils to deliver better local planning decisions.

Importantly, councils will maintain their role as the responsible authority for planning decisions within their municipality, but will be able to seek, with the minister's consent, advice from the PAC where this will assist their decision making. A council may also, with the minister's consent, choose to delegate its decision-making powers to the PAC.

The PAC will be of particular assistance to rural and regional councils that need to deal with one-off complex proposals as it will provide access to skills or expertise that the council may not have 'in house'. These may include proposals that require specific design, environmental, agricultural, heritage or scientific expertise, or projects that are jointly developed by a council and the commercial sector.

The PAC will also be able to advise the minister on any permit application that the minister is the responsible authority for, in the same way as for a council.

Clause 10 of the bill enables the minister to appoint the PAC and provides for its membership. There will be one, ongoing PAC, however the PAC may set up subcommittees to deal with specific applications or kinds of applications. The membership of the PAC will be flexible and could include councillors, council staff, planning and industry professionals. The key is that the membership of the PAC and PAC subcommittees will be tailored to provide the best expertise to the local council to respond to the particular proposal.

### **The planning permit process**

The bill introduces various reforms to make the planning permit application process more certain and efficient, tighten up the involvement of referral authorities in the process, and improve the ongoing administration of permits. I will explain these changes in the order in which they appear in the bill.

### **The referral authority process**

The government recognises the important role of a referral authority in the assessment of permit applications. The recommendations of a referral authority can determine the outcome of an application and the final form of a proposal.

Part 4 of the bill makes changes to improve the process of referring applications to referral authorities and clarify the role of referral authorities. Referral authorities include government departments such as the Department of Sustainability and Environment, Department of Primary Industries and Department of Transport, and a number of statutory authorities such as VicRoads and the Country Fire Authority.

Referral authorities have the power to require a permit application to be refused or for certain conditions to be included in a permit.

Clause 14 of the bill inserts two new definitions of a referral authority into section 3(1) of the act: a determining referral authority and a recommending referral authority.

A determining referral authority will retain the existing power to require a planning application to be refused or for certain conditions to be included in a permit.

A recommending referral authority is a new type of referral authority that will not have a veto power, but rather may comment on an application and the responsible authority must consider those comments. The responsible authority is not obliged to refuse an application or include conditions required by this type of referral authority. A recommending referral authority

will have the right to apply to VCAT for a review of the responsible authority's decision.

The bill sets out the duties of a referral authority in relation to matters referred to it under the act. These duties will encourage greater consistency and quality in the referrals process. They include having regard to the objectives of the act, minister's directions and planning schemes; complying with the act; and providing information and reports as required by the minister.

The bill amends section 55(1) of the act to require a responsible authority, when it refers an application to a referral authority, to provide information prescribed in the regulations about why the referral is required. The bill also requires a referral authority to give the permit applicant a copy of its response, and any requests for further information that it makes to the responsible authority.

The bill also amends section 197 of the act to include referral authorities as bodies required to act promptly when undertaking required acts, such as forming opinions and making decisions.

These changes will speed up the turnaround time for referrals by improving communication between the referral authority, the council and the applicant and will ensure that the reason for the referral is clear.

Proposed section 56A has been created to require a referral authority to keep a register of all permit applications referred to it under sections 55 and 57C of the act. This register must be made publicly available. This action will promote transparency and accountability.

Proposed section 94(2A) provides that a referral authority, rather than the responsible authority, is liable to pay compensation if a permit has been cancelled or amended due to an act or omission of the referral authority. This addresses the situation where currently a responsible authority is liable to pay compensation even if it was the result of a mistake by a referral authority and will restore proper accountability.

### **Other changes to the planning permit process**

Clause 60 of the bill widens the scope of section 72 in the act. Currently a planning permit granted by VCAT may not be amended by a responsible authority. Quite often the holders of these permits are faced with a complex and lengthy process when seeking amendments to the permit. The amendment to section 72 enables a responsible authority to amend a permit granted by VCAT unless VCAT has specified that all or part of the permit may not be amended by the

responsible authority. This will enable changes to be made to permits in a more expedient manner and ease the case load at VCAT.

### **Extension of expired permits**

Clause 77 gives the responsible authority greater scope to extend the time of operation of a permit without the need to go to VCAT. Currently, a responsible authority can extend a permit if a request for an extension is made within three months of the expiry date of the permit. If a request is made after that time, the responsible authority must refuse the request even if it supports the extension. The permit-holder then has to apply to VCAT to review the refusal in order to gain an extension.

Extensions requested within 12 months after a permit has expired are rarely contentious, and the role of VCAT becomes essentially administrative.

This is inefficient and time consuming as these decisions can appropriately be made by the council. The proposed amendment to section 69 will allow a permit-holder to make a request to the responsible authority within six months of the permit expiring. Where development has lawfully started before the permit expires, the permit-holder can make a request within 12 months of that expiry. However, the responsible authority will not be able to extend the permit if the application is not made before or within the time limit set out in section 69. Additionally, the bill clarifies that a permit-holder may only apply to VCAT for a review of a council decision to refuse an extension where they have made their request to the responsible authority within the time frame set out in section 69.

### **The planning scheme amendment process**

Parts 5 and 6 of the bill introduce reforms to improve and streamline the process of amending a planning scheme. There is concern that the current amendment process takes too long, particularly for straightforward planning scheme changes of a technical nature.

The bill streamlines the authorisation step in the amendment process. This is the first formal step in the amendment process and requires the council to obtain authorisation from the minister to prepare a planning scheme amendment.

The authorisation step enables the minister and the department to identify amendments that might affect state policy or interests 'up-front' and provide early advice to the council before the amendment proceeds. There is an opportunity to improve this step to avoid delays.

Clause 42 of the bill will amend the authorisation step so that once a council applies for authorisation, the minister has 10 business days to notify the council that the application has been authorised, refused or requires further review. If 10 business days elapse, and no notice has been given, the council may proceed to prepare the amendment.

Clause 44 of the bill introduces a new section 20A into the act. This section will introduce a streamlined process to enable straightforward changes to planning schemes to be processed quickly, simply and inexpensively. Approximately one-third of amendments are for straightforward changes, such as removing redundant provisions and making corrections. These changes are important to keep planning schemes in good working order, but do not warrant the same consultation steps that strategically significant amendments require.

The criteria for determining what amendments may be prepared under the new streamlined process will be prescribed in regulations, which will be developed in consultation with local councils and other planning stakeholders. The prescribed matters are likely to include updates, corrections and technical changes that have no significant policy impact.

Any person can ask the minister to prepare an amendment under this process, or the minister may initiate the amendment. The key is that the proposed change must meet the criteria prescribed in the regulations. The minister will decide if the proposal meets the criteria and whether to proceed with the request. The minister will prepare the amendment and will consult with the relevant planning authority, which is usually the local council, unless the planning authority has requested the amendment.

### **Planning agreements**

Part 7 of the bill makes various changes to improve the operation and administration of planning agreements made under section 173 of the act.

Clause 49 of the bill introduces a new process for ending and amending planning agreements. These are agreements between a responsible authority and the owner of land to set out conditions or restrictions on the use or development of the land, or to achieve other planning objectives in relation to the land.

The new process for ending or amending an agreement will commence with a party to that agreement asking the responsible authority for 'in-principle' support to end or vary the agreement. If the responsible authority decides that it does not support the change, that

decision will be final and not subject to review. However, if the responsible authority supports the change in principle the assessment of the proposal can proceed, following a process similar to the planning permit process.

