

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

LEGISLATIVE ASSEMBLY

FIFTY-SEVENTH PARLIAMENT

FIRST SESSION

Tuesday, 11 December 2012

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FIFTY-SEVENTH PARLIAMENT — FIRST SESSION

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Kotsiras, Mr Nicholas	Bulleen	LP			
Languiller, Mr Telmo Ramon	Derrimut	ALP			

¹ Resigned 21 December 2010

² Elected 24 March 2012

³ Resigned 27 January 2012

⁴ Elected 21 July 2012

⁵ Elected 19 February 2011

⁶ Resigned 7 May 2012

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Tuesday, 11 December 2012

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

DISTINGUISHED VISITORS

The SPEAKER — Order! Before I call on the Premier I would like to acknowledge the presence of Noel Maughan, a former member for Rodney in this house. It is a pleasure to see you, Noel.

CONDOLENCES

Hon. Richard Strachan de Fegely

The SPEAKER — Order! I wish to advise the house of the death of the Honourable Richard Strachan de Fegely, a member of the Legislative Council for Ballarat Province from 1985 to 1999.

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

Honourable members stood in their places.

The SPEAKER — Order! I shall convey a message of sympathy from the house to the relatives of the Honourable Richard Strachan de Fegely.

Dame Elisabeth Joy Murdoch, AC, DBE

Mr BAILLIEU (Premier) — I move:

That this house expresses its sincere sorrow at the death, on 5 December 2012, of Dame Elisabeth Joy Murdoch, AC, DBE, and places on record its acknowledgement of the valuable services rendered by Dame Elisabeth to the people of Victoria.

Dame Elisabeth Murdoch was a wonderful Victorian, perhaps amongst this state's most wonderful and most revered. She was, certainly in my mind, Victoria's most loved and most loving. She was in this state, in this nation and across the world quite simply a beacon of love. Over her long and amazing life she had her arms around so many people, so many organisations, so many institutions, so many communities. Dame Elisabeth Murdoch was in every respect Victoria's guardian angel.

There is so much we will all remember Dame Elisabeth Murdoch for, but in capturing the essence of her contribution I want to focus on just a couple of aspects at the start — her smile and her hands. Anybody anywhere in the world, but more particularly in Victoria, who has had the pleasure and the privilege of meeting Dame Elisabeth Murdoch over any one of her

103-plus years could only have been struck by her everlasting, enduring, warm and engaging smile through which she shared her imagination, her life and her encouragement with others. And at the same time they could only have been struck by her hands, always demonstrating and equally firm. Even past 100 years old she was still firm of hand and warm of hand; they were welcoming and ever evident in her life.

Those who have had the privilege of meeting Dame Elisabeth on many occasions I am sure will either be aware of or have been the beneficiary of one of the pieces of magic done with her hands: her handwritten letters. She said on many occasions that she loved nothing more than receiving handwritten letters and she loved nothing more than writing them, and I am sure many members of this house on both sides of the chamber would have at some stage or other received a handwritten note from Dame Elisabeth. Yes, I have mine, and they are treasured possessions because they say so much about her.

Likewise, many members on both sides of this house and indeed many Victorians and many Australians, probably hundreds of thousands, have had an opportunity to have a photograph taken at one stage or another with Dame Elisabeth. Invariably those photographs have at their core the print of her smile. Those meetings, those encounters, those moments and those laughs, which hundreds of thousands of Australians and people right around the world have shared, have inevitably been characterised by the warmth of her smile, the warmth of her welcome, the warmth of her care and the open arms and giving hands.

With the passing of Dame Elisabeth Murdoch, Victoria has lost a great benefactor. Australia has lost a person who lived her public life not only by example but by her deeds, and many people have lost someone who was very simply a kind, wonderful, loyal and thoughtful friend.

Elisabeth Joy Greene was born on 8 February 1909 in Melbourne, the third daughter of Rupert and Marie Greene. She was educated at home and then as a boarder at Clyde School at Woodend. During her schooling she developed from an early age a significant sense of compassion towards others. Her class knitted singlets for babies at the Royal Children's Hospital, and Elisabeth Greene knitted more — with her hands — than anyone else. The reward was a tour of the hospital, then based at Carlton. Who could have imagined that her connection with the Royal Children's Hospital, which spanned some 75 years as a board member, president of the hospital, major fundraiser, benefactor,

patron and advocate, could have commenced in such a gentle and innocent way.

At the age of 18 Elisabeth Greene met the then editor of the Melbourne *Herald*, Keith Murdoch, who had made his name as a war correspondent in the Dardanelles. They married in 1928 and had a loving partnership for 24 years. They were blessed with four children: Helen, who sadly predeceased her mother, Rupert, Anne and Janet. As a wedding present Keith Murdoch bought some land and a cottage at Langwarrin, and Cruden Farm became not only the holiday home it was first intended to be but then the family's principal home and the centre of this remarkable family's life. Sadly, Sir Keith died suddenly there in 1952, and it is poignant but perhaps appropriate, given her love of Sir Keith and of Cruden Farm, that it was at Cruden Farm that Dame Elisabeth passed away last week.

As a young mum Elisabeth Murdoch was also a strong supporter of her husband's career as it developed, and it was quite simply a notable fact, reported just the other day, that she got to know every Australian Prime Minister from Billy Hughes to the present day as well as every Premier of Victoria and many other people involved in politics and business, not only in this country but right around the world. But then it is perhaps not that remarkable because her networking was always designed with an end result in mind. The end result was doing good for others and cajoling and nudging people in the most charming imaginable way into supporting good causes.

Keith Murdoch was knighted in 1933, so his wife became, aged just 24, Lady Murdoch. That year her practical good sense and skill with people saw her invited by the then president of the Royal Children's Hospital (RCH), Lady Latham, to join the board of the hospital, clearly with the intention that Lady Murdoch would become president of the board. As president she argued strongly with the then Premier, Henry Bolte, that the new hospital should be built on vacant land at Parkville. The brave Premier disagreed, preferring to redevelop the Carlton site. 'Well then, Mr Premier', she replied, 'you will have to ask someone else to do it'. Formidable though he was, Henry Bolte quickly realised he had met his match and that Lady Murdoch had the support of not only her board but the professional staff at the RCH, and she won.

It was appropriate that when the Queen came to Melbourne in 1963 to open the new buildings she was escorted around the hospital by Elisabeth Murdoch, and it was also appropriate that the date coincided with Dame Elisabeth's appointment as Dame Commander of the Order of the British Empire for her charitable

services. But Dame Elisabeth never joined an organisation simply to be a name on a letterhead; that was not her style. She joined to be active and to encourage the support of others. She became founding chairman of the hospital's research foundation, and she was also instrumental in her family founding the new Murdoch institute for research into birth defects.

Having seen the Royal Children's move into its new facilities, Dame Elisabeth looked for new challenges. They came in the form of her appointment as the first woman trustee of the National Gallery of Victoria. Of course her husband, Keith, had also been a trustee. In fact it was he who had overseen the separation of the state library, the museum and the national gallery into the individual entities which we know today.

An important part of their married life was their joint and abiding interest in visual art, especially sculpture, so Dame Elisabeth went to the national gallery not just as a prominent name but as someone with a keen and educated eye for art and for building the Victorian collection. In an interview not so many years ago when asked about her charitable support, Dame Elisabeth said her personal situation meant she was able to support good causes but that relationships were much more important. The flood of stories that we have all heard since the sad news of her death are testament to her generous philosophy of life. Neighbours, leading political and business figures, medical administrators and people she met in her daily life have all told wonderful stories about their encounters with this kind, practical, gracious but above all thoughtful woman.

The range of organisations she actively supported is simply astonishing, and I suspect in the course of the debate on this condolence motion we will hear many of them. Many organisations have placed tributes in the media in recent days. There is not time to name all of them, but an illustration of the range of her interests is revealed by tributes made by Trinity College at Melbourne University, the Royal Society for the Prevention of Cruelty to Animals, the E. W. Tipping Foundation, the Lighthouse Foundation, Wesley Mission, Merriang Special Development School, Uncle Bobs Club, the Blue Ribbon Foundation, the Deafness Foundation, the Children First Foundation, the Royal Botanic Gardens and the Advisory Council for Children with Impaired Hearing. Several institutions bear her name, among them Elisabeth Murdoch College at Langwarrin, Elisabeth Murdoch House at Geelong Grammar School, Elisabeth Murdoch Walk at the McClelland Gallery and Sculpture Park, the Elisabeth Murdoch Building at the Victorian College of the Arts (VCA), and Elisabeth Murdoch Hall in the Melbourne

Recital Centre, where she celebrated her 103rd birthday last February.

Dame Elisabeth's philosophy was simple. She said:

It is very rewarding when you know you are making a difference to the lives of other people.

That was the approach she lived by. It was never, ever about her. Even when it was for her, it was not about her; it was about others as far as she was concerned. She was particularly keen to support young Victorian talent in the arts and music. She founded the Keith and Elisabeth Murdoch Travelling Fellowship at the VCA, which supports young artists and musicians to broaden their skills overseas. It is fitting that the new development at Southbank has been named VCA Elisabeth Murdoch.

Of course she was no traditionalist in the sense of supporting only conventional art, and she commissioned several innovative sculptures that grace the garden at Cruden Farm. She endowed the Elisabeth Murdoch Sculpture Foundation and provided funds for a chair of landscape architecture at Melbourne University. She was also a founder of the Victorian Tapestry Workshop, and was extremely knowledgeable about needlework in all its forms.

Cruden Farm at Langwarrin was originally established by Keith and Elisabeth as a holiday home, but it became their principal residence, the centre of their daily family life and an oasis of calm and innovative garden planning. I think everybody in Victoria would understand that Dame Elisabeth loved gardens, and anybody who has had the privilege and the opportunity to visit Cruden Farm at one of the open days or otherwise can only have been in awe of what the family generated there, and she was so much a part of it. She frequently opened Cruden Farm to benefit local charities and was proud to show visitors the latest development in the spectacular gardens peppered by modern sculptures and native and exotic plants that she had so carefully selected herself. She was no armchair gardener; she had dirt under the fingernails. She was most comfortable on her knees digging plants into the ground, weeding and getting her hands dirty. She planted trees strategically, and 50 years later was able to see them in their maturity.

On her 80th birthday she was given a converted golf buggy to help her get around the farm. As was her wont, she smiled and laughed, and with her wit and sense of humour, which was ever engaging, said, 'I'm sure it will be useful to take my older friends around'. She remained mentally acute throughout her life and was an exceptionally good judge of character.

Dame Elisabeth received several civic honours. In 1961 she was appointed Commander of the Most Excellent Order of the British Empire for her work as president of the Royal Children's Hospital. In 1963 she was promoted to be a Dame Commander of the Order of the British Empire for her charitable services, and in 1989 she was made a Companion of the Order of Australia for her community services and philanthropy, and in 2001 she received the Centenary Medal. Dame Elisabeth was also honoured in the academic world, being a fellow of Trinity College and awarded honorary doctorates of laws from both the University of Melbourne and Monash University. Earlier this year she received the exceptional honour of becoming the first freewoman of the City of Melbourne in this city's history. She deserved all of these honours, but she wore each and every one of them very lightly.

Elisabeth Murdoch's legacy is both public and private. Her public role is well-known by tens of thousands of people in this country — I would argue hundreds of thousands of people — and many more around the world. Her deep commitment to philanthropy and using her skills for fundraising and encouraging governments and businesses alike to support voluntary work and research into childhood illnesses is well recorded and will undoubtedly live on, but her private role in helping so many individuals faced with challenges and adversity, often anonymously and without any attention being sought, is just as important. It will live on in the minds of the many she helped financially, with practical encouragement or simply with her smile and her hands.

We extend our sympathies to her children and to her extraordinarily large extended family. At last count Dame Elisabeth had 77 living direct descendants.

Today we salute Dame Elisabeth Murdoch for her lifetime of selfless service. Her personal circumstances were such that on being widowed she could have chosen a private and comfortable life, but she decided to take another course and devote her long and wonderful life to the service of others, to the lasting benefit of this state and this nation. I do not think it is overstating the case to say that Dame Elisabeth's century was simply remarkable. Perhaps we will never see a life like hers again, but we are all richer for her having been among us.

When the state memorial service takes place at St Paul's Cathedral next week, there will be, I am sure, a large crowd celebrating a wonderful life and honouring a wonderful human being. Dame Elisabeth made a substantial personal donation to the cathedral to help restore the spire, and by way of tribute the stonemasons installed a likeness of her in the

stonework. She laughed about it and said it would be too high for anyone to see. The challenge for all those who attend the service is to search it out, to share that smile and to understand the loving hands that made it.

Everyone looking around this state can see the tangible legacy of Dame Elisabeth Murdoch, and there is so much more she did privately that is known only to those individuals concerned. It is wonderful that her image will be watching over Melbourne for generations to come. She is an example to all of us.

A little over 12 months ago the world witnessed a moment of extraordinary symmetry and extraordinary warmth. Many of us here were party to that moment. It was brief, it was powerful, the memory of it will be everlasting and it spoke so much of the history of this state. It was a meeting of two of the most admired people in the world. Fittingly it took place surrounded by children and flowers. Fittingly, it took place in Victoria, a state named after Queen Victoria, the longest serving monarch. They were Victorian circumstances, but it was an Elizabethan moment. It was a meeting of Queen Elizabeth, just weeks from celebrating the 60th year of her reign, and Dame Elisabeth. It took place at the opening of the new Royal Children's Hospital.

Two of the most extraordinary contributors to the peace, stability and wellbeing of our state came together in Victoria, the most livable state in the world — two women imbued with grace, dignity, warmth, a sense of duty and compassion; two women whose lives may have been based on opposite sides of the world but whose deeds and values have been shared and whose paths have crossed on so many occasions. It was a moment of uncommon simplicity, respect and love. It was characterised, fittingly, by the broadest of smiles, a sharing of the hands that have said so much, an exchange of gentleness and understanding and the happy acknowledgement of all who were in attendance, recognising the significance of that moment.

Dame Elisabeth Murdoch began her life in an era when history was recorded simply and in black and white. It ended, after more than 103 years of love and devotion, in an era when history is recorded, fittingly for her, in full colour. Dame Elisabeth Murdoch coloured the canvas of this state and its history in unforgettable ways. She touched so many people, she touched so many organisations and she touched so many places. The parks, the gardens, the landscapes, the rose bushes and the trees she so happily nurtured joined all Australians, all Victorians, in shedding a tear the day Dame Elisabeth Murdoch died. We send our condolences to her family, we say thank you for her life

and we are assured that her legacy will live on in Victoria for a very long time.

Mr ANDREWS (Leader of the Opposition) — I wish to add to the Premier's eloquent and generous remarks on the passing of Dame Elisabeth Joy Murdoch. Last week Victoria lost an icon, a figure so constant in a century of change, a symbol so central to the story of our state. We lost a dedicated philanthropist who founded and funded so many charitable causes that, decades on, still thrive. We lost a tireless advocate who rebuilt and reformed many of our public institutions. We lost the face of the legacy that lives on within them. Last week we lost a sharp mind and a vast spirit. We lost a mother, a grandmother, a patron and a friend. Last week we lost a remarkable Victorian.

I had the great honour of meeting Dame Elisabeth on a number of occasions. Each time I was greeted with trademark warmth. She simply carried no pretence. In 1963 Dame Elisabeth attended the opening of a new Royal Children's Hospital in Parkville. The landmark crowned her decades of service to that institution — 11 years as its president and many more as its champion. However, my lasting memory of Dame Elisabeth will be her presence at the opening of another new Royal Children's Hospital building, this time in 2011. Her Majesty the Queen was present on both occasions, and the half century in between saw generations of our youngest and most vulnerable, our smallest Victorians, receive the world's best medical care. Just as Dame Elisabeth built up the Royal Children's, so too she helped nurture the knowledge and skills of the doctors and nurses within it.

The Murdoch Children's Research Institute was founded to study birth defects. Today it is one of the most recognised paediatric health institutes anywhere in the world and a leader in its field. It has received over \$50 million from the Murdoch family over the last 25 years. It stands as another monument to Dame Elisabeth's design, of which there are simply too many to list. With her dedication to hundreds of charitable causes and trusts, her passion for education and the arts, for voluntary organisations, for community building and strengthening, for disability support groups and for many different and worthy causes, there is hardly a corner of this state that Dame Elisabeth did not colour with her kindness. For that we title her one of Victoria's greatest treasures.

Dame Elisabeth saw more than most in her 103 eventful years. She travelled the world with Sir Keith and dined with statesmen and monarchs right up until her retirement. But she would always return to the 90 acres of heaven that she called home. Cruden

Farm has always been at the heart of her family's story, and perhaps nothing so represents Dame Elisabeth and her legacy to Victoria than her beloved property and her quiet efforts to perfect and preserve it. When the farm was purchased some 80 years ago Dame Elisabeth could have viewed a sleepy, green landscape beyond the fence line. As Melbourne suburbs rolled southward her vista slowly came to life as families, houses and industry came to her part of the world and her part of paradise.

Today that quiet, bygone landscape is unrecognisable. Entire suburbs now bend around Cruden Farm and roads encircle it, but when you enter the property the groans of the city start to cease. You are met by a serene and scenic garden — one of Melbourne's most precious. You are met with almost a century of meticulous care, nothing grandiose but a landscape perfect in its ease and simplicity. You are met with the peace of another era. Sometimes you were met by Dame Elisabeth herself when she opened the gates of her farm to the public and welcomed Melbourne and Victorians onto her veranda. The farm was hers for 84 years. It was where she raised her children, it was where she and her husband spent their last moments, and it was where she anchored a life well lived. As Melbourne changed, Dame Elisabeth would remain, just like Cruden Farm, an immaculate feature of our landscape, strong and constant for more than a century.

As she meticulously nurtured life within her fence line, so too she did beyond it, in her deeds and her words and her gifts to our society. The seeds of her philanthropy unfurled into life over the course of decades. Hers was a patient vision, and while it took great effort, her product always grew. Together we honour her design. We could not count the many thousands of children granted a second chance at life by Dame Elisabeth's philanthropy. We could not measure the knowledge our doctors and scientists have gained with her passion for paediatric research. We could not begin to calculate her contribution to our state, so wide was her reach and so deep was her generosity and her spirit.

Dame Elisabeth gave us so much. Her devotion has touched the life of every Victorian. How quickly she would dismiss this praise and the tributes and the thankyou's of the many admirers we echo today. Her modesty and her essential decency adorn every one of her achievements, and her recognition, while always earned, was never sought. It is up to us now to tell her story and to always remember her contribution to this state and her genuine love for its people.

On behalf of the parliamentary Labor Party, I offer my deepest condolences to the family and friends of Dame

Elisabeth Murdoch. I offer my condolences to those who knew and admired this remarkable woman and to those whose lives were bettered by her profound benevolence. I offer my sincere thanks to Dame Elisabeth for her words, her deeds and her lasting example. We should forever treasure the memories of a life well lived.

Mr RYAN (Minister for Police and Emergency Services) — Dame Elisabeth Murdoch was an extraordinary woman. She was the epitome of goodness. The Premier and Leader of the Opposition have so ably catalogued her many roles and achievements during the course of her life. She was 103 years young at the time of her passing. Her life spanned two centuries. Many articles have been written since the time of her passing. One of those was written by John Hamilton and published on 6 December. In the course of the article he traced the life of this extraordinary woman and her many achievements. She was a mother, a grandmother, a community leader, and she was the supporter of a plethora of charitable causes. As has been observed, many thousands of people were the beneficiaries of the support she advanced to them over the course of her life.

She was the matriarch of one of the world's great media families. She identified and empathised with every person. She was by nature an eternal optimist. She forever gave hope. If there is a greatest gift that one can give to people, it is that of hope — and she bestowed hope upon all those with whom she came in contact. Her generosity of spirit is, of course, now legend. It was not in only a material sense that she extended that generosity; rather, it was the fact of the support she gave to people in so many ways.

To meet her was to be uplifted. Those sparkling blue eyes, her absolute and genuine interest in the course of conversation with her, the focused attention which she gave in the course of conversation, the very agile mind, the incisive comment and the ever-ready laughter were features of this wonderful lady. As I say, she bestowed them upon all. It mattered to her not at all what one's station was in life. She had an absolute and uncompromising commitment to public and community service.

Some of the leading features of this beautiful lady were captured in the articles that have been written recently. Amongst the quotes attributed to her are 'Be optimistic — and always think of other people before yourself' and 'Happiness, I think, lies in thought for other people and trying to help them'. When she turned 98 — 98, mind you — she said:

It is very important to be busy every minute of the day. I am a great believer in being overstretched. I think we do our best when we are tested.

On another occasion she said:

We're not here for ourselves in the world — we're here to help others.

There are many other such comments that are reflected in the articles that have been written to capture the life of this wonderful person.

Even in her advancing years her physical capacity to participate was nothing less than remarkable. Hers, indeed, has been a life so well led. Fittingly, it was a life that finished in the arms of her beloved family, to whom we extend our deepest sympathy. We have seen the passing of a great Victorian and a great Australian.

Mr SCOTT (Preston) — It is an honour to speak on this condolence motion and pay tribute to the life of Dame Elisabeth Joy Murdoch, AC, DBE. Hers was a life of dedication to others. Perhaps Australia does not have the tradition of public philanthropy that exists in the United States, yet Dame Elisabeth Murdoch was the equal of any philanthropist. If you look to the root of that word, you gain an insight into her life. It is a combination of 'phil', loving, and 'anthropos', mankind. Hers was a life of loving mankind, of giving to others and of empathy, which the Deputy Premier spoke of and which is the key to her life.

As was stated by the Premier, her relationship with the Royal Children's Hospital sprang from knitting for the babies at the hospital and visiting them. I understand she was devastated by the sights she saw at the hospital. This led to a lifetime of dedication, leading to time served as president of the management committee and to seeing the rebuilding of the hospital at the Parkville site. She was also a trailblazer for women, as the first woman member of the Council of Trustees of the National Gallery of Victoria. She co-founded a number of organisations including the Victorian Tapestry Workshop, now the Australian Tapestry Workshop, and the Murdoch Institute, now the Murdoch Children's Institute — which, as was touched upon, is a world-leading paediatric research institute.

Recently it was stated that she supported 110 charities annually. The scope of her work is perhaps almost beyond comprehension, it was such a life of empathy and love. Her interests were in fact befitting that of the Renaissance ideal of a full life, covering many fields, including research, children's health, deafness, animal welfare, architecture, gardens and the arts in the most broad and general meaning of the word.

In keeping with her full life, her legacy will live on long after her passing. The ripples of her good works will be felt throughout our community for a long time. Victoria is a much better place for her life. We owe her a debt of gratitude and do well to honour her life and works. We give thanks for her, and to her family we give our condolences and send our empathy to her loved ones during this difficult time.

Mr THOMPSON (Sandringham) — Dame Elisabeth quietly wove many unseen golden threads into the tapestry of Australian community and public life. She reached out to others across the community with a helping hand. She maintained wide-ranging interests in literature, music, horticulture, current affairs and medical research — in fact, in every worthy spectrum of Australian community life.

Her concern for the welfare of others became evident early in her life, and she increasingly took up the cause of numerous community organisations. She served on the management committee of the Royal Children's Hospital from 1933 and as president from 1954 to 1965. She served as patron of the Murdoch Children's Research Institute, which provides innovative, world-class research into children's health care. Her other patronages included the Royal Society for the Prevention of Cruelty to Animals and the Australian-American Association.

In 1963, 10 years after the death of her husband, Sir Keith, Elisabeth became a Dame Commander of the Order of the British Empire. In 1976 she co-founded the Victorian Tapestry Workshop, now the Australian Tapestry Workshop, of which she served as chairman, patron and emeritus trustee. Every year more than 10 million people including Australian and overseas visitors view the unique tapestries created by the workshop. Her interest in the arts also encompassed the Victorian College of the Arts, and she served as emeritus trustee of the National Gallery of Victoria. She was the first woman appointed a member of the Council of Trustees of the National Gallery of Victoria.

In 1968 she was awarded an honorary doctorate of laws by the University of Melbourne for her outstanding contribution to research, the arts and philanthropy. Trinity College installed her as a fellow in 2000. Dame Elisabeth was a faithful longstanding member of her local Anglican church and was a generous benefactor to the restoration of St Paul's Cathedral.

Two stories from Red Symons's morning breakfast show on ABC radio after the announcement of her death include the following. One caller recollected:

Dame Elisabeth went to the same church as our family. We were building a new home close to Cruden Farm and something went wrong and we had nowhere to live. Dame Elisabeth said, 'I have some rooms at the back of my house; you can come and stay with me' — and we did. Of a morning there would be a knock on the door and Dame Elisabeth would give us a jug of fresh milk. We lived with her for about six months.

It was also recounted that:

Dame Elisabeth had a cleaner called Queenie. When Queenie became too old and unwell to continue in her position, Dame Elisabeth said, 'You come and live with me and I will look after you'.

On 26 February 2004 Dame Elisabeth accepted a random call from a member of Parliament to ascertain whether she would be prepared to be patron of a competition promoting the use of home-grown vegetables and their cultivation in the backyards of Melbourne. The competition was originally directed towards Melbourne's Greek community, but it later spread to the Italian community and then to the whole of Melbourne. Dame Elisabeth accepted an invitation to attend the handsome home of Mark Dymiotis, who prepared a meal to showcase vegetables and fruit from his own garden. Mark recalled that she asked him if he had a walnut tree, and when he responded that he did not, she offered him a seedling from her garden. In turn she asked for some green bean seeds from his garden. This represented a wonderful melding of migrant journeys, human dignity and integrated Melbourne at its best.

Dame Elisabeth was keenly interested in the lives of all who attended Mr Dymiotis's home, and she made each person there feel special. Representatives of the Jewish community, Greek community and Italian community attended the gathering. In the evening she shared insights from her life's journey, shared stories of her family life and stressed the fact that she was so grateful to her wonderful husband, Keith, who had enabled and encouraged her involvement in a range of organisations, particularly the Royal Children's Hospital, and who had given her the gift of Cruden Farm, letting her develop it in the way she wanted.

There was a marvellous Andrew Denton television interview with Dame Elisabeth, and recollections on a 3AW radio program, where people described Cruden Farm, including its gardens, scented-gum driveway and picking garden. A number of members of this house have shared many fine afternoons at her gardens, which were opened up to the people of Victoria.

Dame Elisabeth was as comfortable sitting around a laminex table or on the back veranda of a war service home as she was dining here at Spring Street. This

observation was also recorded by Lawrence Money in his comments in an article in the *Sydney Morning Herald* following her death, which states:

She was interested in everybody and everything, equally comfortable with a gardener in overalls as she was with a governor-general in full regalia.

She invested herself, her energy, her passion and her convictions in a vast range of causes. That is what made her one of the most remarkable philanthropists and community leaders this country has ever seen. In the areas of health, scientific research, the performing arts, literature, social welfare and the environment, generations to come will benefit from Dame Elisabeth's determination to make this world better.

The former chief of Microsoft Australia described Dame Elisabeth as 'one of the greatest philanthropists we've ever seen'. Peter Blunden of News Ltd described her as a 'national treasure', whose 'legacy will live forever'. She was described by the *Age* as a 'person of rare and constant good humour, of grace, humility and spirited opinions'.

Dame Elisabeth was also a champion of just causes. In 2007, to mark the 200th anniversary of the passing of a bill by William Wilberforce in the House of Commons that led to the abolition of slavery in the British Empire, an event was held in Queen's Hall here at the Victorian Parliament and was attended by members from both sides of this house. The event honoured contributions made by Victorian citizens to the Australian community that were reflective of the contribution of Wilberforce some 200 years earlier and the work of members of the Clapham sect, which changed the course of world history. Dame Elisabeth was one of the recipients of the awards, along with General Eva Burrows; Sir James Gobbo; Michael Bowden, recognising his work among Indigenous Australians in the Northern Territory; George Halvagas, recognising his work with people who were affected by trauma; and police constables Naomi Breadon and Mark Zerafa, who were engaged in community work.

I conclude with the words of Dame Elisabeth's son, Rupert, who remarked, 'Her energy and personal commitment made our country a more hopeful place'. I agree with that remark and regard it as a worthy epitaph to her journey through life.

Ms GREEN (Yan Yean) — It is a great privilege to join this condolence motion for one of Victoria's most prominent women, Dame Elisabeth Joy Murdoch, nee Green. I state at the outset that there is no relation. I grieve for her 77 living descendants: her children, her grandchildren and her great-grandchildren.

Dame Elisabeth was born in 1909, the same year my grandmother was born. She was not born into privilege, as many would have thought. I have no doubt that this informed her common touch and support for often unpopular or little-known causes, including the supporting of women prisoners. Her quiet philanthropic zeal has known no peer in this state. In 2003 Philanthropy Australia compiled a 40-page tribute to what it called Dame Elisabeth's extraordinary contribution and her part in setting a wonderful example of giving so much with thought and care. The 43 charities and organisations named in the report ranged across the arts and culture to mental health, special needs education, animal welfare and the environment. By some estimates it was a conservative tally. A more accurate and up-to-date figure, as quoted in the *Age* last week, is likely to top 100.

Dame Elisabeth was a formidable woman. Last week the *Guardian* newspaper said she was the only person Rupert Murdoch regarded with real trepidation. It was she who in 1969 cautioned him against buying the *News of the World*, warning, prophetically as it turned out, that it would one day lead to trouble. She said, 'I didn't approve at all ... what they published was intruding into people's privacy'. That really says something about Elisabeth Murdoch. Dame Elisabeth was not afraid to take on one of the most prominent leaders in this state, Sir Henry Bolte, who chose not to take her on over the siting of the Royal Children's Hospital. Everyone can see that the role she played with the Royal Children's Hospital over a long period of time was truly amazing. For her, it really was a life well lived — and she saw Queen Elisabeth open not one children's hospital but two.

Dame Elisabeth has been immortalised in places such as the Melbourne Recital Centre. I had the great privilege of being there, along with Dame Elisabeth and the crowd, when that beautiful centre was opened, including Elisabeth Murdoch Hall. She has also been immortalised in Melbourne's Royal Botanic Gardens, the Murdoch Children's Research Institute and the former Langwarrin Secondary College. It is fitting that the Murdoch family has asked, in lieu of flowers, for donations to be made in her name to that much-loved institution, the Murdoch Children's Research Institute. Vale Elisabeth Joy Murdoch.

Mrs BAUER (Carrum) — I rise to pay tribute to the remarkable life of Dame Elisabeth Murdoch. Dame Elisabeth led an extraordinary life. A mother, grandmother and matriarch of the Murdoch family, she was kind, humble and gentle and she devoted her life to helping others.

Dame Elisabeth was a true community leader and a tireless supporter of philanthropy. She was undoubtedly one of our greatest Victorians. She embraced children, health and the arts, and she loved Victoria, dying at her beloved home, Cruden Farm, at the wonderful age of 103. Dame Elisabeth lived by the motto: 'Always think of others before yourself'. She cared for those less fortunate and believed she was here to help others. The joy of giving gave Dame Elisabeth enormous pleasure, and she encouraged others to also experience this. As we have heard from the Premier, Dame Elisabeth had the most beautiful smile, and kindness radiated from her sparkling eyes.

My family home while I was growing up in Cranbourne South was only a few kilometres from Cruden Farm, which has one of the most magnificent gardens in the country. Dame Elisabeth was a household name and local legend in our community and on the Mornington Peninsula.

My grandmother, Evelyn Coleman, affectionately known to us as 'Nanny', was a friend of Dame Elisabeth's, and my sister and I would visit Cruden Farm with Nanny for special events. We would arrive at the gates of Cruden Farm and drive along the long line of magnificent lemon-scented gums. As children we would explore the gardens, and I recall a favourite activity was scrunching the lemon-scented gum leaves in my hands to enjoy the aroma. It was a magical place for a child, somewhat like an enchanted garden. Many years later, in 1992, I returned to Cruden Farm on my wedding day, having been given the opportunity by Dame Elisabeth to use her beautiful gardens, stables and homestead for my wedding photographs.

