PARLIAMENT OF VICTORIA

PARLIAMENTARY DEBATES (HANSARD)

LEGISLATIVE ASSEMBLY

FIFTY-SEVENTH PARLIAMENT

FIRST SESSION

Tuesday, 14 August 2012

(Extract from book 10)

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By authority of the Victorian Government Printer

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FIFTY-SEVENTH PARLIAMENT — FIRST SESSION

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Deputy Leader of the Parliamentary Liberal Party:
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The Hon. D. M. ANDREWS

Deputy Leader of the Parliamentary Labor Party and Deputy Leader of the Opposition:
The Hon. J. A. MERLINO

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Burgess, Mr Neale Ronald	Hastings	LP	Neville, Ms Lisa Mary	Bellarine	ALP
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Hodgett, Mr David John	Kilsyth	LP	Victoria, Mrs Heidi	Bayswater	LP
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Hulls, Mr Rob Justin [3]	Niddrie	ALP	Watt, Mr Graham Travis	Burwood	LP
Hutchins, Ms Natalie Maree Sykes	Keilor	ALP	Weller, Mr Paul	Rodney	Nats
Kairouz, Ms Marlene	Kororoit	ALP	Wells, Mr Kimberley Arthur	Scoresby	LP
Kanis, Ms Jennifer [4]	Melbourne	ALP	Wooldridge, Ms Mary Louise Newling	Doncaster	LP
Katos, Mr Andrew	South Barwon	LP	Wreford, Ms Lorraine Joan	Mordialloc	LP
Knight, Ms Sharon Patricia	Ballarat West	ALP	Wynne, Mr Richard William	Richmond	ALP
Kotsiras, Mr Nicholas	Bulleen	LP			
Languiller, Mr Telmo Ramon	Derrimut	ALP			

[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, 14 AUGUST 2012

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Tuesday, 14 August 2012

The SPEAKER (Hon. Ken Smith) took the chair at 2.04 p.m. and read the prayer.

NEW MEMBER

Member for Melbourne

The SPEAKER announced the election of Ms Jennifer Kanis as member for the electoral district of Melbourne in place of Ms Bronwyn Pike, resigned, pursuant to writ issued on 28 May 2012.

Ms Kanis introduced and affirmed.

QUESTIONS WITHOUT NOTICE

Royal Children's Hospital: waiting lists

Mr ANDREWS (Leader of the Opposition) — My question is directed to the Premier. I refer to the government's own figures, which show that waiting lists at the Royal Children's Hospital have blown out from around 1700 places in 2010–11 to some 3074 places in March this year, and I ask: can the Premier explain to Victorian parents why more sick Victorian children are being forced to wait longer for the surgery they need under his government?

Mr BAILLIEU (Premier) — I thank the Leader of the Opposition for his question, and with your indulgence, Speaker, I welcome the new member for Melbourne, in whose electorate I believe the Royal Children's Hospital stands.

As members would know, the new Royal Children's Hospital has been warmly welcomed by both sides of politics, and it is a good hospital. In the budget the government put more than $600 million of funding into the health system — a record level of funding — with more than $370 million going to acute care in the hospital system. We have put a record level of funding into the hospital system. In terms of hospital budgets, they continue to be negotiated as they occur every year. The fact is we have put record levels of funding in.

These are challenging times.

Mr Andrews interjected.

The SPEAKER — Order! The Leader of the Opposition has asked his question.

Mr BAILLIEU — There has been a process of transfer from the old hospital to the new hospital. That has come with challenges — challenges met by hospital staff — and at the same time as a nurses dispute.

Mr Andrews interjected.

Mr BAILLIEU — If the Leader of the Opposition really cared — —

Mr Andrews — On a point of order, Speaker, the question related to the Royal Children's Hospital and the fact that there are some 3074 children waiting for surgery. I ask that you remind the Premier of his obligations under the standing orders to offer a relevant answer and not to run a critique on me or any other member on this side of the house. He should address the question, as he is required to do under the standing orders.

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

Mr BAILLIEU — As I said, if the Leader of the Opposition really cared, he would have ensured that his colleagues in Canberra continued the funding that they put into the hospital system and then withdrew.

Mr Merlino — On a point of order, Speaker, the Premier's answer is not relevant to the question. If he cared about the 3000 families and their children, he would answer this question: why are there more children waiting for surgery at the hospital? That is the question.

The SPEAKER — Order! This is not a chance to ask the question again. I do not uphold the point of order.

Mr BAILLIEU — As I said, we have put record levels of funding into the hospital system, we have increased the funding for the Royal Children's Hospital and we have backfilled the IT system — —

Honourable members interjecting.

The SPEAKER — Order! The three opposition members at the table will come to order or they will not be here for the rest of question time.

Mr BAILLIEU — We have put record levels of funding into the health system, record levels of funding — —

Mr Eren interjected.

Questions interrupted.

SUSPENSION OF MEMBER

Member for Lara

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

Honourable member for Lara withdrew from chamber.

QUESTIONS WITHOUT NOTICE

Royal Children's Hospital: waiting lists

Questions resumed.

Mr BAILLIEU (Premier) — The government has put record levels of funding into the health system, record levels of funding into the hospital system and additional funding into the Royal Children's Hospital — it has backfilled projects at the Royal Children's Hospital that the previous government failed to fund.

National disability insurance scheme: Barwon trial

Mr SOUTHWICK (Caulfield) — My question is to the Premier. Given the government's longstanding commitment to a national disability insurance scheme (NDIS), can the Premier advise the house of progress in establishing a pilot NDIS trial in Victoria?

Mr BAILLIEU (Premier) — I thank the member for his question. I am very pleased to confirm that Victoria recently reached an agreement — —

An honourable member interjected.

Mr BAILLIEU — Again that was an interjection from somebody who has not said a word about the NDIS — not a single word. If he cared, he would not be interjecting now.

I am pleased to confirm that the Victorian government has reached agreement with the commonwealth government on a trial for a national disability insurance scheme in the Barwon region. When the coalition was in opposition — on that side of the house — in October 2010 I went with the now Minister for Community Services to Outlook in Pakenham, and we announced our commitment to the NDIS there. We then announced a commitment to volunteer Victoria for a trial in the Barwon region. We have supported the NDIS from the start. We proposed such a trial; we supported such a scheme.

The trial will be a significant step forward for Victorians with a disability in the Barwon region and a significant step for people with a disability right across Victoria, because the trial is important, and we believe an NDIS is important. The Barwon trial will be for around 5000 people with significant and profound disabilities, their families and their carers. For them this is a huge step. I am pleased that the commonwealth government has also now agreed to bring forward the commencement of that trial to 1 July 2013. Under the commonwealth proposal it was to be 2014. We have negotiated to bring that forward to assist the people of Barwon and to get on with the trial. That too is a very large step forward.

Victoria has had a history of individual support packages for some 16 years, and there is no doubt that it is much further down the track than other states. Those steps ought to have been taken by a previous government. That is why we believe Victoria is the most appropriate place to conduct a trial, and the Barwon region is well positioned to undertake such a trial.

As the Victorian state manager for National Disability Services, the peak group representing disability service providers, said yesterday in welcoming this announcement:

> With experience as a key player in delivering individualised care and support to people with disability and their families, it was essential that Victoria was included in trialling the scheme.

We have been successful in getting a trial in Victoria. We have been successful in getting that trial brought forward to 2013. We have been successful in terms of getting a clearer understanding of what the commonwealth requirements were. In the process we were required to respond to questions that no other jurisdiction was required to respond to. We did that in good faith, and we did that without rancour. We are committed to this trial being as successful as it possibly can be. This will provide eligible trial participants with a significant expansion in the range of services and support available to them and the ability to make their own choices about what services they access. In many cases they will get services and support earlier than they would have otherwise.

The commonwealth is still working through the eligibility criteria. That is obviously an important step. Suffice it to say that throughout the negotiations with the commonwealth we sought an outcome that was in the best interests of people with a disability in Victoria, in the best interests of all Victorians and in the best interests of the successful implementation of a full

NDIS. I am pleased with the outcome. There is more to do, but we have got off to a reasonable start in my view.

Royal Children's Hospital: waiting lists

Mr ANDREWS (Leader of the Opposition) — My question is to the Premier. I again refer the Premier to the 3074 children waiting for treatment at the Royal Children's Hospital and to recent revelations that on a single day in July up to 45 beds were available but not funded to open for the treatment of patients, and I ask: can the Premier explain to Victorian parents why more sick Victorian children are being forced to wait longer under his government when there are beds ready and waiting but not funded to open?

Mr BAILLIEU (Premier) — This matter has been addressed in the public arena at some length. It is fine for the Leader of the Opposition to ask the question, but I make the point, as has been made publicly — indeed the Leader of the Opposition made a similar point when he was health minister — —

Ms Hennessy — On a point of order, Speaker, the Premier is clearly debating the question. I appreciate that he has not been on his feet for long, but when he forecasts and flags that he intends to try to frame this answer as an attack on the Leader of the Opposition he is clearly debating the question. He was asked about the 45 acute beds that were closed and are unavailable for vulnerable Victorian children.

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

Mr BAILLIEU — Beds are being brought on line at the Royal Children's Hospital in accordance with the program set by the hospital and in particular in accordance with the availability of professional staff. Those points have been made in the public arena, including by the RCH itself. I say again: we put record levels of funding into the hospital system and the children's hospital, including an increase in this budget. We look forward to those beds coming on line, as they are required to do in accordance with the RCH's program.

National disability insurance scheme: transition agency

Mr KATOS (South Barwon) — My question is to the Minister for Community Services. Can the minister advise the house about the Victorian government's offer to the commonwealth to establish the national disability insurance scheme (NDIS) launch transition agency in Geelong and say whether there are any risks with that proposal?

Ms WOOLDRIDGE (Minister for Community Services) — I thank the member for South Barwon very much for his question and for his important advocacy on this issue. As the Premier stated, the announcement on the weekend that the Victorian coalition government has secured an NDIS launch in Barwon is great news for Victorians with a disability, their families and carers and at this stage particularly for those who live in the Barwon region. However, it is disappointing that we are yet to gain agreement from the commonwealth in one area, and that is where the launch transition agency is actually to be located. This agency will run the launch sites and ultimately the overall scheme. It is a very important agency, and we will continue to advocate on that issue.

The Barwon region is an important trial site for many reasons. There is a mix of demographics and of rural and urban environments, there are about 5000 people with disabilities in relatively clearly defined boundaries and there are great service providers. We have Services Connect, our innovation trialling down in the Geelong region, and Geelong is the home of the Transport Accident Commission (TAC), the world-class no-fault insurer. That is why our proposal to the commonwealth also contained an offer of an additional $25 million to bring the transition agency to Geelong. The agency will determine how the scheme is designed and how it is implemented, and the TAC has been recognised far and wide, including by the Productivity Commission in its review of the NDIS-type scheme, as a top-class social insurer. Geelong clearly has the expertise and the skills to be a national centre of excellence if we were to have two social insurers located there.

However, the commonwealth will not commit to an agency in Geelong. It says only that the details will be worked out at a later date. We believe these views are very short sighted. Instead we will have a transition agency run out of the federal minister's huge Canberra-based Department of Families, Housing, Community Services and Indigenous Affairs. We need new and creative thinking about how we make this scheme a reality, not more of the same from a federal bureaucracy, and we need a transition agency that will be genuinely independent and embedded in the communities that it serves. Learning from the establishment of the launch sites is going to happen straightaway. We need to be planning for the future, not just managing day to day, as seems to be happening from a commonwealth perspective.

A hallmark of getting the launch site to Geelong and also the need for a transition agency has been advocacy from many in the region — the G21 (Geelong Regional Alliance), the local council and the members for South Barwon and Polwarth have been great advocates. They all know it is important to secure these additional services and jobs for the Geelong region by bringing the transition agency to this location. But we have not heard one squeak from those opposite about locating the transition agency; there has been an absolutely deafening silence. It is amazing that no-one from any political party other than the coalition has said a word.

At the last minute yesterday we heard from the federal Labor minister, who piped up and said:

> The kind of expertise we have in the TAC is exactly the kind of expertise needed for the NDIS …

We need everyone to care, we need everyone to get involved and we need everyone to advocate. We need everyone to advocate, and that is what the coalition government will do.

Tatts Group: relocation

Mr ANDREWS (Leader of the Opposition) — My question is to the Premier. I refer the Premier to the announcement made by the Tatts Group Ltd that it is relocating its head office from Melbourne to Queensland, and I ask the Premier to detail what steps he took to save these Victorian jobs.

Mr BAILLIEU (Premier) — I thank the Leader of the Opposition for his question. I note there was a press release put out by the chairman of the Tatts Group today, and he is quoted in that release as saying:

> We are pleased that the Queensland government has helped to create an environment with long-term and secure licences for Tatts.

Honourable members interjecting.

Mr BAILLIEU — It was Labor in Victoria that decided in 2008 to end the gaming duopoly in this state, obviously significantly affecting Tatts's business in Victoria. As the *Herald Sun* noted on 15 September last year:

> Tatts has been winding back its poker machine business since the former state government decided last year to auction machine licences to pubs and clubs, ending the duopoly shared between Tatts and Tabcorp.

Labor also decided in 2007 to split the lotteries licence and award the licence for keno games and instant lotteries to Intralot. These decisions have had a significant impact and effect on the Tatts business in Victoria. The decision to establish the gambling licences review process, which ultimately led to this poor outcome, was taken in 2007 under the former Labor government. Labor decided to take the scratchies away from Tatts, Labor decided to remove Tatts from operating gaming machines and Labor blew $3 billion of taxpayers value in that process, and this has led to Tatts's announcement today.