Notice of the proposal will be given to relevant parties, including persons who may not be a party to the agreement but may be materially affected. The decision by the responsible authority can be reviewed by VCAT. Review rights will be available to the person who applied to the responsible authority for the change, and to a person who objected to the change or who did not receive adequate notice of the proposed change.

This new procedure will allow agreements to be ended or amended in those situations where it is not possible to get the agreement of all parties. This is an important step in removing redundant agreements.

The bill provides VCAT with a new jurisdiction to make determinations on matters relating to the interpretation of an agreement, so that disputes between parties on the meaning of a provision in an agreement can be resolved.

I will now outline some of the technical changes for planning agreements.

The bill removes the need for the minister to be involved in the ending or amending of agreements, and the requirement that the minister be given a copy of every agreement entered into in the state of Victoria. This eliminates unnecessary administrative burdens from all parties.

The bill also provides that if land subject to an agreement is subsequently subdivided, then each owner of the resultant properties will become an additional party to the agreement. This will remove the current uncertainty about whether, after subdivision, there is one agreement, to which all new owners are a party, or several separate agreements between each new owner and the responsible authority.

The bill also requires that agreements now be recorded on the property title, to ensure that the obligations of the agreement will bind future owners. This replaces the current discretion of the responsible authority as to whether or not to register the agreement on the property title. This reform will ensure greater transparency, certainty and promote compliance with planning agreements.

### General improvements to the act

Parts 8, 9 and 10 of the bill make various changes to refine, update and improve the operation of the act. These include introducing an act-wide definition of a permit, providing immunity to planning panels appointed by the minister under part 8 of the act, clarifying the allocation of financial responsibility for compensation under the act, and providing scope for VCAT to limit its review of a planning matter to the issues in dispute between the parties if all the parties agree.

### Amendments to the Subdivision Act relating to public open space

Part 11 of the bill amends the Subdivision Act 1988 to clarify which parts of sections 18 and 19 of that act will apply to public open space requirements in planning schemes. Clause 87 of the bill will affirm that section 18(1A) of the Subdivision Act 1988 does not apply to public open space requirements set in a planning scheme.

### Conclusion

In concluding, this bill is a significant step in ensuring that Victoria enjoys a fair, consistent and transparent planning system that provides certainty to residents, councils and business, and delivers quality planning outcomes.

I commend the bill to the house.

### Debate adjourned on motion of Mr MADDEN (Essendon).

### Debate adjourned until Thursday, 13 September.

## EVIDENCE AMENDMENT (JOURNALIST PRIVILEGE) BILL 2012

### *Second reading*

### Debate resumed from 28 August; motion of Mr CLARK (Attorney-General).

Ms MILLER (Bentleigh) — I rise to make a contribution to the debate on the Evidence Amendment (Journalist Privilege) Bill 2012 and in doing so acknowledge that the Attorney-General, who is in the house, has done a fabulous job. An article by Justin Quill in the *Herald Sun* of 7 June 2012 states:

Congratulations should go to the *Herald Sun* for the many years of lobbying for this legislation.

And the Baillieu government and, in particular, Attorney-General Robert Clark, should get a pat on the back for backing this legislation.

That is very important. In the streets of Melbourne we have had media coverage, with quotes and images, from the current union dispute. This coverage has informed members of the public, who are expressing outrage at the disgraceful behaviour of the unions. The public outcry at the treatment of the police horses is a result of the media's coverage of those atrocities, which is an example of effectively informing the electorate and the public of Melbourne. This bill supports the freedom and accuracy of that reporting.

To give another example, when I am in my Bentleigh electorate I often speak to local families about issues that are important to them. I am always impressed by how informed and engaged with local policy my constituents are. If the media cannot inform the public openly and freely, the public cannot remain informed and engaged. An example of such a failure to provide information occurred prior to my election to the seat of Bentleigh. The previous member had promised a pedestrian crossing in Jasper Road and informed residents via the local media. When he failed to deliver on that commitment and I was elected in 2010 as the new state member for Bentleigh the residents came to me with this matter. They informed me, and I in turn communicated back to them through the local newspaper. As a result young families, seniors and people of all ages can now safely cross the road at that crossing. That is a very good example of effective media coverage.

A journalist can report in a fair and balanced way. As the Attorney-General said, the purpose of this legislation is to strike the right balance between the public's right to know and the capacity of our courts to access the information needed to uphold justice. The ability to assume that the media are informed and fairly evaluate and assess any story in any situation is a good thing. In Victoria we value our freedoms highly. This bill ensures our freedom of expression and the freedom of journalists and informants to share information and ideas. This legislation was a promise and a commitment the coalition government made to the Victorian people, and we intend to honour and deliver on that promise. More importantly we will be delivering on our commitments to the Victorian people.

In light of the brief time I have available to speak I conclude by saying that I support this bill and commend it to the house.

Mr PERERA (Cranbourne) — I wish to make a brief contribution to the debate on the Evidence

Amendment (Journalist Privilege) Bill 2012. The Evidence Act 2008 in its current form rests on the premise that journalists should normally be expected to reveal their confidential sources. By revealing their confidential sources journalists breach their code of ethics. This amending bill will introduce a shield law to protect journalists from being compelled to give evidence in court proceedings that would reveal their confidential sources. Journalists will enjoy this privilege only if they have received the information when acting as journalists.

The provision needs further clarification. It is not clear what happens if they receive information while they are on holidays or at a social gathering. In such a situation they are not acting as journalists. The second-reading speech specifies that this privilege applies only when a journalist has specifically promised the informant anonymity. How can a journalist prove in a court of law that they have promised an informant anonymity? Such a promise would have to be in writing and be signed by both parties, and that would reveal the source and defeat the purpose of the amendment.

There are two models of journalist shield laws: one is the judicial discretion model, in which the onus is on the journalist to prove that he or she should be given the privilege; the other is the rebuttable presumption model, in which the person seeking the evidence has to prove why the journalist should not be given the privilege. New Zealand went ahead of the pack and implemented new shield laws in 2006. The Australian jurisdictions of the commonwealth, New South Wales and the Australian Capital Territory adopted a rebuttable presumption model for journalist privilege. Western Australia has proposed to adopt the same model, and a bill is before the Parliament of Western Australia.

In the absence of legislative intervention there is no journalist privilege in Victoria that entitles a journalist to withhold evidence from the courts on the grounds of protecting sources. In fact the courts have consistently rejected the recognition of journalist privilege to protect sources in court proceedings. In the 1940 case of *McGuinness v. Attorney-General (Vic)* the High Court considered the policy grounds for allowing such a privilege but rejected the argument in favour of the overriding need for courts to have access to information. The court argued that the paramount principle of public policy is that the truth should always be accessible to the established courts of the country.

In Victoria the notion of journalist privilege has been comprehensively rejected, with existing case law back to *McGuinness v. Attorney-General (Vic)* being cited in support of this position. In the Victorian County Court

Justice Rozenes made the following statement, which sums up the relationship between the code of ethics and the law:

Courts in Australia and England have made clear statements to the effect that journalists are not above the law and may not without penalty expect to be permitted to follow their personal collegiate standards where those standards conflict with the law of the land ...

Until that law is altered, if it is ever to be, then journalists remain in no different position than all other citizens.