Keith Murdoch gifted Cruden Farm to his young bride Elisabeth in 1928 as a wedding present.

Dame Elisabeth felt blessed to have such a beautiful garden and did not want to keep it to herself. As a result of Dame Elisabeth opening up her home in the 1960s to raise vital funds for others, Cruden Farm is today enjoyed by thousands of visitors every year taking part in celebrations, outings and the fundraising activities of local groups. Several weeks ago Cruden Farm was the location for over 1000 local children to enjoy a children's day outing, and next week the well-loved tradition of Christmas carols on the green will continue in the gardens at Cruden Farm. Dame Elisabeth delighted in seeing her garden full of children.

Dame Elisabeth will be remembered for her philanthropy and selflessness. Much of her generosity and goodwill was focused on larger organisations of state and national significance, which were among the

more than 100 organisations she supported annually. We have heard from previous speakers that Dame Elisabeth supported the arts, medical research for children, community welfare, the National Gallery of Victoria and the Royal Children's Hospital — to name a few. But it was her rarely reported little acts of kindness that she will be remembered for in our local community. She would stop and chat to people at the local shops in Langwarrin and at Ballam Park shopping centre in Karingal, offering to carry shopping bags or to hold a door open for those who appeared to be struggling with a load of groceries. She knew the value of true human kindness.

Locally Dame Elisabeth was an active member of our community and supported many community groups and individuals. Local kindergartens would hold their Christmas concerts at Cruden Farm. She had the ability to genuinely connect with people from all walks of life and assisted Noah's Ark, a variety of interfaith initiatives, secondary school youth through Russell Kerr's Hands On Learning program and Natured Kids, an outdoor playgroup. She gifted the Dame Elisabeth Murdoch Arboretum to the people of Langwarrin and was a proud supporter of the local secondary school, Elisabeth Murdoch College, Cranbourne Royal Botanic Gardens and McClelland Gallery and Sculpture Park.

Dame Elisabeth assisted Natured Kids outdoor playgroup to buy binoculars for birdwatching, magnifying glasses for bug hunting and watering cans and seeds for garden projects. Narelle from Natured Kids has mentioned that Dame Elisabeth was devoted to encouraging people to marvel at the wonder of nature's creations through the sharing of her garden. Dame Elisabeth believed that if we learn to love nature, we will be more likely to care about the natural world we live in. She invited parents and children to come and marvel at the seasonal changes in her magnificent garden, and for the last six years she supported the grassroots connection of children to nature through the Natured Kids outdoor playgroup.

Dame Elisabeth was a rare gem and I believe one of our greatest Victorians and also Australians. She touched so many lives and will be remembered for her selflessness and for opening her heart and her home to provide a ray of sunshine for those in need. She lived by the motto: 'You make a living from what you earn, but you make a life from what you give'. With her selfless acts of kindness she was a shining example of community spirit and the adage 'Charity begins at home'.

Her life and the example she set will live on forever. She showed how we can all lead by example. I hope others learn from her legacy of giving. Her work will

never be forgotten. On behalf of the people of the Carrum electorate and Victoria I express my deepest sympathy to the Murdoch family. Heaven is blessed to have someone so talented to tend now to God's garden.

Ms HALFPENNY (Thomastown) — I rise to speak on the condolence motion to acknowledge the passing of Dame Elisabeth Murdoch and to pay tribute to her. Until recently if asked whether I would ever be speaking on the life or the contribution to other lives made by Dame Elisabeth Murdoch, I probably would have said no. I never met Dame Elisabeth Murdoch, but I would like to tell a heart-warming and probably little-known story of a woman with a great heart, an extraordinary woman, who was caring, giving and down to earth, a woman who in spite of her wealth and privilege was thoughtful and concerned about the children, families and staff at a small state school in the electorate of Thomastown.

In the suburb of Lalor there is a small school, Merriang Special Developmental School, that educates children with intellectual disabilities, many with autism. There are 105 students attending the two campuses of Merriang Special Developmental School. Dame Elisabeth Murdoch has supported, encouraged and embraced this school community over many years. She gave the school playground equipment and three school buses, but she also offered affection and encouragement and showed the students and their families the utmost respect.

On a visit to the school earlier this year I was told by assistant principal Maxine Duncan how Dame Elisabeth Murdoch attended the students' annual school concert performance every year. The school community would await her visit with anticipation. She would brighten up the room, dancing with students and returning the many hugs and kisses they offered her, full of praise and applause for their very energetic performances. She remembered the name of each student and their families. Her last concert attendance was in 2010. The following year she sent a handwritten note to Maxine to convey her disappointment and sadness at not being able to attend the 2011 concert due to illness. Prior to that she had not missed one.

On behalf of the school principal, Helen Halley-Coulson; the assistant principal, Maxine Duncan and the teachers, staff, students and their families, I pass on their deep regret and condolences to Dame Elisabeth Murdoch's family. I will read a tribute written by the assistant principal, which was published in the school newsletter. The article begins:

It is with ... a heavy heart that I pass on the news to the Merriang school community —

of Dame Elisabeth Murdoch's passing. It continues:

Dame Elisabeth Murdoch ... was much loved by all of us and her giving knew no boundaries. She gave our students three school buses, playground equipment for both campuses and showed our students and their families the utmost respect. She expressed to me on several occasions her deepest admiration for all the staff at Merriang and the parents who showed immense love for their children ... We will all miss her, but smile every time we think of her because of the joy, laughter and compassion that came with her whenever she visited us ... We farewell a great Australian, a legend in her own right. To the world she was Dame Elisabeth Murdoch but to all of us at Merriang she was just 'our Elisabeth'.

Mr MORRIS (Mornington) — It is indeed a privilege to rise to support the motion of condolence moved by the Premier upon the death of Dame Elisabeth Murdoch, AC, DBE. A condolence motion for a person who is not a member or former member of this house or the other place is a rare and signal honour, and on this occasion you would have to say it is one that is entirely appropriate. It is fitting recognition by this house of a person whose contribution to her community, to her state and indeed to the nation has been so vast and sustained over so many years.

It is of course impossible to identify a particular cause with which Dame Elisabeth has been most strongly identified in the public mind. Were I to hazard a guess I suspect it would be the Royal Children's Hospital, the committee of management of which she served on from 1933 until 1965, as we have heard, and then of course the association continued from there. She served the last 11 of those years up until 1965 as president of the committee of management. Dame Elisabeth also made enormous contributions to so many other organisations: the Murdoch Children's Research Institute, the National Gallery of Victoria and the Australian Tapestry Workshop, to name a few, along with the McLelland Gallery and Sculpture Park at Langwarrin, the establishment of which she played such a key part in. Perhaps of lower profile but equally important has been the work she undertook as a mainstay of so many local community organisations, many of which over the years benefited from having the opportunity to use the magnificent grounds at Cruden Farm to raise further funds for their work in the community.

Dame Elisabeth's life spanned more than a century, and that century was by any measure a time of enormous change, enormous growth and often significant challenges, not only for this state but also for Australia. Four months after the birth of Elisabeth Greene in June 1909 the *Argus* reported that Victoria's population had risen to 1 278 000 people. The same report went on to indicate that the quarterly income for the state was £2.3 million, and £1.2 million of that came from the

railways. Total expenditure was just over £2 million. At that time Melbourne was the national capital, our federation was not even a decade old and the clouds of war were yet to darken the horizon. At the time of Dame Elisabeth's passing Victoria's population exceeded 5.6 million, two world wars have entered the history books and Australia has not only grown but has taken its place in the world. Victoria has developed from a prosperous outpost of empire to a sophisticated state with well-developed and highly valued institutions.

Throughout her adult life Dame Elisabeth played a significant role in that development, from her first forays as the young wife of then newspaperman Sir Keith Murdoch through to her progression to Lady Murdoch in 1933 and, following Sir Keith's death, Lady Murdoch, CBE, in 1961, Dame Elisabeth Murdoch in 1963 and of course Dame Elisabeth Murdoch, AC, in 1989. In many ways the evolution from the young wife of 1928 — coincidentally the year traffic lights were first installed in central Melbourne — to a Companion of the Order of Australia mirrored the growth and development of this state, and indeed she contributed so much to it.

I cannot claim to have known Dame Elisabeth all that well, but I had the pleasure of sharing a table and a meal with her on two occasions, both late in her life. On the first occasion our dining companions were former ministers of the Crown and members of this place, Phillip Gude and Graeme Weideman. On the second occasion we shared a meal with legend of the screen Charles 'Bud' Tingwell. All of those are or were significant individuals, but, with no disrespect to the gentlemen concerned, I was never in any doubt as to who was the most imposing and formidable person at those tables, and it certainly was not any of the blokes.

Dame Elisabeth's contribution to her community, to our state and to our nation is well documented. The plaudits she received both during her lifetime and upon her passing were and are richly deserved. I extend my sympathies and, I am sure, those of my constituents to the Murdoch family upon her passing.

Mr PERERA (Cranbourne) — I take it as an honour and a special privilege to have the opportunity to contribute to the condolence motion celebrating the life of an extraordinarily kind person with unlimited generosity in contemporary times. Dame Elisabeth Joy Murdoch was a lady in the true sense of the word. She was a true philanthropist who did not have any expectation of receiving any benefit whatsoever in return for her contributions. Most people would expect something in return for their contribution — it might be

fame, a better afterlife or something else — but Dame Elisabeth was not interested in any of that. She was indeed a person above all that. Once, in response to a journalist, she said there was nothing after death: what was left was what you left behind. This clearly indicates that she was not a strong believer in an afterlife, and her unparalleled generosity therefore was not based on securing a better afterlife.

Dame Elisabeth believed in getting involved not just to make sure that help was channelled correctly for the benefit of the targeted needy but also to contribute her own time and energy and to build relationships. That is why she directly got involved with the Royal Children's Hospital. That is why she was directly involved in many charities — over 110. That is why she made the statement that for the wealthy providing money for charities was easy but involvement in charitable causes was the most important thing.

In the true sense of the term Dame Elisabeth was an alms giver. She was the dictionary definition of selflessness. I have not heard or seen any evidence in the media, from previous speakers or anecdotally to suggest that anybody in her immediate or extended family was the influence or driving force behind her extraordinarily generous life. I believe she alone made the decision to boldly stand up and contribute time and money to causes she believed in. Most of the 110 charities she was involved with referred to her as a quiet achiever. In the circumstances I would not hesitate to call her an audacious achiever. She had a take-no-prisoners attitude when it came to donating to charitable causes. She was committed 100 per cent.

Cruden Farm, where she lived for many decades and where she passed away, is across the road from the southern boundary of my electorate. Her farm and residence were used for many community activities, and I had the opportunity to visit the farm a few times. Cruden Farm mostly functioned like a public facility, with public events and fundraising activities.

I had the pleasure of meeting with Dame Elisabeth a number of times at the McClelland Gallery and Sculpture Park, and I understand she provided substantial assistance to the development and maintenance of that facility. She had a keen interest in the arts. She was indeed a person with a wide variety of interests. About five years ago, during an event in the McClelland art gallery, I was introduced to her, and I handed my business card to her. A couple of hours later, towards the end of that event, I happened to go past where she was seated. When I smiled at her she pulled out my card and said, 'I still have your card'. I thought it was her way of saying, 'I will not just forget

you. I take our encounter seriously'. At that time she would have been around 98 years of age.

She was a remarkable lady. She treated everybody alike. There are many stories about how pleasant an average person's encounter with her was. She treated people from all walks of life and income levels the same. She had a non-discriminatory approach. The Buddhist philosophers believe that in one of his final reincarnations Lord Buddha was born as a king in northern India and that after witnessing the sick, the poor and death he not only gave away his wealth and children but also left the family and kingship to meditate in the wilderness. According to Buddhist philosophy, he attained Buddhahood and was never reborn to go through suffering. The subscribers of Buddhist philosophy would argue that Dame Elisabeth Murdoch's selfless contribution to humanity was a sign of her soul getting closer to a stage where she will not be born again to go through worldly sufferings.

I wish to extend my condolences to her family, her extended family and to all those who loved her as their own flesh and blood. Dame Elisabeth Murdoch, thank you for being so nice.

Mr BURGESS (Hastings) — It is a great pleasure to rise and express my sincere condolences, to be part of this condolence motion and to express the love and sympathy of my local community to the Murdoch family in relation to the passing of Dame Elisabeth Murdoch, AC, DBE, and LLD (honorary). It is an incredible experience to be part of a debate about a particular individual that has been so broad ranging but involves such a contradiction of emotions, because while we are all feeling great loss and regret, it is very difficult to feel anything other than joy and enthusiasm when you think about Dame Elisabeth. She leaves the great legacy of her charitable and philanthropic endeavours, including the Royal Children's Hospital and Murdoch Children's Research Foundation. In addition to her many achievements she was appointed a Dame Commander of the Most Excellent Order of the British Empire by the Queen, a most significant and fitting appointment.

Other speakers have detailed the broader achievements of Dame Elisabeth, so I would like to focus more on her local achievements in the community of my electorate. On a personal note, I had the great pleasure of being able to visit Dame Elisabeth at her home, Cruden Farm, on numerous occasions, and she was always welcoming and hospitable. As members of Parliament we have a great many privileges that come from serving our communities, and one of my great privileges was to be allowed to establish and maintain an enduring

relationship with Dame Elisabeth across an enormous array of interests. As Dame Elisabeth's home, Cruden Farm, is in Langwarrin, I was her local member. I got nothing but her encouragement and support for my move into Parliament, and that support continued after I became a member of this house. I was also fortunate that Dame Elisabeth allowed Cruden Farm to be the location of many of my functions. It was wonderful to be involved in an almost family-like atmosphere at her home each year, and it was clearly the fact that it was Dame Elisabeth's home that made one feel that way.

From the first day I met Dame Elisabeth I felt as if I had known her all my life. Such was the majesty of this wonderful Australian that she was able to put everybody at ease, regardless of their calling in life, and it appeared she could do this instantaneously. Dame Elisabeth was committed to supporting the McClelland Gallery and Sculpture Park in Langwarrin for more than four decades. She provided vision, energy and passion as well as financial support to that wonderful institution. Dame Elisabeth was also a strong supporter of the local Langwarrin secondary college, and in 2004 the college changed its name in honour of Dame Elisabeth, and it is now Elisabeth Murdoch College. The history section of the college's website states:

Dame Elisabeth Murdoch is a woman of renown, admired across Australia and the world. She holds a very special place in the hearts of people from Langwarrin as this has been her home since 1929. We were honoured to be able to name our college after her with respect and reverence.

I will also read a brief tribute that appears elsewhere on the college website because it demonstrates clearly the effect that Dame Elisabeth had on people both young and old. It was contributed to by teachers and students. It states:

Dame Elisabeth was an inspiration to the entire Langwarrin community and her support for the college was unwavering. Our association with Dame Elisabeth built enormous pride in the young people attending the college. She regularly engaged with students both at the college and at Cruden Farm, taking a genuine interest in all of the successes of our young people. The students are, without exception, proud to wear Dame Elisabeth's name and are in awe of her achievements. Her involvement in the college, like her involvement in so many other community organisations, has enriched those she has come into contact with. She will be sadly missed by all of the students, parents and staff of Elisabeth Murdoch College. Her passing will leave a void impossible to fill.

Dame Elisabeth Murdoch was a wonderful lady who had a wonderful life and who will leave a wonderful legacy. I pay tribute on behalf of my community to our local legend. Dame Elisabeth Murdoch lived a long and full life. She will be sorely missed by everyone in my community, and she will be missed throughout Victoria

and around Australia. Our thoughts and sympathies are with the Murdoch family at this very sad time.

Ms KANIS (Melbourne) — I rise to add my voice in support of the condolence for Dame Elisabeth Murdoch, who passed away last week at the age of 103. As the speakers before me said, Dame Elisabeth, as she is affectionately known, led an extraordinary life. Like many people I had for some time had a vague knowledge of Dame Elisabeth's work, but it was not until I was elected as a councillor of the Melbourne City Council in 2008 and held the portfolio areas of arts and culture that I became aware of the true depth of her work. As was mentioned by the Premier, Dame Elisabeth was awarded the keys to the city in 2003, and this year at her 103rd birthday celebration she was awarded the title of free woman of the city, which is the city's highest honour. I recall that the decision to honour Dame Elisabeth with this title was one of the quickest decisions the councillors had ever made, such was her contribution to the city of Melbourne.

Dame Elisabeth's touch is seen in relation to many arts organisations in Melbourne. She was generous not only with her finances but also with her input, advice and guidance. Indeed it is difficult to find an arts organisation in Melbourne that did not benefit from her philanthropy, and it is fitting that the hall at the Melbourne Recital Centre bears her name. I was a director of the Melbourne Symphony Orchestra for a number of years and saw Dame Elisabeth's generosity firsthand. She was an MSO subscriber and a constant supporter of the orchestra. Her most recent contribution to the MSO was through the principal clarinet chair donation which carries her name.

Of course her philanthropy was not limited to the arts. Like many I was charmed to hear the story of Dame Elisabeth being rewarded as a young woman for knitting so many woolly singlets for needy babies, and that reward led to her lifetime interest in the Royal Children's Hospital, which sits in my electorate of Melbourne. She sat on the hospital's board for 33 years. Her tireless fundraising and support of the Good Friday Appeal and her personal generosity has ensured that the Royal Children's Hospital is a place of world-class care and world-leading research. Indeed, as has been mentioned, it was at the opening of the hospital in 1963 that Her Majesty the Queen bestowed on her the order of Dame Commander of the Most Excellent Order of the British Empire. All Victorians should be thankful that many children have benefitted from her work and that her descendants are continuing her work in this area.

As a keen gardener I have always admired Dame Elisabeth's garden at Cruden Farm, and I am reminded of a line from Rudyard Kipling which reads:

... gardens are not made
By singing: — 'Oh, how beautiful!' and sitting in the
shade ...

They are of course made of hard work, constancy, optimism and endeavour — qualities that Dame Elisabeth possessed. Her lifetime endeavour brings joy to the many people who visit her garden each year. While I never had the pleasure of seeing Dame Elisabeth in her garden, there are many stories of how willing she was to share her garden, which was her home and lifetime's work, with others.

My thoughts and condolences go to the family and many friends of such a remarkable woman at this time. I hope and know that they will be comforted in their sorrow by the knowledge that Dame Elisabeth will continue to be a role model and inspiration to all Victorians.

Mrs VICTORIA (Bayswater) — Dame Elisabeth Murdoch has been described as a living legend, the matriarch of a powerful family, a philanthropist, a keen gardener and, as the Premier said, a guardian angel. I had the great honour of meeting Dame Elisabeth on several occasions, and the one thing that was consistent was that if it was a crowded room, it was almost like the parting of the Red Sea as she entered.

The last time I saw Dame Elisabeth was at the Myer Mural Hall, and I have a vivid recollection of seeing Barry Humphries kneeling before Dame Elisabeth and having a conversation with her. To say that the look on his face was full of admiration and respect would be an understatement. For someone who is world renowned as an entertainer to be in that position was a great testament to the way many artists viewed Dame Elisabeth.

Dame Elisabeth was well known for her dedication to ensuring that we have a world-class children's hospital, and then there is also all the research that is done at the Murdoch Children's Research Institute. She was also very well known for the number of charities that she not only financially supported but was famously actively supportive of and involved in. In a nutshell, she put her money and her heart where her beliefs were.

I will remember Dame Elisabeth predominantly as a wonderful patron of the arts — the main performance space at the Melbourne Recital Centre is proudly named after her. Although at the time that project may have been controversial, the decision to dedicate the

hall to Dame Elisabeth and her involvement in the arts were never questioned. One of the things she loved most was the McClelland Gallery and Sculpture Park, and in 1989 we saw the establishment of the Elisabeth Murdoch Sculpture Foundation to develop a sculpture collection and sculpture park committed to the development of sculpture in Australia. The gallery has named a walk after her and one of the indoor galleries carries her name.

I recently attended the opening of the McClelland Sculpture Survey and Award, a biennial award for contemporary outdoor sculpture, and I had the pleasure of sitting with Dame Elisabeth's granddaughter Penny Fowler, deputy chair at McClelland. Following in her grandmother's footsteps is something Penny is doing particularly well, having a broad involvement with and a passion for various arts institutions. I asked Penny what Dame Elisabeth thought of the winners of this year's awards and she replied, 'Granny wholeheartedly agreed with the judges'.

Penny also shared with me at the time that her grandmother, at 103, was becoming very frail. This is a fact that should not have surprised any of us when we considered her ripe old age, but it just seemed so unfair for a woman who had always been so no-nonsense and strong. I guess we all just hoped she would go on forever. In so many ways, she will. Dame Elisabeth's legacy to the art world will live on in Victoria, across Australia and further afield.

I want to share with the house some of the arts organisations Dame Elisabeth was involved with, and it is certainly not a comprehensive list. Some of the people in those organisations will dearly miss her gentle smile, her sweet wit and her very sharp mind. She was one of the founding benefactors of the NGV Foundation and very involved as one of the trustees of the National Gallery of Victoria. She was involved with the Australian Ballet, the Australian Ballet School and the Victorian College of the Arts. I think the first time I heard the name Elisabeth Murdoch was as a young child when I was going to sit my Australian Music Examinations Board piano exams at the Elisabeth Murdoch Building on St Kilda Road. I was sweating, my knees were trembling, and I did not know whether I would get through the exam. That was my very first experience of Dame Elisabeth.

She was also involved with the Victorian Opera, the Australian Tapestry Workshop, the Australian National Piano Award, the Melbourne International Chamber Music Competition, the Bell Shakespeare theatre company, Opera Australia, the Melbourne Symphony Orchestra, the Footscray Community Arts Centre and

the State Library of Victoria — she was a big part of its foundation. In my electorate, as the member for Ferntree Gully reminded me, there is a beautiful picture of Dame Elisabeth inside the front door of the Victorian Jazz Archive in the suburb of Wantirna. It was Dame Elisabeth who provided seed funding for this archive because of her belief that Australia's jazz heritage should be preserved for future generations.

To Penny and all of the family members, I offer my heartfelt and deepest sympathies. Dame Elisabeth was one of a kind, a national treasure and an inspiration to us all, with a legacy that will live on in our hearts and minds. Vale Dame Elisabeth Murdoch.

Mr McGUIRE (Broadmeadows) — Celebrating her centenary, Dame Elisabeth Murdoch closed her eyes and mused that it was no big deal to give away money; relationships were much more important. This unassuming declaration summed up her graciousness and generosity. Ultimately we are all judged by our deeds and our words. Dame Elisabeth's credo was 'We're not here for ourselves in the world, we're here to help others'. Her legacy to Victoria will stand for generations through the institutions Dame Elisabeth supported and the relationships she forged. Her influence in dealing with tough-minded men extended nationally and internationally. Echoes of her life resonate from Gallipoli to Broadmeadows.

Dame Elisabeth Murdoch was much more than the sum of her life's parts. She blossomed from wife, mother, homemaker and focus of the family to public roles including governorships and trusteeships. As head of the planning committee to rebuild Melbourne's Royal Children's Hospital, she clashed with Victoria's longest serving Premier, Sir Henry Bolte. That tough-minded leader of the state, known for his stubbornness, favoured the old hospital site in Carlton. Lady Murdoch, as she was at the time, preferred Parkville. 'Well, then, Mr Premier, you will have to ask someone else to do it', Lady Murdoch told Sir Henry. The rest is history. I am sure even today all members of the Victorian Parliament would applaud Dame Elisabeth's political acumen and chutzpah, especially knowing that she would have succeeded with a smile. No wonder this is the anecdote of the day.

Her commitment extended to becoming patron of the Murdoch Children's Research Institute and a life governor of the Royal Women's Hospital. She also supported the Australian Drug Foundation, the Royal Society for the Prevention of Cruelty to Animals and more than 100 charities. In 2005 Dame Elisabeth was named Victorian of the Year, an acknowledgment of her contribution to the community and to the arts. She

became the first woman trustee of the National Gallery of Victoria and was a founding member of the Victorian Tapestry Workshop, now the Australian Tapestry Workshop.

Another insight into Dame Elisabeth can be gained from her response to a request for an interview on the significance of the Gallipoli letter written by her husband, Sir Keith Murdoch. Dame Elisabeth gave a private perspective. She disclosed that later her husband did not speak much about the 'Gallipoli matter', adding, 'I do believe it is important for children to learn all about their ancestors'. I know for a fact that this happened. Sir Keith Murdoch's Gallipoli letter was a savage, 8000-word dispatch to Australian Prime Minister Andrew Fisher. The letter is credited with saving the lives of thousands of Anzac troops, known as 'the boys of the Dardanelles'. On his way to London in 1915 to take up a position as managing editor of the United Cable Service, which fed news to the Sydney *Sun* and the Melbourne *Herald*, Keith Murdoch agreed to visit Gallipoli to give a firsthand account of the situation to his friend Prime Minister Fisher. By the time he arrived 50 000 casualties had been suffered, and the Allies were decimated by sickness. The extent of the stalemate and the disaster had not been reported in the censored dispatches from correspondents, who continued to emphasise acts of heroism and gallantry.

Keith Murdoch spent four days at Gallipoli speaking to staff officers and to the chief war correspondents. The testimony Dame Elisabeth wrote for the book *Anzac — An Illustrated History 1914–1918*, states:

On August 5, 1914, a six-inch coast defence gun at Fort Nepean, Victoria, fired Australia's first shot of World War I. The warning shot on the German merchant ship *Pfalz* heralded the start of our involvement in a war that eventually was won by the Allies, but with a catastrophic loss of life on all sides.

The passage of the years has done nothing to diminish the impact of that war on Australia. It is woven deeply into our nationhood and each year, on Anzac Day, we remember those who gave their lives to secure the freedom we cherish today.

I found these words from Dame Elisabeth in the library in Broadmeadows when I was researching the unique links between the community I represent and the army camp which was home to the diggers who trained to fight at Gallipoli. Decades later the army camp was converted into a migrant hostel camp, which Turkish families who had the imagination to dream of a better future and the courage to cross the world to pursue it then called home. This is part of Dame Elisabeth Murdoch's contribution in words, her family's narrative and Australia's story. Dame Elisabeth's legacy and deeds will flourish like her garden. After witnessing

more than a century of happy and tumultuous times, her credo was, 'We are not here for ourselves; we are here to help others'. Vale Dame Elisabeth Murdoch.

Ms MILLER (Bentleigh) — It is with sadness that I join the Premier, the Deputy Premier and the Leader of the Opposition and other members of Parliament in the debate on the condolence motion for Dame Elisabeth Murdoch. I am pleased for the Parliament to have this opportunity to place on the public record our sincere thanks to Dame Elisabeth for everything she has done for Australia and particularly for Victoria. Cruden Farm will always be an iconic place in Victoria because of all the good work Dame Elisabeth was able to do there. It is well known that Dame Elisabeth supported over 100 charities. She was a patron of many of these and always ensured that her role was never merely symbolic. Dame Elisabeth was involved with causes she was passionate about and was able to contribute to them in a practical way as well as financially.

In my work as a nurse I was aware of Dame Elisabeth's contribution to the Royal Children's Hospital and saw her generosity exemplified by her contributions to the lives of Victorian patients and their families. I recently visited the Murdoch Children's Research Institute and saw firsthand the great work she did and the legacy she will leave for the benefit of others today and into the future. Her legacy will be her large extended family and those who have benefitted from her charity, counsel or experience. As the organisations that Dame Elisabeth championed continue to enhance the lives of Victorians, we will remember her kindness and her unmatched generosity.

Dame Elisabeth is a wonderful example for all those who knew her for still continuing to enjoy life and contribute meaningfully to the lives of others at the grand old age of 103. Having become involved with charitable causes in her early 20s, Dame Elisabeth was able to have a significant influence over many decades. I believe we are all indebted to her for the work she did for Victoria, as evidenced by the overwhelming number of tributes to her since her passing on 5 December. We remember Dame Elisabeth's family at this time, especially those who will be missing their granny. We also thank them for kindly sharing their grandmother with us as she dedicated her life to helping others. Her shared memories, her smile and her loving nature will be remembered.

Once again I join the Premier, the Deputy Premier, the Leader of the Opposition and other members of Parliament in remembering Dame Elisabeth and giving thanks for the positive changes she made for our state. Her love of life, her love of nature, her love of the

environment, her love of the arts, and her love of health and family are things that all Victorians can aspire to.

Mr SOUTHWICK (Caulfield) — It is my pleasure to rise to speak about one of Victoria's true legends, Dame Elisabeth Murdoch. She is a great example of somebody who lived life to the full for 103 years — a great example to all of us. Dame Elisabeth Joy Murdoch departed this world to be reunited with her husband, Sir Keith, and her daughter Helen Handbury. She has left behind a legacy like no other in terms of philanthropy, caring for others and giving back. She certainly had graceful friendships with so many people. As we have heard already, any person who met Dame Elisabeth was touched by the contact with her and certainly was left with fond memories of her. The Premier rightly referred to Dame Elisabeth as Victoria's guardian angel, which is an apt description of somebody who made a lifelong contribution to charities and groups which help the less fortunate and contribute to saving thousands of lives.

We have heard that despite having dined with world leaders and monarchs, Dame Elisabeth was frugal and disapproved of ostentatious displays of wealth. She refused to install heating at Cruden Farm and insisted that wood fires would suffice. When Rupert would visit he would get into conversation with her. Once he said, 'This is a great place. I love what you have done with it, but it is always cold'. She replied, 'Then again, you have got central heating where you come from, and you are pretty soft in terms of what we deal with back here'. She certainly knew how to live. She was not ostentatious. She lived life to the full, and she certainly connected with everybody she came into contact with.

I want to make mention of Dame Elisabeth's connection with the Murdoch Children's Research Institute, which has borne her name as a founding member since 1986. Together with her family, Dame Elisabeth contributed more than \$50 million to the institute, which has led to advances in the areas of genetics and the treatment of cerebral palsy, cancer, rotavirus and premature birth. This followed on from more than 70 years of involvement with the other Victorian icon about which we have heard already today, the Royal Children's Hospital.

As we have also heard, Dame Elisabeth opened her home to many, and Cruden Farm was certainly an open house for parties to which all could come and enjoy. I had the opportunity on many occasions to celebrate some of those times with kids and families at fundraisers for the Murdoch Children's Research Institute.

On these occasions Dame Elisabeth would come out to the veranda and greet every single one of those kids and families. She would open up her home and entertain to the full. In fact I think at one of these occasions a youngster was taken into her garden and shown the vegetable patch. As the child went through and looked at all of the different vegies — lettuces, tomatoes and peas — the young child turned around to Dame Elisabeth and said, ‘Peas? Dame Elisabeth, we are not allowed to pee here’. She turned to the young child and said, ‘When you’ve got to go, you’ve got to go’. That was typical of the sort of person she was. She was caring, she had an open heart, she had a big smile, and she certainly treated everybody with a warm heart.

We have heard that Dame Elisabeth took on Sir Henry Bolte over the issue of where the hospital would be. Sir Henry was a tough political operator, but at the end of the day Dame Elisabeth showed that she was able to take it up to him. As we have heard, in the best display of chutzpah she took him on and she won the day.

Dame Elisabeth took on leaders in the federal sphere only a couple of years ago, further demonstrating that she was active right until the very end. The Australian National Academy of Music was facing closure under former Prime Minister Kevin Rudd, and at the ripe age of 100 Dame Elisabeth took on the government to ensure its survival. She showed that she was active and she fought hard, and I know many people in my electorate of Caulfield who are passionate supporters of music were grateful for the effort she put in to ensure that the Australian National Academy of Music was saved.