Mr Andrews — On a point of order, Speaker, the question very simply related to what steps, if any, the Premier had taken to secure these jobs, and to this point he has not addressed that part of the question. His purported context for this is not relevant to a very simple question: what has he done to secure these jobs? The families of these many hundreds of employees are entitled to an answer, not to this.

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

Mr BAILLIEU — That process will cost Victorian taxpayers around $3 billion, and as recently as last weekend the former Labor gaming minister said:

> The decision we made was absolutely the right decision …

Those decisions commenced under the watch of the then Minister for Gaming — none other than the current Leader of the Opposition.

Honourable members interjecting.

Ms Hennessy — On a point of order, Speaker, the purpose of question time is to ask questions of the government. The question to the Premier was specifically: what steps did he take to save the jobs going to Queensland? Furthermore, the standing orders prohibit attacks on the opposition and attacks on previous governments. The Premier has been given a fair whack of an opportunity to prosecute his attack, but with 1 minute and 53 seconds to go this chamber is none the wiser as to whether or not this Premier has done anything to save these jobs, and you should direct him to come back and answer the question.

The SPEAKER — Order! I do not uphold the point of order. It may not have been the answer that the member wanted, but the answer was relevant to the question that was asked.

Ms Hennessy — On a further point of order, Speaker, I ask that you apply the standing orders in respect of attacks on the opposition and former governments.

The SPEAKER — Order! The decisions of former governments are able, I believe, to be used in answers to questions.

Mr BAILLIEU — The gaming review committee of cabinet apparently met more than 60 times in making those decisions and received more than 250 submissions. The membership of that gaming review committee included the former Premier, John Brumby; the then Treasurer, John Lenders; and the ministers for gaming, the current Leader of the Opposition and a former member, Tony Robinson.

Mr Nardella — On a point of order, Speaker, the Premier is not being relevant to the question. I ask you to bring him back to answering the question that was asked. The Premier is giving us a history lesson about events that occurred in the past that are not relevant to the decision that has been made today, so I ask that you bring him back to answering the question.

Dr Napthine — On the point of order, Speaker, I put it to you that the comments made by the Premier are extremely relevant to the question. The history under the Labor government of taking away from Tatts licences for scratchies and electronic gaming machines is extremely relevant to the decision made by Tatts today. It is absolutely relevant to the very question asked by the Leader of the Opposition. It is very relevant for the Premier to outline — —

Mr Andrews interjected.

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

Dr Napthine — It is very relevant for the Premier to outline the policies and decisions taken by the previous governments and the then Minister for Gaming, the now Leader of the Opposition, which have led to Tatts losing licences, losing business in Victoria and eventually leaving Victoria because of him and his government.

Mr Andrews — On the point of order, Speaker, the question was very simple, and it related very simply to what, if anything, the Premier had done to avoid these jobs going to Queensland. We are more than halfway through the Premier's answer and so far he has not detailed anything that he, his minister or anyone else in the government did in relation to the Tattersall's decision made today — not to a decision made two years ago or five years ago but today. The Premier was asked a question, and you have referred to him and made the point that his answer is relevant to the question. I put it to you, Speaker, that the question relates to actions that this Premier has taken in relation to this decision today. I would be indebted to the Premier if he answered this question.

Mr O'Brien — Further on the point of order, Speaker, the Premier clearly started his answer by referring to the statement made by the chairman of Tatts Group, which referred to the fact that in Queensland it had secure long-term licences. The Premier is clearly going through why, as a result of the decisions of the former Labor government, it does not have those secure long-term licences in Victoria. If the Leader of the Opposition is suggesting that we should go and rip up the licences that he issued and cost Victorians $3 billion in the process — $3 billion in the process! — then he might have a point.

Honourable members interjecting.

The SPEAKER — Order! The minister will resume his seat.

Mr Merlino — On the point of order, Speaker, the Premier has failed to answer the very clear question about what steps he has taken. Speaker, I ask that in making a judgement on this point of order you direct the Premier in the remaining 1 minute and 32 seconds to answer the question about what this government has done —

Mr Andrews — Or not done.

Mr Merlino — or not done in relation to further jobs being lost in Victoria and gained interstate. What has this Premier done? He has been in the job almost two years.

The SPEAKER — Order! The answer was relevant to the question that was asked; it was in regard to Tatts going to Queensland. That was part of the preamble to the question that was asked. The preamble becomes part of the question, so therefore the answer was relevant to the question that was asked.

Mr BAILLIEU — One thing is very clear: when we came to government the gaming portfolio was in a mess. We had warned in opposition about the consequences of what Labor was doing. It blew $3 billion on the gaming licences process. It ran into significant probity issues, attention to which was drawn by the Auditor-General — —

Mr Andrews — On a further point of order in relation to relevance, Speaker, the Premier is now giving us a 3-minute dissertation on everything he did in opposition. He is the Premier; he won the election. What has he done in relation to these jobs? We are not here to get a lecture on all the good work he did in

opposition. He is the Premier — what has he done to save these jobs?

The SPEAKER — Order! The member will resume his seat.

Mr BAILLIEU — It is a true insight into the Labor Party of today when it does not realise what the consequences of its own actions are.

Rail: protective services officers

Ms RYALL (Mitcham) — My question is to the Minister for Police and Emergency Services. Can the minister update the house on the rollout of Victoria Police protective services officers (PSOs) across the rail network and advise on community support for the policy?

Mr RYAN (Minister for Police and Emergency Services) — I thank the member for her very timely question. As the people of Victoria know, the coalition government is delivering on its election promises to protect Victorian communities in their homes, on the streets and certainly as they travel the public transport network by providing the record resources which are intended to build those front-line services. We undertook to recruit, train and deploy 1700 front-line operational police, and I am pleased and proud to say that by 30 June this year we had more than 850 of them already — and we are not even halfway!

In terms of the protective services officers, again we now have more than 100 of them patrolling the stations across Victoria. Last week I had the great pleasure of being in Box Hill with the local member, the Attorney-General, to announce that we are going to have the deployment of protective services officers to Box Hill, Epping and Noble Park railway stations. This brings us to a total of 11 stations — Flinders Street, Melbourne Central, Southern Cross, Footscray, Dandenong, Parliament, North Melbourne, Richmond, Box Hill, Epping and Noble Park — that are now patrolled by protective services officers. As I say, we have more than 100 of them now out on the beat doing the great job we said they would be able to do.

I also released on that same day the findings of a baseline survey commissioned by the Department of Justice and Public Transport Victoria that dealt with the perceptions of safety at stations. I know the Minister for Public Transport is very excited about the outcome of the survey, because it is a very constructive outcome. Apart from referring to that survey, I am able to tell the house that the PSOs continue to be very active on rail platforms, stamping out antisocial and threatening behaviour as well as providing a very helpful presence to commuters at stations.

On-the-ground experience is showing that the PSOs are making a real difference to public safety. For example, The *Greater Dandenong Weekly* has been closely following the progress of the PSOs at Dandenong station since they began their patrols there on 29 May. The newspaper's staff spent time with the PSOs at Dandenong station. On 6 August the newspaper published an article titled 'Dandenong station — safety first as PSOs take hold'. The article — and I have the clipping here — goes on to say:

> Trouble has seemingly left the station since protective services officers — armed guards who have trained at the Victoria Police Academy — started patrolling the station on May 29.
>
> For three consecutive weekends in June there were no reported assaults or robberies —

'no reported assaults or robberies' is what the article says —

> at the station and its surrounds during the PSOs' shifts.

Finally, it goes on to say:

> Inside the station all seems to run like clockwork. Commuters wait and depart without anxiety. Most say they are glad the PSOs are here. Railway staff say their presence has driven away the 'riffraff' and made their jobs easier.

All of this follows the very encouraging article published in the *Sunday Herald Sun* of 27 May under the heading, 'Big tick for railway PSOs'. It says:

> There is an apparent groundswell of support for protective services officers on Melbourne's public transport network …

That is great news, and I am delighted to see it is now a bipartisan policy, because the Labor Party members are out there every day crying out for PSOs on their stations, and we will deliver.

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

Member for Benambra: comments

Mr MERLINO (Monbulk) — The promise was at every station. My question is to the Premier. I refer the Premier to comments by the member for Benambra concerning the Deputy Premier's ministerial responsibilities. He is quoted as saying:

> If there was a reshuffle and there were some changes in personnel, it might make the problem go away.

And I ask: has the Premier discussed with the member for Benambra his very clear advice that the Deputy Premier be removed from the police portfolio?

Honourable members interjecting.

The SPEAKER — Order! When I have some order I will call the Premier.

Mr BAILLIEU (Premier) — I thank the member for his devastating question, and I indicate conversations I have — —

Honourable members interjecting.

The SPEAKER — Order! I have nearly had enough of the Leader of the Opposition today. I have asked him to be quiet. I have warned him often enough. I will not warn him again.

Mr BAILLIEU — The conversations I have with any members of my team are conversations I have with them and not the deputy leader.

Rail: protective services officers

Mr SHAW (Frankston) — My question is to the Minister for Public Transport. Can the minister inform the house of any recent data regarding public transport performance and safety in Victoria?

Mr MULDER (Minister for Public Transport) — I thank the member for Frankston for his question for and his ongoing interest in public transport. As the member would be aware, the Frankston line in particular has — —

Honourable members interjecting.

The SPEAKER — Order! I ask the house to come to order. The next member to interject will be thrown out.

Mr MULDER — The member for Frankston would be absolutely aware of the improved performance, particularly on the Frankston line — his line and that of the people he represents. I thank him for his input and work in that regard and for his assistance to me as the Minister for Public Transport.

It is interesting in terms of data — I do have some information in relation to data — that the April, May, June and July figures under the coalition government are: April, 92 percent; May, 90.7 percent; June, 91.2 percent; and July, 92.4 percent. Metro Trains Melbourne is not only meeting but is actually exceeding its performance targets.

If you were to contrast that with the former Labor government's time in office, going back to the same period in 2010, you would find that in those months — April, May, June and July — Metro failed to meet punctuality targets at all. We are making the investment as a government, we are supporting the operator and a record level of funding is going into maintenance on the network. This financial year we will be spending somewhere in the order of $250 million on upgrades to the network. We have said all along that it is about the basics: it is about the drainage, the ballast, the sleepers and the overhead wiring. It is about getting the basics right to get the public transport network to perform well, and we are starting to see some very promising results.

Interestingly an article in today's *Age* refers to an issue in relation to the performance of Metro, and it raises 'the spectre of a network once more bedevilled by late and unreliable trains' if investment is not made. I believe 'bedevilled by late and unreliable trains' refers to activity under the former Labor government. It is a gentle prod, I would say, in regard to that.

In relation to safety on the network, we have had a fantastic announcement. The Minister for Police and Emergency Services has given us some background on the rollout of the protective services officers (PSOs). There has been a survey conducted of 1736 travellers in relation to the PSO rollout and some of the commentary is quite interesting. I will go to some of the findings. Weekend late evenings, Friday to Sunday, 10.00 p.m. to 2.00 a.m. were considered least safe: 45 per cent of respondents felt safe at train stations, and 50 per cent felt safe on board trains. I will go to some of the findings in relation to what commuters have said. Overall late-night train users' level of agreement on PSOs was high. A large majority — 83 per cent — strongly agreed that PSOs patrolling was a good idea and that they would readily seek assistance from the PSOs.

The Deputy Premier touched on the article published in the *Knox Weekly* in which police are reported to have said that PSOs have virtually wiped out crime at Dandenong station within weeks. Is it not amazing what a difference a great policy can make? How would you feel if, as a former minister and member for that area for 18 years who had seen crime run out of control, you saw a new government come in with a policy that was well supported and had turned that around? Certainly the member for Dandenong should hang his head in shame.

There is ongoing support for our policy. Bus drivers, my fellow drivers and passengers feel a lot safer about

Dandy station. We know very well that those on that side refer to the PSOs as plastic police, but the rank hypocrisy that we see again and again has the member for Monbulk out there calling for PSOs on stations in his electorate. They will get delivered in time. 'Plastic police', he said.

Ambulance services: paramedics

Mr NOONAN (Williamstown) — My question is to the Premier. I refer the Premier to revelations today that over 3000 ambulance paramedic shifts could not be filled in 2011 and to the government's claims that 113 new paramedics have been recruited. I ask: will the Premier provide a full breakdown of the number of ambulance paramedics across Victoria, including where each paramedic is stationed?

Mr BAILLIEU (Premier) — I do thank the member for his question, but heavens above, you have got to wonder about a Labor opposition member asking a question about ambulances. The mess Labor left behind in the ambulance system in Victoria — —

Honourable members interjecting.

The SPEAKER — Order! That is enough from the member for Albert Park.

Mr Andrews — On a point of order, Speaker, early on in this answer I ask you to remind the Premier of his obligations under the standing orders to answer the question rather than provide a commentary on his version of history and attack everybody on this side of the house. He ought to answer the question. He was asked very simply whether he would provide a breakdown, yes or no. If the answer is one way or the other, he should just provide it and spare us all from this other rot.

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

Mr BAILLIEU — I say again that if the Leader of the Opposition really cared about Ambulance Victoria, he would concede now the mess the previous government left behind — the deficits in Ambulance Victoria, the loss of morale, the shortage of staff. And this government made a very significant commitment — —

Mr Andrews — On a further point of order, Speaker, on relevance, the question was about whether the Premier would provide a breakdown. It was a very simple question, and I ask that you direct the Premier to answer the question in accordance with the standing orders, which do not permit him to attack or underwrite him in attacking other members of this chamber. He should simply provide an answer. It was a simple question, and he ought to answer it.

The SPEAKER — Order! I cannot direct the Premier or any minister to answer a question in any particular way, but I ask the Premier to come back to answering the question.