Victoria has introduced the bill before the house following the legislation in those other jurisdictions to provide journalist privilege. The opposition does not oppose the bill; however, it should be extended to include as a listed agency the Independent Broad-based Anti-corruption Commission because it is in forums such as IBAC and the Office of Police Integrity that journalists are most often put in the firing line. I end my contribution there.

**Debate adjourned on motion of Mr HODGETT (Kilsyth).**

**Debate adjourned until later this day.**

## ENERGY LEGISLATION AMENDMENT BILL 2012

*Second reading*

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

**Mr O'BRIEN** (Minister for Energy and Resources) — It is a pleasure to sum up on the Energy Legislation Amendment Bill 2012. I thank all members for their contributions and acknowledge the fact that, at least as was indicated in the speeches, this bill will be supported by all sides of the house. That is as it should be, because this bill will save Victorian families and businesses \$94 million in the electricity bills they would have been paying had this government not acted to close the legal loophole created by the former Labor government.

The five electricity distribution businesses in this state would have received a windfall benefit of \$94 million, to which they were not entitled, because of a legal loophole created by the former Labor government. This government believes Victorian families and businesses should see the benefit of that \$94 million in their pockets and energy companies should not see it in their bottom lines when they have not met the performance standards which Victorians are entitled to expect.

In summing up I would like to turn to some of the contributions made to debate on this bill. As lead speaker for the opposition the member for Mill Park raised a number of issues which deserve to be addressed. One is a concern that:

... under the leadership of former Premier Jeff Kennett, the state's public electricity assets were sold ...

That is interesting, because just a couple of weeks ago the Prime Minister of the country and the federal Labor Minister for Resources and Energy actually called on the other states in this country to follow the Victorian model. The Prime Minister stood up at a conference and complained about the fact that those states which still own network assets are seeing much higher charges for their customers as a result of state ownership, because the states that own the network assets are trying to run them hard and reap dividends for their treasuries.

The contrast with Victoria could not be clearer. When I attend national meetings of energy ministers I do it with a view to putting in place a regulatory system which delivers the lowest possible cost to consumers consistent with a safe and reliable supply. I do not have a conflict of interest — unlike those states where the governments own the assets and are trying to make as much money out of them as possible. So it was bizarre to hear the member for Mill Park complaining about the fact that we have a privatised network here in Victoria, when even the Labor Prime Minister of this country says that is a better result for customers. That really shows how out of touch the member for Mill Park is.

I also turn to concerns that were raised by the member for Mill Park about ceiling insulation. The member said:

We need to see the return of ceiling insulation to the VEET (Victorian energy efficiency target) scheme.

She then went on to say:

I will not go as far as to say that I believe the minister may have had too much political motivation behind suspending ceiling insulation from the VEET scheme, but some people might consider that to have been the great driver for having removed it.

What a devastating political point this would have been if it had been this government that had removed ceiling insulation from the Victorian energy efficiency target scheme. Unfortunately the member for Mill Park got it completely wrong. It was her government that removed ceiling insulation from VEET!

**Ms Green** interjected.

**Mr O'BRIEN** — It was her government! That just shows the absolute folly of members opposite who rely on the speaking notes provided by the member for Mill Park. It is the political equivalent of playing with a loaded gun, because she gets it wrong so often. We heard opposition member after opposition member repeat the absolute falsehood that it was this coalition government that removed ceiling insulation from the Victorian energy efficiency target scheme, when in fact it was their government that did that.

This government believes that ceiling insulation has an important part to play in energy efficiency and is going through steps to try to work out if there is a way it can be supported through our VEET scheme without making the same fatal mistakes that Labor made federally through its discredited pink batts scheme, which, as the Minister for Ports has pointed out, actually killed people. We are not prepared to make that same mistake. We will make sure that there are safeguards in place so that we can support ceiling insulation but will do it in a way that will not put people's lives at risk, as happened under Labor.

The last matter to which I would like to turn is the issue of concessions. After 11 years of a Labor government, during which time pensioners and concession card holders saw a discount on their electricity bills for only six months of the year, the Baillieu government came to office and doubled that concession. The Baillieu coalition government, a government that cares about the cost of living and about pensioners and war veterans, doubled the concession to 12 months — 365 days.

If the members opposite cared about it, they would have supported it, but all they do is whinge and carp. It is extraordinary. Having doubled the concession by making it apply 365 days of the year, we heard complaints from members opposite about that concession scheme. What was their complaint? Their complaint was that their federal Labor mates had promised to compensate people for the impact of the carbon tax on their electricity bills. The Prime Minister stood up, hand on heart, and said, 'We will make sure that every pensioner is fully compensated for the impact of the carbon tax on their electricity bills', and the Victorian government said, 'If you take the Prime Minister at her word, there is no need to double compensate'.

For members opposite to criticise this government can only mean one of two things: either the members of the Labor Party in this place believe the Prime Minister told a lie when she said that people would be fully compensated or they do not understand how the scheme

works and they are trying to create a hopeless political diversion from their own failure to stand up against cost of living rises caused by their federal Labor mates.

These are the people who are standing up and embracing the carbon tax, hugging the carbon tax, loving the carbon tax and loving the increase in bills, and they have the gall to complain to this government — a government that has extended the concessions from six months of the year to every day of the year. This is a government that will stand up against bad policy by the Labor Party, whether it be state or federal Labor. We are closing the loophole Labor created and saving Victorians \$94 million on their electricity bills. We are doing it despite the carping and whingeing of those opposite, and we will continue to stand up for Victorians.

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

**Motion agreed to.**

**Read second time.**

*Third reading*

**Motion agreed to.**

**Read third time.**

**RACING LEGISLATION AMENDMENT  
BILL 2012**

*Second reading*

**Debate resumed from earlier this day; motion of  
Dr NAPTHINE (Minister for Racing).**

**Motion agreed to.**

**Read second time.**

*Third reading*

**Motion agreed to.**

**Read third time.**

**EVIDENCE AMENDMENT (JOURNALIST  
PRIVILEGE) BILL 2012**

*Second reading*

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

**Motion agreed to.**

**Read second time.**

*Third reading*

**Motion agreed to.**

**Read third time.**

**RESIDENTIAL TENANCIES AND OTHER  
CONSUMER ACTS AMENDMENT  
BILL 2012**

*Second reading*

**Debate resumed from 29 August; motion of  
Mr O'BRIEN (Minister for Consumer Affairs).**

**Motion agreed to.**

**Read second time.**

*Third reading*

**Motion agreed to.**

**Read third time.**

**COMMUNITY BASED SENTENCES  
(TRANSFER) BILL 2012**

*Second reading*

**Debate resumed from 29 August; motion of  
Mr McINTOSH (Minister for Corrections).**

**Motion agreed to.**

**Read second time.**

*Third reading*

**Motion agreed to.**

**Read third time.**

**Business interrupted pursuant to sessional orders.**

**ADJOURNMENT**

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

That the house now adjourns.

**Mental health: women's facilities**

**Ms HUTCHINS** (Keilor) — I rise to ask the Minister for Mental Health, Minister for Women's Affairs and Minister for Community Services to

urgently increase funding to front-line services such as Women's Health West and Djerriwarrh Health Services to combat the escalating rates of family violence in the western suburbs.

The Baillieu government claims to be tough on crime and came into office on the back of a law and order campaign focused on street crime, but the sad fact is that the rising levels of assaults are mostly due to violence inside the home. It beggars belief that the minister would allow both funding cuts and job cuts to proceed in this sector.