Dame Elisabeth was literally a shining star, as the hospital dedicated one to her for her 90th birthday. We mourn her, we will miss her, but we know that her legacy will live on in the thousands of lives touched by her philanthropy and grace. May she rest in peace.

Motion agreed to in silence, honourable members showing unanimous agreement by standing in their places.

ADJOURNMENT

Mr BAILLIEU (Premier) — By leave, I move:

That, as a further mark of respect to the memory of the late Honourable Richard Strachan de Fegely and the late Dame Elisabeth Joy Murdoch, AC, DBE, the house now adjourns until 4.15 p.m. today.

Motion agreed to.

House adjourned 3.42 p.m.

The SPEAKER took the chair at 4:18 p.m.

QUESTIONS WITHOUT NOTICE

Independent Broad-based Anti-corruption Commission: Commissioner

Mr ANDREWS (Leader of the Opposition) — My question is to the Premier. Did the Deputy Premier excuse himself from cabinet when the appointment of Stephen O’Bryan was discussed and approved?

Mr BAILLIEU (Premier) — I thank the Leader of the Opposition for his question and say up front that all appropriate processes have been undertaken in the appointment of Stephen O’Bryan as the first Independent Broad-based Anti-corruption Commission Commissioner. We are pleased with the appointment. Mr O’Bryan is a highly credentialed Victorian barrister. He was appointed Senior Counsel in 2003 and has over 30 years legal experience. He holds masters and bachelor degrees in law. He has extensive experience in the field of administrative law, including in royal commissions — —

Mr Andrews — On a point of order, Speaker, the question did not ask for a CV of Mr O’Bryan. The question related to whether the Deputy Premier was in the room when Mr O’Bryan’s appointment was discussed and made. I ask you to draw the Premier back to a relevant answer, which would be to get to the subject matter of the question.

The SPEAKER — Order! The subject matter of the question was the appointment of Stephen O’Bryan and whether the Deputy Premier was in the room or not. The Premier has 4 minutes to answer the question. He has spoken for 1 minute.

Mr BAILLIEU — As I said, all appropriate processes were undertaken. Mr O’Bryan has extensive experience in the field of administrative law, including in royal commissions, boards of inquiry and coronial inquests. Before commencing his career as a barrister, Mr O’Bryan was an associate to two justices of the High Court. The legislation is clear about how these processes are conducted, and they were conducted in accordance with the legislation. We welcome the appointment of Mr O’Bryan.

Mr Andrews — On a point of order, Speaker, again I renew my point of order on relevance. The question very clearly related to whether the Deputy Premier involved himself or absented himself from cabinet when this appointment was made. The Premier has made no attempt to address the subject matter of the

question. He is therefore not acting in accordance with the standing orders. To merely mention the appointee's name does not make the answer relevant. I would ask you to direct him to address the question, which was about whether the Deputy Premier was — —

The SPEAKER — Order! The Leader of the Opposition should be very much aware that I cannot direct the Premier to answer the question in any way. The answer was relevant to the question that was asked, going by rulings of former speakers of this house.

Mr BAILLIEU — As I said, before commencing his career as a barrister, Mr O'Bryan was an associate to two justices of the High Court. All appropriate processes were undertaken in accordance with the legislation, including a requirement from me to consult with the Leader of the Opposition, which was undertaken. That is in the legislation. The appropriate processes were undertaken. We welcome the appointment of Mr O'Bryan.

Hospitals: federal funding

Mr BATTIN (Gembrook) — My question is to the Premier. Can the Premier report to the house on pressures on Victoria's hospitals following federal government funding cuts?

Mr BAILLIEU (Premier) — I thank the member for his question and for his interest in hospitals in this state. The Victorian coalition government has increased health funding by \$1.3 billion since coming to office — \$1.3 billion. In this year's budget the coalition government delivered funding of more than \$13.5 billion to Victoria's hospital and health systems.

Honourable members interjecting.

Mr BAILLIEU — We have been investing to upgrade hospitals and build new hospitals, including the Geelong Hospital and the Ballarat, Bendigo, Sunshine hospitals and many other hospitals. We were pleased to recently announce full support for funding the Royal Victorian Eye and Ear Hospital upgrade and Monash Children's. Despite the challenging economic conditions, the coalition is continuing to deliver on its commitments in regard to the hospitals and health services in this state.

In contrast, all Victorians should be concerned that the commonwealth has unilaterally cut Victorian hospital budgets halfway through the financial year, with \$470 million-plus cut from the commonwealth funding to Victorian hospitals over the forward estimates, including \$107 million this year. The commonwealth has in recent days sought to deny that this is occurring,

and last week at the Council of Australian Governments meeting it continued not only to deny that but to obfuscate in every way.

Last week, on Friday, the commonwealth made its most recent payment into the pool for Victorian hospitals. That payment is \$15 million-plus less than the November payment.

Honourable members interjecting.

Mr BAILLIEU — The Leader of the Opposition seeks to interject constantly, but what have the Leader of the Opposition and those in the other chamber done about this? They supported these cuts. Does anyone in the Parliament believe a \$15 million reduction in the payments to Victorian hospitals by the commonwealth in one month, which is to continue in subsequent months, is going to have anything other than a significant impact on Victorian hospitals?

This cut will see staffing affected; there will be increased waiting lists and the number of people on the waiting lists will increase as a direct result of these cuts. I can advise the house today that the office of the independent administrator of the national health funding pool confirmed in writing last week that the commonwealth has cut Victoria's hospital funding by more than \$107 million in 2012–13. Further, the written advice sent to Victorian health department officials from the independent national health funding pool administrator confirms this and says:

These reductions are being effected through offsets to the commonwealth's monthly national health reform funding contributions ...

This is real; it is not an illusion. The commonwealth wants Victorians to think it is an illusion. This is a cut, a direct cut, to hospital budgets previously agreed by the commonwealth, the state and hospitals — and the Leader of the Opposition wants to pretend it is not happening. It is happening; it is real; it is a cut from the commonwealth. The Leader of the Opposition should join us and all other health ministers and premiers in Australia and condemn these cuts.

Ombudsman: Independent Broad-based Anti-corruption Commission

Ms HENNESSY (Altona) — My question is to the Minister responsible for the establishment of an anti-corruption commission. I ask: is the minister aware of the views of the Ombudsman that the Independent Broad-based Anti-corruption Commission is unconstitutional, and will the minister provide a detailed response?

Mr McINTOSH (Minister responsible for the establishment of an anti-corruption commission) — The government does not accept the Ombudsman's categorisation of its integrity reforms. The government has considered this matter at all stages of its legislative program and has taken significant advice about all those matters. As I said, the government disagrees with the Ombudsman's interpretation. The government has developed the reforms taking into account the independence of the officers of Parliament such as the Auditor-General and the Ombudsman, and the government is confident that the proposed legislation is valid.

Emergency services: government initiatives

Mr BULL (Gippsland East) — My question is to the Deputy Premier and Minister for Police and Emergency Services. Can the minister outline to the house the coalition government's reforms to emergency management in Victoria, and is he aware of any alternative policies?

Mr RYAN (Minister for Police and Emergency Services) — I thank the member for his question. Yesterday, together with the Premier, I was very pleased to launch the coalition government's emergency management white paper. This white paper is a once-in-a-generation opportunity to make significant change and reform to emergency management in Victoria. This is an issue I believe everybody in the chamber would agree is of vital concern to all Victorians.

Victoria's emergency services organisations are amongst the best in the world, but the arrangements we have in our state were last reviewed after the Ash Wednesday bushfires in 1983. The white paper we have just released provides a road map of some 25 actions that will show the way forward for emergency management in Victoria. Some of these actions can be implemented immediately; others will take longer.

The major initiatives include a new overarching emergency management body to be titled Emergency Management Victoria. It will ensure that the agencies and departments plan and work together, as well as share resources before, during and after an emergency. This will mean that for the first time one agency will oversee the response to and management of natural disasters and emergencies. An emergency management commissioner will be created. This commissioner will assume the operational responsibilities of the current fire services commissioner and oversee control arrangements for fire, flood and other emergencies. This appointment will mean that we will know, once

this is in place and for all time forward, who is actually in charge on the day an event unfolds. There has been a measure of uncertainty about this going back to Black Saturday. We have legislated to address it. The creation of this position will put the issue beyond doubt in any way, shape or form.

The simplification of government processes through the reduction of more than 40 government committees involved in emergency management all the way down to 4 is another element of what we are proposing to do. This will be achieved through the creation of an emergency management council. It will be named the State Crisis and Resilience Council. It will be the government's peak body responsible for developing and coordinating emergency management policy and strategy, and it will oversee its implementation.

The introduction of a statutory role of inspector-general for emergency management, who will review and monitor the performance of Victoria's emergency management arrangements, is another feature of what we have undertaken.

I announced yesterday that a volunteers consultative forum will ensure that we can keep engaging with our volunteers, our emergency services volunteers in particular. That will be undertaken in the course of the coming year. The intention is to make sure that we continue to take their ideas forward in the way this reform process occurs.

Despite the announcement of this once-in-a-generation change, we have had some quite extraordinary comments from those predictable interest groups. One of those was the United Firefighters Union of Australia, which suggested that it was not consulted. This is despite the fact that I wrote to the union's secretary, Peter Marshall, on 19 October last year, strongly encouraging the union to become involved. Unfortunately the union bagged the white paper yesterday, not having made any submission to the green paper that we introduced 12 months ago and without having even seen the document.

There have been some comments from other sources in relation to the current funding arrangements for the Country Fire Authority and apparent front-line cuts. They have no basis in fact, as has been confirmed by the respective chief officers of those organisations. Really, the member for Bendigo East should know better.

**Minister for Police and Emergency Services:
conduct**

Ms ALLAN (Bendigo East) — My question is to the Minister for Police and Emergency Services. Given the contradiction between the minister and the member for Benambra in their evidence to the Office of Police Integrity and the reported comments from the member for Benambra today:

Everything I have said is the whole truth and nothing but the truth —

will the Deputy Premier provide to the house the same assurance?

Mr RYAN (Minister for Police and Emergency Services) — I thank the member for her question. I give the assurance absolutely, utterly and completely that everything that I have said throughout this process remains as true today as at the time it was said. Insofar as the member for Benambra is concerned, he has at all times, at every time and at all turns told the truth insofar as his memory of these events is concerned. That has not changed. The area where we have a difference is well publicised. The area where we have a distinction in memory is well publicised.

The interesting thing is that when it suits the opposition to commentate about this, that is one thing; when it does not, it is a different thing altogether. I will exemplify this point by referring to the report tabled by the Ombudsman in which he referred to the discussions that were held between the then senior management of the police regarding issues that arose last year, commentary which occurred on 6 May 2011 — that is, five people in the room at the same time discussing the sequence of events that gave rise to the resignation of Ms McKechnie, who was one of the senior advisers to the then commissioner.

Honourable members interjecting.

Mr RYAN — Four of them had a different memory of the events, and yet the opposition says nothing about that.

Ms Allan — On a point of order, Speaker, on a simple question of relevance under standing order 58, the minister is not being relevant, he is not answering the question that was asked, and I ask that you bring him back to answering the question as asked.

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

Mr RYAN — All this has been canvassed extensively. It is all there on the record. Nothing has changed.

Victorian Indigenous Honour Roll: inductees

Mr McCURDY (Murray Valley) — My question is to the Minister for Aboriginal Affairs. Can the minister update the chamber on the most recent inductees to the Victorian Indigenous Honour Roll?

Mrs POWELL (Minister for Aboriginal Affairs) — I would like to thank the member for Murray Valley for his question and for his commitment to Aboriginal people in his community. In relation to Indigenous Victorians, the Victorian coalition government is committed to closing the gap and to fostering and developing reconciliation. As we know, reconciliation is about recognition and valuing Aboriginal people. The coalition government has delivered on its election promise to recognise Aboriginal Victorians who have contributed to our shared history by establishing the Victorian Indigenous Honour Roll, which is the very first of its type in Australia, if not the world.

On 29 November this year the Premier and I had the great pleasure and honour of presenting the awards at the second Victorian Indigenous Honour Roll induction ceremony at Federation Square. I want to thank the Premier for his commitment to supporting and championing this very important event and the honour roll. I also want to thank the member for Richmond, who is the shadow minister for Aboriginal affairs, for again attending the honour roll ceremony, which I know he supports.

I want to particularly acknowledge this year's master of ceremonies, Richard Frankland, who is one of Victoria's best known Aboriginal filmmakers and writers, who made the following comment on the day following the evening ceremony:

... at the honour roll awards last night, got to see some wonderful old mates, work colleagues, family and fellow campaigners. The strength and solidarity in the room was amazing, breathtaking. The legends that were inducted onto the honour roll have contributed so much to our people and Australia, and we have so many heroes yet to be recognised and inducted, I am humbled by them all, what a wonderful people we are.

The 15 new inductees come from all walks of life and from all over Victoria. They include prominent icons in Aboriginal history and individuals who have worked tirelessly for their communities without the requirement or expectation of reward or acknowledgement. They include highly respected leaders, decorated servicemen,

an acclaimed artist, community trailblazers and pioneers of services to education and the elderly.

The names and stories of the 15 inductees who are now permanently etched in the formal history of Victoria are: Kevin Coombs, OAM, Australia's first Aboriginal Paralympian and a long-time community worker in Aboriginal health and justice; Henry 'Banjo' Clark — a particular highlight of the night was inaugural inductee Archie Roach performing a song he had written in honour and memory of Banjo, the guardian of the Framlingham forest; Reg Saunders, MBE, the first Aboriginal person to be commissioned as an officer in the Australian Army; Ivy Bell; Mary Atkinson; Reg Blow; Mollie Dyer, AM; Robert 'Wally' Cooper; Linda Twite; John 'Sandy' Atkinson, AM; Lady Gladys Nichols; Eleanor Harding; Bill Onus; William 'Lin' Onus, AM; and Iris Lovett-Gardiner, AM.

Honourable members — Hear, hear!

Mrs POWELL — The honour roll inductees are inspiring role models from right across Victoria, and as is clear from the shouts of 'Hear, hear!' in the chamber, members of Parliament are proud of those inducted from their areas.

This year's panel was made up of Vicki Clark; Belinda Duarte; Jason Mifsud; Joan Vickery, AO; and Daphne Yarram. We were all moved and inspired by the stories of these Aboriginal people who have given so much to their communities and so much to Australia and Victoria.

In keeping with the importance and the symbolic significance of the Victorian Indigenous Honour Roll, it is recorded in a purpose-designed kangaroo skin volume and is permanently housed in the Victorian Parliament in a display case in the alcove between Queen's Hall and the library. The Speaker had a lot of say in making sure that it was on permanent display in a place where everyone who comes into this place can see it.

I urge all members of Parliament to think about who they would like to see on next year's honour roll, to put these people's names forward, to look at the honour roll and go on the website and see who else has been inducted, including the first 20 inductees and these latest 15 wonderful Aboriginal individuals.

Parliamentary Secretary for Police and Emergency Services: appointment

Mr ANDREWS (Leader of the Opposition) — My question is to the Premier, and I ask: will the Premier reinstate the member for Benambra as Parliamentary

Secretary for Police and Emergency Services, and if not why not? Surely the member for Benambra is entitled to an answer.

Mr BAILLIEU (Premier) — I thank the Leader of the Opposition for his question. If memory serves me correctly, I think I might have been asked that question before by the Leader of the Opposition. If my memory serves me correctly, I would have said matters of appointment in regard to parliamentary secretary positions and ministers are matters for the government, and if we have announcements to make, we make announcements.

Electricity: Mortlake power station

Mrs VICTORIA (Bayswater) — My question is to the Minister for Energy and Resources. Can the minister advise the house on recent developments to further secure Victoria's electricity supply?

Mr O'BRIEN (Minister for Energy and Resources) — I thank the member for Bayswater for her question and for her interest in Victoria's energy security. Last Wednesday I had the pleasure of accompanying the Premier and the Minister for Regional Cities, who is also the local member, to Mortlake for the official opening of the new Origin Energy 550-megawatt open cycle, gas-fired generator.

Ms Allan interjected.

The SPEAKER — Order! That is enough from the member for Bendigo East! She will be out next time.

Mr O'BRIEN — It was great to be in Mortlake on what was an important day for Origin, for the south-west and for Victoria's energy security, because this marked the completion of the largest natural gas generator in Victoria's history. Origin has invested over \$800 million in this new facility, generating over 350 jobs in the construction phase and more jobs in the direct running of the plant and flow-on effects for the local economy.

This plant is powered through an 83-kilometre pipeline to Origin's Port Campbell gas facility. We are using clean, natural gas from the Otway Basin to power the largest gas-fired generator in Victoria. At the opening of the facility the managing director of Origin Energy, Mr Grant King, traced this major investment directly to the energy policy framework that we have here in Victoria, which was established by the previous coalition government in the 1990s, and to the continued leadership in energy policy reform that Victoria provides today.

Those essential coalition reforms of promoting competition rather than monopoly, private sector investment and regulatory reform have stood the test of time, and Victorian consumers are better off as a result — so much so that these reforms are now being promoted by the federal Labor government, which is telling other states to look to Victoria as the model. Victorian Labor bitterly opposed these reforms at the time. It opposed these reforms which are now held up by the federal Labor government as the model for the rest of the country to follow.

Gas is set to play an increasingly crucial role in our energy security, and this Origin Mortlake power plant will provide peaking power which can come online at 6 minutes notice to meet gaps in the market. This was put to the test on Thursday, 29 November, when Victoria had its hottest November day on record — 45.4 degrees. During this day electricity demand reached 9331 megawatts at 4.25 in the afternoon and a price of nearly \$10 000 per megawatt hour. Fortunately Origin's 550-megawatt plant was able to run at near capacity to ensure that Victorian homes could stay cool and industry could keep running.

We have very good wind facilities here in Victoria, but one of the concerns with wind is that it is intermittent. The Australian Energy Market Operator reported that on that day, when we needed the power the most, Victoria's wind farms could provide only 8 per cent of their installed capacity. We need to make sure that Victorians have reliable power regardless of whether the wind is blowing or the sun is shining, and this huge investment by Origin Energy in Victoria's energy security is a great vote of confidence in south-western Victoria, in regional jobs and in Victoria's energy security. It also represents a vote of confidence in the energy policies of successive coalition governments, notwithstanding the fact that the Labor Party continues to oppose them at every single turn.

Member for Frankston: conduct

Mr ANDREWS (Leader of the Opposition) — My question is again to the Premier. I refer the Premier to the comments of the member for Frankston this morning in which he called journalists 'vultures' — that is, creatures that feed off others. I ask the Premier: has the member for Frankston repaid the money he owes all Victorians because of his unprecedented rorting?

Mr BAILLIEU (Premier) — I thank the Leader of the Opposition for his question. This question is substantially similar to a question the Leader of the Opposition asked me in a previous sitting week.

Honourable members interjecting.

The SPEAKER — Order! I ask the house to come to order. A question has been asked. Members are not going to be able to hear the answer if they are yelling and screaming. I would like the house to remain as quiet as it is now.

Mr BAILLIEU — It is a question that is substantially similar to a question, I think, asked — —

Ms Thomson interjected.

Questions interrupted.

SUSPENSION OF MEMBER

Member for Footscray

The SPEAKER — Order! The member for Footscray can go out for half an hour. Come on!

Honourable member for Footscray withdrew from chamber.

QUESTIONS WITHOUT NOTICE

Member for Frankston: conduct

Questions resumed.

Mr BAILLIEU (Premier) — As I was saying, this question is very similar to a question that was asked of me, I think, in the previous sitting week or the one before. I made the point then, as I have done on a number of occasions, that the Ombudsman investigated these matters, made a report to the Parliament and made two recommendations, and those recommendations are being followed. Save for the ornithological reference to which the Leader of the Opposition referred, the question is essentially the same. My answer is essentially the same, and I do not intend to engage — —

Mr Andrews — On a point of order, Speaker, whilst I appreciate that you are not in a position to direct the Premier to answer the question, it is a pretty simple question. Has the member for Frankston — —

The SPEAKER — Order! The member's microphone is turned off, so I ask him to resume his seat. Points of order are not a time to get up and ask the same question again.

Mr Andrews interjected.

The SPEAKER — Order! And they are not a time to argue with me.

Mr BAILLIEU — I invite the Leader of the Opposition to read the Ombudsman’s report, in which he refers this matter to the Parliament and recommends that it — —

Mr Andrews — On a further point of order, Speaker, of relevance. The Premier, far from answering the question, is inviting me to read Ombudsman’s reports. I would invite, and I ask you to invite, the Premier to answer the question he was asked. The member for Frankston made a commitment.

The SPEAKER — Order! Do not repeat the question.

Mr Andrews — The member for Frankston made a commitment. The Premier is only too happy to attest to him. He ought to answer the question.

The SPEAKER — Order! I have heard enough. I do not uphold the point of order.

Mr BAILLIEU — The Ombudsman made two clear recommendations, both of which are being followed, including a reference of this matter and the particulars to which the Leader of the Opposition refers to the Privileges Committee. That is what has been undertaken by the house. That will be a matter for the Privileges Committee. Again, I invite the Leader of the Opposition, as he continues to ask this question, to read the Ombudsman’s report and its recommendations.

Mr Merlino — On a point of order, Speaker, the Premier is not being relevant to the question. The member for Frankston said he would repay this money before — —

The SPEAKER — Order! I remind members again that it is not an opportunity when they get up to make a point of order — —

Mr Merlino — I am not repeating the question, Speaker.

The SPEAKER — Order! You already had! I am saying: do not repeat the question. The member is to move on with his point of order.

Mr Merlino — Speaker, I was not repeating the question, I was making the point that the Premier is not being relevant to the question. The promise was made; it should be — —

The SPEAKER — Order! I ask the member to sit down. The answer was relevant to the question that was asked.

Mr BAILLIEU — I say again, and I appreciate that both the Leader of the Opposition and the Deputy Leader of the Opposition do not want to hear it, the Ombudsman — —

Mr Andrews — On a point of order, Speaker, I put it to you that question time is not an opportunity for the Premier to run lectures for me or the Deputy Leader of the Opposition or anyone else. We are not queuing up for his advice. What we would like is an answer to the question. I will not repeat the question, but I would simply resubmit that it can be answered yes or no, and that is what the Premier ought do.

Honourable members interjecting.

Dr Napthine — On the point of order, Speaker, the standing orders make it clear that answers need to be relevant to the questions. The Premier was being absolutely relevant to the question. What we are seeing here is an series of absolute stunts by the Leader of the Opposition and the Deputy Leader of the Opposition — purely political stunts — —

The SPEAKER — Order! I ask the Minister for Ports to return to his seat. The answer was relevant to the question that was asked, and I ask the Premier to return to answering the question.

Mr Pandazopoulos — On a point of order, Speaker, can I ask for some guidance from you in relation to the appropriateness of the chair of the Privileges Committee making any comment in the house on a matter that members of that committee, including myself, will be deliberating on?

The SPEAKER — Order! I do not consider that the point the Minister for Ports made was relevant to anything that might be before the Privileges Committee.

Mr BAILLIEU — I say again that the Ombudsman made recommendations, including that the matter be referred to the Privileges Committee and that the Privileges Committee consider — —

Honourable members interjecting.

Questions interrupted.

SUSPENSION OF MEMBER

Member for Mill Park

The SPEAKER — Order! The member for Mill Park can leave the chamber for half an hour.

Honourable member for Mill Park withdrew from chamber.

QUESTIONS WITHOUT NOTICE

Member for Frankston: conduct

Questions resumed.

Mr BAILLIEU (Premier) — The Ombudsman made a recommendation to the house that the house refer the matter to the Privileges Committee and further that the Privileges Committee consider the suggestion made by the member for Frankston to which the Leader of the Opposition specifically referred. I have made this point before. It is now before the Privileges Committee; that is a matter for the Privileges Committee. Aside from the ornithological reference to which the Leader of the Opposition referred — coloured in turn by the Leader of the Opposition's own ornithological references in his interjections — the answer is the same.

Ms Allan — On a point of order, Speaker, I refer to your suspension, during the Premier's answer, of the member for Footscray. Whilst we certainly respect your authority, your having the right to eject members of Parliament who disobey the standing orders and your request that members of the chamber behave appropriately at all times, I suggest that your comments to the member for Footscray as she was leaving the chamber were perhaps inappropriate, particularly given that the member for Footscray, as I think is reasonably well known, has a knee condition which restricts her movement. Whilst we will comply with your rulings, Speaker, I think it would make the operation of the house a lot more smooth if all of these matters were conducted with the level of respect they deserve.

The SPEAKER — Order! Certainly, and I would ask also for a level of respect to the Chair. When I ask someone to leave the chamber I do not expect them to fiddle around for ages while doing so.

Schools: gifted and talented students

Mr SOUTHWICK (Caulfield) — My question is to the Minister for Education. Can the minister inform the house of the government's —

Honourable members interjecting.

Questions interrupted.

SUSPENSION OF MEMBER

Member for Altona

The SPEAKER — Order! The member for Altona can leave the chamber for half an hour.

Honourable member for Altona withdrew from chamber.

QUESTIONS WITHOUT NOTICE

Schools: gifted and talented students

Questions resumed.

Mr SOUTHWICK (Caulfield) — My question is to the Minister for Education. Can the minister inform the house of the government's response to the Education and Training Committee's report on the education of gifted and talented students in Victoria and any other policies?

Mr DIXON (Minister for Education) — I thank the member for Caulfield for his question. I would also like to thank the member for Caulfield and the members of the Education and Training Committee on both sides of the house for the work they have done on their report into the education of gifted and talented students in this state.

The report found that approximately 10 per cent of the population are gifted and talented; therefore 85 000 students in our schools would come under that category of gifted and talented. Surprisingly, and I think most people are shocked to find this, students who are gifted and talented are often at risk and are disengaged from their education. People normally associate disengagement with students who are struggling academically, socially or intellectually at their school, but often these very talented children have been bullied, they may work below their capacity and some manifest quite disruptive behaviours in the classroom. As I said, that has surprised many people.

The other thing that has been found is that gifted and talented children are often not recognised. There is a broad definition of what it means to be gifted, and when gifted children are recognised many teachers are not equipped to deal with how best to teach them, the sorts of resources they need and how to extend them. We have also found that teachers have done their best. Back in the 1990s we had the Bright Futures program, which was a nation-leading program for gifted and talented students. Unfortunately over the last decade we have seen that just fall away, and it has often been very difficult for teachers to work with these students. We

have four selective entry academic schools in the state and the select entry accelerated learning program in over 30 secondary colleges, but this is just not enough to deal with the 85 000 students in our schools who are gifted and talented.

‘Gifted and talented’ is a category that applies over a wide area; it is not just academic. It includes academic areas, but it could also include sport, music, IT and leadership, and it could be in the trades and other hands-on areas. It is a very wide definition. We are tackling the issue straightaway with our Victoria as a Learning Community policy that we released recently, in which we recognise that not only do all students need a core curriculum, a scope and a sequence at all year levels but we need to educate the whole child. A child needs to be exposed to a broad curriculum.

We also need to give freedom to our schools to specialise, to help the students specialise and to allow classrooms to be specialised, so that those students who are gifted and talented find a spot within that school where they can excel. It is also important that we recognise in our policy that we need to draw on outside resources to help extend these students’ learning. A good example from our policy is the expansion of our VCE (Victorian certificate of education) program, recognising that students learn in different ways. There will be three extra study areas that will form part of the VCE: the Victorian baccalaureate for students who have a wide set of interests, an industry pathways program for students with input from industry and an in-depth specialisation subject for students who might, for example, excel in maths or sciences or sport or whatever the case may be.

The committee recommended that we do some immediate work because of the dearth of policy that we found when we came to government. In the short term we will be establishing a committee of experts to help us to produce immediate policies, immediate programs and immediate resources for those teachers who have been struggling over the last 10 years not only in recognising those children but in meeting their needs. In the medium term, next year we will move on to develop a complete policy for gifted and talented children. Much has changed in education in the last decade, and we need to recognise that we have moved on. We need to meet the needs of these students, which sadly was not done over the last 10 years. We believe in equity in education, and equity in education means that every single child should reach their potential.

ASSISTED REPRODUCTIVE TREATMENT AMENDMENT BILL 2012

Introduction and first reading

Dr NAPHTHINE (Minister for Ports) — I move:

That I have leave to bring in a bill for an act to amend the Assisted Reproductive Treatment Act 2008 and for other purposes.

Ms GREEN (Yan Yean) — I ask the minister to explain the purpose of the bill.

Dr NAPHTHINE (Minister for Ports) — The bill seeks to address issues relating to the length of time gametes and embryos can be stored and then used for family formation.

Motion agreed to.

Read first time.

ENERGY LEGISLATION AMENDMENT (FLEXIBLE PRICING AND OTHER MATTERS) BILL 2012

Introduction and first reading

Mr O’BRIEN (Minister for Energy and Resources) — I move:

That I have leave to bring in a bill for an act to amend the Electricity Industry Act 2000, the Gas Industry Act 2001, the National Electricity (Victoria) Act 2005 and the National Gas (Victoria) Act 2008 and for other purposes.

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

Mr O’BRIEN (Minister for Energy and Resources) — This bill will provide the government with the opportunity to make further orders in council to strengthen consumer protections around the implementation of the government’s flexible pricing reforms from the middle of next year to put smart meters to work, to make sure that consumers are protected during the transition and to make sure that they have better access to off-peak pricing.

Motion agreed to.

Read first time.

**STATUTE LAW AMENDMENT
(DIRECTORS' LIABILITY) BILL 2012**

Introduction and first reading

Mr CLARK (Attorney-General) — I move:

That I have leave to bring in a bill for an act to revise the statute law of Victoria in relation to the criminal liability of officers of bodies corporate and for other purposes.

Mr MERLINO (Monbulk) — I ask the Attorney-General for a brief explanation of the bill.

Mr CLARK (Attorney-General) — This is a bill to reform the law relating to the criminal liability of directors and other officers of bodies corporate in accordance with the process established by the Council of Australian Governments some time ago.

Motion agreed to.

Read first time.

CORRECTIONS AMENDMENT BILL 2012

Introduction and first reading

Mr McINTOSH (Minister for Corrections) — I move:

That I have leave to bring in a bill for an act to make miscellaneous amendments to the Corrections Act 1986 and the Parole Orders (Transfer) Act 1983 and for other purposes.

Ms ALLAN (Bendigo East) — I ask the minister to provide a brief explanation of the bill.

Mr McINTOSH (Minister for Corrections) — The bill provides power to the Supreme Court to order that a prisoner may be absent from prison custody to voluntarily assist police for the purposes of administration of justice matters. It also deals with the power of the Adult Parole Board of Victoria to cancel parole even though the parole period has expired if the prisoner is subsequently sentenced to a further term of imprisonment for an offence committed during the parole period.

Motion agreed to.

Read first time.

BUSINESS OF THE HOUSE

Notices of motion: removal

The SPEAKER — Order! I advise the house that under standing order 144 notices of motion 3 to 12 will

be removed from the notice paper. Members wishing their notice to remain should advise the Clerk in writing before 8.00 p.m. today.

PETITIONS

Following petitions presented to house:

Planning: Fishermans Bend

To the Legislative Assembly of Victoria:

This petition of certain citizens of the state of Victoria draws to the attention of the Legislative Assembly the Baillieu government's introduction of capital city powers to fast-track development in the Fishermans Bend development precinct.

In particular, we note:

the eradication of any right to consultation or appeal on developments in the precinct;

that there are no car parking requirements for developments in the precinct, ensuring traffic chaos;

the failure to provide funding for any additional schools, child care, aged care, community facilities or public transport for an estimated further 60 000 people.