Mr BAILLIEU — We made a commitment of $150 million to upgrade ambulance services in Victoria and to deliver more than 300 new paramedics and 30 new non-emergency patient transport officers and additional MICA (mobile intensive care ambulance) single-responder units. In recent months we have seen new stations at Cowes, Maffra, Wodonga, Mildura, Belgrave and other locations. We made a commitment to ensure that Victorians continued to hold their ambulance subscriptions at a time of significant financial challenge, and we halved ambulance membership fees. As a result of that we have seen a membership increase of nearly 5 per cent. That in itself is a significant commitment.

What we inherited from the previous government was a significant problem. The Auditor-General had this — —

Mr Nardella — On a point of order, Speaker, the Premier is debating the question, and I ask you to bring him back to the question that was asked.

Dr Napthine — The Premier is not debating the question; he is providing relevant facts and information about the ambulance service and the additional resources that have been provided to the ambulance service by the incoming coalition government. It is also relevant to the question to outline the situation this government inherited when it came to office. It is absolutely relevant to the context of the question, to the context of the promises and to the context of the delivery of ambulance services. It is relevant to the question to talk about the previous government's poor record in ambulance services, and it is absolutely relevant to contrast that with the resources being provided by this government.

Mr Merlino — On the point of order, Speaker, the preamble to the question referred to 3042 unfilled ambulance shifts in 2011. The preamble referred to 2011, under this government, and the specific question was about providing a breakdown to this house of where the paramedics are being stationed. The preamble and the specific question related to this government's business.

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

Mr BAILLIEU — Ambulance Victoria is responsible for the management of the paramedics, as the Leader of the Opposition would know. In October 2010 the Auditor-General had this to say about the ambulance service:

> Growth in paramedic numbers has not kept pace with demand in regional areas.

Further — —

Mr Nardella — On a point of order, Speaker, the Premier is debating the question. What happened in October 2010 or what happened under previous governments is irrelevant to present government administration. I ask you, as you have done twice now, to bring the Premier back to answering the question that was asked.

Mr Ryan — On the point of order, Speaker, the historical facts that underpin the situation which the coalition government has inherited are very relevant to the question that has been asked today. All that is happening here is that the Premier is providing context in the course of his answer. His answer is entirely in accord with the standing orders, and the point of order should be ruled out of order.

Ms Hennessy — On the point of order, Speaker, the Deputy Premier referred to something that he called 'the situation', and that is in fact what the question from the member for Williamstown went to. Why has the situation deteriorated under this government, which funds it? You should use your discretion under the standing orders to ensure that this chamber gets an answer.

The SPEAKER — Order! I ask the Premier to resume answering the question.

Mr BAILLIEU — Indeed in November 2009 Ambulance Victoria board minutes had this to say:

> The board noted comments from the CEO that recruitment — —

Mr Merlino — On a point of order, Speaker, the Premier seems to be happy to answer the question as long as he does not talk about 2011 or 2012, the years in which he has been Premier of this state. The question related to government business and asked him to state where he is providing those new ambulance officers. Where are they? That is the question. He just does not want to talk about 2011 or 2012.

The SPEAKER — Order! I ask the Premier to resume answering the question.

Mr BAILLIEU — I say again, the location of ambulance officers is a matter for Ambulance Victoria. Ambulance Victoria had this to say about recruitment, and I note that the government has put in place more than 100 additional paramedics:

> The board noted comments from the CEO that recruitment has been delayed due to financial discussions with the Department of Health wherein they advised Ambulance Victoria to cut staff numbers rather than recruit.

That was from Ambulance Victoria's board minutes of 2009. Guess who was the Minister for Health at the time.

HM Prison Ararat: expansion project

Mr WELLER (Rodney) — My question is to the Minister for Corrections. Can the minister inform the house about the arrangements made to rescue the Ararat prison project and say why such an arrangement was necessary?

Mr McINTOSH (Minister for Corrections) — It is my great pleasure to inform the house about an agreement that has been reached with banks to ensure the delivery of the Ararat prison and also the payment to subcontractors of valid claims that remain unpaid. Most importantly, from the outset can I thank the people of Ararat, and indeed the subcontractors, for their extraordinary patience through this very difficult time. Like so many other projects that Labor started, it has ended up as a mess and required a Liberal government to fix it up. It is a Labor mess; we have been left to fix it, and fix it we have. Those opposite must be squirming in their seats. It beggars belief — —

Mr Nardella — On a point of order, Speaker, the minister is attacking members on this side of the house. Under the standing orders and *Rulings from the Chair* that is not permissible. I ask you to bring him back to answering the question that was asked.

The SPEAKER — Order! I do not uphold the point of order. The minister was in fact being critical of the previous government.

Mr McINTOSH — As I was saying, it beggars belief that this project was entered into without proper guarantees from those delivering on the public-private partnership (PPP). The agreement that was entered into with the former Labor government had serious deficiencies, including inappropriate or inadequate guarantees. The builders to the project went into administration and left the project effectively having

only just started. Most importantly, no-one involved in the whole PPP was capable of delivering on any guarantees apart from a couple of $2 paid-up shelf companies that could not deliver on that project. Overseas companies, overseas banks and domestic banks were involved, but we had those guarantees from two $2 paid-up companies, and that is absolutely amazing.

Honourable members interjecting.

Mr McINTOSH — The member for Lyndhurst was the finance minister at the time. This debacle has his fingerprints all over it. Indeed we have come to expect those fingerprints — he was Minister for Water when another notable project was a disaster for this state. The member for Ripon has been running around the countryside up in Ararat and in his local newspaper delivering on a scare campaign but forgetting to tell everyone in Ararat that he was sitting around that cabinet table at the time this deal was done.

Most importantly, what we have done is fix the problem. Intense negotiations between all parties over several weeks have delivered an outcome where we have the Commonwealth Bank and indeed the Bendigo and Adelaide Bank actually taking on responsibility and guaranteeing delivery of this project. It has been a significant achievement to overcome the difficulties created by the former government to get this project up and running and indeed to have —

Ms Hennessy interjected.

The SPEAKER — Order! The member for Altona will desist. No more!

Mr McINTOSH — indeed an independent firm, KordaMentha, to validate the claims of subcontractors, and upon validation they would pay in full. It is a significant achievement. It is turning things around, and again it is a coalition government that is delivering on this very important project.

ACTING COMMISSIONER, INDEPENDENT BROAD-BASED ANTI-CORRUPTION COMMISSION

The SPEAKER — Order! I wish to advise that on 29 June 2012 I administered to Ronald Bruce Bonighton, the acting commissioner of the Independent Broad-based Anti-corruption Commission, the oath required by section 25 of the Independent Broad-based Anti-corruption Commission Act 2011.

ACTING DIRECTOR, POLICE INTEGRITY

The SPEAKER — Order! I also wish to advise that on 29 June 2012 I administered to Ronald Bruce Bonighton, the acting director of the Office of Police Integrity, the oath required by section 16 of the Police Integrity Act 2008.

ACTING PUBLIC ADVOCATE

The SPEAKER — Order! I also wish to advise the house that on 9 July 2012 I administered to John Henry Chesterman, the acting public advocate, the oath required by section 3 of the Guardianship and Administration Act 1986.

PRIMARY INDUSTRIES AND FOOD LEGISLATION AMENDMENT BILL 2012

Introduction and first reading

Mr WALSH (Minister for Agriculture and Food Security) — I move:

> That I have leave to bring in a bill for an act to amend the Impounding of Livestock Act 1994, the Livestock Disease Control Act 1994, the Prevention of Cruelty to Animals Act 1986, the Food Act 1984 and the Local Government Act 1989 and for other purposes.

Mr WYNNE (Richmond) — I ask for a brief explanation of the bill.

Mr WALSH (Minister for Agriculture and Food Security) — There are a number of amendments. The Impounding of Livestock Act 1994 amendments are about giving councils increased powers to take into control livestock that may be able to wander. The Livestock Disease Control Act 1994 amendments are about the provision of recycled water to pigs and cattle. The Prevention of Cruelty to Animals Act 1986 amendments concerns the issue of someone not found guilty of an offence under the act having control of an animal, particularly persons with a mental impairment. The Food Act 1984 amendments are is about the labelling of eggs, and the Local Government Act 1989 amendments are about the provision of data to the Department of Primary Industries for compliance issues and management in an emergency.

Motion agreed to.

Read first time.

RESIDENTIAL TENANCIES AND OTHER CONSUMER ACTS AMENDMENT BILL 2012

Introduction and first reading

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

> That I have leave to bring in a bill for an act to amend the Residential Tenancies Act 1997 to make further provision for matters relating to part 4A parks and rooming houses and to establish a register of rooming houses, to amend the Public Health and Wellbeing Act 2008 in relation to the registration of rooming houses, to amend the Business Licensing Authority Act 1998 in relation to delegation powers, to amend the Consumer Affairs Legislation Amendment (Reform) Act 2010 and the Sale of Land Act 1962 in relation to contracts for the sale of lots in a plan of subdivision and for other purposes.

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

Mr O'BRIEN (Minister for Consumer Affairs) — This is a bill which furthers the government's reform agenda in relation to duties regarding rooming houses. It raises the standards of rooming houses and protects some of the vulnerable Victorians who are tenants in rooming houses. It also streamlines the process of delegation of powers for the Business Licensing Authority and reforms and makes better, in terms of their operation, certain warnings that are prescribed in legislation in relation to off-the-plan sales contracts.

Motion agreed to.

Read first time.

ENERGY LEGISLATION AMENDMENT 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 Fuel Emergency Act 1977, the National Electricity (Victoria) Act 2005, the Energy Safe Victoria Act 2005 and for other purposes.

Ms D'AMBROSIO (Mill Park) — I ask the minister to provide an explanation of the bill.

Mr O'BRIEN (Minister for Energy and Resources) — This bill displaces the operation of the Corporations Act 2001 of the commonwealth to ensure that the Minister for Energy and Resources can use his or her emergency powers effectively in the event of a proclaimed energy supply emergency. It also amends the Energy Safe Victoria Act to allow Energy Safe Victoria to undertake functions under the greenhouse energy minimum performance standard scheme and makes other technical arrangements in relation to the transition to national energy regulation.

Motion agreed to.

Read first time.

FREE PRESBYTERIAN CHURCH PROPERTY AMENDMENT BILL 2012

Introduction and first reading

Mr CLARK (Attorney-General) introduced a bill for an act to amend the Free Presbyterian Church Property Act 1953 to confer additional powers on the trustees for Victoria of the Presbyterian Church of Eastern Australia, to alter the title of that act and for other purposes.

Read first time.

ROAD SAFETY AND SENTENCING ACTS AMENDMENT BILL 2012

Introduction and first reading

Mr CLARK (Attorney-General) introduced a bill for an act to amend the Road Safety Act 1986 and the Sentencing Act 1991 and for other purposes.

Read first time; by leave, ordered to be read second time immediately.

Statement of compatibility

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

> In accordance with section 28 of the Charter of Human Rights and Responsibilities Act 2006 (charter act), I make this statement of compatibility with respect to the Road Safety and Sentencing Acts Amendment Bill 2012.
>
> In my opinion, the Road Safety and Sentencing Acts Amendment Bill 2012, as introduced to the Legislative Assembly, is compatible with the human rights protected by the charter act. I base my opinion on the reasons outlined in this statement.
>
> **Overview of bill**
>
> The purposes of the bill include the following:
>
> > remedy a defect, which has been in the Road Safety Act 1986 since 2006 amendments, in order to enable courts,

when a person previously disqualified from driving by a drink-driving infringement seeks to be relicensed, to direct VicRoads to impose an alcohol interlock condition on the person's licence or learner permit;

validate such directions and the alcohol interlock conditions imposed since 11 October 2006 and their legal consequences;

amend the Sentencing Act 1991 to confirm, for the avoidance of doubt, that the power of courts to make a community corrections order (CCO) commenced on 16 January 2012 and confirm that CCOs made since that date are not invalid for want of power to make them;

amend section 44 of the Sentencing Act 1991 to make clear that a court cannot combine a community corrections order (CCO) with certain sentences of imprisonment including a suspended sentence;

provide that sentences which have been made since 16 January 2012 that combine CCOs with sentences of imprisonment (including imprisonment over three months in duration and suspended sentences of imprisonment) up and until the commencement date of the bill are not invalid for non-compliance with section 44; and

deem valid any direction, process, or order made or action taken, in reliance on the orders deemed valid in the bill.

Human rights issues

Road Safety Act amendments

The effect of the amendments to the Road Safety Act is to validate court orders made since 11 October 2006 that directed VicRoads to impose an alcohol interlock condition on a particular category of offender that the statute did not permit, and any such condition and related process or order made or action taken, in reliance on the alcohol interlock order. The bill closes a legislative gap created by the Road Legislation (Projects and Road Safety) Act 2006 which unintentionally distinguished between offenders depending on whether they were disqualified by infringement process or by court order.

If an alcohol interlock condition has been imposed by VicRoads without statutory authority, this may amount to an unlawful interference with a person's privacy (charter act section 13) as the interlock device collects information regarding the person's breath test results which is ultimately provided to the court. If a person breached an invalid interlock condition and was charged and convicted on offence, this could also amount to an deprivation of liberty not authorised by law contrary to charter act section 21.

The effect of the bill is to remedy these possible interferences with charter act rights by validating (on limited grounds) the alcohol interlock directions and conditions and the resultant processes and orders, so that no unlawfulness arises that could give rise to these possible breaches of charter act rights.

It should be emphasised that the bill limits the validation to the legislative defect and preserves the rights to appeal an alcohol interlock condition, or any subsequent direction, process or order, for any other ground.

This validation of alcohol interlock conditions and their consequences does not interfere with charter act rights. If there is a limitation of privacy arising from a validated alcohol interlock condition it does not limit the right under charter act section 13 — it is neither unlawful (because it is made under statutory validation) nor arbitrary because it is made under court direction for good reason. Specifically, the validation of interlock conditions does not limit the right to be free of retrospective increases in penalties for criminal offences in section 27(2) of the charter act. In my view, the alcohol interlock provisions do not impose retrospective penalties for a criminal offence. An alcohol interlock condition is not a punishment for the criminal offence but rather is a condition imposed upon the relicensing of a person. The principal purpose of such a condition is to protect the public.