The prevalence of family violence is alarming, and its effects are far reaching. The Victorian Health Promotion Foundation found domestic violence was the leading contributor to death, disability and illness in Victorian women aged 15 to 45 years old and that nearly one in five women report being subjected to violence at some time in their adult lives. An estimated one in four Victorian children and young people have witnessed intimate partner violence, and this exposure increases their risk of developing mental illness, behavioural problems and learning difficulties in the short term and of developing mental health problems later in life.

With regard to local statistics Women's Health West has reported that the 2 per cent indexation does not go anywhere near recognising the increased demand on services in the outer western suburbs. There has been a 63 per cent increase in the requests for services relating to family violence in the western suburbs. The complexity of the region, the entrenched disadvantage in the middle western suburbs and the isolation of the outer western suburbs has compounded these problems. There is also a disproportionately high number of culturally and linguistically diverse people in this region, which is experiencing high levels of population growth. Over 4000 referrals were received by Women's Health West in the last 12 months, which is an increase of more than 50 per cent.

In addition to this, Women's Health West provides services to children who are suffering from ongoing issues relating to family violence. Women's Health West supported 95 kids in the last 12 months, and there are currently 24 kids on a three to four-month waiting list and another 400 kids who could have been seen.

Since 2008 referrals from police have increased by 200 per cent, predominantly in the Wyndham, Brimbank and Melton local government areas. I again ask the minister to reverse the funding cuts and prioritise the victims of family violence, particularly in

the western suburbs, where this issue continues to grow.

### **Lake Tyers Aboriginal Trust: ministerial visit**

**Mr BULL** (Gippsland East) — I raise a matter for the attention of the Minister for Aboriginal Affairs, who I am pleased to see in the house. The action I seek is that she again visit the Lake Tyers Aboriginal Trust to continue discussions on its future governance. As the minister will well know, an administrator was appointed by the previous government to oversee the ongoing operations of the trust. This appointment was made in 2005 and has recently been extended to 31 December this year. Also in 2005 the former government set up the 10-year Lake Tyers renewal project. With the expiry date of that 10-year period starting to appear on the horizon, it is important for the minister to continue discussions with the local community at Lake Tyers on the way forward towards self-governance of the trust.

Aboriginal settlement at Lake Tyers has a long and proud history. Between 1956 and 1965 the residents petitioned for the Lake Tyers mission station to become an independent Aboriginal-run farming cooperative. This was successful, and in 1965 the mission was declared a permanent reserve. Under the Aboriginal Lands Act 1970, 4000 acres of Lake Tyers reserve was handed over to the Lake Tyers Aboriginal Trust. The trust was made up of the reserve residents and continues to function to this day.

I joined the minister last year when she visited Lake Tyers and met with local residents and shareholders to discuss various issues, including the trust returning to self-governance. I now ask the minister to return to Lake Tyers to continue to engage with local community members and continue discussions on this very important matter.

### **Racing: Arabian racing code**

**Ms DUNCAN** (Macedon) — I raise a matter for the attention of the Minister for Racing. The action I seek is for the minister to support Arabian racing, as he committed to do prior to the last election. I ask him to give Arabian racing the recognition it deserves as a legitimate racing code in its own right.

I call on the minister to actively support Arabian racing in ways other than having his photo taken with overseas visitors from the United Arab Emirates (UAE) and elsewhere. I ask the minister at the very least to put in place a 12-month pilot program without all the restrictive conditions that are currently in the way. For

example, Racing Victoria Ltd (RVL) requires that Arabian racing clubs have \$50 million insurance cover for public liability, even though Racing Victoria's own country clubs have to have only \$20 million. The incredible cost of this insurance is but one obstacle being put in the way.

Country clubs are giving this code of racing good support, and there will be race meetings at Mansfield on 6 November and 29 December, with others at Alexandra and Yea early next year. The National Arabian Racehorse Association is in the process of organising the Shadwell Arabian Mile at Caulfield next year and two other races for Sheikh Mansour of the UAE, as well as another for the president of that country. This is incredibly difficult and needs the support of the racing minister and Racing Victoria.

Arabian horse racing is incredibly exciting to watch. The exhibition races conducted within registered thoroughbred race meetings between 1995 and 2002 demonstrated that. Arabian racing meetings held last year and earlier this year were held under mixed sports gathering permits, which were issued by the minister. The permit allows oncourse bookmakers to wager on these races, but for some unexplained reason RVL would not allow it.

For this exciting code of racing to flourish it needs to be financially viable. It is not good enough for individuals in this sector to carry a lot of the risk. It should not be this hard to organise a race when there is so much support here and overseas. I ask the minister to truly get behind this code and do more than offer lip-service. Currently a mixed sports gathering permit gives limited recognition but does not recognise Arabian racing as a legitimate participant in the racing industry. Without the protection of legislation and recognition through it this code's existence is in effect at the mercy of the thoroughbred industry, which could close Arabian racing down at any time, as occurred in Queensland with the sprint racing industry in the 1990s. Even access to training facilities is made difficult, despite the fact RVL has no policy objection to alternative breeds accessing training facilities, provided individual trainers obtain formal permission from racing clubs.

Arabian racing is not recognised under the portfolio of racing or even that of sport and recreation. This excludes its participants from applying for funding or financial assistance. The National Arabian Racehorse Association is struggling to build its industry to be recognised as a legitimate code and to be treated equally. Without legislative recognition and protection it will be increasingly difficult to build a sustainable Arabian racing industry that is internationally

competitive. So far this year two races at Moonee Valley brought to Victoria over \$300 000, including more than 400 people who came from interstate. The various racing clubs make considerable profit. I ask the minister to support this code.

### **Taxis: Frankston station rank**

**Mr SHAW** (Frankston) — I raise a matter for the Minister for Public Transport. The action I seek is advice from the minister about what the Frankston community can do to secure another safe taxi rank. The taxi inquiry has been completed, and Frankston taxis are ranked no. 1, the benchmark for all taxis. There are 64 taxis and a number of disabled wheelchair-access taxis as well. They are right up there for customer satisfaction and are also mentioned in the Fels report as the no. 1 taxi service.

Frankston station is at the end of the line, so we need good linkages with buses and taxis. A safe taxi rank outside the railway station would be terrific. A number of taxi people I have spoken with have called for that. Their feedback is that there should be shelter for the passengers, and closed-circuit television has also been mentioned, as has been installed at another safe taxi rank on Davey Street.

There are safety concerns. I note that protective services officers commenced duty at Frankston railway station on Tuesday night, which is a fantastic result as far as safety is concerned. However, there is also the issue of passenger comfort. A shelter is required to protect waiting passengers from the elements. Nonetheless, safety is still an important matter in Frankston. An increase in police numbers has seen crime reduce by 4.2 per cent up to the year ended March this year. While crime in the rest of the state was up slightly, in Frankston it was down. That is a terrific result.

A shelter has been called for by not just the taxi and bus passengers, who would also utilise a shelter, but by the taxidriviers themselves and the taxi owners, who want shelter for their passengers and customers. I ask the minister for his advice in relation to this matter.