The petitioners therefore request that the Baillieu government reverse its decision to give the Minister for Planning capital city powers for Fishermans Bend and instead reinstate the City of Port Phillip's and the local community's right to be heard on the development of this major project.

By Mr FOLEY (Albert Park) (234 signatures).

Swinburne University of Technology: Prahran campus

To the Legislative Assembly of Victoria:

The petition of certain citizens of the state of Victoria draws to the attention of the house the state government's plans to cut \$290 million from TAFE funding.

In particular, we note:

the closure and sell-off of TAFE campuses including Prahran Swinburne campus;

the large increase in fees that will ensure TAFE is unaffordable for many Victorians and will force students to abandon TAFE courses altogether;

with 49 000 full-time jobs already lost in this term of government, skills training has never been more important for Victorians. Now is not the time to be cutting training and skills in our society.

The petitioners therefore request that the Legislative Assembly urge the Baillieu government to abandon the cuts, ensure that no TAFE will be sold to a private developer and secure the future of Prahran TAFE campuses for education and training.

By Mr FOLEY (Albert Park) (648 signatures).

Higher education: TAFE funding

To the Legislative Council of Victoria:

The petition of certain citizens of the state of Victoria draws to the attention of the Legislative Assembly the state government's plans to cut hundreds of millions of dollars from TAFE funding.

In particular, we note:

the TAFE association has estimated up to 1500 jobs could be lost as a result of these cuts;

many courses will be dropped or scaled back and several TAFE campuses face the possibility of closure;

with 49 000 full-time jobs already lost in this term of government, skills training has never been more important for Victorians.

The petitioners therefore request that the Legislative Assembly urge the Baillieu state government to abandon the planned funding cuts and guarantee no further cuts will be made.

**By Mr DONNELLAN (Narre Warren North)
(649 signatures).**

Fisheries Research Branch, Queenscliff: job losses

To the Legislative Assembly of Victoria:

We, the people of Victoria, call upon the Victorian government to stop the job cuts to researchers and reinstate integral research positions at the Fisheries Research Branch, Queenscliff. We also ask the Victorian government to ensure that all laboratories, facilities and research programs remain and to commit to ecosystem-based fisheries management.

We draw to the attention of the house that the proposed cuts in research positions and programs will be detrimental to the future of fisheries and the highly unique marine environment in Victoria.

The Fisheries Research Branch is responsible for world-leading research to enable best fisheries management to ensure that our children and grandchildren will be able to enjoy fishing and the marine environment as we do.

Furthermore, these cuts will prevent future generations of marine scientists from continuing in their career in Victoria. Victoria will lose this invaluable knowledge bank to interstate or overseas.

It is unacceptable that the Victorian government could make these changes when climate change and sustainable fisheries are such important issues that require ongoing specialist research to protect our fisheries and marine environments, highlighted by the issue of the super-trawler.

We call on the Victorian government to make a commitment to the future of fisheries and marine science in Victoria.

By Ms NEVILLE (Bellarine) (120 signatures).

Sale Specialist School: funding

To the Legislative Assembly of Victoria:

The petition of members of the Sale Specialist School council, school community and residents in the shire of Wellington draws to the attention of the house the lack of accommodation space and land at Sale Specialist School. The population growth rate at the school's current campuses places future intakes of students on a waiting list from 2013.

The petitioners, therefore, request that the Legislative Assembly of Victoria remedy the plight of staff and students by expediting the purchase of land suitable for a new school, minimum 2-hectare site, in the city of Sale. The petitioners also request that funding is allocated in the next state budget to build a new school.

This will enable all children with special needs living in the bounds of the shire of Wellington to have an equal opportunity with early intervention and an education equivalent to their peers in buildings and grounds that are safe, secure and fit for the purpose.

By Mr RYAN (Gippsland South) (11 signatures).

Planning: Tecoma fast-food outlet

To the Legislative Assembly of Victoria:

The petition of residents of the Dandenong Ranges and other citizens of Victoria draws to the attention of the house the approval given by VCAT (Victorian Civil and Administrative Tribunal) to permit a fast-food convenience outlet to be built in the small township of Tecoma, despite the council of the Yarra Ranges shire refusing the permit after over 1100 objections were submitted to council and over 300 submissions being presented to VCAT by objectors.

We also draw to the attention of the house:

the restaurant is to be a 24/7 drive through and is totally inappropriate for this location. Tecoma's businesses are all shut by 11.00 p.m;

the increase in traffic will impact on the roads in the immediate vicinity;

these will both impact on the amenity of the local residents;

once this restaurant is built in Tecoma, the precedent has been set and this chain, and others, will then be able to be developed in the Dandenong Ranges;

this unique tourist area, famous for its slow-food character, will then be destroyed forever.

The petitioners therefore request that the Legislative Assembly urge the Baillieu government to do everything in its power to provide legislation that will prevent further fast-food chains being built in the Dandenong Ranges.

By Mr MERLINO (Monbulk) (3775 signatures).

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

Ordered that petition presented by honourable member for Narre Warren North be considered next day on motion of Mr DONNELLAN (Narre Warren North).

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 Bellarine be considered next day on motion of Ms NEVILLE (Bellarine).

PLANNING: MINISTERIAL INTERVENTION

Statement

Mr CLARK (Attorney-General), by leave, presented statement on ministerial intervention in planning matters for period 1 December 2010 to 31 December 2011.

Tabled.

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE

Alert Digest No. 18

Ms CAMPBELL (Pascoe Vale) presented *Alert Digest No. 18 of 2012* on:

Criminal Organisations Control Bill 2012
Fire Services Levy Monitor Bill 2012
Health Services Amendment (Health Purchasing) Bill 2012
Integrity and Accountability Legislation Amendment Bill 2012
Protected Disclosure Bill 2012
Tobacco Amendment (Smoking in Outdoor Areas) Bill 2012
Water Legislation Amendment Bill 2012

together with appendices.

Tabled.

Ordered to be printed.

DOCUMENTS

Tabled by Clerk:

Australian Children's Education and Care Quality Authority — Report 2011–12

Crimes (Assumed Identities) Act 2004 — Reports 2011–12 under s 31

Gambling Regulation Act 2003 — Fixed term ban order under s 2.5A.9 (*Gazette S415, 3 December 2012*)

Liquor Control Reform Act 1998 — Report 2011–12 under s 148R

Melbourne City Link Act 1995 — Deed of Lease of Customer Service Site

Ombudsman — A section 25(2) report to the Parliament on the proposed integrity system and its impact on the functions of the Ombudsman — Ordered to be printed

Parliamentary Committees Act 2003:

Government response to the Drugs and Crime Prevention Committee's Report on the Inquiry into locally based approaches to community safety and crime prevention

Government response to the Education and Training Committee's Report on the Inquiry into the education of gifted and talented students

Planning and Environment Act 1987 — Notices of approval of amendments to the following planning schemes:

Ballarat — C135, C149

Boroondara — C99, C148, C168

Glenelg — C67

Greater Geelong — C273

Greater Shepparton — C151

Indigo — C63

Knox — C98

Melton — C125

Moreland — C141

Wyndham — C163

Yarra — C162

Yarra Ranges — C103 Part 1

Statutory Rules under the following acts:

Dangerous Goods Act 1985 — SR 132

Drugs, Poisons and Controlled Substances Act 1981 — SR 136

Freedom of Information Act 1982 — SR 131

Gambling Regulation Act 2003 — SR 134

Livestock Disease Control Act 1994 — SR 129, 130

Marine (Drug, Alcohol and Pollution Control) Act 1988 — SR 138

Offshore Petroleum and Greenhouse Gas Storage Act 2010 — SR 133

Residential Tenancies Act 1997 — SR 137

Supreme Court Act 1986 — SR 140, 141, 142

Tobacco Act 1987 — SR 135

Transport (Compliance and Miscellaneous) Act 1983 — SR 139

Working with Children Act 2005 — SR 143

Subordinate Legislation Act 1994:

Documents under s 15 in relation to Statutory Rules 129, 130, 132, 133, 134, 137, 138, 139, 140, 141, 142, 143

Documents under s 16B in relation to:

Food Act 1984:

Order exempting persons from primary production and processing requirements of the food standards code

Exemption for retail and catering

Livestock Disease Control Act 1994 — Order in Council exempting persons from the requirements of s 8A

Local Government Act 1989 — Revocation of tow away areas

Victorian Catchment Management Council:

Catchment Condition and Management Report 2012

Report 2011–12.

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

Primary Industries and Food Legislation Amendment Act 2012 — Remaining provisions — 1 December 2012 (Gazette S399, 27 November 2012)

Resources Legislation Amendment (General) Act 2012 — Remaining provisions — 1 December 2012 (Gazette S399, 27 November 2012)

Road Management Amendment (Peninsula Link) Act 2012 — Whole Act — 5 December 2012 (Gazette S419, 4 December 2012)

Serious Sex Offenders (Detention and Supervision) Amendment Act 2012 — Whole Act — 1 December 2012 (Gazette S399, 27 November 2012).

ROYAL ASSENT

Messages read advising royal assent to:

4 December

Classification (Publications, Films and Computer Games) (Enforcement) Amendment Bill 2012

Education Legislation Amendment (Governance) Bill 2012

Offshore Petroleum and Greenhouse Gas Storage Amendment (NOPSEMA) Bill 2012

Road Safety Amendment (Operator Onus) Bill 2012

State Taxation and Other Acts Amendment Bill 2012

11 December

Police Regulation Amendment Bill 2012.

BUSINESS OF THE HOUSE

Program

Mr McINTOSH (Minister for Corrections) — I move:

That, under standing order 94(2) —

- (1) the orders of the day, government business, relating to the following bills be considered and completed by 9.00 p.m. on Tuesday, 11 December 2012:

Climate Change and Environment Protection Amendment Bill 2012

Tobacco Amendment (Shopper Loyalty Schemes) Bill 2012;

- (2) the orders of the day, government business, relating to the following items be considered and completed by 4.00 p.m. on Thursday, 13 December 2012:

Liquor Control Reform Amendment Bill 2012

Parliamentary Apology for Past Adoption Practices

Retirement Villages Amendment (Information Disclosure) Bill 2012

Traditional Owner Settlement Amendment Bill 2012.

In moving this motion I note that there are five bills on the government business program, together with the motion on the very important parliamentary apology for past adoption practices, which will enable members who did not make a contribution to the debate a few weeks ago to make a contribution during the course of this week so the motion can be passed. This very important motion should pass this week.

Ms ALLAN (Bendigo East) — In rising to speak on the government business program the opposition notes, as the Leader of the House has just indicated, that there are five bills before the house this week and that the government is using an unusual device to ensure that it avoids at every turn providing the opposition with any opportunity to take any bill into a consideration-in-detail stage for further scrutiny. In the course of the last two years I think only one bill has been taken into consideration in detail by the government, and that was because the government needed to make some house amendments to a particular bill earlier this year. That was the only time in two years that we have had the opportunity to use the Parliament as it is meant to be used.

The reason we are here is to scrutinise legislation and to make sure we examine it fully when there are concerns. I appreciate that a lot of work goes on behind the scenes to build up the legislative program and to present bills to the house. The government does not always get it right, and from time to time the opposition might want to examine a bill in detail and take it through a consideration-in-detail stage, but to date opposition members have been denied that opportunity at every turn. At every turn we have been denied the opportunity to further consider significant bills that are making, to use the government's own words, significant reforms across a number of areas, including the anticorruption commission provisions which make a whole lot of changes in different areas, and we continue to be thwarted.

A significant gag has been applied across this chamber by the Premier and his government to the operations of the opposition. A significant gag has been wrapped around each and every member of this chamber to ensure that we are not able to examine legislation.

An honourable member — You made the rules.

Ms ALLAN — We hear the bellows of those opposite, saying, 'They are your rules'. There are two points I would like to make on this. The first is the rule may be there and this may be allowed for under the standing orders, but it does not mean it has to be used. It does not mean it has to be deployed.

Secondly, opposition members well remember the lectures, the carping and the proclamations made by government members when in opposition about how things would be different when they were in government. They said there would be transparency, openness and accountability, and that things would be different under this Premier and this government. The whole show has gone backwards under this

government, which has wrapped a gag around this chamber. At every opportunity it has thwarted the opposition's attempts to scrutinise legislation, and this week we have yet another example of that at the government's hands.

I also make the comment that we are yet to hear a positive response from the government to the opposition's proposition that this chamber amend its standing orders to permit the incorporation of second-reading speeches into *Hansard*. Opposition members want to do this — —

Mr McIntosh interjected.

Ms ALLAN — The Leader of the House would well remember that we wanted to do this in government. We sought negotiations and consultation with members of the then opposition. However, I think the Leader of the House remembers why we did not do this. It is because he did not want it to happen. He wanted to make sure he could sit at the table and read the bills as they come through. We think incorporating second-reading speeches into *Hansard* is sensible, practical and a modern reform of the standing orders. We think it makes sense. We cannot understand why the government does not embrace this change wholeheartedly. It would mean a number of things, including that we would get more opportunity to debate legislation so additional scrutiny could be applied across bills.

Ms Beattie interjected.

Ms ALLAN — Maybe that is why they do not want to do this. Secondly, it would mean that members of The Nationals could hit the road at 4 o'clock on Thursdays, as they want to. That is really why there is an issue.

In concluding my remarks, I make the following comments. This is the last sitting week of the year. I wish everyone a merry Christmas. We probably will not have another opportunity to do that this week. It may well be that Christmas felicitations are a thing of the past, but this is an opportune time to thank all of the parliamentary staff for the terrific work they do in supporting us as members of Parliament. They work hard, and they support this Parliament and represent it very well. On behalf of the Labor Party, we certainly wish the staff a merry Christmas. We also wish our fellow members of Parliament a merry Christmas, including those on the government benches, and look forward to improved scrutiny in 2013.

Mr CRISP (Mildura) — I rise on behalf of The Nationals to support the government business program

and to reinforce the importance of the two-stage approach we are using. The Tobacco Amendment (Shopper Loyalty Schemes) Bill 2012 needs to pass quickly. We all know the issues with smoking, and this bill will close a loophole that may well be seen to support smoking.

There is also the Climate Change and Environment Protection Amendment Bill 2012. It is summer — litter season — and this legislation contains good provisions to remind people that certain litter infringements and residential noise infringements are being altered. Then we move on to the Traditional Owner Settlement Amendment Bill 2012. This is very important for our local Aboriginal communities, which are working their way through so many issues. The Retirement Villages Amendment (Information Disclosure) Bill 2012 is important. It is important that those who live in retirement villages get the information they need.

The Liquor Control Reform Amendment Bill 2012, the tip out bill, is well overdue because it deals with the issue of inappropriate drinking by minors and others. I also add to the comments of the member for Bendigo East that the rules are consistent with her party's practice in government. To hear all this carry-on is truly amazing. With all of that said, I am going to join in on the Christmas cheer and wish everybody around here a merry Christmas. I will see everyone in the new year, no doubt.

Ms KAIROUZ (Kororoit) — I rise to oppose the government business program. Another year has gone by and all we have seen is the government sit idly by and watch Victorians lose their jobs, watch Victorian businesses close and watch Victorians leave this great state in droves. Unfortunately what we have seen in the past year is debate continuing to be gagged and members of the opposition not having an opportunity to express their views and adequately represent their constituents. As part of this government business program we see two bills being fast-tracked, which basically allows no scrutiny by this side of the house. The bills will go to the guillotine at about 9.00 p.m. this evening. Unfortunately members on this side of the house will not be able to speak on those bills because the government wants to rush them through the house.

This year we have also seen the government continue to interrupt important debating time to second-read bills. It is quite obvious why it is doing this. It is to ensure that members of The Nationals are ready and packed up to leave by 4.00 p.m. on Thursday. None of them is here at the moment. The Nationals Whip has left; he is probably already starting to pack for Thursday evening. That is the reason the government has done this, and the

opposition continues to oppose the government business program because of it. Important debating time is continuously being interrupted, and because of the gag members of the opposition are unfortunately not always able to have their say.

I wish you a merry Christmas, Speaker. Hopefully 2013 will be a good year for you. I also thank the staff — the clerks, security and the catering staff. Everybody who works at Parliament has contributed to a fairly smooth year this year. I wish all members of Parliament a safe Christmas.

The SPEAKER — That is very nice of you. Thank you very much.

Mr BATTIN (Gembrook) — I rise today to support the government business program. It is a good, solid business program to end a great, solid year by the coalition. What a fantastic way to end. We have some fantastic amending bills coming through, including the Tobacco Amendment (Shopper Loyalty Schemes) Bill 2012 and the Climate Change and Environment Protection Amendment Bill 2012. Obviously those two bills will be going through early so that we can get some education out there about littering in our streets and ensure not only that we are cleaning up crime but that we are cleaning up the streets and the environment as well. We also have the Liquor Control Reform Amendment Bill 2012 and the Electronic Conveyancing (Adoption of National Law) Bill 2012. They are very important bills for Victoria.

I note that those opposite continue to go on about The Nationals. The member for Morwell had a bit of a yawn before because of the old jokes they go on and on about. I am not sure if anyone has realised, but if you were to stand at the back gate with a little counter and count the ALP cars as they leave at 4 o'clock, I can guarantee that you would find that every Nationals member's car remains here. There is not one Nationals member's car that goes out that gate early, because The Nationals fully support us and they want to make sure that as a government we stay here and get everything through.

We have a bit of Christmas cheer in the house, and I will also finish by wishing everyone a merry Christmas — the clerks and everyone in the house. Members of the security personnel are looking after the gallery. They do a fantastic job of protecting us and making sure that we can do a great job.

Ms Allan interjected.

Mr BATTIN — Yes, we do need protection. The protective services officers are here to protect members

of Parliament, as they are now protecting all Victorians who travel by rail due to some great initiatives of this great government.

Mr DONNELLAN (Narre Warren North) — This is the story of a government that just limits things. It just cuts things and limits debate, and it is doing so again. We have another day of second-reading speeches coming in far too early and being read like a race call. It is all a waste of time. It does not add anything to democracy. At the end of the day, it is about time the government changed. I remember the great debate during the last election campaign and the promises made to Paul Austin and Josephine Cafagna that we would have reform and that Dorothy would disappear. But unfortunately Dorothy has not disappeared; Dorothy is still here.

We have only five bills before us this week. The reason the government wants to continue to limit debate is that it is not doing much. All it is doing is cutting funding for things like hospitals and cutting the time allowed for debate — and it continues to cut that time. This is not an activist government; this is a group of plodders. We have only five bills; nothing much is really happening. We had enormous promises made by the Premier during the last election campaign, but none of them has been met. We have not had one reform made to this house, but we all remember the promises that were made. The question was put to the Premier at the time, ‘What about Dorothy Dixers?’. The answer was, ‘Oh, yeah, we’ll deal with that’. But of course nothing much has happened at all.

Mr McIntosh — On a point of order, Speaker, this debate is about the government business program. It is a very narrow debate. I ask you to bring the member back to the government business program.

The SPEAKER — Order! I ask the member to come back to the government business program.

Mr DONNELLAN — The government is just limiting debate all over again.

The SPEAKER — Order! A little bit of Christmas festive discussion at the end is about all we need.

Mr DONNELLAN — Limitations; cut, cut, cut.

Mr McIntosh — I am sorry, you had to be relevant!

Mr DONNELLAN — That is all right. I am looking at what the government has delivered, and this is very much a government of plodders. This is not an activist government. We have five bills, the government is limiting debate, we are having the second-reading

speeches on Wednesday and we have a get-home-early-on-Thursday situation. We are actually paid by the Victorian public to be here and to debate bills, to be serious, to look at these things in a logical manner and to provide suggestions and the like. But if we have to continue to limit debate, we will get ordinary outcomes, which is the assessment the public has made of this government — that it is a pack of plodders and is not doing much. There is this continual limiting of debate. We continue to have Dorothy Dixers. That is not on the government business program at the moment, but we have not had the reforms the Premier promised the public.

The SPEAKER — Order! The member should return to the motion.

Mr DONNELLAN — Yes, the government business program. We still have limitation of debate. I would encourage the government to look at this in the new year, in the spirit of Christmas, and to try to broaden and open the debate on all these topics. I would encourage it to stop limiting debate, to stop the cuts and to have a happy new year.

House divided on motion:

Ayes, 44

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

Noes, 43

Allan, Ms	Howard, Mr
Andrews, Mr	Hutchins, Ms
Barker, Ms	Kairouz, Ms
Beattie, Ms	Kanis, Ms
Brooks, Mr	Knight, Ms
Campbell, Ms	Languiller, Mr
Carbines, Mr	Lim, Mr
Carroll, Mr	McGuire, Mr
D’Ambrosio, Ms	Madden, Mr
Donnellan, Mr	Merlino, Mr

Duncan, Ms
 Edwards, Ms
 Eren, Mr
 Foley, Mr
 Garrett, Ms
 Graley, Ms
 Green, Ms
 Halfpenny, Ms
 Helper, Mr
 Hennessy, Ms
 Herbert, Mr
 Holding, Mr

Nardella, Mr
 Neville, Ms
 Noonan, Mr
 Pallas, Mr
 Pandazopoulos, Mr
 Perera, Mr
 Richardson, Ms
 Scott, Mr
 Thomson, Ms
 Trezise, Mr
 Wynne, Mr

Motion agreed to.

MEMBERS STATEMENTS

Operation Newstart Victoria: Dandenong graduation

Mr HOLDING (Lyndhurst) — I rise to congratulate the team at Operation Newstart Victoria on the fantastic program they provide to support youth who are disengaged from the education system. It was a great pleasure to join Newstart graduates and their parents and families, as well as supporters of the program, at a graduation for the south-eastern region of Melbourne on 30 November this year. We were pleased to be able to join Emily, Brendan, Anthony, Nicole, Katie and Monica, who are this year's Newstart graduates.

Operation Newstart is a great program that was developed by teachers and Victoria Police. It is aimed at youth who are disengaged from the education system, and its origins hark back to Mount Erin in Frankston in 1997. Operation Newstart Victoria itself was formally established in 2007. I want to make it clear that whilst these are disengaged youth, they are often smart kids. If the young people I saw at the graduation program I attended in Dandenong are representative of the kids in the program more generally, I have to say that these are students who are articulate and very determined. The eight or so students who normally do the program at a time spend a term with police and a teacher facilitator. They do bushwalking, mountain bike riding, surfing, caving, high ropes — which these students did in the Dandenongs — and rafting. The students did environmental work with the City of Greater Dandenong and also worked with Waverley Industries, the Country Fire Authority and Malmsbury Youth Justice Centre.

This is a great program for young people at risk, and it also has a great conventional education program focus as well. I want to congratulate all those involved — —

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

Small business: Neutral Fuels

Ms ASHER (Minister for Innovation, Services and Small Business) — It gives me great pleasure to advise the house that on 5 December I officially opened a new Victorian enterprise, Neutral Fuels, at Dandenong. Very simply, Neutral Fuels takes McDonald's waste cooking oil and converts it into biodiesel to use in McDonald's delivery vehicles. It is an interesting project. I met with Karl Feilder, the chairman and chief executive officer of the Neutral Group, in Dubai in February as part of the government's trade mission. Mr Feilder runs a similar business in Dubai, and at that meeting he indicated that he would like to come to Victoria to relocate this business. He has had significant assistance from the government in the form of both the government business office in Dubai and my department here in Victoria for site selection and general facilitation of this new business for Victoria.

This new business is yielding 10 jobs at the moment. The project now covers half of McDonald's stores, and I am told the other half will be brought on line in 2013. In essence this shows the benefits of the government's international engagement strategy. Had we not been on a trade mission, I doubt that I would have met Mr Feilder, and I doubt that the Victorian government would have been able to offer him such significant assistance in relocating this Dubai business to Victoria. I wish him well in his endeavours.

Lions Club of Northcote: 50th anniversary

Ms RICHARDSON (Northcote) — On 1 December I celebrated with fellow Lions members 50 years of the Lions Club of Northcote. On 1 December 1962 the Lions Club of Northcote charter was formed, with 32 members and Jack Potter as president. Since then the contribution of the club to our local community has been tremendous. Countless numbers of people have benefitted directly from the work that its members do. In the 1970s the club opened its opportunity shop in Fairfield, and each year it alone contributes more than \$50 000 to charitable works, totalling \$1.5 million since it opened its doors.

The event recognised past and present Lions who have made significant contributions, including Betty Hales and Helen Thomas, who ensure that the opportunity shop remains fit for service. Congratulations to Eric Gittins, our current president, and fellow club members for a great night of celebrations, and thanks again on

behalf of the community of Northcote for all the work you do.

Molly Hadfield

Ms RICHARDSON — I would like to take this opportunity to also pay tribute to Molly Hadfield, whose passing at the age of 90 has saddened all who knew her and her good works. Molly took up many causes — improving aged care, public transport, equal pay and health — but her fight to improve public housing in particular was groundbreaking and secured better outcomes for countless people. In 2006 she was awarded a Medal of the Order of Australia, and her name was listed on the Victorian Honour Roll of Women.

To her children, Sue Marino and Robert Hadfield: thank you for sharing your mother with us. Molly will never be forgotten, nor will her tireless efforts to work on behalf of her community.

Melbourne Park: clay courts

Mr DELAHUNTY (Minister for Sport and Recreation) — Today I was pleased to join Tennis Australia officials at the opening of Melbourne Park's eight new clay courts, as part of a \$366 million redevelopment. These courts are a real asset, allowing our emerging and elite athletes to train, practise and compete at world-class facilities. This is why Melbourne is the sporting capital of Australia — in fact the world.

Victoria has one of the most prestigious major sporting events calendars in the world, including the Australian Open Tennis Championships, the Australian Formula One Grand Prix, the AFL finals series, the Spring Racing Carnival and the Boxing Day test. Just last week Melbourne hosted three major sporting events: the World Dancesport Championship, the ISAF Sailing World Cup, and the international Hockey Champions Trophy, which Australia won. No other city in Australia, or for that matter the world, can offer an event experience like the one Melbourne does. Therefore it was great to be part of today's announcement.

Hospitals: federal funding

Mr DELAHUNTY — On another matter, I am appalled that the federal Labor government plans to strip more than \$100 million out of Victoria's public hospitals, affecting five health services in the Lowan electorate. Casterton and Edenhope hospitals, the Western District Health Service, the West Wimmera

Health Service and the Wimmera Health Care Group will lose more than \$600 000 from their budgets. I call on the Labor opposition to speak up for Victoria, strongly lobby its federal counterparts and stop these funding cuts — to be Victorians first and Labor second.

Schools: Reading Recovery program

Ms KNIGHT (Ballarat West) — The decision of this government to no longer employ Reading Recovery program tutors has caused great upset at my schools, with a person at one having said it is 'the straw that has broken the camel's back'. This decision will impact on the most vulnerable students in our schools. The students who would be eligible for the program are those who require their literacy levels to be lifted. This is important for many and obvious reasons. It is important for the teachers who care about their students and only want them to have the best educational opportunities. It is important for the parents who care about their kids and only want them to have the best chance in life.

What distresses me most about this decision is that kids who struggle with reading, who may live in difficult circumstances, whose home lives are difficult and challenging and who face lives that most of us cannot even imagine, will now not get the literacy tutoring they require through Reading Recovery. I am really disgusted by this decision. It absolutely attacks the most vulnerable kids and families and seems to be a petty decision based on having no knowledge at all about the importance of reading. As well as future learning and economic implications, I feel really upset that kids, some of whom have it so tough at home, will be unable to learn to read in order to escape to a different world for a while — and I think that is as important as anything else. I call on the minister to review his decision and ensure that Reading Recovery can continue in our schools.

Bayswater: community festival

Mrs VICTORIA (Bayswater) — It was fantastic to see so many people turn out on a beautiful spring day for the fourth annual Bayswater social inclusion street party. From schools to community groups and local traders, this event offers a pathway for the promotion of some of the many opportunities that are offered in the local area. There were plenty of market stalls and free entertainment provided by our local talent. Well done to all involved in the organisation of this event.

Bayswater: Christmas gifts

Mrs VICTORIA — This Saturday past I spent a couple of hours with members of the Bayswater Country Fire Authority delivering toys and chocolates to shoppers in the Bayswater shopping precinct. A fantastic time was had by those assisting, and to see the excited faces of the children receiving the toys made all our efforts worthwhile. Special thanks to Adam ‘Santa’ Roche, Michael Lalor and senior firefighter Alan Hodgkin for their fantastic efforts. Also to my beautiful, community-spirited daughter, Charlie ‘The Elf’ Victoria, who loved smiling at everyone and helping hand out toys.

I would like to take this opportunity to wish everyone a fantastic holiday season and hope you can all spend some time surrounded by loved ones enjoying the festivities.

The Seekers: 50th anniversary

Mrs VICTORIA — Last week marked a very special occasion in Australian musical history: the Seekers celebrated their 50th anniversary as an iconic folk pop group. Much loved both here and around the world, the accolades poured in for Judith, Athol, Keith and Bruce. For those of us lucky enough to be part of the event, it was easy to see that the group’s recipe for success is the deep love and respect each member genuinely feels for the others, not to mention the unmistakable sound of purity and talent. I wish them all well for the anniversary tour.

Para–Ratray roads, Montmorency: safety

Mr HERBERT (Eltham) — I rise to update the house on the issue I raised in the adjournment debate on 9 October regarding a dangerous section of Para Road near Ratray Road in Montmorency. As a result of my raising the matter on the adjournment, a meeting was convened in my office between Mrs Cheryl Simpson, whose daughter, Felicity, had been hit while she was trying to cross Para Road; Ms Patricia Liew, VicRoads regional director of Metro North West; and representatives of Banyule City Council and region and the office of the Minister for Roads. It was an important opportunity for Mrs Simpson to alert decision-makers to the dangers that pedestrians and motorists face at the intersection of these two busy roads and at the bus stops on Para Road.

Whilst Mrs Simpson and others at the meeting may have been hoping for a more final outcome, we were able to take what I believe is a step in the right direction to improve road and pedestrian safety at this site.

Options discussed included full traffic signals, a roundabout and the inclusion of a pedestrian refuge. VicRoads has made a commitment to do a study of the site and to develop a range of costed options to be presented at a follow-up meeting in February 2013.

I would like to thank Minister Mulder for responding in a positive manner to this dangerous situation; and Banyule’s mayor, Cr Wayne Phillips, and Cr Steven Briffa, who came to the meeting prepared to make a financial contribution. Their offer was very generous given that they do not have responsibility for the road. It is a good sign of working in partnership to determine the best options for the community. I will report back to the house with further developments on this issue as they arise.

Ian Zadow

Mr THOMPSON (Sandringham) — I pay tribute to Mr Ian Zadow, who recently spoke at a service in Queen’s Hall organised by Road Trauma Support Services and supported by the Transport Accident Commission. He lost his daughter Lauren-Kay at the age of 18 in 2010 as a result of a road accident. On the day he noted:

I am learning to cut myself some slack these days and realise that courage doesn’t always roar ... Sometimes courage is the quiet voice at the end of the day saying, ‘I will try again tomorrow’.

Thelma Mansfield

Mr THOMPSON — I pay tribute to the life and community work of Thelma Mansfield, an Order of Australia Medal recipient and resident of the southern metropolitan region of Melbourne.

Bendigo Bank: Beaumaris branch

Mr THOMPSON — I pay tribute to the Beaumaris branch of the Bendigo Bank, which recently celebrated its 10th birthday. Over its time in operation it has made many donations to myriad Beaumaris community groups, including sporting clubs, the Bayside men’s shed, the Beaumaris Art Group and the Probus Club of Cerberus.

Black Rock House: carol service

Mr THOMPSON — I pay tribute to the committee of Black Rock House on the organisation of a carol service on 5 December, which was attended by students from Black Rock Primary School and Beaumaris North Primary School and members of the wider community.