Sentencing Act amendments

Parliament intended that the power of courts to make a CCO would commence by proclamation of the relevant provisions (which Parliament expected to occur in early 2012, and which in fact occurred on 16 January 2012) regardless of when the relevant offence was committed or a finding of guilt made. The Court of Appeal has made an interim declaration in *DPP v. Leys and Leys* which appears to confirm that intended operation of the Sentencing Act. The court's reasons are yet to be published and the bill confirms, for the avoidance of doubt, that the power of courts to make a CCO commenced on 16 January 2012 and confirms that CCOs made since that date are not invalid for want of power to make them.

Section 44 of the Sentencing Act was intended to enable a court to combine a CCO with a sentence of imprisonment provided the sentence was served immediately, did not exceed three months and the CCO commenced within three months after sentencing. The bill amends section 44 to confirm the original intention and to validate past sentencing combinations involving CCOs which went beyond the limitations set by section 44.

The validation of sentencing combinations recognises that uncertainty has arisen as to whether the power to combine a jail sentence and a CCO applies to cases where the offender is found guilty of one offence or more than one offence. Some sentencing courts have also interpreted section 44 as not prohibiting suspended sentences being combined with CCOs, despite a suspended sentence being a sentence of imprisonment. The Court of Appeal is currently considering the interpretation of section 44 in the case of *DPP v. Leys and Leys* and made an interim finding on Monday, 6 August 2012, that the offenders in that case were invalidly sentenced at first instance due to a failure to comply with section 44.

Orders combining CCOs with jail or suspended sentences other than as permitted by section 44 may be invalid, in whole or in part, and may require resentencing.

Any invalid CCO and any invalid sentencing combination, and any orders made in reliance on such a CCO or sentencing combination, could give rise to a breach of charter act rights. For example, an interference with privacy would be 'unlawful' under section 13 of the charter act; a limit imposed by imprisonment under an invalid sentence on a right such as freedom of movement would not be 'under law' for the purposes of section 7(2) of the charter act; and any consequential deprivation of liberty would not occur in

accordance with procedures established by law as required by section 21(3) of the charter act.

The effect of the bill is to validate (on limited grounds) CCOs and sentencing combinations ordered since 16 January 2012, so that no unlawfulness and breach of the charter act arises.

The CCOs and sentencing combinations made lawful by the bill are compatible with rights in the charter act. Aside from the question of power to make the CCO and any defect of the sentence arising from section 44, the order or sentence was imposed by a court and was subject to the robust safeguards that ensure proportionate exercise of the sentencing discretion, constituting a justifiable interference with the offender's privacy and liberty, and the imposition of a CCO was required to be consented to by the offender in accordance with section 37 of the Sentencing Act. Accordingly, any interference with privacy or liberty could not be said to be arbitrary and any limit imposed on freedom of movement or other rights is reasonable and demonstrably justified under section 7(2) of the charter act.

The validation of past orders and sentences seeks to minimise disruption to the operation of the justice system.

The bill's validation of past orders and sentences is limited. The bill validates and preserves CCOs made by courts since 16 January 2012 (and all legal consequences flowing from such CCOs) from challenge on the grounds that the power to make them had not commenced on 16 January 2012. The bill limits the validation of combination sentences to those imposed contrary to section 44 prior to the bill's commencement. The bill preserves the rights to appeal a sentence, or any subsequent process or order, for any other ground. The bill does not affect the rights of the parties in the case of *DPP v. Leys and Leys.*

Retrospective criminal laws

It might be argued that the retrospective validation of alcohol interlock conditions and CCOs and combined sentences results in the creation of retrospective criminal laws, contrary to right in section 27(1) of the charter act. That is because a person who breaches such a condition or sentence might have been able to escape criminal liability for the breach on the basis that the condition or order was invalid. The purpose of the right in respect of retrospective criminal laws is to enable individuals to know in advance what the consequence of their actions may be. That purpose is not infringed where individuals are deprived of the ability to escape liability for breach of a condition or order that they knew or believed they were legally obliged to comply with. If there is any limit upon the right, it is reasonable and justified under section 7(2) of the charter act.

Robert Clark, MP
Attorney-General

Second reading

Mr CLARK (Attorney-General) — I move:

That this bill be now read a second time.

The bill will remedy a longstanding defect in the Road Safety Act 1986 introduced by amendments in 2006. It will also clarify aspects of the recent amendments to the Sentencing Act 1991 that introduced the new community correction order (CCO). In doing so, the bill will remove any doubt about the validity of certain court orders already made and the validity of acts done in reliance on, and legal consequences arising from, those court orders.

The retrospective validation of these court orders and their consequences is necessary to avoid the disruption that would be caused to the legal system if the government sought only to clarify the legislation for the future.

Road safety amendments

The bill will address a defect in section 50AAA(1) of the Road Safety Act that was introduced in 2006. Section 50AAA(1) allows courts to direct VicRoads to impose an alcohol interlock condition when relicensing a person who has been disqualified for drink driving. However, this provision only applies to some disqualified drink drivers who have been made subject to alcohol interlocks — namely, those who are disqualified by a court order under section 50. It does not refer to drink drivers who are disqualified from driving by a drink-driving infringement under section 89C.

This gap in the legislation was created when the Road Legislation (Projects and Road Safety) Act 2006 commenced in October 2006. The purpose of that act was to increase penalties for drink driving and expand the use of alcohol interlocks, which have been in operation since 2002. An alcohol interlock is a device that prevents a motor vehicle from starting unless a sample of breath blown into the device is free from alcohol. Alcohol interlocks are an important tool that the courts use to address drink driving.

Given this purpose, it is clear that the legislation intended to allow courts to impose an alcohol interlock on drivers who had been disqualified due to a drink-driving infringement, as well as those disqualified by court order. The actions of the courts reflect this approach. Since October 2006, the courts have directed the imposition of many alcohol interlock conditions including where the disqualification occurred through infringement notices issued under section 89C.

If the government did not take action to remedy this defect in the legislation, all alcohol interlock conditions that were imposed following a drink-driving disqualification by infringement would be invalid. Any consequences flowing from such an alcohol interlock condition would also be invalid.

For these reasons, the bill explicitly empowers a court to direct that an alcohol interlock condition be imposed on a driver licence or learner permit under section 50AAA of the Road Safety Act following a disqualification by a drink-driving infringement under section 89C.

In addition, the bill will validate all directions purported to have been made under section 50AAA on or from 11 October 2006 to impose an alcohol interlock condition on a person's driver licence or learner permit following a disqualification in accordance with section 89C of the Road Safety Act. It will also validate all legal consequences flowing from each such direction, including the imposition of the interlock condition, court orders and sentences for breaches of the condition, and any acts or decisions made in reliance on or in relation to the alcohol interlock condition. For example, acts and decisions by VicRoads, Victoria Police and the courts in reliance on or in relation to the alcohol interlock condition will be validated.

Sentencing amendments

The bill will also address issues arising from the case of *DPP v. Leys and Leys* that is currently before the Court of Appeal.

The court is considering the power of the courts to impose a combined CCO and jail sentence under section 44 of the Sentencing Act. However, its final decision is yet to be handed down. The court has also made a declaration as to the interpretation of the transitional provisions regarding the CCO and its availability.

The bill will put beyond doubt the intended operation of those powers for future sentencing orders and validate any court orders and decisions, and any consequences of such orders or decisions, made in reliance on or in relation to those powers.

Commencement of the community correction order

The bill will confirm, consistent with the Court of Appeal's declaration last week in the Leys case, that the CCO has been available as a sentencing option on and from 16 January 2012.

The CCO was introduced into the Sentencing Act by section 21 of the Sentencing Amendment (Community Correction Reform) Act 2011 (CCO act), which commenced by proclamation. The clear intention of the Parliament was that the CCO regime should replace existing community-based orders from the time of commencement in early 2012, as is clear from the second-reading speech and explanatory memorandum.

However, to avoid any doubt, the bill amends the transitional provision in clause 5 of schedule 3 of the Sentencing Act. The reference to the commencement of 'that Act' in clause 5 will be replaced with a reference to the commencement of 'section 21 of the CCO Act'. While the Court of Appeal has already declared that the transitional provision should be read as referring to section 21 rather than to the CCO act as a whole, the bill places Parliament's intention beyond doubt.

Similarly, for the avoidance of doubt, the bill confirms that the CCO was available as a sentencing option for any sentence handed down on or after 16 January for an offence irrespective of when the offence was committed or when the finding of guilt was made.

Combined community correction order and imprisonment

The Court of Appeal has ruled that the sentences imposed in the Leys case were unlawful because they contravened section 44 of the Sentencing Act. In that case, the offenders had been given suspended sentences of imprisonment combined with a CCO.

The bill amends section 44 to put beyond doubt that a court may impose a combined CCO and jail sentence provided the term of imprisonment is three months or less, and that section 44 only allows the combination of a CCO with an actual term of imprisonment, not with a suspended sentence.

Uncertainty has also arisen about whether the power to combine a jail sentence and a CCO applies to cases where the offender is found guilty of more than one offence. For the avoidance of doubt, the bill will amend section 44 to clarify that courts may impose a combined CCO and jail sentence irrespective of whether the offender is found guilty of one or more offences punishable by imprisonment.

Finally, the bill clarifies that the three months maximum applies to the sum of all sentences of imprisonment to be served.

Validation of sentences imposed

The amendments made by the bill reflect what has always been the intention of the act. However, alternative readings of the operation of section 44 have led to courts taking a different approach to the combination of a CCO with a suspended sentence.

The result is that a number of sentences have been made since 16 January that contravene the terms, as intended, of the act. These sentences were imposed by courts exercising their sentencing discretion in accordance with the guiding principles of the Sentencing Act. It would unduly disrupt the courts and the community corrections systems if the legal status of these sentences were left unclear or offenders needed to be resentenced.

For this reason, the bill confirms that sentencing combination orders made since 16 January 2012, and the legal consequences flowing from those orders, are not invalid by reason of a failure to comply with section 44. This retrospective validation will only apply to sentencing combinations that offend section 44 and that were imposed before the date this bill commences. In accordance with usual practice, the bill will not apply to the case before the Court of Appeal.

The validating provisions of the bill preserve the rights and liabilities conferred or imposed in relation to validated CCOs and contraventions of those CCOs, including rights of appeal. For example, the offender and the Crown retain the right to appeal against a sentence that includes a CCO on any other ground.

Thus, this remedial bill will ensure that there is minimal disruption to the operation of the justice system arising from legislative oversights in the Road Safety Act. It will also clarify the availability and intended operation of the CCO, while ensuring that sentences already imposed are not disturbed.

I commend the bill to the house.

Ms HENNESSY (Altona) — I rise to make a contribution to debate on the Road Safety and Sentencing Acts Amendment Bill 2012 and also to place on record the Victorian opposition's position on this bill. Labor will not be opposing the bill before the house, nor will it be opposing the procedural devices that are being used to try to get this bill through the Assembly and into the Council in an expeditious fashion. What we do take issue with is what we characterise as a pretty shambolic approach to legislating. We believe this is symptomatic of the government's public policy approach and also reveals a slight contempt for the Parliament and its processes.

For the record, it is worth noting before I go to the terms of the bill that it was first brought to the attention of the opposition at approximately 3.30 p.m. yesterday. Despite our requests, no draft bill was made available to opposition members to consider it last night and no detailed explanation was available to us yesterday for consideration last night. All that was provided to the opposition was, effectively, a heads-up that there was to be yet another urgent piece of legislation and that the government was seeking our cooperation to fast-track it through the Parliament, and that brings us to the issues that we are debating now. We were given an undertaking that the department would provide a briefing to us yesterday morning, and my criticisms of the processes used by the government in respect of this bill are in no way to be interpreted as any form of adverse reflection on or lack of appreciation of the bureaucrats who did in fact provide the briefing early this morning.

Whilst the government was not able to provide us with any details of the bill yesterday, lo and behold, barely 10 minutes after we were advised of its request to cooperate in respect of this bill, a media release was issued by the government advising the media of its intention to embark upon this speedy process. More detail was provided in the press release than was provided to the opposition yesterday. In fact some members of the media informed the opposition that they had been provided with more detailed briefings than we had been given. We think the risk in this approach, of course, is that it is another example of the government's hubris and its arrogant approach to dealing with the Parliament. This is a Parliament where the government holds the numbers in both houses, so it has every power under the sun — and it knows it. But that makes it even more important that the processes of the Parliament are not unnecessarily abused or used.

We understand that on occasion there is a need to attempt to fast-track a bill through a house. We tested some of those propositions in our briefing this morning. We remain concerned that the government is perhaps exploiting some of these devices or exploiting our goodwill in terms of wanting us to support the purport and intent of what it is trying to achieve. But saying this is a considered and sensible approach to public policy making probably reveals why we are ending up in this position in the first place in respect of community corrections orders, because this is the third time the government has come back to this matter — not bad for a government that has been in power for 18 months. It has not been able to get it right. I must say this is in contrast to the former government's record between 1999 and 2010, when just 10 bills required immediate attention and passage through the Legislative Assembly within a week and only 5 required passage through the Assembly in a day. This government consistently puts us in this position, and we wish to put it on notice that we will not be exploited in this fashion. It is a sure-fire way to encourage the evaporation of any cooperation

when it comes to bipartisan processes in this Parliament.