### **Rail: Ginifer station disability access**

**Mr LANGUILLER** (Derrimut) — The matter I raise is for the attention of the Minister for Public Transport. The matter relates to representations I have received from people in wheelchairs and their carers in relation to inadequate access to Ginifer railway station in my electorate. I refer to platform 2 in particular, because people in wheelchairs have issues getting on and off the train due to the big gap between the

platform and the train doors as well as the steepness of the angle between the train and the platform.

Train drivers have advised my constituents to contact Metlink and the commonwealth Department of Infrastructure and Transport. My constituents were told that the matter would be looked into but nothing much could be done about the platform issues. I have been provided with photographs, and I have taken some myself on the site. It is very clear why there have been so many near misses in which wheelchairs have almost toppled over. The action I seek from the minister is that he address this issue. I ask him to get on with the job and ensure that there are no fatalities and that an upgrade is done before fatalities occur.

The previous state government announced that Ginifer railway station would be upgraded to premium status, which would require infrastructure upgrade works at the station. Unfortunately the new government has committed to undertaking a review of this decision, and we are unaware whether these works will go ahead or will include the upgrade of the platforms in the short term.

As you, Speaker, understand, pursuant to disability standards for accessible public transport under the act, the government is required to have 100 per cent of the station platforms completed by 2022. I understand that they are being progressively completed, but I bring to the attention of members one train station that has already been assessed and reviewed with a determination that it needs upgrading. It is a shame the government is reviewing it. It is a shame the government is not keeping the commitment to upgrade that station in Labor heartland, as members from the opposite side of the chamber might call it, because this involves working men and working women. Some of these people are in wheelchairs and there are many others — I will not name them — who have other disabilities, including communicative disabilities. We need to be able to provide them with safe access to public transport and the ability to move around as most of us can do.

### **Healesville Indigenous Community Services Association: ministerial visit**

**Ms McLEISH** (Seymour) — I rise to make a request of the Minister for Aboriginal Affairs. The action is for her to join me in visiting the Healesville Indigenous Community Services Association. Healesville is Wurundjeri land, and HICSA is at its heart. It is a membership-based organisation that has Aboriginal control, with 51 per cent of the board members having to be of Aboriginal or Torres Strait

Islander descent. HICSA was established in 2009. It has come a long way, particularly in terms of the programs it offers and its strategic intent. I am pleased to say it is now an associate member of the Victorian Aboriginal Community Controlled Health Organisation.

A couple of months ago I had the pleasure of visiting HICSA and meeting with Fiona Mawson, the service development and governance coordinator, as well as with three of the board members. Two of the board members will be known to the minister, as they are to me. Auntie Dot Peters has worked tirelessly to make sure Aboriginal servicemen received appropriate recognition for their work. During my service as a parliamentarian it has been great to watch Auntie Dot being inducted into the Victorian Honour Roll of Women and the inaugural Victorian Indigenous Honour Roll. Robynne White is the president and Gary Detez is the other board member I met with at the time of my visit. I also had the privilege of talking to a lot of the staff members of HICSA. I was fairly inspired by them, including Stefanie Grubb, the program coordinator, and Kirsty Savage. I am told Brooke Collins is the new youth worker at HICSA, and she is also a traditional owner. I am yet to meet Brooke, and I look forward to that.

I want to put on the record the mission of HICSA. I will quote for the sake of accuracy. It states:

To establish a welcoming and culturally affirming place in Healesville that provides a central point of contact for community members, both Indigenous and non-Indigenous, for information, services and programs that are focused on building a healthy, strong and skilled community ...

HICSA is very much dedicated to working towards the betterment of Aboriginal people in the area and works particularly towards their advancement. HICSA has some terrific programs. It has a choir; it holds community lunches, where you can go along and sit, chat and share yarns; it provides dental health checks; it has holiday programs; and it provides opportunities to share stories. I would like the minister to join with me to visit HICSA to see the great work it is doing, understand its strategic intention, understand what it is looking for and get an understanding of the issues of this important group in the Healesville community.

I am inspired by the work those at HICSA are doing. I congratulate them for what they have done and their professionalism when progressing their organisation. I look forward to the minister joining me to visit them in Healesville in the near future.

### Building industry: compliance certificates

**Mr PERERA** (Cranbourne) — The matter I raise is for the attention of the Minister for Planning. The action I seek is for the minister to seriously consider an amendment to the current Building Act 1993, especially section 221ZH. During the dark old days of the Liberal Kennett government the act, and subsequently section 221ZH, became law. Section 221ZH identifies that a compliance certificate must be given within five days of the completion or termination of work. However, plumbers and other tradespeople have stated to me that the act does not support the issuing of a compliance certificate only upon actual payment for works. Unfortunately, because of the current act, many plumbers have had to issue a compliance certificate although they have not been paid for the work that they have completed. Many are not even being paid for the work they have gainfully completed. Many are not paid for work they have completed, yet under the act they have to issue a compliance certificate within the specified five days. Many small trade businesses, such as plumbing businesses, are simply not paid by major corporations after completing work that has been agreed but must issue debtors and possible doubtful payers with compliance certificates.

Many plumbers and general small trade businesses believe that the current act is simply unjust and needs to be amended. This matter was brought to the Baillieu government's attention on 31 May last year, when I formally wrote to the Premier. The Premier wrote back on 29 August last year, nearly three months later, advising me that he had passed a copy of my letter addressed to him to the Minister for Planning for his attention. But guess what? It has been one full year since the Premier referred this matter to the Minister for Planning, and I have yet to receive a response. I have experienced 361 days of the government saying, 'I'll get back to you' while plumbers and other small business tradespeople are issuing compliance certificates and some are subsequently not being paid a single cent by large corporations for gainful work performed by them.

I understand and respect the fact that a compliance certificate is vital to any job and should be provided; however, not being paid is a serious issue for tradesmen. In the meantime, during the 361 days of waiting patiently for a response from the Minister for Planning, I formally lodged a petition containing 280 signatures seeking the government's support in revisiting the Building Act —

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

### Police: Somerville station

**Mr BURGESS** (Hastings) — I wish to raise a matter for the Minister for Police and Emergency Services. The action I seek is that the minister visit my electorate to discuss local policing matters and in particular the critically important location of the new 24-hour Somerville police station. The coalition was elected to office on a law and order platform of making our streets safe again. This strong policy was in response to the increased level of crime, violence and antisocial behaviour that has been allowed to skyrocket over the last decade. The coalition government's plan, which is well under way, is to significantly increase Victoria's front-line police numbers and through this and other measures restore law and order to the streets and allow our communities to feel and be safe again.

Victoria Police has some of the best police officers in the country, and the officers in my electorate have both the respect and admiration of our community. However, over the years that Labor was in government the police-to-population ratio was allowed to deteriorate to an unsustainable level. There were simply not enough front-line police officers available to protect communities against increasing levels of crime. Somerville is an example of an area which is experiencing a surge in population but which does not have the resources to cope with increased crime and youth lawlessness that result from such population growth. The solution is local policing for local kids and local communities.

Prior to the 2002 and 2006 elections the Liberal Party committed to building a 24-hour police station in Somerville. The Labor Party continued to ignore the issue completely. Prior to the 2010 election I made the commitment to my community that the coalition government would build a 24-hour police station at Somerville. Since that election the government, through the Minister for Police and Emergency Services, has taken great steps toward fulfilling this critically important and longstanding undertaking. I am asking tonight that the minister visit my electorate to precisely identify where and when the residents of my community will have this great new community safety infrastructure in place.