Graham Whitehead

Mr THOMPSON — I pay tribute to Graham Whitehead, a historian employed by the City of Kingston, for his recent publication entitled *Two Acre Village*, which is a history of Cheltenham.

Hospitals: federal funding

Mr THOMPSON — I condemn the federal government on its recent health-care cutbacks, which will impact negatively on the treatment of Victorian patients.

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

City of Greater Geelong: former councillors

Mr TREZISE (Geelong) — I take this opportunity to commend and congratulate four former City of Greater Geelong councillors who finished their service at the recent council election — that is, John Mitchell, Barbara Abley, Cameron Granger and John Doull. In making this brief contribution I will restrict my comments to former mayors Mitchell and Abley, as they both served in my electorate.

John Mitchell was elected to council in 2004 and served as mayor from 2008 to 2012. It would be fair to say that he was very much a true community-based councillor, who contributed greatly to the suburbs of east Geelong. Of course as mayor, John Mitchell's focus was much wider and his leadership at a time when Geelong's manufacturing base was and is very much at a crossroads was to be admired as he led many local delegations to this Parliament and to Canberra in fighting for the people of Geelong and for Geelong's future. I commend John and his wife, Sharon, on their untiring work for Geelong. Going from a Thomson boy to our mayor is a badge of honour that John Mitchell can wear proudly.

Barbara Abley served Geelong with great distinction from 2001 to 2012, and she was the city's first female mayor from 2002 to 2004. Barbara Abley was committed to her role as councillor, and I often remarked to her that she must never be at home because she seemed to attend every function at night, as I am sure she did. On many occasions she attended such functions not just as a councillor but also in her numerous other roles and in relation to other responsibilities she had taken on. It would be accurate to say that at most functions she knew nearly everybody. I again take this opportunity to commend Barbara Abley and her husband, Barry, who I know

very proudly supported her in her work. My congratulations and thankyou to former councillors Mitchell, Abley, Granger and Doull.

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

Family violence: Mildura electorate forums

Mr CRISP (Mildura) — Family violence and crime prevention were in the spotlight in Mildura last week following a visit by the Minister for Crime Prevention and Andrea Coote, a member for Southern Metropolitan Region in the Legislative Council and Parliamentary Secretary for Family and Community Services. Both members attended and spoke at forums relevant to their portfolios to highlight family violence issues and to reinforce the coalition's policy that family violence is unacceptable and that those responsible need to change. No community can be proud of family violence statistics, and I welcome the work of all those involved in reducing this scourge on our community.

Mildura electorate: government achievements

Mr CRISP — On another matter, as the Parliament wraps up its sittings for the year, I indicate that there is much the coalition achieved in the Mildura electorate over that period. The construction of the Ouyen P-12 school will enter its final phase next year, with the construction of the primary campus. The 11-year, hard-Labor gas drought is well on its way to being broken, with the coalition's commitment to a new gas compressor in South Australia to boost line capacity.

With the new capacity we will see a second retailer enter the market to enhance competition. This should produce benefits for consumers. The riverfront development is almost through the planning stage, and 2013 should see works under way. The agreement on the Murray-Darling Basin plan and the unlocking of funds for the Sunraysia modernisation project should give horticulturalists some confidence for the future. Happy Christmas to all.

Australian Tennis Awards

Mr EREN (Lara) — Last week, with the members for Lyndhurst and Derrimut, I had the privilege of attending the Australian Tennis Awards ceremony, which included the awarding of the Newcombe Medal. The Australian Tennis Awards recognise service to tennis at all levels — clubs, coaches, volunteers, communities, officials and players. The Newcombe Medal is awarded to the year's most elite player and is named in honour of Australian tennis legend John

Newcombe. The amazing Samantha Stosur won the medal for the third successive year, and she is a very worthy winner. Sam Stosur is the first woman since Wendy Turnbull to finish in the world top 10 three years in succession.

I would like to congratulate Sam and all the other award winners. I also congratulate Tennis Australia on organising a wonderful event to celebrate the achievements of our tennis community. In particular I thank Robin O'Neill for hosting us on the night. Tennis is a very important sport for the Australian community, and along with millions of others, I will be looking forward to some sizzling tennis action over the summer period.

Ports: Bay West proposal

Mr EREN — I also take this opportunity to inform the house that, together with the shadow Minister for Ports and a large number of stakeholders, I visited potential sites for Labor's Bay West port proposal. The Bay West port proposal is a policy of the Labor opposition. Over the last two years the Liberal government has presided over huge job losses in Victoria, particularly in the Geelong region. The Bay West port proposal will be a game changer for employment in this region. This proposal by Victorian Labor will give surety and confidence for the future to Geelong residents. By locating the new port in the Bay West area, major infrastructure investments will be assured. Not only will there be many jobs created at the port itself, there will also be many jobs created during the building —

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

Bushfires: Whiteheads Creek

Ms McLEISH (Seymour) — The level of preparedness of Victoria's Country Fire Authority (CFA) brigades to battle fires in the coming fire season was put to the test at Whiteheads Creek near Seymour on the weekend. An outstanding job was done by all, and I commend the emergency services and community members on their great work and vigilance. Late on Saturday afternoon, during a period of strong wind, it is believed that a lightning strike sparked a fast-moving fire. There were challenges with the darkness, but it was a relatively small location-based fire. The police doorknocked about 30 homes that were prioritised as being directly impacted. Locals were evacuated around midnight to the relief centre in Seymour. I am told that those who set up and managed the relief centre did an

excellent job, and I congratulate Travis Heeney from the Mitchell Shire Council on his role.

The response in the first instance of the local district 12 brigades from the Mitchell group and Yea and Alexandra was excellent, as expected. Strike teams of CFA and Department of Sustainability and Environment (DSE) crews worked well to contain the fire. Local radio UGFM went live for 3 hours, with Peter Rice maintaining regular contact with incident control, which was terrific. ABC radio again did an excellent job in communications. The losses are still being assessed, but I understand that about 1250 hectares were burnt, 250 hectares of which was plantation and the rest of which was pasture and bush. There was some stock loss and fence loss, but most importantly no houses or lives were lost. Those who were impacted have praised the ground support, and in particular the support provided by the CFA, the State Emergency Service, DSE, the Department of Primary Industries and Victoria Police. This event was a clear demonstration of the strength of Victoria's current firefighting capability, which is second to none.

North Melbourne Football Club: the Huddle

Mr FOLEY (Albert Park) — I rise to reflect upon the great work done by the North Melbourne Football Club's education and social inclusion unit, the Huddle, which is located at the old North Melbourne Arden Street ground. With its innovative model of building community capacity and social justice, the impact of this program is felt far and wide beyond the North Melbourne community. The program's approach of using education as a tool for social progress is well recognised generally and particularly by numerous members on both sides of this chamber. Its targeting of migrant and refugee communities from non-English-speaking backgrounds is a shining beacon for multiculturalism, tolerance and the appreciation of the importance of diversity in society.

Keeping young, at-risk people engaged in education and community is the great work of this program, which is recognised, I am informed, by at least the Minister for Education, the Minister for Sport and Recreation and the Minister for Multicultural Affairs and Citizenship, all of whom have visited the club to reflect upon and glow in the light of the Huddle. Now that the Huddle has to scale back its programs because of cruel cuts inflicted on it by the Liberal-Nationals coalition government, those same ministers should have cause to reflect and change their minds, or perhaps in the words of a famous football identity 'do something' to assist and secure the future of this important community project.

Orbost Regional Health: service award

Mr BULL (Gippsland East) — For the second consecutive year Orbost Regional Health has been named the 2012 rural health service of the year. The award is a wonderful achievement and testimony to the brilliant staff, management and all involved in running the service, which is highly regarded in the local community.

Ride to Conquer Cancer

Mr BULL — I congratulate Kay and Lucy Stephenson, Jamie Malady, Amanda Kiss and Daniel Rickhuss for their fantastic efforts in raising \$24 875 in the 200-kilometre inaugural Ride to Conquer Cancer. The ride was aimed at raising funds for cancer research at the Peter McCallum Cancer Centre, and it was pleasing to see members of the Gippsland East community participating in such a worthy cause.

Norma Ward

Mr BULL — I would like to recognise the services of Norma Ward of Bairnsdale, who has dedicated 22 years to reading and recording newspapers, allowing visually impaired people to access the content. With technology taking over this service, it is only fitting that Norma be publicly recognised for providing such a wonderful community service over such a long period.

Gabo Island lighthouse

Mr BULL — I recently had the pleasure of unveiling a commemorative plaque on Gabo Island to celebrate the 150th anniversary of the famous Gabo Island lighthouse. To mark the occasion I was joined by a small group of guests, including Mick Kinley from the Australian Maritime Safety Authority, several past lighthouse keepers and the current caretakers. Gabo Island lighthouse is Victoria's only operating island-based lighthouse. It is renowned for its very distinctive pink colour, and for the last 150 years it has played a crucial navigational role for vessels travelling Australia's east coast.

Christmas felicitations

Mr BULL — I would like to take this opportunity to wish all members of the house and all Victorians, particularly all East Gippslanders, a very safe and prosperous Christmas and New Year period.

Bushfires: Bendigo West electorate constituent

Ms EDWARDS (Bendigo West) — I refer to a constituent in my electorate, Ms Cherylynn Quinn, who

lives in Elphinstone. As a result of her failure to obtain a bushfire management overlay assessment (BMOA) permit on her property, she is now homeless and living out of her car together with her 14-year-old son. Cherylynn first wrote to me about her concern about becoming homeless in August this year. Responses to follow-up letters to the Minister for Bushfire Response indicated that every endeavour would be made by the Department of Planning and Community Development to ensure that Cherylynn and her son would be assisted. This has not happened.

Cherylynn has lived on the property at Elphinstone for 10 years. She is a single mother of four children. Over the last 10 years Cherylynn has converted a shed on the property into a home for her children, being unable to afford to build a house. She has invested in and worked tirelessly to make the shed a home. Cherylynn has been advised that her property is 2 metres too close to the state forest and therefore does not meet the requirements of the BMOA. This is despite the house next door being the same distance from the state forest, having been occupied for much longer and not needing to meet any new requirements. Cherylynn has put her property on the market, but with the new restrictions it is unlikely to sell. The cost of improvements to the property to meet the BMOA requirements is estimated at over \$5000, and Cherylynn cannot afford this.

I urge the Minister for Bushfire Response to cause this matter to be investigated on behalf of Cherylynn and her son as a matter of urgency. It is unconscionable that people are being forced into homelessness as a result of the minister's failure to intervene.

Eastern Health: federal funding

Ms RYALL (Mitcham) — I attended Eastern Health's annual meeting last week to hear about the great work it is doing in providing health services to the eastern and outer eastern suburbs. However, it is of enormous concern that the federal government is ripping \$8.5 million out of Eastern Health from already-expended funds and further budgeted expenditure for the 2012–13 financial year based on flawed population statistics. To suit the need of the federal government to prop up its own budget, it attempted to say Victoria's population had decreased by 11 000 people. It is not news to Victorians that our population grew in 2011. Neither is it news to the federal government's own statistician, whose figures show an increase of 75 400 people in Victoria in 2011.

In the last sitting week of the year, it is apt to call the federal Labor government the Grinch. What is equally concerning is the silence of the member for Monbulk,

who has Eastern Health's Angliss Hospital in his electorate, and of Labor members for Eastern Metropolitan Region in the other place Shaun Leane and Brian Tee. Eastern Health hospitals provide important health services to their constituents. Their silence and the complete lack of concern from Labor and these members of Parliament is deafening.

I call on the member for Monbulk and the Eastern Metropolitan Region's Labor MPs to explain to residents in their electorates why they have put Labor first and local residents second in failing to stand up for their health services, why protecting the Gillard government is more important than standing up for the people who have elected them and why when the Baillieu government has increased funding to our hospitals by \$1.3 billion since coming to government they cannot find it within themselves to stand up for the people who put them in office.

Teachers: enterprise bargaining

Ms BEATTIE (Yuroke) — I rise to condemn the Baillieu government's gross inaction on the state teachers enterprise bargaining agreement. As schools begin to break up for Christmas, teachers and parents go into the holiday period in limbo with great uncertainty around pay and conditions, and it is this government that is to blame. Shame on the Premier for promising so much before the election and delivering absolutely nothing! Over the past month I have been contacted by a number of concerned parents who are worried about the impact of these negotiations on the education of their sons and daughters. They are asking why their sons and daughters are caught in the middle of negotiations between the government and the teachers. They then realise that this government has been unwilling to negotiate with teachers in good faith, leaving teachers no alternative but to take industrial action.

Instead of honouring the promise to make Victorian teachers the highest paid in the nation, this government has taken a sharp axe to education. We have seen the School Start bonus cut, savage cuts to the TAFE sector and recently a devastating decision to make cuts to the conveyance allowance through means testing. Thankfully through the weight of public opposition the government admitted it was wrong and scrapped means testing for the conveyance allowance. Once again I urge the Premier to honour his promise and pay the teachers what they richly deserve. The government should stop rolling the dice with the education of thousands of students across Victoria.

Palestine: United Nations seat

Mr SOUTHWICK (Caulfield) — I stand here today to express my regret and disappointment at the recent decision by the federal Gillard Labor government to blatantly abandon an ally, as it has done to Israel in recent weeks. Israel has just experienced days of bombing and attack at the hands of a terrorist regime which seeks to wipe it off the face of the earth, while others do not recognise Israel as a legitimate state. As Israelis recover and regroup they should be able to look to the world, including their oldest allies, and expect solidarity and support. Instead they watched the international community confer new honours on a Palestinian state as old allies like Australia stood idly by.

The federal Labor government, which throughout its life has abandoned domestic principles in pursuit of short-term political gain, has now expanded this behaviour to foreign policy. I cannot remember an Australian government in my lifetime so willing to betray an international friend for short-term political benefit. The United States of America stood with Israel, Canada stood with Israel; Australia did not. After all the efforts to get a seat on the United Nations Security Council Labor failed at its first test. I cannot think of a more shameful legacy of this government as it continues to discredit itself in the eyes of the public and the world.

Contrast this behaviour with that of former Prime Minister John Howard, who was a great friend and supporter of Israel throughout his term and who has rightly said Julia Gillard 'lacked the courage of her convictions' on support for Israel. I condemn the Prime Minister, I condemn the Minister for Foreign Affairs and I condemn the federal Labor government, which has acted in a cowardly way in recent weeks on the world stage. Australia is one of Israel's oldest friends, and I can only hope that one day it forgives us for Labor's betrayal.

Molly Hadfield

Ms GRALEY (Narre Warren South) — I would like to take this opportunity to acknowledge the extraordinary life of Molly Hadfield, OAM, who passed away on Saturday, 10 November 2012. Mary Catherine 'Molly' Doyle was born in Corowa, New South Wales, in 1922 and grew up surrounded by inspirational women. Her grandmother, mother and aunts were all champions for women's rights. Naturally Molly too became an activist for women's rights and social justice. She would go on to spend more than 70 years campaigning on issues such as public housing,

equal pay for women, public health, better public transport and aged care.

Whilst raising a family and working full-time Molly also played an instrumental role in building the Chelsea community. She was an active member of the local progress association and after almost immediately securing a new bus service turned her attention to kindergartens, community centres, footpaths and roads. Molly was a tireless campaigner, and in 1987 established the 50 and Over Get Up and Go group to help women isolated in their homes. She was also a founding member of the Housing for the Aged Action Group and a committee member for the Older Persons Action Centre. In 2006 Molly was inducted into the Victorian Honour Roll of Women and received an Order of Australia for her support for aged care, community health and youth.

Molly never gave up and never stopped trying to help others. She was an inspiration to all, including many female members of Parliament. She will be dearly missed. I will finish with a quote from Molly on her 90th birthday earlier this year:

I always think that putting yourself out for others has been more than repaid, and also I have been protesting for over 50 years now but I am not going to stop while I have breath in my body and a working head to think about it all.

Former government: performance

Mr WATT (Burwood) — Over the last few weeks, just two years after the election of the Baillieu government, members on this side have taken the opportunity to list all their achievements and investments in their electorates throughout the state. These investments in Burwood include the Ashwood College, Ashburton Primary School and both the Glen Waverley and Alamein train lines. I am amazed when I compare statements from Baillieu government members to statements by members of the Labor opposition, who had 11 years in government.

Two years ago, in a lengthy review of their government, those opposite, including the members for Yan Yean and Northcote and others, listed a number of their successes and failures. By their own count they failed 13 times more than they succeeded. These failures were not limited to one location or portfolio. They included the Royal Victorian Eye and Ear Hospital, Monash Children's, the Geelong Hospital, the cost of living, rail lines, road infrastructure, community congestion, parking at train stations, creeks, infrastructure in the western suburbs, the Olivia Newton-John Cancer and Wellness Centre, more schools, fire stations and more rail infrastructure.

I find it amazing, and that list did not include the real doozies, including myki, smart meters, planning, pokies licences, the desalination plant and regional rail. As I say, Labor members on their own scores gave themselves 'Fail, fail, fail'. They failed 13 times more than where they thought they had successes. This included more mental health services, playgrounds and more fire stations.

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

Northern Golf Club: centenary

Ms CAMPBELL (Pascoe Vale) — My congratulations to the Northern Golf Club, which recently celebrated 100 years of operation in Glenroy. Originally established in Essendon, the first game played on the current site took place on 7 December 1912. Northern Golf Club has been an important part of our community. Happy 100th birthday to the committee and all members, past and present! This is the lungs of the northern parts of Moreland.

The DEPUTY SPEAKER — Order! The time for making statements by members has now expired.

TOBACCO AMENDMENT (SHOPPER LOYALTY SCHEMES) BILL 2012

Second reading

Debate resumed from 10 October; motion of Dr NAPHTHINE (Minister for Ports).

Ms GREEN (Yan Yean) — I join the debate on the Tobacco Amendment (Shopper Loyalty Schemes) Bill 2012 as the lead speaker for the opposition. This bill provides for further limitations on the operation of shopper loyalty schemes in relation to the sale of tobacco products. Shopper loyalty schemes are structured marketing schemes — such as flybuys, Everyday Rewards, Qantas Frequent Flyer and similar programs — that reward particular buying behaviour. Some tobacco retailers have their own specific schemes. The rewards for such schemes include discounts on fuel purchases and in-store gift cards. In addition, many banks offer rewards in the form of points in return for the use of particular credit cards.

The Tobacco Act 1987 disallows any competitions, prizes or coupons being used to promote the sale of tobacco products. However, the existing law allows such rewards where the purchase of tobacco is incidental and equal opportunity is provided to receive such rewards even if the products sold were not tobacco products. The bill before the house would narrow

section 7(2) of the Tobacco Act to only permit such rewards where it would not be practical for the reward provider to have known that the product purchased was a tobacco product. In practice this will limit the defence in section 7(2) to financial institutions that offer points for purchases on credit cards.

In relation to the current practices of most existing reward programs and their terms, tobacco purchases do not count towards rewards in Everyday Rewards, and I commend Woolworths, which operates that scheme, for that initiative. However, there are some other reward schemes, such as flybuys, which reward tobacco purchases in Victoria, although flybuys points are not awarded for the purchase of tobacco-related items in Queensland, South Australia or the Australian Capital Territory at this point. Rewards for tobacco purchases can be obtained if the purchase was made by credit card, as most financial institutions are not able to ascertain what was purchased in any particular shop.

The community would be right to ask why we are debating this bill. I think there is no question at all in the community's mind of the need to continue working to drop the uptake and use of tobacco. However, I recall that the day after this bill was introduced, as the lead speaker on this matter for the opposition in this chamber, I asked for an explanation of the Tobacco Amendment (Smoking at Patrolled Beaches) Bill 2012, and I was given a serve by the Minister for Ports, who was at the table representing the Minister for Health.

Dr Napthine — Because you had the wrong bill.

Ms GREEN — No, I was given a serve by the minister when I asked what the difference was between this bill and that bill. I think the community would rightly ask: how is it that this house can have two quite simple and not particularly groundbreaking bills containing amendments to the Tobacco Act and have complete and fulsome debates on each when the amendments could have been made in the one bill? I refer to the amendments to the Tobacco Act in the bill relating to smoking at patrolled beaches, which the opposition did not oppose. We are not opposing this proposal, but it shows the paucity of the government's legislative program — —

Dr Napthine interjected.

Ms GREEN — The minister at the table is saying that I mixed up the bills. I did not mix up the bills; there was no mix-up in my mind.

Mr Wakeling interjected.

The DEPUTY SPEAKER — Order! The member for Ferntree Gully!

Ms GREEN — The community would ask, and does ask, how we spend our time and how we spend taxpayers money on their behalf in this chamber, debating legislation before the house. Some of it is of significant import — anything to do with tobacco control is of significant import — but the community would question why the government would go through the process of introducing two bills into this chamber one day apart and have complete and fulsome debates on each when these changes could have certainly been made in the one bill. The community would rightly ask: is this a government that is committed to the reduction of red tape and the reduction of process? Is it really committed to fulsome tobacco reform when the Liberal Party of Australia and the Liberal Party of Victoria still take donations from big tobacco companies, which we on this side of the house do not do and have not done for many years?

I will take the house through Labor's reforms on tobacco control when Labor members were on the government benches. Labor introduced the Victorian Tobacco Control Strategy 2008–13. Within this strategy we implemented a range of actions to reduce the burden of smoking on the Victorian community. A major achievement of this was the Tobacco Amendment (Protection of Children) Act 2009. The amendments in that legislation included a ban on smoking in cars that contain children, a ministerial power to ban certain tobacco and tobacco-related products, a ban on tobacco sales from temporary outlets and increased and new penalties.

Labor introduced a ban on the display of tobacco products at the point of sale, with exemptions for airport duty-free shops and certified specialist tobacconists. This came into effect on 1 January 2011. A strategy task force was established. Three working groups — one for the Aboriginal community, one for the antenatal area and one for socially and economically disadvantaged groups — were established because it has been shown, and as a board member of VicHealth I understand, that across the board there has been a huge reduction in smoking rates in the community but there still remain disadvantaged groups, like the Indigenous community and those in lower socioeconomic groups, whose members still smoke disproportionately to their numbers. Also the harm to unborn children is significant, and redoubled efforts are still needed to convince pregnant women to quit smoking.

In 2010 the Labor government provided an additional \$8.5 million in social marketing funding to Quit Victoria for the following four years. Under the Closing the Gap program relating to Indigenous health outcomes, which involves the national partnership, Victorian Labor committed over \$8 million of funding over four years to address smoking in the Victorian Aboriginal population.

The strategy set three challenging targets to be achieved by 2013: to reduce smoking among adults by 20 per cent, from 17.3 per cent to 13.8 per cent of Victorian adults; to reduce smoking among pregnant women by 50 per cent, from 9.3 per cent to 4.7 per cent; and to reduce smoking among Aboriginal and other high-prevalence groups by at least 20 per cent, from 50 per cent to 40 per cent among Indigenous people and from 20 per cent to 16 per cent in socioeconomically disadvantaged areas. This was followed up by the \$8.5 million social marketing strategy.

The task force and its subgroups included leaders in tobacco control in Victoria. They were established to drive this agenda and assist in forging the strategic partnerships needed to effectively implement the strategy. The strategy was informed by public consultation which began in August 2008. It found that there was overwhelming public support for the legislative reforms Labor then introduced. A range of non-regulatory actions were implemented across the strategy with the aim of controlling the harmful effects of tobacco use. The non-regulatory mechanisms included social marketing and smoking cessation programs.

After two years of this government, however, all we have seen is two extremely thin bills being debated in this place — the one before the house and the one passed in a previous sitting week. It has taken two years to deliver on two very thin pieces of legislation. There has been nothing groundbreaking and nothing that has engaged the community more broadly in what can be done.

We have also seen cuts to health promotion programs and prevention programs. The integrated health promotion program had the greatest percentage of cuts in the health budget, with more than \$25 million being cut from programs that assist in reducing the harm associated with tobacco use. It is shameful that government members have responded to their mates in big tobacco and to the boffins in Treasury and that they should have gone for the low-hanging fruit within the health budget and made cuts to prevention programs such as integrated health promotion. Those programs involved particularly good work being done in the areas

that had been identified by Labor's strategy, which were the lower socioeconomic groups, the Indigenous community and antenatal smoking.

The Premier has shown a lack of spine in terms of standing up for these types of prevention programs and the agencies that deliver them. We have still had no decisive word from the government to the effect that it will protect VicHealth into the future. Leaked documents were written about in the *Australian* of 28 August by the newspaper's economics editor, who reported on the Vertigan report — the government's secret audit commission which apparently calls for a revolution in the way government services are delivered — saying one of the targets of this not-yet-public and not available report is VicHealth, which has enjoyed tripartisan support since its establishment by a Labor government in 1987.

Along with the member for Forest Hill, a Liberal Party member, and the member for Gippsland East, a Nationals member, I sit on the VicHealth board as a parliamentary representative. I have not heard those two members speak out publicly, and I would hope that they do. Given that they have not, however, I hope that they are at least having discussions in their caucuses in support of the retention of VicHealth, because it really has been VicHealth's 25 years of work that has seen a massive reduction in smoking rates in this state. The organisation has done groundbreaking work that is being copied all over the world, particularly in places such as Thailand. It has created a model that, as I say, is being adopted all over the world, and it is shameful that the Premier, the Minister for Health and the government members sitting on the VicHealth board have not seen fit to speak out against the Vertigan report and the Treasury boffins and in support of VicHealth and integrated health promotion and have not asked for those cuts to be reversed.

There has been support from the AMA (Australian Medical Association) for the bill before the house. AMA Victorian president Dr Harry Hemley — I know Dr Hemley well; he practised for a long time in Northcote — was quoted in the *Herald Sun* as having said that:

... people hooked on cigarettes should not be rewarded with flights, appliances or other perks for spending on the deadly habit.

He was quoted as saying he wanted:

... tobacco expenditure banned from any type of credit card or supermarket points system.

A number of other stakeholders in the public health space, including Quit Victoria, have urged the

government to go further than the two very thin bills it has put before this house.

It is a great shame, after the great work that has been done in tobacco control over 25 years, that the Victorian government was in 2012 the recipient of the Dirty Ashtray Award because it has done so little towards tobacco control reform in its time of office — because of its lack of action in terms of any reform in this area.

We have had two very thin bills brought before this house — the Tobacco Amendment (Smoking at Patrolled Beaches) Bill and the Tobacco Amendment (Shopper Loyalty Schemes) Bill — which could have been easily debated at the same time. I do not think they will convince the Australian Medical Association that this government — headed by a major party that to this day at both a national and state level takes significant corporate donations from big tobacco — should not be given the Dirty Ashtray Award again because of its lack of action and because of its cuts to health promotion programs that assist the community in understanding the harm of tobacco use. Tobacco use is a huge impost on our health system and on the community. It is the biggest contributor to cardiovascular disease, which is the no. 1 killer of Australians, second only to cancer, and, as everyone knows, the major contributor to lung cancer is smoking.

With those comments I say that Labor does not oppose the bill before the house, but I note my disappointment that the government has had a very poor policy agenda and a limited commitment to hard work — —

Honourable members interjecting.

The DEPUTY SPEAKER — Order! Gentlemen! The Minister for Ports and the member for Eltham will cease.

Ms GREEN — The government has put forward thin pieces of legislation rather than doing something really substantial to assist in restricting the harm that tobacco is doing in this state. I commend the bill to the house.

Mr WAKELING (Ferntree Gully) — It is always a pleasure to rise to support such strong and important legislation as the bill introduced into this house by the Baillieu government. The bill before the house is just another demonstration of a government that is listening and, more importantly, is acting in the health space. Clearly any measure that can be put in place to reduce smoking within the Victorian community is of significance.

The principal function of the Tobacco Amendment (Shopper Loyalty Schemes) Bill 2012 is to further the ban on the application of coupons, discounts or shopper loyalty schemes operated by some retail outlets in connection with the sale of tobacco products. Clearly the community would be of the view that anyone who uses a shopper loyalty card for the purchase of items in a supermarket or a retail outlet should not be able to gain a shopper loyalty benefit through the purchasing of tobacco products. There was clearly a deficiency in the current legislation, and it was identified that there was a need for further change. This government has said it will act on this problem, and that is exactly what the bill before the house is doing.

As usual I was interested to hear the contribution from the member for Yan Yean, who is now leaving the chamber. I am pleased to see she is interested as she has now returned.

Ms Green — On a point of order, Deputy Speaker, I want it noted that I am leaving the chamber to attend a meeting of the Privileges Committee, and I think it is churlish and insulting for the member for Ferntree Gully to make remarks about me attending to a committee duty. I take offence at these remarks, and I ask him to withdraw.

The DEPUTY SPEAKER — Order! It is not a point of order, but if the member is offended by the remarks, I ask the member for Ferntree Gully to withdraw.

Mr WAKELING — I withdraw.

The member for Yan Yean has now left, but I am more than happy to take up the point the member raised in this house on 10 October when she asked a question of the minister at the table, the Minister for Ports, who was representing the Minister for Health, when he introduced an important piece of legislation into the house. She stood up and asked the minister representing the Minister for Health in this house how the Tobacco Amendment (Smoking at Patrolled Beaches) Bill 2012 differed from the bill on tobacco that he had introduced the day before, the Tobacco Amendment (Shopper Loyalties Scheme) Bill. These are two separate bills that clearly operate in different areas of the tobacco portfolio: one relates to smoking on patrolled beaches, whereas the bill before the house at the moment is about the application of shopper loyalty schemes in retail outlets.

I would have thought that all members of the house and the Victorian community would see it as fairly simple. You do not need an explanation of the bill, you just

need to look at the titles: the Tobacco Amendment (Shopper Loyalties Scheme) Bill and the Tobacco Amendment (Smoking at Patrolled Beaches) Bill. I thought the titles alone would have provided the member for Yan Yean with that clarity, but I understand she must have got a bit confused about the titles and sought an explanation from the minister at the table.

Sitting suspended 6.29 p.m. until 8.02 p.m.

Mr WAKELING — It gives me great pleasure to continue my contribution to the debate on this very important piece of legislation, which members of the coalition, who are here in force tonight, strongly support. It is noted that the member for Yan Yean has not yet returned to the chamber to be part of this debate.

Clearly a significant aspect of the bill before the house is the introduction of a limitation on the application of Shop A Dockets in relation to tobacco purchases. The only defence that will be allowable under the Tobacco Act 1987 is if it can be proven, as indicated in the second-reading speech, that the benefit was only incidentally connected with the purchase of tobacco; for instance, when cigarettes are just one of a mixed range of purchases, including non-tobacco products, made by a shopper.

The terms of the existing defence provision mean that it is presently lawful in Victoria to provide benefits for the purchase of tobacco products in conjunction with other non-tobacco products. That defence in the current act will be removed, which will take away the last opportunity for retailers to provide inducements to customers to purchase tobacco products. This will break the association between buying tobacco and the accrual of rewards and benefits such as discounted fuel.

I am sure that everyone on this side of the house, and I hope all parties in this Parliament, believes that this is important legislation. I note that the member for Yan Yean's contribution condemned the government, although she indicated that the opposition will support the bill. This is typical of the way the opposition in this state operates. It condemns legislation introduced by this government and then votes in favour of it. Victorians expect members of the opposition to be clear on where they stand. If they support a piece of legislation, they should stand up in this house and support it. If they oppose a piece of legislation, as indicated in their contributions to the second-reading debate, they should vote accordingly.

One would have thought from her 15-minute contribution to the debate — she only used half of her

allocated time, which was noted by the minister at the table, the Minister for Ports — the member for Yan Yean was going to oppose this important piece of legislation, that she was going to oppose the abolition of shopper loyalty schemes. If she wanted the Victorian community to think she supported the legislation, she should have stood up in this house and strongly supported this very important piece of legislation.