With those issues very much in the foreground I would like now to briefly make some comments on the substance of the bill itself. As we have heard from the Attorney-General, the bill before us deals with two issues that require rectification. The first relates to the Road Safety Act 1986, and it is a relatively minor issue that has apparently been brought to the attention of the government through an audit of existing legislation — legislation that, I might say, came into effect some six years ago, in 2006. It relates to circumstances in which people who have had their drivers licences suspended for drink driving can apply for the reinstatement of their licence and may have an approved alcohol interlock system installed.

Under section 50AAA of the existing legislation there is a power to impose a condition on people who have had their licences disqualified because of a drink driving offence where the disqualification of the licence has occurred in court. The gap occurs in relation to section 89C, where the disqualification for drink driving offences occurs by way of the issuing of an infringement notice and is subsequently administered at a VicRoads level rather than by a court. Currently there is no power in these circumstances to enable the imposition of the requirement for an alcohol interlock system to be installed, despite this being the intention of the legislation and in fact the practice for many years.

It strikes me as interesting that this aspect of the legislation has been in place since 2006 and numerous people — thousands, in fact, according to the information given to the opposition by the Department of Justice — have had an interlock device installed as a result of the reliance on section 89C, yet in no circumstances have we seen this legally challenged. This issue — the inconsistency between section 89C and section 50AAA — has only come to light by virtue of an audit and discussions at the initiative of VicRoads and Victoria Police.

What we were also advised by the department is that there has been no case that the department is aware of where an interlock requirement has not been imposed because of this alleged legislative gap. Rather they have been imposed, and not one has been successfully challenged in any cases to date. It seems somewhat ironic that the government's media release that was issued yesterday attempted to herald that all was unwell in the world of alcohol interlock devices to try to put a sense of urgency and heat underneath this. It is incredibly important that we acknowledge that the circumstances that gave rise to this legislation were not ones where there was necessarily any impending crisis. The department has advised us, however, that there are potentially many hundreds of cases that could be jeopardised by this gap and that until this legislation is passed they would have to be adjourned so that those involved are not able to circumvent the will of the Parliament on this issue, and they will be dealt with after the legislation before us today is brought into effect.

Part of our cooperation today rests on the assurances and explanations that the government has given us. We are in no position to contest or verify them; we have accepted them in good faith. Should it ever come to light that those assurances were not based on fact, we would certainly come back to the government on this issue.

The other issue that strikes me as odd, going back to the way in which the government has dealt with the parliamentary process, is that this matter apparently went to cabinet only yesterday, a month — four weeks — after the issue was first brought to the attention of the government through the audit of the legislation. This raises the question: if this bill is so urgent, why did the government sit on it for four weeks before putting it to cabinet? It is hard to accept the government's position on this matter. If the government is serious about working cooperatively with the Parliament to deliver good public policy outcomes and to preserve the willingness to cooperate and the spirit of cooperation in circumstances where a court decision in fact delivers an outcome that is inconsistent with the objects or purposes of the legislation — a scenario that the opposition has been and will continue to try to be cooperative about — why did it not take this matter to the cabinet quick smart, get it approved, alert opposition members and brief us? It seems that once again the media relations strategy has trumped the sanctity of the parliamentary process, and I think that is very disappointing.

What is more likely is that part of today's legislation could be used as a shield to try to divert attention from the second part of this legislation and what it tries to deal with. The second part of the bill tries to fix up the government's errors in its community corrections order regime. I know this was a flagship election commitment of the government. It is not just once that this has happened; this is actually the third time that the government has had to come in and try to fix this up, despite warnings at the time of the legislation's initial passage in the Parliament and its subsequent amendment.

When I spoke on the community correction order issue in May I said:

> I make the observation, however, that there are a number of amendments contained in this bill that could and should have been addressed when the government moved its initial bills in respect of community correction order … reforms, and it strikes me as reasonably sloppy legislating that three months after those bills went through the house we should be back here fixing those problems.

What has happened three months later? We are back here fixing them up again under the guise of an urgent piece of legislation. Perhaps we should schedule something in November as well to try to fix up the community correction order regime, because Lord knows what the consequences of sloppy legislating will produce at that particular point in time.

Having got that issue off my chest, I will now refer to the substance of the issue. This part of the bill seeks to clarify a confusing aspect of the Sentencing Act 1991, section 44, in relation to imprisonment and community corrections orders, which according to the government has been the subject of an unacceptable court interpretation and is the subject of an ongoing court case. The case is *DPP v. Leys and Leys*, which relates to two brothers who were sentenced to jail terms but whose sentences were wholly suspended for two years and also included two-year community correction orders.

In its original submission the Director of Public Prosecutions (DPP) argued that a community corrections order could not be applied with a suspended sentence regardless of the length. However, notwithstanding that submission, the sentence I have outlined was in fact imposed by the court. The DPP subsequently appealed the judgement to the Court of Appeal, which allowed the appeal on the basis that the sentence was manifestly inadequate, and it has recently made an interim finding — that was the language the department provided this morning. I note that the Attorney-General has referred to that finding as a declaration. I am not sure whether it was an interim finding or a declaration; however, the court has made a finding of sorts that upheld the view that a community correction order cannot be applied alongside a suspended sentence.

When we were trying to get a sense of the profile and scope of this problem the department advised us that there could be up to 500 cases where this situation might have been in play since January this year. We have to remember that the community corrections regime came into effect on 16 January this year; that is when the law came into effect. I will qualify that estimate, because I certainly do not want to put the departmental representatives in a difficult situation, but it was the department's raw estimate of the number of people who have been given suspended sentences along with community correction orders.

What that effectively means is that there are up to 500 people — possibly more — who have had their jail sentences suspended despite all the government's chest-beating promises that jail means jail and suspended sentences would be no more. The government promised that there would be an end to suspended sentences, but under its own legislation, by its own admission and at the hands of its own incompetent drafting and public policy making, there are some 500 people who under section 44 of the Sentencing Act are on suspended sentences and are concurrently serving community correction orders which have been applied since January this year. Furthermore, until it is rectified the gap in this legislation could see these 500 people seeking resentencing in their cases.

What this bill seeks to do is validate all of the combined suspended sentences and the community corrections orders that have been made to date. Instead of the government saying, 'Actually that is not what we meant. We are sorry; we got it slightly wrong. Gee, this is a bit embarrassing around our election commitment to abolish suspended sentences that another 500 have been dished out in less than the last 18 months', it is going to say, 'We will validate the 500 people who have suspended sentences. We will not enable them to appeal, irrespective of where the Court of Appeal finally lands in the outcome of the DPP case against the Leys brothers'.

It has been demonstrated time and again that this government has a poor legislative track record. The fact is its attempts to amend the community correction regime and how it intersects with the Sentencing Act have been sloppy and rushed. This government has not got it right the first time when it comes to any element of its community correction orders. As I said before, we will not be opposing the bill before the house. We will work with the government and assist it to fix its own errors. However, we remain deeply concerned about the frequency with which the Parliament is being required to deal with urgent legislation from this government, which avoids necessary scrutiny, process and consideration.

Mr CLARK (Attorney-General) — In closing the debate, I thank the opposition for agreeing to the expedited passage of this bill through the chamber, and I will respond briefly to some of the points raised by the

member for Altona. I make the point that the only drafting defect in relation to the proposed legislation before the house that has been clearly identified is the provision relating to the 2006 amendments to the Road Safety Act 1986, made under the previous government. That defect is not only the view of Victoria Police but was a view raised by the Magistrates Court when it also sought an amendment to ensure that magistrates courts could continue to do what they have been doing since the legislation was passed — that is, imposing directions requiring alcohol interlocks in relation to drink drivers who lose their licence due to an infringement as well as through a court order.

In relation to matters of timing, the member for Altona questioned why the bill only went to cabinet yesterday. The issues in relation to the Leys case only became apparent with the Court of Appeal hearing in July, and the Court of Appeal made its interim rulings only earlier this month. Obviously the two matters in the bill were to be combined. They were brought to cabinet and then to the house today. It is important that these matters be rectified expeditiously, and I am sure that in her heart of hearts the member for Altona recognises that. If that were not to be the case, there would be considerable disruption to the ability of the courts to impose alcohol interlock conditions, and there would be continuing issues in relation to the imposition of community correction orders (CCOs) in combination with other sentence elements.

In relation to the community correction orders, the Court of Appeal upheld the government's view that the intention of Parliament was that the community correction order regime come into operation on 16 January. However, we have taken the opportunity in this bill to put the matter beyond doubt.

In relation to the combination of community correction orders with other sentence elements such as imprisonment, although we do not yet have the final reasons for the decision of the Court of Appeal, it may well be that the court's conclusion — and it does seem the most likely inference to be drawn from what the court has said to date — will also uphold the view of the government that the legislation as it currently stands does not permit the imposition of a community correction order in conjunction with anything other than an actual sentence of imprisonment of not more than three months.

The issue that has arisen is that some of the inferior courts have read the legislation in a different way to the view of the government and the Director of Public Prosecutions — and it would seem the Court of Appeal's view — as to how the legislation should operate, and we are taking the opportunity to correct that. That needs to be corrected and put beyond doubt expeditiously, because if it were not so, there would be considerable uncertainty about the day-to-day operation of courts imposing community correction orders, and there would also be issues about the status of combination sentences that had already been imposed. It is important that that be put beyond doubt as quickly as possible and that what has occurred in terms of those sentences be specified by this Parliament to take full effect in accordance with their terms.

In relation to community correction orders, although the member for Altona has been critical of them, they have been a very successful reform introduced by this government. They were intended to give real teeth to community-based sentences and give the courts the power to impose sentences that were targeted to the circumstances of the offender and the circumstances of the offence. That is exactly what the courts have been doing. The courts have been taking advantage of the new options provided to them by the CCO legislation in terms of imposing curfews or no-go zones, alcohol exclusion orders, non-association orders and requirements to report back to the courts. The CCO regime has operated very effectively to deliver real and tangible benefits to the community. This is one of a range of reforms the government is proud to have introduced.

The member for Altona also talked about suspended sentences. That is another initiative of this government we are proud to be giving effect to. We have legislated to abolish suspended sentences for serious offences and for what the act has defined to be significant offences from May last year, so that in the higher courts suspended sentences cannot be imposed for those offences committed from May last year.

I make the observation in passing that, if it exists at all, the degree of overlap between that initial legislation and the sort of offences that may be subject to a CCO is likely to be very limited, because the bulk of these CCOs relate to offences for which, for the time being, a suspended sentence can continue to be imposed by the courts. But let there be no doubt that the government is committed to delivering on its commitment to have legislated to abolish suspended sentences for all offences by the end of its first term in office so that, as we have repeatedly said, jail will mean jail.

Let me conclude by expressing the government's appreciation of the opposition's facilitating the expeditious passage of this legislation, which is necessary to put these significant matters beyond doubt and so the courts can continue to uphold the law,

dispense justice and play their part in protecting the community.

Motion agreed to.

Read second time.

Consideration in detail

Clauses 1 and 2 agreed to.

Clause 3

Ms HENNESSY (Altona) — In respect of clause 3, I want to understand from the Attorney-General how many matters over the last six years have been affected by the error in the road safety legislation that the bill seeks to remedy in respect of alcohol interlock devices being fitted through the infringement process?

Mr CLARK (Attorney-General) — As the honourable member herself informed the house on the basis of the briefing she was provided by departmental officers, those officers do not have available an estimate of the number of cases that have been affected by this particular issue. It relates only to a subcomponent of the total number of instances in which alcohol interlock directions have been given by the court. But as the member will be aware, the problem has been identified that the current provisions do not apply in those instances where there has been a disqualification for drink-driving offences following the issuing of an infringement notice. There will almost certainly be a number of cases to which that applies. If this remedial legislation is not passed, it would appear that the courts did not have power to impose those conditions. That is something that both Victoria Police and the Magistrates Court are keen to have remedied; so regardless of the exact numbers involved, it is important that the matter be put beyond doubt and that this problem be resolved.

Clause agreed to; clauses 4 to 7 agreed to.

Clause 8

Ms HENNESSY (Altona) — In respect of clause 8, again my concern goes to the validity of the hundreds of sentences, or suspended sentences, that may be in question due to this error. I note that clause 8 states:

> (1) When sentencing an offender in respect of one, or more than one, offence, a court may make a community correction order in addition to imposing a sentence of imprisonment only if —
>
> (a) any sentence of imprisonment imposed on that occasion in relation to any offence is not suspended …

To what extent was the validity of the estimated 500 combined sentences jeopardised to prompt this amendment?

Mr CLARK (Attorney-General) — I am not sure what point and what question the honourable member is raising. If she is asking as to the number of instances in which this issue may be involved, then as she indicated in her second-reading debate remarks I think the department estimates that around 500 cases may be involved. If she is asking for an expression of a view about what the likely full reasons of the Court of Appeal might be, I would be very cautious in seeking to anticipate their honours' reasons, but in the interim statements that they made, they have indicated that they believe the sentence imposed in that case was not validly imposed.

I might say for the information of the honourable member that the existing section 44(1) of the Sentencing Act 1991 says:

> (1) Subject to subsection (2), a court may make a community correction order in respect of the offender in addition to sentencing the offender to a term of imprisonment of not more than 3 months, if the sentence of imprisonment is not suspended in whole or in part.

That is the key provision that is currently applicable, and on the face of it indicates that a term of imprisonment combined with a community correction order should not be of more than three months and subject to the further proviso that that sentence of imprisonment not be suspended in whole or in part.

Clause agreed to; clause 9 agreed to.

Clause 10

Ms HENNESSY (Altona) — The opposition has some concerns about the rushed nature of the bill. One of the unusual elements of the drafting in clause 10 is, in my view, the reference to the actual cases that resulted in the issuing of either an interim or declaratory decision. I note that the Attorney-General says 'declaratory', so I use that language. In clause 10 there is a reference to the rights of parties in proceedings known as *DPP v. Tyson Jason Leys* and *DPP v. Dillon Thomas Leys*. My question relates to any concern or issue in respect of the validity of using a case in a statute where the entire proceedings in the case have not yet finished.