This government has shown that hoon driving can be dramatically reduced when there is a strong commitment to doing so. This same commitment is now being applied to other areas of crime. The public deserves a strong and well-equipped police presence. The new station for Somerville will ensure a much-needed increase in local law enforcement, and it is an important issue that the coalition government is

addressing. Last year I welcomed the government's announcement of \$30 million in the state budget to begin construction on new police stations, including the new Somerville 24-hour police station. This is really good news for the residents of Somerville, who have pressed so hard for their own police station. The coalition government has listened, and it is delivering.

I invite the Minister for Police and Emergency Services to visit my electorate to discuss law and order matters and to precisely identify the site and the timing of the construction of the new Somerville police station.

### **Yan Yean electorate: transport infrastructure**

**Ms GREEN** (Yan Yean) — I wish to raise a matter for the attention of the Minister for Planning. The action I seek is that he urgently convene a meeting in the Yan Yean electorate between the City of Whittlesea, the Shire of Nillumbik and the Minister for Roads, who is also the Minister for Public Transport, to formulate a funding plan for roads and public transport in the area to deal with the current mayhem that councils and locals are suffering, which includes the impending further transport chaos and disaster that is assured given the decision to shift the urban growth boundary to north of Beveridge, which means that there will be continuous settlement from Craigieburn to Wallan.

My plea on over 10 occasions to the minister responsible for public transport and roads in this Parliament, and the 5000 to 6000 signatures on petitions that I have tabled in relation to these matters, have fallen on deaf ears; they have been greeted with contempt, laughter or derision by the minister. I now conclude that it is time for the Minister for Planning to take charge. He must take charge. The Yan Yean electorate is one of the 11 areas that he represents, and in fact he stood for election in that electorate in 2002, so one would assume that he does know it well. It has 60 000 electors now, and it is the most populous and fastest growing electorate in the state. Residents are now living 30 to 40 kilometres from the city in this electorate. After 7.30 a.m. they find that there are no car parks at Hurstbridge railway station, at Diamond Creek station, at the newly completed South Morang station or at Epping station. The road to Donnybrook is absolutely riddled with potholes. Every road is completely jammed, and it is regularly taking up to 2 hours for people to get to the city. This is simply not good enough and not sustainable into the future.

I urge the Minister for Planning to bring out the Minister for Roads — drag him by the scruff of the neck, because he has refused to come so far — and sit

down with representatives from the City of Whittlesea and the Shire of Nillumbik who are having to deal with this public transport and roads mayhem. We are extremely disappointed that there was nothing in the state government submission to Infrastructure Australia or to the federal government. The Minister for Public Transport has said that the continuation of rail to Mernda would require federal funding, but this government declined to include this project in its most recent submission to the federal government for funding, and it completely missed the funding round prior to that.

We cannot wait further in dealing with this issue. It is going to stifle economic activity. It is causing people who bought in the area to move out and take a huge loss. It has been a great place to live, and it will be a great place to live, but the Minister for Planning needs to take charge and act on this transport mayhem.

### **Member for Albert Park: conduct**

**Mr SOUTHWICK** (Caulfield) — I rise in the adjournment tonight to address a matter to the Minister for Education. The action I seek is that the minister investigate whether the member for Albert Park has acted inappropriately by contacting a state school about the action of a year 12 student, and whether the nature of the contact to the school was inappropriate.

Yesterday I spoke in this place about the shameful support provided to the boycotts, divestment and sanctions campaign by the Victorian private sector branch of the Australian Services Union, a union that the member for Albert Park used to work for. The ASU should be ashamed of its bigotry. I have an intern at my office, James, who is in the middle of his busy year 12 studies at University High School. He is spending a day a week volunteering his time at my office because of his interest in politics and government. This young man is also the president of his school's student representative council, and his volunteerism and passion should be commended.

James spent the day in Parliament yesterday and listened to a debate around unlawful union activity. Last night James did what many of our constituents would do in such a situation; he emailed his local member to seek clarification on some issues. Instead of receiving a polite response, James received an email from the member for Albert Park that I consider to be threatening and bullying in nature. Bizarrely, the member for Albert Park has demanded an apology from his constituent and also threatened to contact his school's principal. He has also said that he would forward James's details on to the ASU, which, given

the union thuggery on the streets of Melbourne, is a very serious threat to make to a young person.

**Mr Foley** interjected.

**The SPEAKER** — Order! The member for Albert Park!

**Mr SOUTHWICK** — To respond with threats of retribution to a school student who has emailed his local MP for the first time is simply appalling and unparliamentary. James has done the right thing by contacting his MP to let him know his views, and he has been threatened. It is little wonder that young people are turned off politics if this is how they are treated. I repeat my call to the minister to talk to the school to clarify whether the member for Albert Park's contact with the school was appropriate.

**Mr Foley** interjected.

**The SPEAKER** — Order! I say to the member for Albert Park that it is not too late for me to throw him out, and I will, and that would run into the next sitting week. Enough!

**Ms Green** interjected.

**The SPEAKER** — Order! If the member for Yan Yean would like an answer to her adjournment matter, she should be quiet.

**Mr McIntosh** — On a point of order, Speaker, the member for Cranbourne raised a matter for the Minister for Planning, and it appeared that he was asking for a statutory change — that is, a change to the Building Act 1993, as I understood it. That is not a permissible action that can be sought. The member for Cranbourne could rectify this if he amended his adjournment matter by seeking that the Minister for Planning visit his electorate to discuss issues in relation to the payment of tradespeople or something like that. I would be quite happy to accept the change. The matter could still be directed to the Minister for Planning, but a rewording of it would enable it to progress as a proper adjournment matter given that the matter as originally put forward appeared to be a request to amend the Building Act 1993.

**The SPEAKER** — Order! I ask the member for Cranbourne if he would be happy for that change to come about.

**Mr Perera** — On the point of order, Speaker, the issue is that due to legislation that was passed during the Kennett government, plumbers have to provide a compliance certificate without being paid for five days,

so this is built into the legislation. Without the legislative amendment — —

**The SPEAKER** — Order! The member is not able to ask for a legislative amendment. Would he like to raise the issue for the minister to investigate?

**Mr Perera** — Basically I am calling on the minister to take action to change that.

**The SPEAKER** — Order! I say to the member for Cranbourne that we are trying to get his adjournment matter up by adjusting the wording. We are being assisted by the Leader of the House in that.

**Mr McIntosh** — Further on the point of order, Speaker, my suggestion is that the member could change his request so that he is seeking that the Minister for Planning visit his electorate to discuss the difficulty of his constituents, including plumbers and other tradespeople, getting paid within an appropriate time period.

**The SPEAKER** — Order! Is the member happy to accept that change?

**Mr Perera** — Yes.

## Responses

**Mr RYAN** (Minister for Police and Emergency Services) — I rise in response to the matters raised for my consideration by the member for Hastings, and I commence by commending the member for the great work he is doing in his electorate, particularly around these issues of public safety, which I know to be very close to first priority for him in his electorate.

The coalition government has committed to build a 24-hour police station at Somerville. We are delivering on that promise. The 2011–12 budget delivered funding to purchase the land and to start design work for the new 24-hour station. The process of identifying an appropriate site has progressed well. I would welcome the opportunity to visit the electorate of Hastings in company with the local member in the near future so that we can discuss this very important public safety initiative in the Hastings electorate.