This government clearly understands that we need to do more to tackle the prevalence of tobacco use in this state. It was interesting that the opposition was criticising the government's activities with respect to the prevalence of tobacco when those opposite had 11 long, dark years to stand up in this house and fix the shopper loyalty scheme problem. Similarly, legislation has already been debated in this house in relation to people smoking on patrolled beaches. That is another bill that was condemned by members opposite in this house but which this house supported. This bill is an indication that this government has identified the clear need to fix the mess left by those opposite and that we need to do more with respect to tobacco legislation.

I am sure the member for Williamstown, whom I assume will be speaking after me, will stand here in this house and speak in support of this important piece of legislation. He understands that constituents in his electorate — and Victorians need to know that members of the state Labor opposition had the opportunity over 11 years to fix these problems but chose not to — know that these are important issues that need to be fixed. They understand that this is a government that is getting on with the job. They understand that this is a government that recognises what Victorians expect. This is a government that said it would fix the problems, and it is fixing the problems and introducing the necessary legislation to the house.

I know and people listening to the member for Williamstown's contribution will know — and I do not want to pre-empt what he will say — that members of the state Labor opposition, unlike the member for Yan Yean, will stand up in this place and say, 'This is important legislation'. It is important in reducing the connection between tobacco and Shop A Dockets. This is a government that understands that something needs to be done. This is a government that is getting on with the job. The member for Williamstown, a member of the Labor opposition — and I will be gracious; I will not ask him to talk about its years in government — will be able to say that this government has identified that this is a problem that needs to be fixed, that this is a government that is getting on with the job.

I am proud to be the Parliamentary Secretary for Health and I am very proud to be part of a government that is getting on with the job of identifying the problems, identifying the solutions and putting the necessary pieces of the jigsaw together in terms of bills before this house. I will also be pleased to stand in this house and see this important bill pass.

Mr NOONAN (Williamstown) — At the outset let me thank the member for Ferntree Gully for spending a couple of minutes telling the house what I would be saying in this particular debate. It was very noble of him to do so! Indeed it was nice to see that he had a little bit more energy after the dinner break than he had before it, when there was not an audience. Clearly he enjoys an audience.

Let me say to the member for Ferntree Gully and others that Labor will never stand in the way of legislation which is about reducing smoking rates in the community. I hope that pleases the member for Ferntree Gully, that it ticks that box. Labor has always been supportive of measures which are about reducing tobacco use and cigarette consumption in the community, and I will go through some of them. The objective of this bill is simply to take away the opportunity for retailers to provide inducements to customers to purchase tobacco products. Currently there is only a minor loophole in Victoria — that is, it is lawful to provide benefits to customers when tobacco products are purchased with non-tobacco products. This bill will close that loophole. As the minister states in his second-reading speech, this amendment:

... will break the association between buying tobacco and the accrual of rewards and benefits such as discounted fuel.

The minister also stated in the house that this is a:

... modest step among others to be taken in the forthcoming period.

To give some context in the case of this particular bill, it is important to note that over the last decade this Parliament has debated a significant program of legislative reforms that have seen smoking rates decline from 21.6 per cent in 1999 to 14.4 per cent in 2011. The member for Ferntree Gully attacked Labor on its record, but let the record show that the level of smoking rates in the community has reduced. The reforms introduced by the Bracks and Brumby governments have included increasing the penalties for selling cigarettes to minors, introducing smoke-free dining laws, introducing smoke-free shopping centre laws, banning tobacco advertising within retail outlets, prohibiting smoking in enclosed workplaces and at under-age music and dance events and at other places,

such as railway station platforms, tram shelters and bus stops. We also introduced smoking bans in all enclosed licensed premises, we banned smoking in cars carrying children and we banned tobacco products that appeal to young people, such as lolly products which in my day used to be called Fags.

Many of these reforms were introduced as part of the Victorian tobacco control strategy, which was developed for the period 2008 through to 2013. It is worth noting that at the time of the strategy's introduction the Brumby Labor government set a target to reduce smoking among adults by 20 per cent — from 17.3 per cent down to 13.8 per cent by next year. At the time this was viewed as an ambitious goal, but as the minister stated, the rate had already been reduced to 14.4 per cent last year, so it is very likely that this goal will be met come the end of next year. An outcome like this could not have been achieved without the delivery of a comprehensive strategy and extensive collaboration between local governments, the health sector and other tobacco control organisations. I want to place on the record my congratulations to the previous Minister for Health, the member for Mulgrave, for spearheading that strategy when we were in government.

It is important to place on the record the need for that strategy to be extended beyond 2013. That will be the real test for the Baillieu government. Before I talk more about the Baillieu government's record and future approach to tobacco control, I want to say something about federal Labor's world-leading approach on tobacco control and compliment my friend and parliamentary colleague Nicola Roxon, the former federal Minister for Health and Ageing, who demonstrated enormous and courageous leadership in the debate on plain packaging of cigarette products. By the way, that fight included having to see off Tony Abbott, the federal Leader of the Opposition, who was initially very opposed to the plain packaging laws but of course later crumbled under pressure in his own party room.

We also know that big tobacco threw the kitchen sink at a very expensive advertising campaign against the Gillard government in opposition to these plain packaging laws, whilst the coalition sat back enjoying the political damage that was being inflicted during the 2010 federal election campaign. Then we had the High Court challenge by the big tobacco companies, but again the Gillard government withstood that legal challenge. Time and again federal Labor demonstrated leadership on this issue whilst the Liberals simply stood back. As Nicola Roxon stated in her press release of

15 August following the conclusion of the High Court battle:

The message to the rest of the world is big tobacco can be taken on and beaten. Without brave governments willing to take the fight up to big tobacco, they'd still have us believing that tobacco is neither harmful nor addictive.

Australia has very much set the pace for the rest of the world. Now Norway, Uruguay, the United Kingdom, New Zealand, France, South Africa, China and the European Union may also consider taking a similar path to that of Australia. But of course we can expect that big tobacco will continue to fight these cases around the world. We should not ever lose sight of the public health cost associated with tobacco use. As the minister says in his second-reading speech, the cost of smoking to the health system each year is \$6 billion, and 4000 Victorian lives are lost each year, which brings me back to the Baillieu government.

In her contribution the member for Yan Yean spoke about the Baillieu government earlier this year being awarded the dubious distinction of receiving the Dirty Ashtray award. This annual award was presented by the Australian Medical Association at its national conference in May for the worst performing government in tobacco control. At the time of the award being given to the Baillieu government, the Quit executive director, Fiona Sharkey, said that Victoria had traditionally been a leader in tobacco control. She then stated in a media release of 31 May:

We hope the state government will take this dubious honour as a wake-up call ...

History has told us that when you take the foot off the pedal in tobacco control, smoking rates increase and that is the last thing we want for Victoria.

This is not the first time this year that Fiona Sharkey has criticised the Baillieu government. Shortly after the budget in May, when it became clear the Baillieu government had cut funding for advertising, Fiona Sharkey came out and said something else. This was when the budget was slashed from \$3.5 million under Labor to \$1.1 million. The cuts were described as a very cruel blow by Fiona Sharkey. It should come as no surprise to any member of this chamber exactly why the coalition government is cutting funding for programs which are about cutting smoking rates. That is because members of this government have an absolutely insatiable appetite with — —

Dr Sykes — On a point of order, Acting Speaker, I am struggling to understand the relevance of the member's contribution to the debate on the bill. Could you ask him to come back to the bill.

The ACTING SPEAKER (Mr Morris) — Order! The member is going some distance from the bill, and I would appreciate it if he would bring his comments back.

Mr NOONAN — I am happy to take your guidance, Acting Speaker. This is about reducing smoking rates in the community. I am going to draw the link between political donations the Liberal Party and The Nationals have received, including a \$12 000 donation from British American Tobacco as recently as in the 2010–11 year.

Honourable members interjecting.

Mr NOONAN — I will not hear anything of pride coming from those opposite who are now interjecting and who are now trying to close down this debate.

Mr Watt — On a point of order, Acting Speaker, firstly, clearly the member for Williamstown is straying from the bill. Also I do not know that he is necessarily talking about the tobacco companies and the unions that work for those companies.

The ACTING SPEAKER (Mr Morris) — Order! The point of order is?

Mr WATT — Relevance; he is not speaking on the bill.

The ACTING SPEAKER (Mr Morris) — Order! I ask the member to return directly to the bill before the house.

Mr NOONAN — I will take your guidance, Acting Speaker, and steer clear of the subject of political donations. Clearly it is a sensitive issue. I will just say in conclusion that the opposition will not be opposing this very modest reform. We wait to see what the government's commitment will be in terms of extending the 2013 deadline on the tobacco control strategy, which was put in place by the previous government. That will be the real test for this government of whether it is going to be serious about tobacco control in this state and continue the very good work of the previous government or whether it is going to mire itself in the influence that hangs over the Liberal-Nationals coalition through the ongoing political donations of big tobacco, which those opposite put their hands out for and continue to take time and again. That will be the true test. We will wait to see what happens.

Debate adjourned on motion of Mr BULL (Gippsland East).

Debate adjourned until later this day.

CLIMATE CHANGE AND ENVIRONMENT PROTECTION AMENDMENT BILL 2012

Second reading

Debate resumed from 10 October; motion of Mr R. SMITH (Minister for Environment and Climate Change).

Ms NEVILLE (Bellarine) — I am pleased to have the opportunity to speak this evening on the Climate Change and Environment Protection Amendment Bill 2012. Up-front I would like to acknowledge and thank the representatives of the Department of Sustainability and Environment who provided a briefing to the member for Albert Park and me on this bill.

Finally the house is given the opportunity to debate this bill. The bill was introduced almost nine weeks ago, but now of course we have the farce of it having to be rushed through with limited debate. In fact we have 40 minutes available for debate on this bill — a bill that was second read nine weeks ago. Either this is just a result of mismanagement by this government in terms of the government business program — that is not out of the question — or, perhaps more concerning, it is an indication that this government does not prioritise the environment and that it does not want the Victorian community and members of this Parliament to have the opportunity to really ensure that there is appropriate debate about very significant changes to a piece of environment legislation.

I want to quote from a contribution made by a member of this house when the Climate Change Bill was first debated in 2010. I quote:

We believe our climate is changing and that human actions are contributing to that change ...

...

We support the setting of a target to serve as a clear signal and commitment of intent to achieve a genuine reduction in carbon emissions.

That was not said by a member of the Brumby government, which was in office at the time the bill was introduced, but in fact by the then spokesperson for the environment, the member for Doncaster, who is now a minister in this government. This was in fact the position that the current government took to the election, in what was their pretty empty environment policy space. What has happened since then? In 2011 the now government very quickly started to say that there was actually no real legal obligation under the act to implement that part of the act designed to meet a 20 per cent emissions reduction target, that there was no

obligation to deal with emissions. All of a sudden it became an aspirational target. When the government announced earlier this year that it was to get rid of the emissions target, extraordinarily it claimed that this was because there was now a carbon price that had been put in place by the federal government, and therefore the state's main role was to be involved in adaptation.

All those across this table, including the Minister for Environment and Climate Change, then spent months, day in, day out, saying how bad the carbon price is and opposing it. What absolute hypocrisy. Not only did we have a minister who was unable to articulate the role the state might play in adaptation, but we had a minister who was actually using a policy decision of the federal government to abrogate responsibility and then criticising that policy decision of the federal government. When asked about this both in the Parliament and by the media the minister claimed that the government's strategy to combat climate change would be 'putting', and I quote, 'more towards beaches and that sort of thing'. Even when pressed in Parliament, he could not actually say what that meant and how it would contribute to combating climate change.

An honourable member interjected.

Mr Foley — We did you the courtesy of listening to that drivel of a second-reading speech; you can listen to our speaker.

The ACTING SPEAKER (Mr Morris) — Order! The member for Albert Park!

Ms NEVILLE — Apparently the state has a role in adaptation — —

Mr R. Smith interjected.

The ACTING SPEAKER (Mr Morris) — Order! The Minister for Environment and Climate Change!

Ms NEVILLE — But of course we do not know what that actually involves. Given what we have heard so far —

An honourable member interjected.

The ACTING SPEAKER (Mr Morris) — Order! That is completely out of order.

Ms NEVILLE — and given that the government has failed to meet the legislative requirement — —

Honourable members interjecting.

The ACTING SPEAKER (Mr Morris) — Order! I regret that I have to interrupt the principal speaker for the opposition. Stop the clock for a second. I am not going to put up with the sort of behaviour we have just had from the member for Albert Park and the Minister for Environment and Climate Change. It is not acceptable, and if it continues I will ask the Speaker to return and deal with both of them.

Ms NEVILLE — Thank you, Acting Speaker. As I was saying, apparently the state has a role in adaptation, but we do not actually know what that means or what it might involve. Given what we have heard so far and given that the government now appears to be going to fail to meet its legislative requirement for an adaptation plan by the end of this year, we are moving a reasoned amendment to this legislation. I move:

That all the words after ‘That’ be omitted with the view of inserting in their place the words ‘this house refuses to read this bill a second time until the minister has tabled a climate change adaptation plan in accordance with section 16 of the existing Climate Change Act 2010’.

I will continue to speak as the amendment is circulated. Members of this house cannot be expected to vote on this bill and this important amendment to remove Victoria’s obligation to play a role in emissions targets without a clear plan that outlines to the Victorian community the role that the government intends to play.

This bill does a number of things. I firstly want to talk about the most important provisions of this bill. They relate to the emissions target and other related provisions that are consequential to that. Primarily the bill removes the 20 per cent carbon emissions target that was supported by this Parliament in 2010. As a result, it also removes the reporting and monitoring functions of the Environment Protection Authority that formed part of that target. Further, the bill repeals the Climate Communities Fund, which was established to assist local actions to combat and prepare for climate change, and replaces it with a Sustainability Fund. I will talk about that a bit more later.

Although the bill maintains the requirement for the government to provide to the Parliament and the community an adaptation plan, which as I have already indicated we know we still do not have, there are some changes in relation to the adaptation provisions that should be of concern to members. In my reading of those changes, they seek to limit or narrow to some extent the government’s responsibility for adaptation.

The bill talks about defining roles. It acknowledges that the state government has some role, but it tries to mitigate this role by focusing on a shared responsibility.

We all know that to really tackle climate change all parties — communities, business, industry and government — need to play a shared role. However, the government must be a leader in this space, and it must be a driver and a supporter of adaptation. To suggest that you can just palm this role off onto individuals and businesses is to abrogate the state government’s responsibility in this area.

For example, in the second-reading speech for this bill the minister talks about individuals and businesses being best placed to assess and manage their own climate risks. This is a very difficult and complex area which confronts the whole world. For the government to say that individuals and businesses are best placed for this role, without support and without a role for government, is to really say, ‘Hands off, we are not really going to play a role in this area’. This cannot fill any Victorian with any confidence that this government is concerned about ensuring that our economy and our communities are well placed to respond to climate change and able to take advantage of a low carbon economy.

In the government business program debate this afternoon one of the government members — I think it was the member for Ferntree Gully; I apologise if it was not him, but I am pretty sure it was — said this was an important bill for us to debate, in 40 minutes, because it was about tackling litter and the cleaning up our streets. It is true that the bill doubles fines for littering. We all want clean streets, and tackling litter problems is important to communities, but the member made no mention of the fact that the key component of this bill before the house is to change the state’s role and responsibility when it comes to climate change.

It is not surprising that members like the member for Ferntree Gully would get mixed up about this, because when you read the second-reading speech the minister does not in any way discuss or refer to the serious nature of climate change and the need to take serious action. Other than referring to climate change in the bill title and because the bill is changing the Climate Communities Fund, the second-reading speech contains no detail or discussion about the important role the state should and can play in at least assisting communities and economies to adapt to climate change. The most detail in the speech seems to be devoted to discussing litter and the minister expressing his passion on the topic of litter. As I said, we need to tackle littering but we also need to tackle climate change, and there is no indication from this government that it is serious about this issue or that it has a plan for dealing with climate change.

Let us look at another amendment that goes to this government's credibility on tackling climate change. The bill repeals the policy objectives of the Climate Change Act 2010. It appears from the minister's second-reading speech that this is because these objectives have no specific application under the act. That is a pretty extraordinary statement. Let us look at a couple of the policy objectives that are being removed, apparently because they are irrelevant. The Climate Change Act states that:

The government of Victoria will endeavour to ensure that policy developed by the government appropriately takes account of climate change if it is relevant in the circumstances by having regard to the following objectives ...

...

... developing a portfolio of energy options for a low carbon future for Victoria;

... helping communities and industries to adjust to a carbon price —

I am reading from the policy objectives as they exist in the current legislation —

... capitalising on new opportunities emerging from a carbon price;

... enabling Victoria's regions, industries and communities to capture opportunities with respect to the changing climate and adapt to that changing climate ...

The list of those objectives goes on. I am not sure how on earth the minister could suggest in his second-reading speech that these objectives have no specific application under the act, given that the obligation to provide an adaptation plan still exists and that most of those objectives seem to me to be central to any comprehensive or relevant adaptation plan which will hopefully eventually be developed by this government. For example, if you look at a portfolio of energy options, it seems to me that looking at clean energy options or renewable energy options is critical in the long term to whether Victoria is well placed to deal with a low carbon economy and whether as a state we are actually able to position businesses and communities to not only respond to those opportunities but also to meet the challenges of a carbon price and an emissions trading scheme into the future.

In fact, if members look at those objectives, they will see that they are very similar to the recently released Tasmanian government's adaptation plan. That plan is available for public consultation, which is pretty amazing, and many of the issues addressed in that plan are things like the information that needs to be provided to the community; the impact on health and welfare, food and infrastructure; and how to best support

communities and industries. They are the basis of the Tasmanian adaptation plan and they seem to me to be the basis of the objectives of the act that apparently the minister and this government consider to be irrelevant to the operation of the Climate Change Act.

Of course what all this probably raises is the big question of whether this government in fact takes the issue of climate change seriously. Unfortunately we do have sceptics — many of them across the table — whose scepticism is not based on science. I am not a scientist. As a member of Parliament I consider it my responsibility to look at the overwhelming evidence provided by national and international scientists working in this space. What they are saying to us, to state leaders and to world leaders is that there is a serious issue and if we do nothing about it there will be significant consequences — probably not so much for our generation but for my son's generation and that of his children into the future.

Anyone who has followed the news in the past couple of weeks would have seen that the research and evidence that is coming from the scientific world — I know those opposite do not like science and find it a bit of a nuisance — is clear. It reinforces the view that climate change is real and it will have significant impact on our way of life and our environment. It will result in significant sea level rises that we know will impact on almost 50 000 residents in Victoria, on people who live in my own electorate and others who live along the coastal communities. It will impact on roads and other critical infrastructure as well as having impacts on health and welfare through heatwaves and food security issues.

It is not just international and national scientists who are drawing us a picture. In fact only a few months ago the government tabled in this Parliament a report signed by members of this government and entitled *Report on Climate Change and Greenhouse Gas Emissions in Victoria*. What its own report says is that by 2030 annual mean temperatures will have risen by 0.6 to 1.3 degrees Celsius. This will see an increase in frequencies of high fire danger days and sea level rises of 0.5 to 1.1 metres. It will see fewer snow cover days, with a decline of 22 per cent — what an impact that will have on tourism! The extent and frequency of droughts will grow and there will be fewer but heavier rainfall days, so there will be more flooding. The government's own report, to which government members have put their names, is telling government members that action is required.

In their normal spin and with great hypocrisy government members will point to national action such

as the carbon price as the solution — but of course they oppose the carbon price. In fact on 1 May in his contribution to the debate on a motion the Minister for Environment and Climate Change referred to the carbon price as anathema. In that speech he made no reference to the urgency of tackling climate change or its impact or the role Victoria can and should play. Sorry; I am confused: is he the Minister for Environment and Climate Change or not? He used the carbon price as the reason to remove the emissions target and yet in the same breath complained about it and condemned it.

Adding to that is a lack of any vision to assist Victoria to respond to the challenges and opportunities that the minister's own department's report highlights. But this should come as no surprise with this government and this environment minister. I referred briefly to this before. Earlier this year when the minister announced the decision to legislate away the 20 per cent emissions reduction target, he had no idea whatsoever. Members all know about the infamous press conference that was never going to happen. The media said, 'He won't come out; he won't do a doorstep; he refuses to do that'. He made the announcement through spin in a media release and would not front the media. Eventually he had to capitulate.

Members now know why he did not want to front a media conference, because when he was asked about the government strategies to reduce carbon pollution, he responded with 'putting money towards beaches and that sort of thing'. It was clear on that day, as it has probably been clear for the last two years of this government, that he has no strategy for or commitment to tackling this issue.

Despite the minister's attempts to reframe the question that he was asked by the media before he realised that the media had a taped copy of the question he was asked and his answer, and then try to bumble his way through a number of questions in Parliament the next day, he again failed to outline any plan other than to criticise again the carbon price which he was relying on to get rid of the target, and he suggested that the opposition members were wasting their questions. Maybe we were wasting our questions — not because this is an insignificant issue, as was suggested that day in Parliament by the minister, but because he could not outline to this house or to the community any ideas on what the government would actually be doing in this space.

The other change to the act that I referred to briefly before is to the Climate Communities Fund, which will now be called the Sustainability Fund. If members look

at the second-reading speech, they will see that the basis for this change is that it will better reflect the scope of environmental activities that may be considered for support through the fund. That sounds okay; it suggests that there might be funding for things such as actions to assist communities to adapt to climate change. But alas, members need to look at the guidelines and the directions that the government has put out in relation to the Sustainability Fund.

For those who had the benefit of the briefing by the minister's chief of staff, it is very clear that the fund will be largely, and perhaps solely, focused on activities and grants associated with waste management. It is absolutely important that we support waste management activities, and certainly better landfill management can contribute to lower emissions — not that those on that side of the house actually care about lowering emissions — but this is not a strategy or an adaptation plan. It is one small contribution towards perhaps some emissions reduction and better waste management.

Apparently this is something government members feel safe talking about. Time after time and in media release after media release we hear about waste management. There is very little else in this space but waste management, except when the minister is stepping on top of boards of management of different reserves, for example.

Members have also seen the other commitment that the government has to environment in its recently, very quietly, released environment statement, which is in fact really its glossy spin document. It gives us and the community no more reassurance that this government understands the environmental challenges facing Victoria or, unfortunately, that it cares. The recently released report by Environment Victoria, some of the work for which was undertaken by Essential Media, is entitled *Victoria's Environment — A State in Reverse — The Environmental Casualties of the Baillieu Government*. The summary findings of that report, from a range of research and qualitative research with the Victorian community, are that:

1. The Baillieu government actions indicate that it does not consider environmental protection and sustainability a priority.
2. The Baillieu government is not listening to the community and its aspirations for a healthy environment.
3. With a few positive exceptions in ... water and ... recycling, the Baillieu government has fundamentally failed to articulate a clear vision and programs to confront the significant challenges posed by declining

biodiversity, dangerous climate change, unsustainable water use and a burgeoning city struggling with urban sprawl.

4. The Baillieu government has demonstrated that it is capable of positive environmental action, but in most cases has chosen a policy response that is damaging to Victoria's environment and unwinds existing environmental protections. This appears to be seriously out of step with Victorians' aspirations for their environment.
5. The Baillieu government's decisions are having a detrimental impact on the security of Victoria's food and energy supply, cost of living and livability.

This is a damning report. These views were expressed by Victorians through the research process, and they came about as a result of the government's actions and inactions in the environmental space. The government's first decision in office was to put cows back into national parks, and now it is spending what I presume to be hundreds of thousands of dollars, if not more, of Victorian taxpayers money to defend a case against the commonwealth that it is going to lose.

The government is doing nothing about renewable energy — talk about doing nothing! The government has made things harder for this industry through, for example, the planning laws that relate to wind farms and the development of a wind industry or a really sustainable renewable energy industry. If we have an adaptation plan without a serious focus on renewable energy — if we have a plan that just talks about renewable energy, without including actions, programs and policy, particularly around planning — our ability to not only take advantage of a low-carbon economy but also attract investment and new jobs and contribute to tackling climate change will seriously be in question.

We have seen this government scrap the water savings target of 155 litres per day. The government has been very successful in this. Its own report indicates that more droughts will happen, but it has decided that it will not keep in place a very successful program that reduced water use in metropolitan Melbourne and sent out a message about conserving and managing our water supply into the future.

The government got rid of its streetlight efficiency program, which was one the environmental policy it actually had. I am not sure if it lasted six months — it was something like that — but this program, which was about upgrading streetlights to more energy-efficient technology, was scrapped. We have firewood collection happening in our parks without permits. I have spoken before about how well that is going! We have seen the slashing of the Coastcare program. Despite the minister's claim that the government is adapting to

climate change by putting more money into beaches and that sort of thing, the government is cutting funding to Coastcare, which is a great program.

We have seen this government make funding cuts to the Department of Sustainability and Environment and the Department of Primary Industries right across the state and in regional Victoria in particular. People who worked in the areas of biodiversity and threatened species have lost their jobs. In my own community, half the research positions in the fisheries area of DPI have been cut.

Mr Weller — On a point of order, Acting Speaker, I know that latitude is being shown to lead speakers, but I do not know how the Department of Primary Industries is relevant to this debate. The Department of Sustainability and Environment relates to the environment, but I am not sure that DPI does. I ask you to bring the member back to the bill.

Ms NEVILLE — On the point of order, Acting Speaker, the management of fisheries in a climate change environment is critical — —

The ACTING SPEAKER (Mr Morris) — Order! I do not disagree with the member's point that discussion of the Department of Primary Industries relates to the bill — that is agreed — but perhaps we have strayed a little further from the bill than is desirable.

Ms NEVILLE — As I was saying, in the fisheries space what we know is that climate change was already having an impact in communities like Portarlington and its mussel industry. The fishery research positions at DPI provided new opportunities to grow that mussel industry. That is the sort of thing we need to be doing and investing in as part of adaptation to climate change. We have seen the government make funding cuts to catchment management authorities, which are going to be absolutely critical to the management of our waterways, particularly in the environment of droughts and flooding that are caused by climate change.

On the one hand we have seen the government agree to adaptation planning — not that we have seen it taking action — and indicate that it supposedly cares about climate change, but on the other hand this government's actions suggest that it has no real interest in tackling climate change or assisting Victorians to adapt.

One of the big concerns in my community is sea level rises. I know that the Borough of Queenscliff is extremely concerned. This government has not come forward with a mitigation response, a strategy to assist that community, which is vulnerable at a number of

points in relation to sea level rises. Given the government's report on sea level rises and the impact of these rises on residential households, the government's inaction in this space is leaving many Victorians vulnerable.

The bill makes some other amendments that I will not go into other than to say that the opposition believes that the noise abatement amendment has the potential to assist some inner urban communities. In the second-reading speech there is much discussion of the introduction of penalties for littering. That is important, but it is not the substantive nature of this bill. The bill also clarifies definitions to better aid participation in the federal government's carbon farming initiatives.

At its heart this bill is about the government walking away from any responsibility and any leadership role in tackling climate change. The government's environmental record is absolutely appalling, and yet today the government has asked us to trust it. Only 40 minutes has been provided for debate, and the government has asked us to trust it that in getting rid of the emissions target we will be involved in adaptation, but we have no adaptation plan. In fact we have no plans. We have a minister who cannot even talk about the challenges of climate change. The government has failed to meet its own legislative requirements provided in the bill, which are the current law in Victoria.

On that basis I urge members to support the reasoned amendment so that this government will be under an obligation to outline to the Victorian community exactly what it intends to do to assist communities and businesses to adapt to the challenges of climate change and assist in making the most of the job and investment opportunities that will be available in a low-carbon economy.

Mr KATOS (South Barwon) — I am not sure what the position of the opposition is, whether it is supporting the bill, opposing it or not supporting it. The opposition has moved a reasoned amendment, but the amendment seeks that this bill be delayed until the government lodges its climate change adaptation plan. That has to be done by 31 December this year, and the plan has to be tabled in this place within seven sitting days of that date. We have heard the member for Bellarine complain that this bill has been sitting here for nine weeks, that we needed to bring it on for debate and that we had to do this and do that. If this amendment is agreed to, we would have to wait until March for this bill to go through. It is hypocritical for members of the opposition to sit around and say that they want to this reasoned amendment and then say, 'Now we can wait until March'.

The commonwealth has legislated its carbon price and a reduction in emissions of 5 per cent by 2020 has been agreed to. That is a position that the commonwealth has put forward. Whether we like that position or not, that is the lay of the land, and it is what we face. Basically all the other states and territories, through the Council of Australian Governments and a recent communiqué, have agreed that it is the commonwealth's role to legislate the 5 per cent reduction and it is the role of the states to create adaptation plans. That is the position of the commonwealth and all the states, including the Labor states of Tasmania and South Australia — that is, if the commonwealth takes responsibility for the 5 per cent reduction, that is its responsibility and the states need to move out of that space. Even a Greens minister in Tasmania has agreed with this approach. If Victorian Labor wants to oppose this bill, that would put it further to the left than the Greens in Tasmania. I do not know if that would be a desirable place to be. You only have to look at the policies the Greens in Tasmania have had over the years — they have absolutely decimated Tasmania's economy. In Tasmania the forestry, fishery and agriculture industries were destroyed by the Greens. I would be very surprised if this amendment were to go forward.

Section 19 of the Climate Change Act 2010 says that if the commonwealth were to bring in a carbon price, we would need to have a review of the act. That is what has gone on here — there has been a review of the act. That review was tabled in March of this year, and it was completed by Dr Lynne Williams. The review received over 360 public submissions, and it was supported by independent analysis. The key finding of that review was that there was no compelling case to maintain a state-based emissions reduction target and that the national carbon price changes the policy role of the state government to a complementary one. That was the key finding.

One thing that would need to happen if we were to keep this 20 per cent target, if the opposition wants to keep it, is that Victoria would need to purchase \$2.2 billion worth of carbon credits. If that is going to be Labor's policy, is that factored into the opposition's forward estimates? Is it factored into its budget for the next election? Where is the \$2.2 billion going to come from? The burden on Victorian households and businesses of keeping a 20 per cent target in place would make us uncompetitive with the rest of Australia.

The whole idea of the 5 per cent target is to share this burden evenly across the states and the commonwealth, not to have Victoria at a competitive disadvantage to other states. If we were to keep the 20 per cent target, that is exactly what would happen. Victoria would be

significantly disadvantaged. Our economy would be disadvantaged. We would see businesses go to other states, where they have fewer carbon pollution controls. In the shadow minister's own patch there is Alcoa. Who knows what would happen to a company like Alcoa if a 20 per cent target were kept and that additional pressure put on it? We want Alcoa to stay, but we just do not know what would happen in that circumstance.

There are others who agree with the position taken by the Victorian government. I will quote the Victorian Greens, although their policy is a bit fragmented. In a media release of 29 March this year a member for Western Metropolitan Region in the Council, Colleen Hartland, labelled the Premier's policy reversals on climate change as 'reckless' and 'another attack on the western suburbs'. Yet just two days prior, the Greens leader, a member for Northern Metropolitan Region in the Council, Greg Barber, was quoted in the *Australian* of 27 March as saying that repealing the target would have a minimal impact. The article states:

It didn't actually do anything. It was a PR stunt.

The Leader of the Victorian Greens said the 20 per cent target was nothing but a public relations stunt.

Professor Ross Garnaut was quoted in the *Sydney Morning Herald* of 27 March this year:

I see no need for separate state emissions targets if there is an appropriate national target and policies to make sure we meet the national target.

As I said, we have agreement here that if the federal government has instituted a carbon price policy, we might not agree with the policy of pricing carbon, but the reality is it is there, and that is what we need to deal with. Whether we like it or not, there is a 5 per cent reduction target by 2020. That is the policy of the federal government and the federal opposition too, although through different mechanisms — to achieve a 5 per cent reduction by 2020.