Mr CLARK (Attorney-General) — I am not aware of any difficulty in the respect to which the honourable member refers. It is an accepted and longstanding practice that when a point comes to light in a particular case, the case is not affected by any remedial legislation

that is passed as a result of the case and that in such instances the name of the case is cited in the legislation concerned. Indeed I have been party to a case that had been so cited in a statute. The only additional aspect to which the honourable member refers is the fact that the case is continuing. I see no reason why the case should not be named and the rights of the parties not preserved in the current situation as in other cases where a point arises in the course of litigation.

Clause agreed to; clauses 11 and 12 agreed to.

Clause 13

Ms HENNESSY (Altona) — For the purposes of expeditiously moving on to the government business program, which I know everyone is eager to do, this is the final clause in respect of which I wish to ask a question. My query relates to new clause 18(5) of the Sentencing Act 1991, which is inserted by clause 13 of the bill. The basis of the concern, or the issue I would like the Attorney-General to engage with, is a concern that sentences that may in some jurisdictions have been declared unlawful — and certainly the early indication in the Leys case is that that is a live prospect — but are validated by a provision made through this amendment may be a sitting target for appeal. My question, particularly in relation to new clause 18(5), is: to what extent does the Attorney-General think these changes will encourage or facilitate a greater likelihood of successful appeal, or is the Attorney-General in a position to assure the house, on the basis of the advice he has had to hand, that such prospects are very dim?

Mr CLARK (Attorney-General) — This is the clause that preserves other rights and liabilities of parties to an order that is being validated or put beyond doubt by the bill. It is the matter that is described in the penultimate full paragraph of the second-reading speech notes. It effectively validates the status quo as the status quo was understood to be prior to the issues being raised in the Leys litigation. To that extent it should not have any effect one way or another on the level of appeals that would arise from those cases as compared to what would have been the case had what was assumed to be the status quo continued to prevail.

Clause agreed to; clause 14 agreed to.

Bill agreed to without amendment.

Third reading

Motion agreed to.

Read third time.

BUSINESS OF THE HOUSE

Notices of motion: removal

The SPEAKER — Order! I advise the house that under standing order 144 notices of motion 11 to 20 inclusive will be removed from the notice paper unless members who wish their notices to remain advise the Clerk in writing before 6.00 p.m. today.

PETITIONS

Following petitions presented to house:

Housing: government policy

To the Legislative Assembly of Victoria:

The petition of certain citizens of the state of Victoria draws to the attention of the house the discussion papers released by the Department of Human Services Victoria on options for the provision of public and social housing.

In particular, we draw the house's attention to the following concerning options entertained by those papers:

an increase in rent paid by tenants above the current 25 per cent of income;

the introduction of limited tenure, regardless of tenant circumstances;

the potential loss of public housing stock.

The petitioners therefore request that the Legislative Assembly urge the Baillieu state government to categorically rule out these options and guarantee that they will protect affordable and secure public housing for those who need it as a fundamental human right to shelter.

By Mr FOLEY (Albert Park) (210 signatures).

Leongatha: closed-circuit television cameras

To the Legislative Assembly of Victoria:

The petition of the community of Leongatha draws to the attention of the house the vital role of the South Gippsland Shire Council in coordinating provision of appropriate closed-circuit television (CCTV) facilities within the main shopping, sporting and other community precincts of Leongatha to thereby better ensure the security of persons using those areas.

The petitioners therefore request that the Legislative Assembly of Victoria support the South Gippsland Shire Council with this initiative.

By Mr RYAN (Gippsland South) (665 signatures).

Department of Primary Industries: Ouyen office

To the Legislative Assembly of Victoria:

The petition of the residents of the Victorian Mallee draws to the attention of the house the announcement on Tuesday, 8 May 2012, of the closure of several Department of Primary Industries offices in rural Victoria, which will have a significant detrimental impact on the Victorian agriculture industry and the communities in which these offices are located.

The petitioners therefore request that the Legislative Assembly of Victoria reverse the decision to close the Ouyen DPI office which will impact on DPI staff, other tenants of the office and the community who utilise the facility and the services provided. We also urge you to commit to supporting the Victorian agricultural industry and the rural communities affected by this decision by continuing to have staff based in rural Victoria at small offices.

By Mr CRISP (Mildura) (142 signatures).

Nepean Highway–Tower Road–Volitans Avenue, Mount Eliza: safety

To the Legislative Assembly of Victoria:

The petition of residents of Mount Eliza and/or residents of the electorate of Mornington points out to the house, Legislative Assembly, the intersection of Nepean Highway, Tower Road and Volitans Avenue, Mount Eliza.

The petitioners therefore request that the Legislative Assembly of Victoria provide traffic lights or an option which would deliver a safer intersection. Refer to past representations to local council and VicRoads.

By Mr MORRIS (Mornington) (3592 signatures).

Callignee: mining exploration

To the Legislative Assembly of Victoria:

The petition of residents of Callignee and surrounding districts draws to the attention of the house Mantle Mining's exploration licence application no. EL5429 lodged with the Department of Primary Industries for the locality of Callignee, Victoria. Residents are opposed to exploration for coal or any other mineral on their private properties and public land. We remind the house that Callignee was heavily impacted by the Black Saturday fires of 2009 and that to allow mining to occur here would lay waste the millions of dollars and thousands of volunteer hours that have contributed to the rebuilding of our community. We see no benefit in allowing exploration or mining of our land.

The petitioners therefore request that the Legislative Assembly of Victoria refuse this application and any subsequent applications in order to protect our health, environment and land values.

By Mr NORTHE (Morwell) (29 signatures).

Rail: Echuca station

To the Legislative Assembly of Victoria:

The petition of residents of Victoria draws to the attention of the house the pedestrian bridge located at the north end of the Echuca train station platform. The bridge is hopelessly inadequate for modern-day needs. There are 44 wooden steps leading up to the bridge. People in wheelchairs, electric scooters, walking frames, on crutches, those with prams, bikes, luggage or shopping buggies are unable — or find great difficulty — to use these steps.

The petitioners therefore request that the Legislative Assembly of Victoria ask the government of Victoria to carry out an assessment of this pedestrian bridge with a view to changing the crossing access from steps to ramps to enable full accessibility to all potential users.

By Mr WELLER (Rodney) (1121 signatures).

Tabled.

Ordered that petition 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 Rodney be considered next day on motion of Mr WELLER (Rodney).

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

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE

Regulation review 2011

Mr GIDLEY (Mount Waverley), by leave, presented report, together with appendices.

Tabled.

Ordered to be printed.

FAMILY AND COMMUNITY DEVELOPMENT COMMITTEE

Opportunities for participation of Victorian seniors

Mr McGUIRE (Broadmeadows) presented report, together with appendices and transcripts of evidence.

Tabled.

Ordered that report and appendices be printed.

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE

Alert Digest No. 11

Ms CAMPBELL (Pascoe Vale) presented *Alert Digest* No. 11 of 2012 on:

Civil Procedure Amendment Bill 2012
Criminal Procedure Amendment Bill 2012
Criminal Procedure and Sentencing Acts Amendment (Victims of Crime) Bill 2012
Health (Commonwealth State Funding Arrangements) Bill 2012
Local Government Legislation Amendment (Miscellaneous) Bill 2012
Marriage Equality Bill 2012
Planning and Environment Amendment (VicSmart Planning Assessment) Bill 2012
Racing Legislation Amendment Bill 2012

together with extract from proceedings, appendices and minority report.

Tabled.

Ordered to be printed.

DOCUMENTS

Tabled by Clerk:

Bushfires Royal Commission Implementation Monitor Act 2011 — Bushfires Royal Commission Implementation Monitor Final Report under s 21

Crown Land (Reserves) Act 1978 — Order under s 17D granting a lease over Richmond Park Reserve

Greater Metropolitan Cemeteries Trust — Report for the period ended 30 June 2011, together with an explanation for the delay

Financial Management Act 1994 — Report from the Minister for Agriculture and Food Security that he had received the Report 2011–12 of the Victorian Broiler Industry Negotiating Committee

Interpretation of Legislation Act 1984 — Notices under s 32(3)(a)(iii) in relation to Statutory Rules 42, 73

Melbourne Cricket Ground Trust — Report year ended 31 March 2012

Planning and Environment Act 1987:

Amendment C104 to the Cardinia Planning Scheme

Amendment 119 to the Upper Yarra Valley and Dandenong Ranges Regional Strategy Plan

Notices of approval of amendments to the following Planning Schemes:

Ballarat — C138

Banyule — C72, C88

Bass Coast — C78 Part 3, C105

Baw Baw — C78, C85 Part 1

Benalla — C8

Boroondara — C107, C157

Brimbank — C154

Buloke — C12

Campaspe — C40, C84, C95

Cardinia — C146

Casey — C162

Central Goldfields — C23

Colac Otway — C65 Part 2

Darebin — C128

East Gippsland — C88

Frankston — C65

Gannawarra — C28, C35

Glenelg — C68

Glen Eira — C103

Greater Bendigo — C166 Part 1, C185

Greater Geelong — C165, C187, C214, C239, C245, C260

Greater Shepparton — C93, C103, C166

Hobsons Bay — C83

Horsham — C54

Hume — C153, C161, C162, C163

Indigo — C24, C59

Knox — C87, C90, C105, C113

Latrobe — C26, C71

Loddon — C38

Manningham — C59

Maribyrnong — C72, C92, C107, C112, C114

Melbourne — C170, C210

Melton — C92, C109, C120, C121, C129

Mildura — C66, C68, C69

Mitchell — C81, C82

Moira — C63, C72, C73

Monash — C117

Moonee Valley — C98, C125

Moreland — C104, C132

Mornington Peninsula — C122

Mount Alexander — C53, C62

Moyne — C40, C49

Northern Grampians — C38

Port Phillip — C102, C120

Pyrenees — C35

Queenscliffe — C22, C24

Surf Coast — C76

Swan Hill — C39, C41, C42, C49

Towong — C23

Wangaratta — C36

Whittlesea — C41 Part 4, C111, C148, C161, C162

Wyndham — C127, C154, C160

Yarra — C147, C150

Victoria Planning Provisions — VC87, VC90, VC91, VC92, VC94

Prevention of Cruelty to Animals Act 1986:

Code of Practice for the Welfare of Horses (Revision 1)

Revocation of the Code of Practice for the Welfare of Horses

State Concessions Act 2004 — Orders under s 7 (five Orders)

Statutory Rules under the following Acts:

Australian Consumer Law and Fair Trading Act 2012 — SR 62

Building Act 1993 — SRs 63, 64

Control of Weapons Act 1990 — SR 65

Conveyancers Act 2006 — SR 73

Co-operatives Act 1996 — SR 81

Country Fire Authority Act 1958 — SR 66

County Court Act 1958 — SR 85

Electricity Safety Act 1998 — SR 51

Emergency Management Act 1986 — SR 67

Environment Protection Act 1970 — SR 52

Gambling Regulation Act 2003 — SR 80

Guardianship and Administration Act 1986 — SR 76

Infringements Act 2006 — SR 58

Juries Act 2000 — SR 60

Magistrates' Court Act 1989 — SR 59

Metropolitan Fire Brigades Act 1958 — SR 68

Occupational Health and Safety Act 2004 — SR 57

Planning and Environment Act 1987 — SR 77

Plant Biosecurity Act 2010 — SR 49

Port Management Act 1995 — SR 70

Residential Tenancies Act 1997 — SR 79

Road Safety Act 1986 — SRs 47, 71, 83, 84

Second-Hand Dealers and Pawnbrokers Act 1989 — SR 75

Sentencing Act 1991 — SR 74

Subdivision Act 1988 — SR 78

Subordinate Legislation Act 1994 — SRs 53, 54, 82

Supported Residential Services (Private Proprietors) Act 2010 — SR 61

Transport (Compliance and Miscellaneous) Act 1983 — SR 55

Victoria State Emergency Service Act 2005 — SR 69

Victorian Civil and Administrative Tribunal Act 1998 — SR 50

Water Act 1989 — SRs 56, 72

Subordinate Legislation Act 1994:

Documents under s 15 in relation to Statutory Rules 40, 41, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 61, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85

Documents under s 16B in relation to:

Declaration of approved seatbelts under the Road Safety Road Rules 2009

Declaration of discount factor under the *Victorian Energy Efficiency Act 2007*

Flora and Fauna Guarantee (Commercial Fisheries — Take of Listed Fish) Order No. 1/2012 under the *Flora and Fauna Guarantee Act 1988*

Gaming venue standards and operational requirements, and accounting and auditing venue requirements under the *Gambling Regulation Act 2003*

Instrument fixing the minimum amount of rate to be paid in respect of any land under the *Water Industry Act 1994*

Melbourne Market Authority by-laws 2012 under the *Melbourne Market Authority Act 1977*

Notice of fees and charges under the *Plant Biosecurity Act 2010*

Notice of the Fixing of Beekeeper Fees under the *Livestock Disease Control Act 1994*

Order exempting certain restrictions on vaccinating against Hendra Virus under the *Livestock Disease Control Act 1994*

Order in Council — Local Government Mayoral and Councillor Allowances under the *Local Government Act 1989*

Order in Council — Lord Mayoral and Councillor Allowances — Melbourne City Council under the *City of Melbourne Act 2001*

Order in Council — Mayoral Allowances — Greater Geelong City Council under the *City of Greater Geelong Act 1993*

Order making the rate which the rating authority may levy in relation to land under the *Water Industry Act 1994*

Revocation of the Code of Practice for the Welfare of Horses and Making of the Code of Practice for the Welfare of Horses (Revision 1) under the *Prevention of Cruelty to Animals Act 1986*