This is another element of the coalition government's commitment to the people of Victoria, which is around the recruitment, training and deployment of an additional 1700 front-line operational police, together with recruiting, training and deploying 940 protective services officers. Part of that commitment entails the construction of police stations, be they new stations or stations already in existence that need modification. As

the member has so correctly pointed out, there is an election commitment to build a new 24-hour police station within the electorate of Hastings. That is precisely what our government intends to do. I as minister look forward to the opportunity of visiting the electorate in company with the member so that we can give further due attention to this very important task.

**Mr McIntosh** — On a point of order, Speaker, the member for Keilor directed her adjournment matter to the minister in a number of different portfolios. I believe it has to be a bit more specific. I understand that the issue she raised was directed to the Minister for Women's Affairs, not necessarily the Minister for Community Services or otherwise. It should be directed to one portfolio responsibility, which is women's affairs. I ask you to clarify that.

**The SPEAKER** — Order! I will ask the Minister for Women's Affairs to respond to the question.

**Ms WOOLDRIDGE** (Minister for Women's Affairs) — I thank the member for Keilor for raising this important issue about family violence. I am pleased to inform the member for Keilor that the government's investment this year in family violence and sexual assault services has gone to \$85 million, up from \$78 million, so that is nearly a 9 per cent increase in funding from last year to this year in terms of family violence and sexual assault services. There are a number of other good things coming down the track that have been announced, such as new multidisciplinary centres, the continuation of regional family violence coordinators and so on, which has been very clear in terms of our continuing investment.

In the context of our family violence approach, we are also currently undertaking the development of a whole-of-government strategy and action plan in relation to preventing and eliminating violence against women and children. There has been extensive consultation in relation to that with service providers, the community and victims. I have had some very difficult but very challenging and informative meetings across the board. We will be working to make sure we can respond effectively to the incidence of family violence and importantly to prevent it and intervene earlier as well.

As the member said, there has been an increase in the incidence of the reporting of family violence to the police, which has been welcomed from both sides of this Parliament, recognising that increased reporting is very important in getting onto the table what has often been a hidden problem. The former government and the former Attorney-General recognised and welcomed the

increase in reporting as a success factor, and we too welcome the fact that more women are prepared to report the violence they experience. A lot of this has been brought about by changes that the former government made, including the code of practice for the investigation of family violence that was brought in in 2004, and also the Family Violence Protection Act in 2008. Often some aspects of those activities have actually led to that increase in reporting.

One of the challenges has been, though, that the funding was not commensurate with providing an adequate response to the women who, with the new legislation, were given the confidence to report. We did not see the legislation accompanied by a policy position that supported its implications.

We recognise the good work that support agencies are doing. Robyn Gregory at Women's Health West is amazing and a fantastic advocate, and we obviously work closely with her and many other leaders of health organisations across the board to make sure that in the face of the challenges presented by rising reporting we can support the work they do, work with them effectively and make sure that community agencies and the government are working together to be able to effectively respond to these reports.

**Mrs POWELL** (Minister for Aboriginal Affairs) — The member for Gippsland East has invited me to again visit Lake Tyers. I would be pleased to accompany him and will ask my office to arrange a mutually suitable time for a return visit in the coming weeks.

The member for Gippsland rightly talks about the importance of Lake Tyers to Victorian and Australian history. Lake Tyers is unique. The Aboriginal Lands Act 1970 was second only to the South Australian Aboriginal Lands Trust Act 1966 in returning land to Aboriginal people.

The Aboriginal Lands Act is now more than 40 years old, and it has remained unchanged since about 1970 except for three amendments in 2004, one of which was to enable the then Minister for Aboriginal Affairs to appoint an administrator at Lake Tyers if the trust failed to comply with the provisions of the act.

The reason for this amendment and the subsequent appointment of the administrator in 2005 was that the conditions were so bad in late 2003 that the elders from the Lake Tyers Health and Children's Services committee approached the Department of Justice to seek help to stabilise and support their community. Also in 2005 the Department of Justice established the 10-year Lake Tyers community renewal project, and it

brought forward a number of projects. It wanted to increase the pride and participation in the community; improve governance; enhance housing and the physical environment; lift education, employment and economic activity; improve personal safety and reduce crime; and promote health and wellbeing.

While the renewal project has made some significant advances in a number of areas, improvements are still needed. I know that what the Lake Tyers residents and shareholders and the wider community want is to have some idea of how the residents and shareholders might resume community control. As the member said, I visited Lake Tyers with him last July and I listened to the views of the shareholders and the residents. I asked the administrator to establish two committees — a residents committee and a shareholders committee — as a first step towards transition to community control. However, unfortunately there were not sufficient nominations for these committees to proceed.

More recently, though, I have been encouraged by the establishment of a housing working group, and I have asked my department to begin a conversation with residents and shareholders about possible ways to transition to community control. I look forward to visiting Lake Tyers and hearing for myself the views of the residents and shareholders. I particularly want to hear the community's views on the idea of establishing a transitional board of seven administrators to mirror the seven-person committee of management which is the governance arrangement that will be in place when the trust returns to community control. I am happy to go there with the member for Gippsland East and talk to the community and the shareholders. I look forward to accompanying him on the visit.

The member for Seymour asked me to join her in visiting her electorate to meet with the Healesville Indigenous Community Services Association (HICSA). The member for Seymour is a great supporter of her community, and she has a particular interest in the members of the Aboriginal community. She is a great supporter of them, and they have a high regard for her. She outlined the wonderful work that HICSA does for Aboriginal and non-Aboriginal people in their community. The Healesville Aboriginal community has a rich and vibrant cultural heritage, and the area is quite significant, as the member for South-West Coast knows, because he knows that area quite well.

At least two key Victorian Aboriginals are associated with the Healesville area. Both of these individuals were acknowledged earlier this year in the inaugural inductions into the Victorian Indigenous Honour Roll. One of those people is William Barak, who is one of

Aboriginal Victoria's most respected early leaders. He is described as the ambassador to his people. Barak is closely associated with Coranderrk, the Aboriginal settlement established near Healesville.

The other inductee was Aunty Dot Peters, who the member for Seymour spoke quite glowingly about. I had the pleasure of presenting Aunty Dot Peters with her shield in recognition of her induction into the Victorian Indigenous Honour Roll last February. The member rightly says that Aunty Dot is also on the Victorian Women's Honour Roll. Aunty Dot grew up in Healesville. Her numerous achievements include the fact that she successfully brought long-overdue recognition to Aboriginal servicemen and women in the Australian armed forces. In fact on 31 May 2006 the very first Victorian indigenous men and women remembrance service was held at the Shrine of Remembrance. This moving service and tribute is now held annually and has been adopted nationwide. I would be pleased to meet with Aunty Dot Peters and the president of HICSA, Robynne White, who I have also met. My office will liaise with the member for Seymour for a mutually convenient date.

**Mr MULDER** (Minister for Public Transport) — The member for Derrimut has raised an issue for me in relation to disabled passengers in wheelchairs at Ginifer station and the difficulty they have getting on and off trains. He has asked that some action be taken in relation to this matter. As the member is no doubt aware, over many years station platforms aligning with different types of rolling stock and different loading patterns of trains have created an issue in terms of the gap that exists between the rolling stock and platforms. To this end Metro Trains Melbourne drivers use ramps on Siemens and Comeng trains to provide access for disabled passengers between the leading door of a train and the platform. This appears to work well.