It is a silly situation for us to be sitting here and dabbling in the same space as the federal government. It has taken clear responsibility for the reduction of carbon emissions and the states have clearly, through the Council of Australian Governments, said their role is in adaptation — that is, to make the adaptation plans and play a complementary role to the commonwealth's. That is what they have said they will do. As I said, there are no surprises in this bill. It fulfils the recommendations put down in March this year.

Earlier the shadow minister was criticising the Minister for Environment and Climate Change, saying, 'Where

does he stand? What does he do?'. I will quote from her media release of 27 March this year — it was a popular day, 27 March this year; there were a lot of media releases and quotes on that day. The member for Bellarine's media release says:

'Victorians must be wondering what is Mr Ryan's role as environment and climate change minister', Ms Neville said.

Mr Wynne — We've been wondering that for two years.

Mr KATOS — There you go. I think that pretty much says it. The Minister for Police and Emergency Services is not the Minister for the Environment and Climate Change. Opposition members cannot even get that right in the press release. They criticise the minister for the environment but cannot even get his name right in their own media release.

Mr Wynne — That's a killer blow!

Mr KATOS — I see the member for Richmond did actually enjoy that.

There are also some changes in the bill with regard to littering. The fine for littering a lit cigarette doubles, to \$563. It is very timely with the upcoming fire season that we send a strong message to those thinking of flicking a lit cigarette butt out of the window of a car that that is just not on. The fines for the littering of small things such as wrappers and food scraps will also increase. What we are trying to tell people is if they do the right thing and put something in the bin, they will not be fined.

As I said, there are no surprises in this bill. It is very sensible. The commonwealth has legislated through its Clean Energy Act 2011 for a 5 per cent reduction in carbon emissions; hence there is no need for the state to be in that space. Our role is to provide the adaptation plan. With that, I commend the bill to the house.

Mr FOLEY (Albert Park) — In the short time that is left to me to speak on this bill, given the antidemocratic depths to which this government has sunk in seeking to push the bill through with only 40 minutes of debate on the subject, let me just say the bill and its sponsoring minister are bitter disappointments. This bill reflects cynical politics at its worst, with broken promises and antidemocratic, anti-Westminster manoeuvring by a government that promised new standards. The government purports to continue the framework for supporting action on climate change and the environment. It does no such thing. It reneges on its pre-election position of support for action on emissions, there is no mitigation plan and

there is no adaption plan. This minister sits on the end of that bench opposite for very good reason. He deserves to go all the way out of the chamber.

The SPEAKER — Order! The time set down for consideration of specified bills on the government business program has arrived, and I am required to interrupt business. The minister has moved that the bill be now read a second time. The member for Bellarine has moved a reasoned amendment to this motion. She has proposed to omit all the words after ‘That’ with the view of inserting in their place the words which are in the hands of members. The question is:

That the words proposed to be omitted stand part of the question.

House divided on omission (members in favour vote no):

Ayes, 44

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

Noes, 43

Allan, Ms	Howard, Mr
Andrews, Mr	Hutchins, Ms
Barker, Ms	Kairouz, Ms
Beattie, Ms	Kanis, Ms
Brooks, Mr	Knight, Ms
Campbell, Ms	Languiller, Mr
Carbines, Mr	Lim, Mr
Carroll, Mr	McGuire, Mr
D’Ambrosio, Ms	Madden, Mr
Donnellan, Mr	Merlino, Mr
Duncan, Ms	Nardella, Mr
Edwards, Ms	Neville, Ms
Eren, Mr	Noonan, Mr
Foley, Mr	Pallas, Mr
Garrett, Ms	Pandazopoulos, Mr
Graley, Ms	Perera, Mr
Green, Ms	Richardson, Ms
Halfpenny, Ms	Scott, Mr
Helper, Mr	Thomson, Ms

Hennessy, Ms
Herbert, Mr
Holding, Mr

Treize, Mr
Wynne, Mr

Amendment defeated.

House divided on motion:

Ayes, 44

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

Noes, 43

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

Motion agreed to.

Read second time.

Third reading

Motion agreed to.

Read third time.

TOBACCO AMENDMENT (SHOPPER LOYALTY SCHEMES) BILL 2012

Second reading

Debate resumed from earlier this day; motion of Dr NAPHTHINE (Minister for Ports).

Motion agreed to.

Read second time.

Third reading

Motion agreed to.

Read third time.

The SPEAKER — Order! There has been an incident outside the house. I ask members to remain within the precincts of the house until we allow you to go. It is a serious problem. I would rather members stay in the building if they could. We will let members know as soon as possible.

TRADITIONAL OWNER SETTLEMENT AMENDMENT BILL 2012

Second reading

Debate resumed from 12 September; motion of Mr CLARK (Attorney-General).

Government amendment circulated by Mr CLARK (Attorney-General) pursuant to standing orders.

Mr WYNNE (Richmond) — I rise to make a contribution on behalf of the opposition in relation to the Traditional Owner Settlement Amendment Bill 2012. In doing so I note that, quite literally at the last moment, an amendment has been provided to us by the Attorney-General. Unfortunately I was not aware this amendment was going to be circulated, but I accept the assurance of the Attorney-General that this is merely a technical amendment that has arisen as a result of the scrutiny of this bill by SARC (Scrutiny of Acts and Regulations Committee). I just make the obvious point, however, that it would have been helpful to have known about it earlier than just now. Nonetheless, the opposition does not oppose this bill. I thank the department for the very thorough briefing provided to me a couple of months ago. The bill has been on the notice paper for an extensive period of time and we now have the opportunity to debate it. It was a very thorough briefing, as I said.

The members of the house who have a continuing interest in the question of justice for Aboriginal people know just how crucially important this bill is. The Traditional Owner Settlement Act 2010 was an initiative of the previous government which put in place a structure by which Aboriginal people would have the opportunity to fulfil what in many cases are their very modest aspirations around land. If I learnt anything in the time in which I had the honour to be the Minister for Aboriginal Affairs, it was that one of the most crucial elements of reconciliation for Aboriginal people is the capacity for them to have their land.

In the state of Victoria the hurdle to achieving a native title settlement is virtually impossible to jump over because, as you see when you look at the history of the displacement of Aboriginal people in the state of Victoria and their removal to various settlements, Aboriginal people simply cannot get over the evidentiary high bar required for native title in this state. This is, as I say, because of the systematic displacement of Aboriginal people.

One of the crucial elements for getting over that evidentiary bar is the capacity to satisfy a court that the people concerned have had a consistent relationship with the parcel of land or area they are seeking to lay claim to. I know in particular of the great disappointment of the Yorta Yorta people in relation to what they regarded as a very substantial claim they had and the strong evidence they tendered in relation to it, including expert evidence. That claim was of course unsuccessful. Ultimately what that meant for so many of those people — and I had the opportunity to talk to many members of the Yorta Yorta over that journey — was a very profound loss. The capacity for Aboriginal people to have that association is absolutely fundamental to their health and to their welfare, and until we can resolve this conundrum which the High Court of Australia decision has placed in the way of those aspirations we will never complete the journey of reconciliation for Aboriginal people in this state.

That is not to say, however, that we cannot do other things, and that is why at the core of the Traditional Owner Settlement Act 2010 — and indeed at the core of Indigenous land use agreements reached by the previous government in relation to a number of claims made by Aboriginal traditional owners — there is an alternative pathway. It is an alternative pathway that does not extinguish the aspirations of Aboriginal people; and neither should it ever extinguish the aspiration of Aboriginal peoples that perhaps one day they can achieve a native title settlement on their country.

That is important, and I acknowledge that this bill does not take away those rights. I will come back to that shortly. Why did we pursue that path? Because we understood — and I think this government also understands — that the immense longing and great need that Aboriginal people have to be able to express themselves through the ownership and occupation of their traditional lands is fundamental and, as my colleague the member for Northcote so eloquently put it, spiritual. It is fundamental, it is spiritual and it is about the health of these people in the fullest sense.

What we seek to do here is to make some amendments to the principal act and review a number of elements of it. I want to pause to acknowledge that whilst we could not achieve an outcome that in its fullest expression would have satisfied the aspirations of the traditional owners, the Aboriginal people in the state of Victoria, I am very proud of the history and track record of our government in that we found a way through Indigenous land use agreements to at least partially satisfy the deep spiritual urge of Aboriginal people, and essentially that underpins the legislation.

The government, through this bill, is making several changes to the 2010 act, some of which are relatively minor and others are quite substantial. I acknowledge that when shaping most of these amendments the government consulted with Native Title Services Victoria and the Victorian Traditional Owners Land Justice Group regarding a template used for negotiations under the Traditional Owner Settlement Act 2010. It is important when dealing with matters related to the Aboriginal community that you ensure you have had a proper, thorough and robust conversation with the relevant groups, and I am satisfied from the briefing that was provided to us by the Department of Justice officers and from my own conversations with the relevant groups that the nature of those conversations has been cooperative and consultative.

I come to this debate with a level of confidence that all the proper processes have been undertaken in relation to how the bill has been framed. However, there are three elements of the bill that we wish to canvass, and we seek some clarification from the government in relation to those. Hopefully if we cannot get some clarification in the debate tonight, we will have an opportunity to clarify a couple of these matters as the bill moves between the chambers.

The bill makes a number of changes to the act. It amends the definition of 'traditional owner group', and, as I indicated earlier, provides that the grant of Aboriginal title in land is not taken to extinguish native

title, which is a very important element; it enables the state to enter into a number of agreements in relation to things like carbon sequestration; and it includes additional authorisation for land use activities, including consent for the use and development of coastal land, a lease for a surf lifesaving association, a licence to construct any works on a waterway or bore and a carbon sequestration agreement. Importantly it adds additional activities within the definition of land use activities such as fisheries and aquaculture licences, classification of a wildlife reserve, proclamation of land under the Forests Act 1958, and preparation of a management plan for coastal Crown areas.

Some of these are quite important because a number of Aboriginal communities are very keen to work in partnership with government to achieve their aspirations for economic independence. This is one of the great debates raging across Australia — how do you empower Aboriginal communities to be economically sustainable in their own right? There are a number of examples of this. Those of us who follow these debates have seen the recent commentary by Professor Marcia Langton, a very powerful voice in this space, and Noel Pearson from northern Australia, both of whom are eminent thinkers in the Aboriginal community and very fine academics. They have thrown out the great challenge of how you marry up the capacity to be able to use land to achieve broader economic outcomes and sustainability for Aboriginal communities.

The circumstances are quite different in other states where there is native title, as I indicated earlier, but nonetheless we have to continue down the path of seeking a partnership between government and traditional owner groups to see where there are opportunities for economic development, for employment, for jobs and for long-term independence for Aboriginal communities.

This is really the next step. Above and beyond Indigenous land use agreements, recognising that native title is virtually an impossibility in this state, how can we go about having that conversation? How can we go about saying, 'We have particular parcels of land here where there are opportunities for fishing, for a range of commercial-type outcomes', or, as we have seen already, many very successful Aboriginal-run enterprises around tourism and so forth? How can we do more of this? How can we work hand in hand with the Aboriginal community to achieve the expectations that I think would be supported more broadly across this Parliament?

In that context there is one aspect of this bill that we as an opposition are concerned about, and that is that the

bill annexes parcels of land in alpine resort areas. In part the government has indicated its rationale for these parcels of land being annexed by this bill — that is, that there has been significant infrastructure put in place and investment made in these alpine ski and recreation areas and there is no need to continue to have the purview of the Traditional Owner Settlement Act 2010 resting over them.

The opposition interrogated that matter in the briefing with the department, and it is hard to see what the rationale for this decision is. People have put to me that it is to do with native title claims, recognising again that whilst you can pursue a native title claim, its potential for success is extremely limited. But there is no reason you could not continue on the path of a land use settlement with the Aboriginal community which could be complementary to any of the activities, whether they be in the alpine resorts or any other parcel of land where a settlement has been reached between the state and its traditional owners. The government's decision is inconsistent with how the legislation was traditionally drafted, and frankly the opposition cannot find an adequate justification for parcels of land in the alpine resorts being taken out of this legislation.

It seems to the opposition that there is a great opportunity to build an extraordinary partnership between the people who are operating at the alpine resorts, whether it be in the areas of skiing, recreation or tourism et cetera, and the traditional owners of those lands. There are many significant Aboriginal sites located in and around those areas, and I know many of the traditional owner groups have talked about the capacity to harness some of that tourism in a broader sense so that whether people come to these areas in summer or in winter — they do not just come to go skiing and so forth — they have the opportunity to see some of the extraordinarily rich culture, artefacts, stories and spiritualism of Aboriginal people in those parts.

I think this is a short-sighted position by the government, and I hope it will perhaps reflect not necessarily on my contribution but in talking to Aboriginal people once this bill has passed and say, 'Maybe we should reconsider our position going forward when it comes to annexing out alpine resorts in particular', because the government's decision does not sit well in terms of the spirit or application of this legislation.

The major groups that were consulted on this bill raised three major concerns. The first concern was in relation to defining a member of a traditional owner group as a person on whose behalf an Indigenous land use

agreement is entered into. People represented by the signatories do not enter into an Indigenous land use agreement themselves; they authorise certain persons to execute it. Native Title Services Victoria has requested a change to this wording. My advice, albeit received some time back, concerning some overdrafting is that the government has since indicated to Native Title Services that this wording will be amended, and I have sighted correspondence to that effect from the Attorney-General.

The second amendment, as I indicated, relates to alpine resorts, and I have canvassed those matters reasonably thoroughly. The third concerns an amendment that could potentially limit the Victorian Civil and Administrative Tribunal's (VCAT) ability to determine the amount of community benefit that might arise out of a land use agreement. I understand that the government indicated that this was not the case. However, Native Title Services Victoria, which provides much of the legal underpinning for many of these groups, has requested clarification of this amendment to ensure that any payments will be treated as an offer to be considered by VCAT. Both of these amendments are relatively technical, but nonetheless both are of concern to Native Title Services Victoria and the land justice group. If we cannot get some clarity around each of those issues tonight, we will seek it from the government as the bill proceeds to the upper house. They are minor amendments, and the Attorney-General has indicated in his correspondence to the groups that he will satisfy one of them. If we can get some satisfaction around those two points, that would be very helpful.

Finally, I understand that the amendment put before us arises from considerations by SARC, and I accept the explanation of the Attorney-General that this amendment picks up a technical matter that has been indicated through the SARC review process. It is in that context that opposition members do not oppose this bill. However, we want to say to the government that whilst government members have chosen to exempt alpine resort land in relation to allowing the free expression of the will of traditional owners to have some say over how lands may be used in the future, we should never be frightened by the fact that, in my experience, the aspirations of Aboriginal communities in this state are very modest.

Aboriginal people want the opportunity to express their spirituality and to be able to go onto their traditional lands. They want to be able to bring their families onto those traditional lands, to camp there, to fish there, to trek there and to be able to reach some sort of reconciliation. Many people have been robbed of that

opportunity. They are not complete, and they will never be complete, until such time as they can be on their land — on the land of their birth, on the land of their ancestors — in a way that is not inhibited and in a way that says, and is acknowledged by this state as saying, ‘This is your land’. We reflect upon that as we remember former Prime Minister Paul Keating’s extraordinary Redfern speech, some 40 — —

Mr Nardella — Thirty.

Mr WYNNE — Thirty years ago — I nearly said 40. It was some 30 years ago at Redfern.

Mr Nardella — It was 1992.

Mr WYNNE — Twenty years ago! Paul Keating laid out part of that road map at Redfern. Part of that road map was to acknowledge the terrible wrongs done to Aboriginal people generation after generation. It is incumbent upon us as a Parliament to do our bit and to acknowledge that we have the opportunity, through legislation such as the Traditional Owner Settlement Amendment Bill 2012, to assist in righting that wrong, at least in part, for Aboriginal people, the traditional owners of land in the state of Victoria. Whilst Victorian Aboriginal people will never get native title — they cannot get native title in this state, as I indicated earlier — as a government and an opposition we can do a whole lot more in a bipartisan way to be part of that reparation to Aboriginal people.

It is not just about their land, but about an understanding and a journey that we can all go on together to say that we, as a Parliament and as a community, recognise that Aboriginal people were displaced, taken from their lands, and that terrible things were done to them. In some way we can make some of that reparation through Indigenous land use agreements and through saying to Aboriginal people, ‘We want to work in partnership with you because we understand that the spirituality and the intimacy of the relationship that you have with your land is so fundamental to your health and welfare going forward, and that we can be part of a journey with you that is about your economic development and that is about saying this is your land, we respect you, we respect your land, we respect your culture; how else can we be a part of that journey with you towards economic independence?’. If I have learnt anything about Aboriginal community it is that if you can settle this question of land, its ownership and the capacity for Aboriginal people to be on their land and to practise their spirituality, it will bring about immense healing. We must continue on that journey.

I ask the government to reflect in the future upon exempting alpine resort areas from this legislation. As a former Minister for Aboriginal Affairs and now shadow minister I believe this is unnecessary. We can revisit this matter, but revisit it in the context of saying that we, as a Parliament, are open to this. We are open to understanding that when we are speaking about traditional owners of land in the state of Victoria we must in a bipartisan way do everything we can to achieve the aspirations of Aboriginal people. Ultimately we will be a better people for the fact that we can say that, within the legal limits that curtail us as a Parliament due to decisions that were made by the High Court, in the state of Victoria we have done everything we can do to ensure that the aspirations of Aboriginal people are achieved. We will be a better community for that, and the Aboriginal community will be better for that as well.

In that context I indicate that the opposition is not opposing the bill. We have raised a couple of technical matters upon which we seek some clarification — I suspect potentially to be dealt with while the bill is between the houses. I ask the government in the future to reconsider its position in relation to alpine resort areas and the exemption of those areas.

The SPEAKER — Order! Before calling the member for Sandringham, I advise members that it is now safe for them to go outside again. I understand the condition of the protective services officer is that he has gone off to hospital in an ambulance. I understand he has a fractured skull, but we will update members more on that first thing in the morning.

Mr THOMPSON (Sandringham) — In contributing to the debate on the Traditional Owner Settlement Amendment Bill 2012 I will place some wider remarks on the record. I had the privilege of serving as a shadow Minister for Aboriginal Affairs in this place a number of years ago. It was a great privilege to engage and liaise with members of the Victorian Indigenous community. Also, during my time as a member of the Victorian parliamentary Law Reform Committee, the committee undertook a review of access to law and legal services in Victoria. Along with the member for Derrimut and other members in the chamber, including the member for Kew, we travelled to a number of parts of Victoria. We took on board the representations of Indigenous Victorians from a number of precincts including Mildura, Robinvale and Bairnsdale, the Latrobe Valley, Warrnambool, Portland and Geelong and, if I am not mistaken, Bendigo and Ballarat. At the time we completed a report in relation to access to law and legal services in rural and regional Victoria and we made a number of

recommendations on how to improve those particular outcomes.

I would also like to place on record something that is not widely known in this arena. A former member for Eltham, Wayne Phillips, is partly of Indigenous background — his forebears came from the Hay district of southern New South Wales. Wayne served in this Parliament for a decade or thereabouts as a member for Eltham. In addition, Wayne has recently been elected as the mayor of Banyule, and his time in local government spans a period of 25 years or so. He is now entering his sixth term of office as a municipal mayor. I pay tribute to my former parliamentary colleague Wayne Phillips for his contribution not only to state government but also to local government.

Wayne is a very keen-minded citizen who served his electorate actively. Since leaving politics he has pursued a number of business interests and has also had a role in local government. His elevation to the office of mayor on a number of occasions is a tribute to his record of service to communities and his competency as a local member. I made the remark earlier this evening over dinner that I was often able to get a better opinion on a legal planning matter from Wayne than I might have been able to gain from the Victorian Bar — with respect to the member for Kew, who is at the table; he had left the bar by that stage — or from other experts in the field, such as the acuity of his mind and his keenness to understand relevant planning issues.

In addition to that, there have been a number of important contributions by Indigenous Victorians to the state of Victoria. Not far from where we stand is a statue of Sir Doug Nicholls and his wife, Lady Nicholls. It takes pride of place in Parliament Gardens, just to the north of the parliamentary buildings, and stands as a record of the regard and respect felt for him as a former Governor of South Australia, a former footballer with Fitzroy Football Club and through his work as a Church of Christ minister. He also contributed to the lives of many Victorians through the Aboriginal Advancement League, as it was known at the time, and to the lives of many people who came under his example, guidance and immediate care. Sir Doug Nicholls stands as one of the great Australians, and that was marked by his elevation to the role of Governor in the state of South Australia.

I could list many other people. Joy Murphy Wandin has been a great contributor to community life. She is a descendent of William Barak, who was one of the earlier Indigenous members of the community to meet with the early white settlers in the Port Phillip District.

Settled in 1835, it is interesting to note that in 1839 Governor La Trobe was appointed as first superintendent of the Port Phillip District. As one of the objectives of his appointment, as I understand it, he was sent to the Port Phillip District, in one aspect, to protect the Indigenous community in this state. When I say ‘in one aspect’, he had a specific brief to protect the Indigenous community after the experience of what had taken place in Tasmania. He later rose to the rank of Superintendent of the Port Phillip District and Lieutenant-Governor of the state of Victoria. He made a great contribution to the circumstances of Indigenous people in Victoria.

Other people I have had the privilege of meeting include Ellen Jose, who is a local artist in the Black Rock area. Originally from far north Queensland, she is a highly respected artist in Australia and had an exhibition in London at the time of the Olympic Games. There are also people such as Archie Roach and Kutcha Edwards, who are great entertainers. Kutcha in fact played football with St Kilda in his early years. Earlier today I mentioned the Wilberforce Awards that were held in the Victorian Parliament in 2007. Jimmy Little was brought down from New South Wales especially to sing at that particular event. Jimmy was a remarkable Australian, and his contribution to Australian music will live on.

The bill before the house introduces a number of important measures. One of its objectives is to amend the Traditional Owner Settlement Act 2010 and related legislation to manage the state’s liability, streamline processes for industry, increase the chances of reaching settlement and facilitate economic development. There are also some matters of wider context. The point I wish to make is that the bill will support the government’s objectives for native title settlements, which are to avoid litigation and the associated transaction costs, to recognise appropriate Indigenous groups as the traditional owners of areas of Crown land, to provide certainty to users of Crown land and a basis for the groups’ economic development and cultural strengthening, and to secure a waiver of the state’s compensation liabilities under any acts that impact upon native title rights after 1975.

The bill also aligns with and supports the government’s priorities for Indigenous affairs and economic development detailed in the Victorian Indigenous affairs framework, in particular strategic action area 3, which is to improve economic development, settle native title claims and address land access issues. Native title settlements also contribute to closing the gap by providing employment outcomes and through the flow-on health and wellbeing benefits arising from

cultural strengthening and land access. I note the benefit of access pathways for members of Victoria's Indigenous community to education, training and employment opportunities both in the public service and the private sector.

A number of years ago I had the privilege of meeting John Clarke from the Colac district, who is a relative of the famous Banjo Clarke from Framlingham. John has been working with Parks Victoria over a number of years, and I was delighted when he had the opportunity to travel to Canada under a secondment arrangement to widen his understanding. John is a highly skilled, articulate advocate for Indigenous issues and histories in western Victoria, and I look forward to understanding further his contributions to the state of Victoria beyond his work with Parks Victoria and his own family.

I note also that a number of important measures in the bill will clarify particular rights. The bill provides clarity in relation to Indigenous rights in Victoria in a number of different spheres. According to the explanatory memorandum, the consequential amendments include an amendment of the Flora and Fauna Guarantee Act 1988:

... so that all members of a traditional owner group (not just those who are members of traditional owner group entity) can exercise their traditional owner rights in accordance with a flora and fauna authorisation.

Further, it:

... amends the Forests Act 1958 so that all members of a traditional owner group (not just those who are members of a traditional owner group entity) can exercise their traditional owner rights in accordance with a forest authorisation ...

... amends the Water Act 1989 so that all members of a traditional owner group (not just those who are members of a traditional owner group entity) can exercise their traditional owner rights in accordance with a water authorisation.

... amends the Wildlife Act 1975 so that all members of a traditional owner group (not just those who are members of a traditional owner group entity) can exercise their traditional owner rights in accordance with a hunting authorisation.

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

Ms RICHARDSON (Northcote) — I am very pleased to rise to make a contribution on the Traditional Owner Settlement Amendment Bill 2012. The traditional owner settlement legislation was an initiative of the Labor government because it understood that the ownership of the land was critically important for the welfare of Indigenous Victorians. It has taken too long for this link between the welfare of a people and land

ownership to be understood and recognised. However, having recognised this important link, the Labor government and the former minister, the member for Richmond, who is sitting here at the table with me, took the opportunity to bring forward this important legislation.

I want to take a moment to talk about the member for Richmond because my electorate contains the largest Indigenous community in Victoria. Many leaders I have had discussions with have spoken at length about the member for Richmond and his contribution in this important area. They have consistently said that the member for Richmond understands these issues at a level that not many non-Indigenous people do. The issues resonate with him in a way that they do with few other people. I want to commend him on that because he is consistent in his approach, he has been a champion of this community for a very long time and he is very modest about the achievements he has made on behalf of that community. I take this opportunity to thank him on behalf of my community in Northcote for all the work he has done in this area.

I also want to highlight the fact that this bill seeks to improve the mechanisms by which agreements can be reached between Indigenous communities over land use. It in no way seeks to extinguish native title. As the member for Richmond highlighted, achieving that aspiration here in Victoria is extraordinarily difficult, but it is important that we stress that native title is not extinguished as a consequence of any of the legislative changes being proposed here.

This bill makes a number of amendments to the act, some of which are substantive and some of which are technical. According to the government these changes have arisen primarily from consultation with the Victorian Traditional Owner Land Justice Group and Native Title Services Victoria (NTSV). Given that these groups have said that they were not aware of the detail of these changes before the bill arrived in the house, this seems a little odd. It is little wonder then that these groups have also expressed concern about some of the clauses contained within the bill. I want to focus on those clauses because the way in which this legislation will impact upon Indigenous Victorians is best expressed by those who have the most experience and understanding of the bill.

The first concern relates to clause 4(2). NTSV has requested that the wording of this clause be amended. I understand that the government has indicated a willingness to make the amendments that are required to this clause, so I am hopeful that this will be done while the bill is between houses. Clause 19 is also of

concern because it appears to limit the Victorian Civil and Administrative Tribunal's authority to determine the amount of community benefits. Again I understand that the government indicated to Labor's shadow minister, the member for Richmond, in the briefing he had that it is not the intention of clause 19 to operate in this way and that clarification will be given on that matter. I am looking forward to hearing this made clear in contributions from government members or perhaps from the minister in summing up.

Clause 16 is also of concern because it relates to the exclusion of alpine resorts from any kind of negotiations or possible agreements that can be reached between Indigenous Victorians and the government. As the member for Richmond said, this undermines what the bill claims to do. It basically undermines the aspirations of Indigenous Victorians in relation to these lands. If the government can revisit national parks and their use — if it can be open to allowing tourism and other commercial activities on this land — why is it that we have before us a bill that seeks to exclude alpine resorts from agreements or negotiations with Indigenous communities and individuals who wish to make some sort of negotiated arrangement over their land use? This is an inconsistency that needs to be addressed in future discussions and in any future bills that come before the house.

As the member for Richmond indicated, the Labor opposition will not be opposing this bill, but we look forward to ongoing discussions about how we can work constructively to ensure that Indigenous Victorians are not further disadvantaged by any laws or anything that this Parliament does in the future. In fact we need to work constructively to deliver to them what they rightly deserve. I commend the bill to the house.

Ms McLEISH (Seymour) — I am pleased to rise this evening to speak on the Traditional Owner Settlement Amendment Bill 2012. This bill spans a range of portfolios. The Attorney-General put the bill forward, and it also covers the portfolios of Aboriginal affairs, agriculture and food security, energy and resources, environment and climate change, planning and water. That is quite a diverse group, and this bill covers a number of different areas. There are four key areas of this bill: to manage the state's liabilities, to streamline processes from industry, to increase the chances of reaching settlement and to facilitate economic benefit. At the same time the purpose of the bill is also to fix flaws and deficiencies in the act and to bring about some changes — or 'remedies' is another term that could be used.

There are a couple of reasons I was keen to speak on this bill. The Great Dividing Range, which runs across the middle of my electorate, is also the divide between the Wurundjeri and Taungurung peoples, so I am continually aware of having the two different groups in my electorate and needing to know which group to recognise and acknowledge each time I speak. I have very strong Indigenous populations in my electorate, particularly at Healesville. There is also one at Seymour, and there is an increasing population of Indigenous people in Wallan. Certainly when I was growing up there were quite a number of Aboriginal families in and around the town of Yea. The Franklin family in particular was one of the larger families. I feel that I have a strong connection with many of the Indigenous communities.

One of the groups which does a lot of work, which I have mentioned before and will mention while I have the opportunity, is the Healesville Indigenous Community Services Association (HICSA). Its members do a fabulous amount of work in trying to put some strategic and strong governance around how their organisation operates. A number of people are involved in the association, but one known to many people is Aunty Dot, who is a board member. Aunty Dot was recognised last year, or maybe the year before, on the Victorian Honour Roll for Women and also on the inaugural Victorian Indigenous Honour Roll. A young woman who is involved there is Brooke Collins, who does many welcome to country ceremonies. I particularly like seeing Brooke because, whereas Aunty Dot is one of the elders, Brooke is one of the young women and is very aware and conscious of her community and her roots and is doing the best she can for that community. I have talked before about HICSA. I am really pleased to have been able to have done the amount of work I have done with them.

An area I want to concentrate on — I know that I will get more time when the bill is before the house next — is that of negotiated settlements. A number of areas of negotiated settlements are important. They obviously include the dollar costs. The better the outcome or negotiated settlement, the more money savings there are for everybody. Often settlements have had long, protracted or very drawn-out litigation cases that sometimes have lasted for 10 or more years. They usually involve the government and the traditional owners and sometimes third parties. The government has a number of interests in this area.

The DEPUTY SPEAKER — Order! The time appointed by sessional orders for me to interrupt business has now arrived. The member will be able to

continue her speech when the matter is next before the Chair.

Business interrupted pursuant to sessional orders.

ADJOURNMENT

The DEPUTY SPEAKER — Order! The question is:

That the house now adjourns.

Darebin Creek trail: link

Ms RICHARDSON (Northcote) — The matter I raise is for the attention of the Minister for Planning. It concerns the Darebin trail and the \$18 million that was announced just this weekend past in respect of the completion of the trail link between Heidelberg Road right through down to Kew. Four bridges will be built as part of that trail link, which has been the missing link for a considerable time. It has been of great concern to the community, and for more than 17 years Bicycle Victoria has been campaigning on this. History tells us that the funds for this link were committed by the Labor government. Works were stopped and Parks Victoria, which was the auspicing body and was there in place to deliver the project, was removed from the project and the whole project ground to a halt. I am very pleased that at the weekend we learnt that the government has decided to recommence the project and that funds will be found to ensure the project can be completed.

The action I seek from the minister is that he provide a detailed set of works and time lines, so that we can actually see the project through. A number of residents and schools, as well as the golf club et cetera, will be affected by works that will be done to finish the trail. The community has seen the works grind to a halt over the past two years. Making an announcement that appeared in the *Age* newspaper on the weekend is all well and good, but what we actually need to see is a detailed plan that sets out when the works will start, a date for the completion of each of the stages and whether work will begin at both ends, as was originally envisioned by the Labor government, or at one end or the other. We need to see what is to be done. We need to get from the minister some detailed plans that set out the course, the time lines and how this project will be delivered once and for all.