Wildlife (Commercial Fisheries — Interactions with Protected Wildlife) Order No. 1/2012 under the *Wildlife Act 1975*

Surveyor-General — Report 2011–12 on the administration of the *Survey Co-ordination Act 1958.*

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

Australian Consumer Law and Fair Trading Act 2012 — Remaining provisions (except Part 4.2, Part 5.2, ss 234, 235, 236 and 240, Schedule 3, clauses 6, 8 and 9 of Schedule 4, items 36.2, 36.3 and 36.5 of Schedule 6 and Schedule 7) — 1 July 2012 (*Gazette S214, 28 June 2012*)

Courts and Sentencing Legislation Amendment Act 2012 — Remaining provisions — 16 July 2012 (*Gazette S237, 3 July 2012*)

Education Legislation Amendment (VET Sector, Universities and Other Matters) Act 2012 — Remaining provisions (except Part 2 and section 50) — 1 August 2012; Part 2 — 1 October 2012 (*Gazette S267, 31 July 2012*)

Education and Training Reform Amendment (Skills) Act 2010 — Section 59 — 1 August 2012 (*Gazette S256, 24 July 2012*)

Gambling Regulation Amendment (Licensing) Act 2010 — Remaining provisions — 16 August 2012 (*Gazette S273, 7 August 2012*)

Gambling Regulation Amendment (Licensing) Act 2011 — Sections 69 and 70 — 15 August 2012; remaining provisions (except for s 42) — 16 August 2012 (*Gazette S273, 7 August 2012*)

Gambling Legislation Amendment (Transition) Act 2012 — Remaining provisions — 16 August 2012 (*Gazette S273, 7 August 2012*)

Gambling Regulation Further Amendment Act 2009 — Remaining provisions — 16 August 2012 (*Gazette S273, 7 August 2012*)

Independent Broad-based Anti-corruption Commission Amendment (Examinations) Act 2012 — Part 1 and s 10 — 1 July 2012 (*Gazette S222, 29 June 2012*)

Justice Legislation Further Amendment Act 2010 — Remaining provisions — 16 August 2012 (*Gazette S273, 7 August 2012*)

Primary Industries Legislation Amendment Act 2012 — Whole Act (except ss 17 and 18) — 1 September 2012 (*Gazette S267, 31 July 2012*)

Royal Women's Hospital Land Act 2012 — Whole Act — 29 June 2012 (*Gazette S214, 28 June 2012*).

ROYAL ASSENT

Messages read advising royal assent on 27 June to:

Appropriation (2012/2013) Bill 2012 *(Presented to the Governor by the Speaker)*
Appropriation (Parliament 2012/2013) Bill 2012 *(Presented to the Governor by the Speaker)*
Duties Amendment (Landholder) Bill 2012
Education Legislation Amendment (VET Sector, Universities and Other Matters) Bill 2012
Health (Commonwealth State Funding Arrangements) Bill 2012
Local Government (Brimbank City Council) Amendment Bill 2012
State Taxation Acts Amendment Bill 2011
Statute Law Revision Bill 2010
Wills Amendment (International Wills) Bill 2011.

APPROPRIATION MESSAGES

Messages read recommending appropriations for:

Civil Procedure Amendment Bill 2012
Criminal Procedure Amendment Bill 2012.

ECONOMIC DEVELOPMENT AND INFRASTRUCTURE COMMITTEE

Membership

The SPEAKER — Order! I have received the resignation of Mr Noonan from the Economic Development and Infrastructure Committee effective from today.

Mr McINTOSH (Minister for Corrections) — By leave, I move:

> That Mr Carroll be appointed a member of the Economic Development and Infrastructure Committee.

Motion agreed to.

BUSINESS OF THE HOUSE

Standing orders

Mr McINTOSH (Minister for Corrections) — By leave, I move:

> That so much of standing orders be suspended on Wednesday, 15 August 2012, as to allow the member for Melbourne to make her inaugural speech for a maximum of 15 minutes immediately after the grievance debate under standing order 38.

Motion agreed to.

Program

Mr McINTOSH (Minister for Corrections) — I move:

> That, under standing order 94(2), the orders of the day, government business, relating to the following bills be considered and completed by 4.00 p.m. on Thursday, 16 August 2012:
>
> Criminal Procedure Amendment Bill 2012.
>
> Criminal Procedure and Sentencing Acts Amendment (Victims of Crime) Bill 2012
>
> Local Government Legislation Amendment (Miscellaneous) Bill 2012
>
> Port Management Further Amendment Bill 2012
>
> Road Safety Amendment Bill 2012

In moving this matter I assert that it is clear that there will be sufficient time during the course of debate during this sitting week to ensure that those bills are properly debated and considered by this house and that they go to the guillotine for government business at 4.00 p.m. on Thursday.

Mr MERLINO (Monbulk) — The members of the opposition will be opposing the government business program.

Honourable members interjecting.

Mr MERLINO — I know government members are shocked at that decision, but we do so on a consistent basis. Now that we have had seven weeks off there is an opportunity for the members of The Nationals to ensure that second-reading speeches occur after 4 o'clock on Thursday, but we have been given no indication that there is a change in the attitude of The Nationals. They want to hit the road at 4 o'clock, and they certainly have not indicated to us that the precious debating time on Wednesdays will be used as debating time and not for second-reading speeches. Given that we have had no indication that there has been any change of heart by the members of The Nationals and the government, we will continue to oppose the government business program.

I want to make the point — and the manager of opposition business made this point in regard to the debate earlier this afternoon on the Road Safety and Sentencing Acts Amendment Bill 2012 — that there is a pattern of behaviour of the government in treating this Parliament with contempt. I am talking about so-called urgent bills on which the government refuses to brief the opposition until the very day a bill is brought to Parliament but about which the government has enough information to put out a press release the night before. Those opposite are happy to put out a press release about a so-called urgent bill before the opposition is briefed on it.

These urgent bills undergo no Scrutiny of Acts and Regulations Committee (SARC) process, and there is no opportunity for proper scrutiny by the opposition. We have seen this a number of times. As I said, this is a pattern of behaviour. Members would recall from earlier this year the Road Safety Amendment (Drinking while Driving) Bill 2011, also known as the travellers bill. I bet there has not been one conviction as a result of that so-called urgent bill that was rushed through the Parliament without any consultation, opportunity for scrutiny or SARC process. It is now August, and I bet that since that act has been in place there has not been one conviction, despite its being deemed an urgent bill. That was either a stunt or a stuff-up by this government.

On the subject of fixing stuff-ups by this government I refer to the Control of Weapons and Firearms Acts Amendment Bill 2011, on which the opposition sought briefings on the Monday before Parliament sat. As was the case in regard to the bill we debated earlier, a short

briefing was provided to the opposition on the morning that so-called urgent bill was introduced.

We oppose this bill on the basis that this government continues to use up precious time on Wednesdays for debating bills before this house with second-reading speeches that have traditionally been second read on Thursday afternoons. It continues to treat this Parliament with contempt.

Finally, I make the point that I am very much looking forward to the inaugural speech of the new member for Melbourne. I acknowledge that time is being allocated for her on Wednesday afternoon. It is great to welcome a Labor member for Melbourne. The government did everything in its power to avoid having another Labor member in this place. It did not put a candidate in the field for two reasons: it did not want a referendum on its cuts to education and TAFE, and by not fielding a candidate it gave the Greens their best chance of winning. It is a shame this stunt failed.

Mr McIntosh — On a point of order, Speaker, this is a very narrow debate.

The SPEAKER — Order! It is, and the member's time has expired.

Mr HODGETT (Kilsyth) — I rise to support the motion moved by the Leader of the House on the government business program which has been put before the house for this sitting week. There are five bills: the Criminal Procedure Amendment Bill 2012, the Criminal Procedure and Sentencing Acts Amendment (Victims of Crime) Bill 2012, the Local Government Legislation Amendment (Miscellaneous) Bill 2012, the Port Management Further Amendment Bill 2012 and the Road Safety Amendment Bill 2012. It is a solid and consistent program that we should be able to deal with by the 4.00 p.m. guillotine on Thursday. I urge the opposition to surprise us and support the government business program. The Nationals are back, well rested and looking forward to a solid week of debate, and they will be here to make their contribution.

As cabinet secretary I believe in and wholeheartedly support the cabinet processes, and as soon as the bill that has just been dealt with had been through the cabinet processes I ordered that the opposition and the Greens be briefed immediately. It comes as somewhat of a surprise that it seems to have taken longer than expected, but I will certainly do my best to make sure that due process is followed in future so that we remove any impediments that would affect the opposition's support of the government business program.

Mr WYNNE (Richmond) — I rise to join my colleague in opposing the government business program, but in doing so I acknowledge that the government has given the member for Melbourne an early opportunity to make her inaugural speech. Nobody will be listening to her speech more keenly than I will, I can assure you, Speaker. Without doubt it will be a wonderful contribution and a cause of great celebration for us on this side of the house, so we acknowledge that the government has provided an early opportunity for the member to make her inaugural speech.

I have been sitting here listening to the introduction of bills after a seven-week break — although, as I am sure you are aware, Speaker, for some of us it was not a break. I noticed that in his earlier contribution the cabinet secretary indicated that there would be a steady stream of legislation coming into the house. I think three bills have been introduced following the seven-week period. Heavens above, what was the government doing for those seven weeks?

Mr Hodgett — Campaigning for the member!

Mr WYNNE — Campaigning for the member? You campaigned well; you were not prepared to have a candidate.

Mr Hodgett — Your member.

Mr WYNNE — Under provocation, Speaker.

Mr McIntosh — On a point of order, Speaker, notwithstanding the member for Richmond's enthusiasm for the government business program I ask that you bring him back to the program and have him stop making extraneous and extravagant comments.

The SPEAKER — Order! The member for Richmond is not normally like that. I ask him to come back to the debate before the house.

Mr WYNNE — Thank you very much, Speaker. I am just responding to the provocation from the other side.

We will be debating five bills this week, and as my colleague the Deputy Leader of the Opposition indicated, yet again the practice of this government will be to do second readings through the sitting period of the week and not, as is normally the case, before the adjournment on Thursday afternoon in order to facilitate the travel plans of The Nationals.

There are some important bills up for debate this week and in particular one that is of great interest to the local

government sector which includes a raft of legislative change. I can assure the house that we will be debating it in full and will ensure that we hold the government accountable for some of the key amendments that are being proposed. We have an extensive number of people on this side of the house who particularly wish to speak on the bill. As the house would know they are members with long experience in and passionate views about local government. I indicate to the Leader of the House that we require a reasonable amount of time to debate this important bill.

Finally, in a broader context I want to pick up on the reflections of the Deputy Leader of the Opposition on the way this Parliament runs. In my view this Parliament can run in a much more cooperative fashion if the government is prepared to work with us in a way that engenders that level of cooperation — that is, not to lord it over us and say, 'We are the government; you will do it our way or the highway', but to work in a more cooperative way, as has already been done with the urgent bill that had to be debated earlier today. I ask the Leader of the House and the cabinet secretary to reflect on the flow of legislation into the house. Perhaps more importantly I would have hoped that over the seven-week break the Leader of the Government may have reflected a little bit on how this place could work in a much more cooperative way in terms of the facilitation of debate and the passage of bills.

Mr CRISP (Mildura) — I rise to support the government business program, and I welcome back our colleagues from the other side. With seven weeks of reflection there are still a number of things they do not get. I also thank them for their handling of the Road Safety Amendment Bill 2012, which we just dealt with and on which the shadow Attorney-General and the member for Richmond have reflected. They appear to have a different view to that of their deputy leader. It would be appreciated if they could sort out what they are doing.

I, too, am looking forward to debating the Local Government Legislation Amendment (Miscellaneous) Bill 2012, which will provide a welcome degree of reform. We on this side of the house are also looking forward to welcoming the new member, who will deliver her inaugural speech tomorrow. The Nationals support the government business program.

House divided on motion:

Ayes, 44

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

Noes, 42

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

Motion agreed to.

MEMBERS STATEMENTS

National business names register: privacy

Ms ASHER (Minister for Innovation, Services and Small Business) — I draw the attention of the house to yet another blunder by the Gillard Labor government. Members of this place will be aware of the national business names register, which started on 28 May 2012. Victoria agreed to and supported this register. The federal government gave assurances to the states and territories that the privacy of home-based businesses would be protected and promised that only the suburb of these small, home-based businesses would show up on the national business names register. Unfortunately this is not the case.

We have been receiving complaints that the full addresses of home-based businesses are being disclosed

on the national business names register. This is not what the federal government promised; in fact it is not what the federal government promised the previous Labor government here in the state of Victoria. Victoria supported the national register in good faith. It represents a reduction in the administrative burden on businesses and has resulted in a lesser amount of time required to fill in forms. It is also a cheaper system than the one we previously had.

I have written to the federal Treasurer Wayne Swan, the Parliamentary Secretary to the Treasurer and the chairman of the Australian Securities and Investments Commission asking for immediate rectification of this problem. The federal government must protect the privacy of home-based small businesses, and I call on it to do so. In fact I call on the shadow Treasurer to do likewise.

Gary McAllister

Mr MADDEN (Essendon) — On 26 July 2012 the world lost a great man, Gary McAllister, who tragically died in a car crash. Gary was well known across the local Essendon and Strathmore community. He was also well known across the Xavier College school community and respected as a talented athlete, particularly for his participation as a long-time triathlete. Gary has been described as a teacher, coach, mentor, motivator, role model and inspiration for his dedication to physical fitness, sport and outdoor activity and education.

Gary had played football at St Bernard's Old Collegians Football Club and was club captain in its 1984 premiership year and a member of the 1987 premiership side. In recent years he was fitness adviser to the Colts, the younger brigade. Outside that he was an accomplished athlete, and he taught physical education at St Bernard's College for seven years prior to taking up his position at Xavier College, where he taught physical education for the last 19 years. He was a wonderful man who lived a wonderful life, and he will be sadly missed.