I get text messages regarding the performance of the network on a day-to-day basis, and quite often there are issues raised in relation to the fact that we slow the network down to allow drivers time to deal with people who are in wheelchairs so that we can get them on and off in a safe manner. At some stations, such as Box Hill, Metro has introduced new fixed ramps to speed up the loading and unloading of wheelchair or scooter passengers as well. So there is a lot of work happening in this space.

On top of that, when we came to government one of the first initiatives I put in place was to establish a station user panel. On that station user panel are representatives of the disability sector to make sure that when we build stations in Victoria we actually cater, and cater well, for

people with disabilities. We had found with stations such as Laverton, Footscray and some of the newer stations that they were being built without ramps. Without ramps, if the lifts fail, people with disabilities are stranded on stations. We did not think that was good enough, so the new stations that we are building now will have ramps, they will have lifts and they will also have stairs. There is an enormous amount of work taking place in this space, and I can assure the member that Metro is absolutely aware of this issue. We have put an enormous amount of resources into this matter.

In terms of any further upgrades at this station, our priority at this point in time is our election commitment to make sure that we have the infrastructure in place for the protective services officers (PSOs). That is a major priority. Number one, we will have stations like Ginifer that will have the protective service officers in place. As I have said, the Metro staff members are there to assist. If there are any problems in this regard, I would certainly like the member to notify me. I am more than happy to raise this with Metro. We want to make sure that everybody who uses the public transport network is catered for, but in particular those people with disabilities for whom public transport is the only option.

The member for Frankston has raised an issue with me in relation to a Frankston safe taxi rank. We know what a great representative the member for Frankston is in relation to supporting safety initiatives and policy announcements by the Baillieu government in his electorate. Recently he welcomed the PSOs to Frankston. That was a fantastic initiative for the Frankston people. I have no doubt we will see similar types of results in Frankston to those that we have seen at Dandenong and other stations. Unruly behaviour, unsocial behaviour and crime will head south under this policy. As I say, the community welcomes and embraces this policy by our government, as do Metro train drivers, people who work at the stations and the police. It has been warmly welcomed.

The member for Frankston is not one to rest on its laurels. He has delivered on that issue for his community. What has he turned his attention to now? Safer taxi ranks. I congratulate him for bringing this up in Parliament and raising this issue with me. I am delighted to let the member for Frankston know that there will be a funding round in 2012–13 for a taxi rank safety program. I will shortly be writing to local councils, including the Frankston City Council, to let them know about all the fine detail. I will invite Frankston City Council to apply to the taxi rank safety program for a safer taxi rank in Frankston.

I ask the member to sit down with his council and have a discussion, as he has no doubt done in the past. I would even suggest that the member for Frankston visit the local taxi ranks in order to help inform council about how it believes it could get a better and safer taxi rank. That would be similar to the work he has done in relation to protective services officers in his community. I look forward to his involvement in the program with his local community and his council.

**Dr NAPHTHINE** (Minister for Racing) — The member for Macedon raised an issue with regard to Arabian racing here in Victoria. I am pleased to advise the member that Arabian racing has been held at metropolitan tracks in Victoria for the first time — to the best of my knowledge and recollection — under this government. In April 2011 Arabian racing was held at Caulfield with the Shadwell Arabian Mile. I was pleased to be there with Mr Mirza Al Sayegh, a representative of His Highness Sheikh Hamdan Bin Rashid Al Maktoum, Mark Kelly from Shadwell Stud Australasia and Mike Symons, chairman of the Melbourne Racing Club. It was a very auspicious occasion and, as the member admitted, required a special permit, which was issued by me as Minister for Racing.

This year Arabian race meetings have been held at two metropolitan venues, on 27 January at Moonee Valley and on 4 February at Caulfield, and I was at both of those meetings. I did not see the member for Macedon at any of the three meetings; perhaps she was lost in the crowd. The race at Moonee Valley was sponsored by His Highness Sheikh Mansour bin Zayed Al Nahyan's Global Arabian Flat Racing Festival, and Sheikh Hamdan sponsored the race at the Melbourne Racing Club. They were important and significant races, which were held at metropolitan tracks because of a special permit issued by me as Minister for Racing.

It is interesting to note that for a number of years Arabian racing had been trying to get a permit, and I was surprised to learn that one had never been issued under the previous Labor government and the previous Minister for Racing, who refused to provide such a permit. We have been supporting Arabian racing and working with the Arabian racing people, but the previous minister did not issue such a permit.

It is also important to note that my office and I have met with Maureen Milburn and representatives of Arabian racing. We have worked with them, and we seek to continue to work with them to develop Arabian racing. The member would know, because she was part of the government that set it up, that Racing Victoria is independent of government; her government set it up in

that way. She would know the chair of Racing Victoria, Michael Duffy, and she may wish to talk directly with him about her issues.

The issue is that the previous government failed to give permits; this government has been proactive in ensuring that those permits are given and will continue to work with the Arabian racing people. We have suggested, quite rightly and positively, that they need to develop the industry, and one of the best ways to develop the industry is to develop an Arabian racing circuit through country racetracks so they can build up numbers of horses and jockeys to deliver competitive Arabian racing to a metropolitan audience. That is what we are working on with them. We meet regularly with the Arabian racing people, and Patrick Clancy from my office also meets regularly with them. Some of the issues the member raises with regard to insurance need to be taken up by the Arabian racing people with the independent body, Racing Victoria, which was established by the previous Labor government.

I support Arabian racing. I have been at the forefront of taking up issues on behalf of Arabian racing with the broader racing community to facilitate Arabian racing at Caulfield and Moonee Valley. There needs to be further development of the industry in terms of the number of horses, the competitiveness of the races and the involvement of a broader range of trainers and jockeys in the industry. The best way that the Arabian racing community can work that forward is by developing an Arabian racing circuit through the picnic circuit on country racetracks and developing a broader base for the industry to go forward. The member has raised these issues, and I will again take them up with the Arabian racing people. I urge the member to take the issues up directly with Racing Victoria.

**Mr DIXON** (Minister for Education) — The member for Caulfield raised with me a matter regarding a work experience student he has working at his office, who has been attending Parliament. I commend the member for this work experience initiative; many members do it. I also commend the young student for his initiative in being prepared to be involved with his school's student representative council in an active way and also in gaining practical experience in a member's office. He is to be commended and encouraged in that.

The member raised some serious concerns, and I will contact the school principal to ensure that all the protocols have been followed by all parties. The student's welfare is my main concern here, and I want to be assured by the school that the student is being supported and that all relevant protocols involving interactions between the school, the student and, in this

case, a member of Parliament have been followed. I will get back to the member as soon as I have that information.

**Mr McINTOSH** (Minister for Corrections) — The member for Cranbourne raised a matter for the Minister for Planning. That has been amended to enable it to conform with the rules of the chamber, and I will ensure that the matter is passed on to the minister.

The member for Yan Yean also raised a matter for the Minister for Planning in relation to convening a meeting with local government and residents to discuss funding for improvements to public transport and roads in her electorate, and I will ensure that the matter is passed on to the minister.

**The SPEAKER** — Order! I say to all the ministers who attended the house that every question that was asked of a minister was answered by that minister, and I thank them for coming into the house. It was excellent.

I will now adjourn the house until 9.30 a.m. next Thursday morning in Ballarat.

**House adjourned 4.56 p.m. until Thursday, 6 September.**