For members of my community this has been an issue of great concern for a considerable time. They were very concerned when the new Liberal government decided it would not proceed with the plans, pulled Parks Victoria off the project and put the plans in mothballs. Following the announcement at the weekend, we do not know who will be in charge of this

project, whether it will be Parks Victoria or the planning department. It was not the Minister for Environment and Climate Change or the Minister for Public Transport who made the announcement; it was the Minister for Planning. I am calling on the Minister for Planning to take action to deliver this project and to give some details to the community in order that we can see the works commence as soon as possible.

Country Fire Authority: Mildura brigade equipment

Mr CRISP (Mildura) — I raise a matter for the attention of the Minister for Police and Emergency Services. The action I seek is that the minister investigate and advise in writing on the claims made by the United Firefighters Union of Australia, Victoria branch, over fire readiness in Mildura. In a letter delivered to my office recently the United Firefighters Union has claimed that the aerial pumper designated for Mildura is available and fit for service. The letter also details a number of other issues relating to the Country Fire Authority.

I noted with interest that an interview on ABC *Statewide Drive* on 22 November Mr Euan Ferguson indicated that aerial appliances were subject to warranty issues and were unserviceable. Mr Ferguson went on to detail that there was a problem with the boom. Mr Ferguson said that when the appliances become operational they could be operated by career staff or by volunteers, providing the volunteers are trained and accredited. As we all know, protecting a community from fire risk is not all about equipment. Although firefighters are reactionary by nature, so much has been achieved and can be achieved by preventing fires and, in the case of fires, minimising the risk to people. Some of the great achievements in fire prevention have been improvements in building codes and the installation of smoke detectors, which have saved countless lives. In the workplace, evacuation training, fire awareness and general risk awareness have also improved the safety of Victorians.

To claim that lives are at risk because one particular appliance is not available raises undue stress and concern in the community. Much has changed over the years, such as open fireplaces and weatherboard homes no longer being the norm. The safety of many home electrical appliances has been improved by the installation of residual current devices and other electrical safety devices. The aim of a modern fire service is to reduce the incidence and therefore the cost to the community of fire. We also need to be continually aware of what we can all do to reduce fire

hazards, so again we have the balance between the proactive and reactive.

What I have a concern over is that what the United Firefighters Union wants is to increase the reactive capacity, and thus have extra employees, at the expense of proactive measures. This is a difficult balance. There is also a concern that as we have more career firefighters there is a loss of operational experience for volunteers and therefore at some time in the future when there is a need for an experienced volunteer, there may not be one to answer the call. In order to maintain this balance between career staff and volunteers gaining experience, I believe volunteers should be encouraged to continue to turn out and be able to get on a truck and gain the experience they need.

As always we need to be guided by the analysis of the call-outs and to get the right balance between specialised equipment and skills and expertise. Really we need to focus on preventing fires, which provides the least effort for the maximum effect. We need to focus on training and knowledge as well as skills gained over time and from experience. Victoria has not been disadvantaged by being dependent on and using our wonderful volunteers.

Frank Holohan Soccer Complex: facility funding

Mr PANDAZOPOULOS (Dandenong) — The matter I raise is for the Minister for Sport and Recreation. It relates to an application by the City of Greater Dandenong under the community facility funding program for the installation of floodlighting on the main pitch of the Frank Holohan Soccer Complex in the Police Paddocks Reserve. This cooperative venture is physically located in the city of Casey on Parks Victoria land. However, the site is managed as the biggest sports facility in the municipality of Dandenong by the City of Greater Dandenong.

Negotiations and discussions have been going on with the minister's agency, and the council has been encouraged to apply for a grant in recognition of Dandenong as the most culturally diverse suburb in Victoria. The fastest growing sport locally is soccer, or football. The clubs at the Frank Holohan Soccer Complex are growing very quickly. The application is targeted at helping support the growth of junior soccer and women's soccer, as well as culturally diverse and refugee communities. Whilst there are three pitches and five changing rooms at the facility, pitch 1 does not have any floodlighting, and the senior men's team is now in state league 1 and the senior women's team is in state league 3. There is a great need for Football

Federation Victoria standard lighting for the area to support the growth of grassroots and elite-level soccer.

This is a very heavily used part of the sports precincts in the city of Greater Dandenong. It is an old tip area next to a historic reserve — the Police Paddocks Reserve. The area is the site of some of our Indigenous police heritage, as Indigenous trackers were once based there. It is one of the most beautiful sites in the city of Greater Dandenong, on the north-eastern urban fringe next to Churchill National Park and the state parks leading up to Lysterfield.

This is a spectacular area that brings in a lot of soccer enthusiasts. There is great need for this project. The city of Greater Dandenong has ageing sporting facilities and is experiencing huge population growth, so it is very important that projects such as these are acknowledged. The club is offering to contribute close to \$96 000 for a project requiring total funding of \$191 000. The City of Greater Dandenong will contribute an equivalent amount plus the site preparation. This is a good project. A local club is using its resources to help grow the important sport of soccer for the most needy groups in the city of Greater Dandenong.

Rail: Beaconsfield station car park

Mr BATTIN (Gembrook) — I raise a matter for the Minister for Public Transport. The action I seek is an upgrade of the Beaconsfield railway station car park. During the 2010 state election I made a commitment to deliver more than 100 car parking spaces for the Beaconsfield community after it had campaigned on this issue for many years. For many years residents of streets such as Woods Street, Railway Avenue and Beaconsfield Avenue have had cars parked on their streets all day, every day. This is not only an inconvenience for the residents but, more importantly, it is a safety issue. Having many cars parking on these streets reduces visibility and access to other areas. On many days we have seen cars parked illegally, with drivers having no other options due to the station car park being full quite early in the morning. I was pleased to work with Edward O'Donohue, a member for Eastern Victoria Region in the other place, to ensure that the government will not only meet this commitment of 100 car parks but increase it to 157.

Since coming to government the coalition has worked hard to improve transport options for the residents of the south-east. We are delivering 150 new car parking spaces at Berwick railway station, 138 at Narre Warren railway station, 360 at Merinda Park railway station, 450 at the already completed Cardinia Road railway station and 250 at Lynbrook railway station. This is

more than 1500 new car parking spaces across the south-east. We have also added more than 1000 new rail services across the metropolitan network.

During the 2010 election campaign I visited the Beaconsfield railway station on many occasions, and I spoke to community members about safety, access and the reliability of trains for local residents. Each time I visited the station I made a commitment to the locals who used the train service, including children from many schools and those who were travelling to work or for social purposes, that I would campaign hard to make access to the station easier and safer, to improve reliability, to increase services and to make the network safer with the addition of protective services officers (PSOs) in our first term.

We have seen many new car parks, a new train station and more trains on the Pakenham line, and we have seen the deployment of PSOs, including recently at the Dandenong railway station. These changes have seen an increase in the feeling of safety at these stations and therefore across the network. I am committed to seeing all the commitments delivered on time for the residents and public transport users of Beaconsfield. I ask the minister for an update for my community on this important infrastructure project and ask if he could give a time line to ensure that this project runs on time.

Melbourne and Avalon airports: rail links

Mr McGUIRE (Broadmeadows) — The matter I raise is for the Minister for Public Transport. The action I seek is for him to provide a cost-benefit analysis for rail links to the Melbourne and Avalon airports. Analysis of how Victoria develops its international airports is an urgent matter of state significance. According to today's *Australian Financial Review*, almost 20 airlines, investors and industry consultants have rejected the New South Wales government's position that Kingsford Smith International Airport can continue to meet demand, and they want a second airport in the Sydney basin fully operational within a decade.

This report follows my recent article in the *Herald Sun* detailing how Melbourne Airport's commitment to invest \$500 million to significantly increase one of the Victorian economy's prime competitive advantages has exposed the Baillieu government's inaction on infrastructure and its ruthless abandonment of its election pledge to govern for all Victorians. The curfew-free airport wants to construct a third runway to deliver thousands more planes to Tullamarine annually and provide up to 9000 direct and 30 000 indirect jobs.

Victorians now confront critical questions, including how the community should weigh and consider the merits of developing the Melbourne and Avalon airports simultaneously and the return on any taxpayer investment, given that both airports argue that they require rail links. The Victorian Labor leader, the member for Mulgrave, has addressed such concerns by proposing that an independent, expert body — to be known as Infrastructure Victoria — should determine the best value for taxpayers on critical projects beyond election cycles. Infrastructure Victoria would make its findings public, creating an informed community debate.

Next year the Australian government will decide the fate of Melbourne Airport's master plan after the conclusion of community consultation. The critical question remains when the Baillieu government will stop playing gesture politics with vital infrastructure and start investing wisely, otherwise its election pledge to 'build the future' will be added to its long list of unfulfilled and broken promises, and its commitment to be spin free will be the greatest con of all.

I call on the Minister for Public Transport to immediately release this cost-benefit analysis so we can analyse how both rail links will work, what they will deliver, the time lines and what the various proposals will be for routes to build the community, build jobs and take care of this most vital piece of infrastructure, which is of state significance, for all Victorians.

Tourism: Lake Mountain

Ms McLEISH (Seymour) — I raise a matter for the Minister for Tourism and Major Events. The action I seek is that she investigate whether funding can be made available for a number of events at Lake Mountain. As members may know, Lake Mountain is an alpine resort about 25 minutes drive from Marysville. Every year during the snow season it attracts about 100 000 people. It is a terrific mountain for those experiencing snow for the first time. The road up to Lake Mountain is fairly family friendly — it is not too hairy — and when you arrive there is a great toboggan area and lots of cross-country skiing. It is a really easy place for families to get to understand what you do in the snow and how you do it, and there are great opportunities to enjoy it.

Over the years the management of Lake Mountain has worked very hard to attract more people to the mountain and also to the wide area around Lake Mountain. When I say that, I am really thinking about the area of Marysville, which is at the base of Lake Mountain and benefits greatly from the tourists who

travel to and from the mountain, which is an integral part of local tourism. In line with that, the management of Lake Mountain has worked to put on a number of events to bring additional people to the mountain, particularly after the devastation suffered during the Black Saturday fires. It is great that Marysville has been rebuilt. It offers a marvellous base for visitors.

Lake Mountain has several great events. I was not able to go to Christmas in July this year, but the year before last I opened the Lake Mountain Cross-Country Sprint X. The organisers managed to build a tight little sprint course with lumps, bumps, humps and tight bends in a very small area. They attracted some of the best cross-country skiers in the state. That was a really fun event. Lake Mountain also has a toboggan race day. This year that race attracted 1500 visitors. Most of the people who attended were not from the area.

Lake Mountain offers more than snow. There is also mountain biking and the granite grind, which is a 12-kilometre, single-track mountain bike trail that starts and finishes at the village of Lake Mountain. That is pretty exciting as well. On the opening weekend of the snow season Lake Mountain has a great family fun weekend. There are all sorts of things on, such as snow sculpting, live music, wine tasting and a jumping castle. I have attended this event over the last two years, and it is really fantastic. This year there was not a lot of snow, but every kid had a smile on their face. Lake Mountain put on such a wonderful event. What Lake Mountain is doing is terrific, and I would really like to see ongoing funding for it.

Rail: Ginifer station disability access

Mr LANGUILLER (Derrimut) — The matter I raise is for the attention of the Minister for Public Transport. I indicate that this is the second occasion on which I have raised an adjournment matter on Ginifer railway station, an important train station in Derrimut, the electorate I represent. The action I seek from the minister is to give consideration to the establishment of a pedestrian crossing on the Willaton Road side of the station. The station, as members would be aware, is located between St Albans Road and Willaton Road, and it is accessed from both sides. The station consists of two platforms, platforms 1 and 2.

Members would be aware that this train station was named after the late John Ginifer, who was a member of this place and a member of the Cain cabinet, who unfortunately after being elected to the cabinet and the government in 1976 subsequently passed away from cancer. I have some recollection of his limited work at that time because he happened to be Minister of

Immigration and Ethnic Affairs and Minister of Consumer Affairs in the Cain government.

The area around Ginifer station is home to a large ageing population, predominantly made up of people who migrated here after the Second World War. In relation to the adjournment matter I raised in August regarding the station, a significant number of people with disabilities live in the area. There are many people who use wheelchairs, particularly on the platform on the Willaton Road side. There are also many people who are sight impaired, and there is also a community in the vicinity with intellectual disabilities. It is an important area. I have been there many times and have used the station on some occasions. I went to the station a number of times recently and observed how difficult it is, particularly for people who have certain physical or intellectual issues, to cross Willaton Road.

The action I respectfully ask of the minister is that he consider the establishment of a pedestrian crossing at the Ginifer station on the Willaton Road side.

Ferries: Stony Point jetty disability access

Mr BURGESS (Hastings) — I raise a matter this evening for the Minister for Public Transport. The action I seek is for the minister to request Public Transport Victoria to investigate installing ramps for wheelchair access to the Stony Point jetty. People reliant on wheelchairs to get around are currently unable to access parts of the Stony Point jetty or catch the ferry to Cowes, as the jetty is multilevel and there are no wheelchair ramps to the launching area.

Wherever possible people reliant on wheelchairs should have the same level of access to transport infrastructure as non-wheelchair-reliant people. As there is no wheelchair access to the launching area of the Stony Point jetty, this is not currently the case there. Some wheelchair-bound people who are unable to drive a motor vehicle due to their medical condition have their travel options further limited by the lack of wheelchair access to the jetty. The provision of wheelchair access on the jetty would significantly improve the travel options for wheelchair-reliant people and at the same time improve their mobility, independence and quality of life. The addition of ramps would also assist some disabled people to better connect with their family and friends.

The jetty is managed by Patrick on behalf of the state government, and the ferry service from Stony Point to Cowes is operated by Inter Island Ferries. While the ferry itself can cater for people with a disability, ferries cannot currently be safely accessed by people in

wheelchairs. Inter Island Ferries would be supportive of the installation of a wheelchair ramp on the Stony Point pier, but any changes to or upgrade of the pier would need to consider the safety of wheelchair access in all weather and strong tidal conditions. I therefore ask that the Minister for Public Transport request that Public Transport Victoria investigate the installation of wheelchair access ramps at the Stony Point jetty.

White Night Melbourne: funding

Mr FOLEY (Albert Park) — I rise to raise a matter for the attention of the Premier as Minister for the Arts. Before I do, though, I seek the house's indulgence in not letting the night pass without noting the tragic events that happened earlier today. I am sure I speak for everyone in this place in saying our thoughts are with the protective services officer (PSO) who suffered injury, his family and the other PSOs and security staff, none of whom should be expected to suffer such terrible injuries looking after us in this place. Our thoughts also go to the apparent tragedy of a person who has reportedly taken his own life. I think it is only appropriate that we note that here tonight.

Returning to the matter I raise for the Minister for the Arts, the specific action I seek is that he guarantee the funding that has been allocated to the Victorian Major Events Company to deliver the event White Night Melbourne, scheduled for February 2013 and subsequent years thereafter, will not be supported to the detriment of arts organisation funding programs supported by Arts Victoria and independent arts and cultural organisations across the state. These are the same organisations that have suffered in real terms a more than 5 per cent cut in the current budget.

I raise this matter following the Premier's announcement of the headline details of the White Night event, which was an election commitment of the Liberal-Nationals coalition. In his media release last week the Premier confirmed that the event — it is not a festival, not a program, but an event — will be variously delivered by the Victorian Major Events Company, will occur on 23 February 2013 and in two subsequent years after that. It will be funded to an unspecified amount by the government and the cultural agencies it has persuaded to stay open all night as part of securing the event. The company is still in the process of taking submissions from artists and arts practitioners and filling positions to deliver the project.

This announcement comes hot on the heels of funding cuts to community arts organisations right across the state. We have seen service delivery programs, staff and events cut from community and local arts groups as

a result of the Baillieu government's hacking into the budget of Arts Victoria and other agencies involved in delivering our rich cultural life right across the state — for instance, we have seen Arena Theatre Company having to cop the loss of one writer's commission. We have seen La Mama reduce key community facilities. We have seen the Next Wave Festival lose staff. We have seen the Snuff Puppets reduce its arts training budget, and we have seen the Castlemaine State Festival reduce its funds. On and on the program of cuts goes. This matter needs to be brought to the attention of the Premier to have the answers clarified, because the arts community of Victoria needs to understand what the investment framework of the minister in this area is.

Grand Fondo Beechworth: funding

Mr TILLEY (Benambra) — I wish to raise a matter for the attention of the Minister for Tourism and Major Events. The action I seek from the minister is the consideration of and support for funding to assist the inaugural Gran Fondo Beechworth event to be held in April 2013.

As I have spoken about many times, there is a great part of Beechworth in the electorate of Benambra, and the entire region has diverse terrain suitable for road cycling, mountain biking and rail trails. The inaugural Gran Fondo will be a weekend of cycling, food, wine and friends in the stunning high country of north-east Victoria. There will be a variety of events, ranging from the Gran Fondo, which is a 173-kilometre timed ride through Beechworth, Chiltern, Indigo Valley, Yackandandah, Glen Creek, Dederang, Upper Gundowring, Running Creek, Kancoona, Rosewhite, Mudgegonga, Barwidgee, Stanley and all the way back to Beechworth — it is targeted at serious recreational cyclists — to other events, including the Medio Fondo, which is shorter at 83 kilometres. That is a timed ride which goes through Beechworth, Wooragee, Yackandandah, Bruarong, Mudgegonga, Stanley and back through to Beechworth. It is more for the recreational cyclists.

There is also the Gourmet Fondo. No doubt the Minister for Environment and Climate Change would be interested in this. It is only a 25-kilometre timed ride. It is certainly not competitive, but it includes going through Beechworth, Markwood, Milawa and Oxley. There are some great wines and cheeses around those parts. It will be great for the recreational riders and foodies, who are the target. Another event is the Giant cyclocross. This is a very popular cycling event in Europe and North America where competitors race bikes across a road and use mountain bikes on a tight circuit featuring obstacles. It combines riding and

running. We will see how many in this place might be happy to come up for that week and do a bit of riding and running.

Another event, which is a little bit difficult to pronounce, is L'Eroica, which features the cycling of yesteryear. Its participants must ride a pre-1987 bike. I know there are probably a few around the house who still have in their garage bicycles which have not been pulled out since before 1987, so they will certainly qualify for that type of event.

An honourable member interjected.

Mr TILLEY — Drag that one out of the shed! There will also be the Gran Fondo village and bike expo, which will showcase products and services from leading lifestyle and cycling brands. Importantly, this event will get people to come to the Beechworth area to participate in these types of events. It should attract around 1500 riders and 500 supporters and generate about 4000 bed nights and something in the order of \$800 000 in economic impact, and there is great potential for it to grow into an even bigger event in the future, increasing tourism-related returns to the local region.

Responses

Ms ASHER (Minister for Tourism and Major Events) — The member for Seymour referred to the need for assistance in townships surrounding Marysville to help boost the whole region's local tourism industry. Again she has been assiduous in pursuing these matters over the two years she has been a member of Parliament and understands fully the need to stimulate visitation for her local economy. I am pleased to announce to the member that \$25 000 has been allocated from the Marysville tourism and events marketing program 2011–14 to help promote the events she raised. The allocations will be as follows: \$7500 for the Winter Warrior Challenge obstacle race, \$7500 for the Lake Mountain Granite Grind and \$10 000 in total for Christmas in July, the Cross Country Sprint X, the Lake Mountain Alpine Resort Family Fun Weekend and the Lake Mountain Toboggan Race Day. The member went through many of these events, which she has attended personally.

This new allocation brings the total amount of support over the past year to over \$200 000. Support for six events totalling \$13 500 was announced in October, along with support for 13 events totalling \$79 000 in June and support for 15 events totalling \$84 000 in October 2011. This is in addition to the funding of \$20 000 provided in September for the Marysville

Sparkling Wine Festival. I again commend the member for Seymour for her advocacy on the part of her electorate, and I am delighted to provide that funding for her.

The member for Benambra requested funding for the inaugural Gran Fondo Beechworth cycling event, to be held from 19 to 21 April 2013. He went into considerable detail about what this event will constitute, and I am delighted to inform the member that the government will provide \$17 500 to assist this weekend-long event of cycling activities in order to provide economic benefit and increased visitation to the region. We are committed as a government to supporting our cycle tourism opportunities, and, as the member for Benambra would be aware, in July last year I launched the government's cycle tourism action plan, which valued cycle tourism expenditure at \$362 million for the year ending 2010. I am pleased to announce that particular funding, and I am sure there will be other announcements for the member in due course.

The member for Albert Park raised a matter for the Premier in relation to the Victorian Major Events Corporation (VEMC), which reports to me. The Premier announced it, but the corporation reports to me. It is the Premier's baby; he announced this particular event as an election commitment. I thought I would take this opportunity, given that we on this side of the house respond to adjournment issues raised by members of the opposition, to fill the member in immediately rather than going through the process of getting correspondence. I can assure the member for Albert Park that in relation to the Victorian Major Events Corporation funding — indeed the brother of the member for Broadmeadows is on the board of this august body, headed by Sir Rod Eddington — the amount of money for events funding is not quarantined into the categories of sports, cultural or arts or whatever. What happens is that as events are put to the government — and I suspect that this was the case under the previous government and certainly the case under the coalition government before that — they are judged on the amount of visitation they will bring to the state.

The member's concern appears to be: will arts funding for community organisations and other organisations be impacted upon by the VEMC funding? As the minister in charge of this I can tell the member that the answer is no, because arts funding is still there in the arts department, and the Victorian Major Events Corporation funding, which is designed to attract visitation to the state of Victoria, is not quarantined between sport, cultural, theatre or arts or whatever; it is

simply a pool of funding that is available in any given year to deal with events as they come to government or as government pursues them, as in this case and others. It is not quarantined. The Premier's arts funding for community groups is completely separate from VEMC funding for theatre events or arts events or White Night Melbourne events or sporting events or any other thing of that nature, and I am more than happy to provide the member with that information on the floor of the house.

Mr MULDER (Minister for Public Transport) — The member for Derrimut raised an issue with me in relation to a pedestrian crossing at Ginifer railway station, which lies between Albion and St Albans. I was amazed to look at that station. It was built only in 1982; it is not all that old. Of course it was named after a former member who no doubt worked extensively in his electorate — to the point that he has had a station named after him.

I have had a look at that location between Clare Street and Willaton Street. As the member pointed out, there are a lot of elderly people who live in that community. There are also many people with disabilities who live in that community, and they have difficulty negotiating the road across to the station. The member suggested that we pursue the option of perhaps putting a safe pedestrian crossing there, and I will follow that up with VicRoads for the member for Derrimut. I will ask VicRoads to go out and conduct an investigation to see what the options are in terms of making the area safer. I know that area has a history; I think late last year, not far from that crossing, there was a fatality involving a young girl who unfortunately was hit by a train.

Ms Richardson — A V/Line train.

Mr MULDER — A V/Line train. It is an area that is obviously on the map in terms of safety around both the rail network and the road network. Once VicRoads has had a look at that it will get back to me, and I will inform the member for Derrimut as to the outcome of the issue.

The member for Gembrook raised an issue with me in relation to Beaconsfield station. The upgrade to that station and improved car parking was a commitment the member for Gembrook, a very hardworking member, made to his local community. That station is going to benefit from an additional 157 free commuter car parking spaces. I think that exceeds the member's commitment and announcement to his community. It will bring the total number of parking spaces at Beaconsfield to 285, which is an enormous increase. When you look at the situation at many of those stations, you see that, no doubt because of the rapid

increase in patronage, people have been parking on the side of the road, in pedestrian areas and in adjoining streets, which — —

Mr Battin — It's all the new trains.

Mr MULDER — Yes, the new trains, new services and more people using the public transport network have created an issue. The member would be aware that commuters are also benefiting from an extra 138 car parking spaces at nearby Narre Warren railway station and around 106 at Pakenham, so there has been an enormous increase.

When I was in opposition I went out to Pakenham to have a look out there. As much as there were some sealed car parking spaces, there was also an awful lot of dirt and gravel. Particularly of a morning I saw women who had got dressed up for work walking through mud and puddles in a number of those car parks. I said then that we needed to make a commitment to make sure we could improve a number of those car parks.

There are also improvements in that area in relation to some of the station amenities — improved lighting, increased closed-circuit television coverage and landscaping. That work is well and truly under way; I think it is on the verge of being completed. I know the member will be very pleased to be out there and take members of his community along to have a look at the great outcome he has been able to achieve for them. I congratulate him on the amount of work he has put in.

The member for Hastings raised an issue with me in relation to disabled residents and access to the French Island and Phillip Island ferry services at Stony Point. He referred to an article in today's *Western Port Weekly* headed 'Ramping up Stony Point-Cowes ferry protest'. I can firstly assure the member that the coalition government will continue to operate that ferry; it is a very important link for the people in that community. Obviously, however, there is an issue in relation to disabled persons being able to get proper access. The article claims that disabled passengers have as their only option apart from the ferry getting a taxi from Stony Point to Cowes, which would cost something in the order of \$300. There are other options. There are options such as connecting rail services and then bus services, but they add an enormous amount of travel time — I think something in the order of up to 3 or 4 hours — as you see when you look at the connecting bus services and trains in that area. As I say, however, there are options.

What I will do for the member is to ask Public Transport Victoria to investigate the feasibility of

providing disabled access to the ferry at Stony Point. We have a commitment of \$20 million in relation to additional federal Disability Discrimination Act 1992 compliance. It may well be expensive; it could be quite complex because of the tide changes and the movement there. That could pose some real challenges, but I will certainly get Public Transport Victoria to have a look at that. I will get a response from PTV, which will no doubt work in with Parks Victoria, which has a role to play in that area as well. I will also have some discussions with the Minister for Ports to see whether we can get some sort of an outcome, because we would like to think each and every person, irrespective of their mobility, would have the opportunity to use the ferry. I will therefore follow that up, and once I get a response I will get back to the member.

The member for Broadmeadows raised a very interesting issue with me. I think it came up as a result of a story in New South Wales newspapers about the difficulty Sydney has had in relation to its airport. As the member would be aware, Sydney airport has a curfew from 11 o'clock at night to 6 o'clock in the morning. As much as that is a massive disadvantage for New South Wales, it is a hell of an advantage for Victoria that we have a curfew-free airport. We need to do everything we can to protect that curfew-free airport.

We have a second advantage in that we have a second airport at Avalon which is also curfew free. Our view has always been, in terms of where we should be in decades to come, that we should have two international airports — and I note the federal government has now supported Avalon as an international airport — that would be connected by rail. The member would be aware that in bygone eras there have been a number of commitments in relation to rail to Melbourne Airport, and a lot has also been said about Avalon Airport.

In relation to Melbourne Airport, my understanding is that the Bracks government was elected on the basis of a commitment for a rail service to Melbourne Airport but in 2002 it dumped that commitment — totally walked away from it. When we gave a commitment about Avalon Airport prior to the last election it was attacked by the then Labor government of Victoria. It would not support that commitment. Interestingly, the federal Labor government has come out and supported an international airport at Avalon.

Building on our commitment to the rail network gives Avalon real viability going forward. In relation to Avalon, we have committed \$5.1 million in 2011–12 and 2012–13 for the planning of the rail link. We have to do that work in order to get the project up and running. The link is to include a connection service that

would leave the Melbourne–Geelong rail line between Little River and Lara stations, a new station at Avalon and provision for future freight rail access. As the member would be aware, we have standard gauge and broad gauge rail lines running straight past Avalon Airport, and we even have an aviation fuel line that runs from a Shell facility through to Newport. The company that runs Avalon is bringing fuel back down the road at the moment rather than tapping into that fuel line. We have given it some support; we will provide funding to enable it to tap into that fuel line to make it a little bit more competitive than it is at the moment. That sort of support has been greatly appreciated.

In this respect Avalon Airport will be a lot easier than Melbourne Airport, because, as I said, it already has a rail line going past. It has low patronage at the moment, but the commitment of the federal government and of the Baillieu government in Victoria has given Avalon the confidence to approach overseas carriers about setting up there. We are going to continue to support Avalon because there has been a significant announcement and shift and investment out at Melbourne Airport. There is nothing like what I suppose is not a threat but the thought of having a second international airport not that far away to spur Melbourne Airport on and get it punching money out and going as hard as it possibly can. I think that has been very healthy.

In relation to Melbourne Airport, I say to the member that our 2011–12 budget provided \$6.5 million over two years to plan the new rail link to the airport so that people — families, business people and tourists — will have the ability to get both there and to Avalon by rail and to have the choice. This will mean we have the great competition we need.

Obviously there are issues in relation to what particular routes would be taken up, and the Department of Transport is currently working through that matter. We hope to have a document by middle to late next year that will inform us as to how to advance the business case for that project, but quite obviously we are planning to have both Melbourne Airport and Avalon Airport as international airports and connected to rail.

Can members imagine the outcry in 20 years time had we not taken up the option of Avalon Airport as a second international airport? People would ask why someone did not at least put in a reservation and why the government did not have the foresight to plan a second international airport which would make us the envy of each and every other state around Australia. The Baillieu government is doing that. I can assure the member for Broadmeadows that we are committed to

these projects because we have provided funding for both of them, and I thank him for his interest.

Mr DELAHUNTY (Minister for Sport and Recreation) — I rise to respond to the matter raised with me by the member for Dandenong regarding an application by the City of Greater Dandenong under the community facility funding program to provide floodlighting for the Frank Holohan Soccer Complex. This matter has also been raised with me by my two upper house colleagues who are members for South Eastern Metropolitan Region, the Honourable Gordon Rich-Phillips and Inga Peulich. The member for Dandenong raised some other important matters with me tonight that I will also take on board.

As a coalition government we are working hard to ensure that Victoria has facilities for active communities because my key driver is that I want to see active and healthy communities, but we need to provide facilities for that to happen. As I have mentioned previously, even before we came to government we were speaking to community sporting groups and local councils about the increasing cost of a lot of these types of projects. We listened to these people, took action and increased the funding parameters under the community facility funding program. We increased the maximum grants to help with building costs but also to allow us to focus on platforms including increasing participation, women in sport, youth and delivering accessible facilities. The community facility funding program is a partnership between the Victorian government, local councils, which are important players, and community sporting clubs.

The community facility funding program has been operating in various forms since 1972 and is about increasing participation and providing sporting facilities. There are a few categories within the program, including the better pools category, which grants up to \$3 million to build new or upgrade existing aquatic facilities, and the major facilities category which grants up to \$650 000. As the member for Dandenong said, the City of Greater Dandenong has applied under the soccer facilities category, which has grants totalling \$100 000 for up to two projects to upgrade existing facilities or construct new ones.

The member spoke about the culturally diverse community of Dandenong. I am a strong believer that sport is a great way of integrating communities. We go to work — in the factories or schools, wherever it may be — but on weekends or after work we can come together for sport, and soccer is an international game. It covers a lot of countries, and a lot of people from diverse community backgrounds can be involved. As

the member for Dandenong and my colleagues in the upper house have spoken about, this club has got a lot of junior and also women's soccer teams. My understanding is that the club's men's team is in the State League division 1 and the women's team is in the State League division 2. The club has three pitches which need lighting, and I understand from the member that it has applied for about \$96 000. Again I thank the member for his input today.

As the member for Dandenong would know, and as I told two of the members for Southern Metropolitan Region in the upper house, the applications under the soccer facilities category closed on 31 October. Applications are under active consideration at the moment and will be announced early in 2013.

Mr R. SMITH (Minister for Environment and Climate Change) — The member for Northcote raised a matter for the Minister for Planning regarding the Darebin cycle trail and the coalition's \$18 million commitment to that project. I will ensure that is passed on to him.

The member for Mildura raised a matter for the Minister for Police and Emergency Services asking for the minister to give advice on claims made by the United Firefighters Union, and I will pass that on as well.

The DEPUTY SPEAKER — Order! The house is now adjourned.

House adjourned 10.47 p.m.