The St Bernard's Old Collegians will name a perpetual trophy after him, the Gary McAllister Cup, when Xavier plays St Bernard's in the amateurs league. They have also named a trophy in his memory to be awarded to the fittest young player at the club each year. My thoughts go to Gary's family — Cath, Ned, Ally and Greer.

Moonee Ponds Senior Italian Citizens Club: 25th anniversary

Mr MADDEN — On 22 July 2012 I attended the 25th anniversary celebrations of the Italian pensioners group, which was held at the Moonee Ponds neighbourhood centre. It was a great day. I compliment the president, Eliza Attard, on her leadership and the master of ceremonies, Frank Di Blasi, on his wonderful work for the broader Italian community in the area.

Westpac: Sea Lake branch

Mr WALSH (Minister for Agriculture and Food Security) — I rise to speak on behalf of the community of Sea Lake, a township in my electorate which services a large area of the Mallee. This community has recently been devastated by the news that the only large bank in the community will be permanently closed before the end of this year. The Westpac bank prides itself on being Australia's first bank. It has a vision which extols the virtue of building deep and enduring customer relationships. It professes to seek long-term customer relationships and customer retention, and claims to be one of the world's great companies, which helps communities and people to prosper and grow. I ask: how can a bank with such lofty ambitions turn its back on a loyal community by secretly and underhandedly cutting off the sole banking lifeline to the residents and businesses of Sea Lake and district?

The decision to close the bank branch has obviously been in management's plan for some time, as the local bank manager was sworn to secrecy when first informed of the impending closure some weeks before the official announcement was made. This bank operates as a branch out of the local newsagency and has a large range of customers, including the local school and several large businesses, including fuel agents, machinery dealers and some huge grain growers. These and the bank's many other local and up to now loyal customers will be forced to drive to other centres such as Swan Hill, an hour's drive away, to conduct their banking. This Westpac agency is the sole source of cash for the entire town.

Despite pressures on them to do so, not all Victorians are able or wish to conduct all their banking over the internet. I call on Westpac to reconsider this ill-chosen decision — —

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

Ballarat-Buninyong Road–Whitehorse Road, Mount Clear: traffic management

Mr HOWARD (Ballarat East) — In Labor's budget of 2010, $2 million was allocated for works to ease congestion on the Ballarat-Buninyong Road. More specifically, the funding was allocated to reconstruct the Whitehorse Road roundabout, the greatest impediment to traffic flow in peak periods. It is therefore a matter of great concern that over the 20 months since being elected the Baillieu government has still not delivered this important road project. The lack of action, with no contract for Whitehorse Road works even being entered into, demonstrates that this government is either incompetent at getting important roadworks done or is disinterested in the welfare of the people of Ballarat.

Police: Daylesford station

Mr HOWARD — Similarly, in Labor's 2010 budget funding was allocated to build a new police station in Daylesford. Following the election of the Baillieu government over 20 months ago, that funding still has not been spent and Daylesford police and the community are asking when they will see the new police station. They are also still awaiting the announcement of the appointment of a building contractor.

The people of Daylesford deserve to see some action. They experienced unprecedented support for public infrastructure under Labor, with substantial upgrade works to the hospital, secondary school, ambulance and State Emergency Service stations as well as to the Hepburn Springs bathhouse and other tourism, recreation, public housing and road infrastructure. But they have seen nothing under the coalition government — not even the completion of their Labor-funded police station. The people of Daylesford are asking for and deserve some action for this important project.

Shire of Mornington Peninsula: community planning forums

Mr BURGESS (Hastings) — I was pleased to be able to attend community planning forums organised by the Mornington Peninsula Shire Council at Somerville, Hastings and Balnarring to discuss the future planning needs of the Mornington Peninsula. These forums marked the start of the implementation of the coalition government's election commitment to put in place a Mornington Peninsula planning statement that will end the treatment of the Mornington Peninsula as part of metropolitan Melbourne and protect it into the future.

Country Fire Authority: Tyabb brigade

Mr BURGESS — On Saturday, 28 July, I was pleased to attend a presentation night for members of the Tyabb Rural Fire Brigade. Amongst the awards presented were a national medal, Country Fire Authority life memberships and various years of service awards. I congratulate the successful medal and award recipients and acknowledge their vital contribution to their local brigade and community.

Bittern: graffiti clean-up day

Mr BURGESS — On Sunday, 5 August, I joined with Bittern residents and the Country Fire Authority in a graffiti clean-up day. Uninvited graffiti is a crime and must be treated as such. Research shows that the sooner graffiti is removed the less likely it is to reappear, therefore it is important that it is removed as soon as possible. I would like to thank clean-up day organiser Deborah Benson, the Bittern volunteers and Bittern CFA members for giving up their Sunday to keep their local community clean and free of graffiti.

Baxter-Tooradin Road, Baxter: pedestrian safety

Mr BURGESS — Last Tuesday I was joined by members of the BRATPAC (Baxter Residents and Traders Progress Action Committee) to officially switch on the new pedestrian signals at Baxter-Tooradin Road in Baxter. The residents and traders in Baxter worked very hard with the developers of Peninsula Link to secure this important safety initiative for the community.

Mount Players: 40th anniversary

Ms DUNCAN (Macedon) — On Saturday night I had the pleasure of attending the Mount Players 40th anniversary dinner at the Gisborne Golf Club. The Mount Players are a community-based theatre group, which continues to grow and has come a long way since the first one-act plays its members performed way back in the early 1970s. Today its plays are many and varied, with an increasing emphasis on Australian shows. I can personally attest to the quality of its productions, which are as good as those you will get from any professional theatre group. The group's musicals are sensational and can involve up to 100 people on stage. It is a true community collaboration.

Formed in 1972 to enable the players to participate in a one-act play festival in Kyneton, the Mount Players finally found a home in 1975 in the old Presbyterian

church that seats 50 people, where they perform full-length melodramas written by Neville Thurgood, a founding member of the company, with titles such as the *Furtive Fortunes of Fickle Fate* followed by gems such as the *Further Furtive Fortunes of Fickle Fate*. They are still very involved in one-act plays but now perform in pantomimes, dramas, comedies and musicals as well as in contemporary theatre productions by local writers.

The Mount Players have a long and proud history but theirs has not always been an easy road. Their original home was burnt down during the Ash Wednesday fires in 1983. It was three years before rebuilding commenced, given the devastation the community had experienced, and the rebuilding was supported by community fundraising and by other theatre groups across Australia. The rebuilding took more than four years, with members contributing to it in every way possible. The deaths of much-loved founding members Margaret Woods and Fred Blake was another blow to the group.

Finally the Mount View Theatre opened in 1990, but many old photographs recording the history of the early players were lost during those fires. These players are incredibly talented. They can sing and act and design and build sets and are lighting and sound technicians. I congratulate them all.

Mallee Almond Blossom Festival

Mr CRISP (Mildura) — On Sunday, 12 August, Robinvale held its most successful almond festival yet, with between 5000 and 6000 people celebrating the first indication of Spring — almond blossom. The festival was originally held at the Select Harvest almond orchards, but quickly outgrew the site and moved to the Robinvale Golf Club, with bus tours now organised to take people to the orchards. The day was a huge success. I congratulate all those involved in the big community effort needed to stage the event. In particular, I thank Sue Kelly, who was the public face of the organising committee.

Mildura: homelessness sleep-out

Mr CRISP — On the night of Saturday, 11 August, the Mildura accommodation and support program, known as MASP, ran its inaugural sleep-out for the homeless in the Mildura Langtree Mall. Around 230 people turned up in pyjamas with their bedding on their shoulders to face the cold and help with fundraising for homeless programs. The activities commenced at 6.00 p.m. with a welcome from MASP chair, Anne Webster, the mayor of Mildura and me. The event organiser, Mark Ross, was the MC.

The soup kitchen was organised by Fisher's supermarkets and served soup prepared by local restaurants to the overnight campers. John Burfitt, Mildura's serial fundraiser, presented a cheque for more than $4500 — money he has spent the past few weeks collecting by tin rattling. So far around $13 000 has been raised for the homeless. Although it was not such a cold night to be camping out, the street sweeper at 3.00 a.m. was a problem. Congratulations to all those involved.

Planning: Brunswick terminal station

Ms GARRETT (Brunswick) — The house is well aware of the ongoing and significant issue in my electorate of the proposed development of the Brunswick terminal station. I have called on the government on many occasions to respond to the deep community concerns about the development and, in particular, the fundamental question of the health and safety impacts of such a large terminal station in an entirely residential area. The fact that the residents' anxiety is growing rather than abating demonstrates just how much this government is failing my local community.

As a result the community felt compelled to rally in protest, with hundreds of people participating in an event at the site on Sunday, 29 July, when once again they expressed their ongoing concerns about the lack of an appropriate standard for this type of facility in a residential area; the fact that the council rejected the application twice, based on health and safety considerations; the lack of confidence in how decisions have been made, including the fact that recent responses to FOI requests reveal that the minister did not appear to have any advice about the health and safety impacts when he approved the development; and the ongoing stymying of FOI requests regarding the rezoning of the site by the government in the middle of the night with no consultation, thereby taking away the appeal rights of residents.

The rally highlighted the fact that 3500 residents have now signed the petition against the development and they have once again called for an independent review panel to be established as a matter of urgency. This saga needs to end. The government's track record of secrecy has completely destroyed confidence, and the Premier must act and constitute a panel as soon as possible.

Jared Tallent and Nathan Deakes

Mr WATT (Burwood) — Congratulations to all of our Olympic athletes on their great performances at the recent Olympic Games in London. I particularly want to pay tribute to two Victorian walkers — Jared Tallent and Nathan Deakes. Victoria has a great tradition of race walking, with 15 of the 20 fastest recorded times in the 50-kilometre walk being achieved by Victorians. It is great to see that tradition is alive and well.

Nathan, the former world record holder, started well but slowed over the last 15 kilometres to finish 22nd. Anyone who saw his finish would understand how gutsy his performance was. Some might not appreciate the enormity of his effort, but his time of 3 hours, 48 minutes and 45 seconds has been bettered by only five other Australians, including four Victorians. But the greatest accolade must go to Jared. It was great to see Jared come away with a silver medal — his third Olympic medal. He is the only Australian male athlete to ever achieve such a feat. His time of 3 hours, 36 minutes and 53 seconds is the second fastest of all time by an Australian, bettered only by Nathan Deakes. Well done to Jared, who at 27 has an enormous future.

National Tree Day

Mr WATT — On Sunday, 29 July, I joined Trevor Phillips and the volunteers from the Friends of Gardiners Creek Valley in celebrating National Tree Day by planting trees at Gardiners Creek around the site of the recent embankment works that were undertaken by the Baillieu government after years of neglect by the previous Labor government, which just did not care. I again thank Trevor and the Friends of Gardiners Creek Valley for the work they did on National Tree Day, for the work they do throughout the year and for their great advocacy for the creek and its environs.

Carbon tax: small business

Mr WATT — When the carbon tax was introduced by the Labor-Greens federal government I had visions of the evil 500 companies being forced to mend their evil ways. I was shocked to realise that a small business in my electorate had to pay a $40 000 carbon tax bill. If state Labor really cared, it would stand up to its Greens masters, support small business and call for an end to this job-destroying tax.

John Beus

Mr HOLDING (Lyndhurst) — I wish to pay tribute to John Beus, OAM, who passed away on 2 July 2012. John gave tireless service to the people of the Springvale community for over 50 years. In 1962 John helped establish the Springvale Benevolent Society, an organisation he remained involved with right up until the last few weeks before he passed away. He helped to establish Victoria's second St Vinnies store in Springvale, and he worked with migrants and young offenders. John also served as a magistrate. He was named as the City of Greater Dandenong's Living Treasure in 2005. Springvale lost a great activist on 2 July. John was 92. He is survived by 4 children, 10 grandchildren and 10 great-grandchildren. Vale John Beus.

Noble Park Aquatic Centre: award

Mr HOLDING — I also wish to congratulate the team at the Noble Park Aquatic Centre on its success in recently winning an award for excellence for water and energy efficiency. The Noble Park Aquatic Centre continues to set the standard for aquatic facilities right across Australia. The centre is a $21.5 million project that includes a 50-metre pool, shade canopy, spectator seating, water play equipment, a refurbishment of Noble Park's iconic water slide, a cafe and a kiosk. It received $1.5 million from the Brumby government. The refurbishment features a co-generation unit that provides heat and power for the centre, while 30 solar panels provide hot water for the pool. It is a facility in a community that richly deserves it.

Israel: Melbourne protests

Mr SOUTHWICK (Caulfield) — It is often said by members that multiculturalism enjoys bipartisan support in this place and that all major parties in Victoria support the state of Israel. In my time in Parliament I have enjoyed co-convening the Friends of Israel group, which boasts members from both Labor and the coalition. While this support does extend to the wider society, it is sadly not reflected in some of the major community and professional organisations in our state.

It has recently been reported that the Victorian Trades Hall Council has been actively supporting the boycott, divestment and sanctions (BDS) movement in motions before its executive. A motion moved at the Trades Hall executive by Maritime Union of Australia Victorian secretary, Kevin Bracken, expresses support for the BDS movement and then slurs the men and women of Victoria Police in accusing them of increased violence against the protesting thugs. This is a shameful display by the peak union labour body in Victoria. I call on the Leader of the Opposition to write to the

Victorian Trades Hall Council and demand that it immediately cease its support of the anti-Israel protests.

Australian Intercultural Society: Iftar dinners

Mr SOUTHWICK — I would also like to congratulate Ahmet Polat, executive director of the Australian Intercultural Society, for organising a month of Iftar dinners in the homes of Muslim families. I had the privilege of sharing a meal in the home of Mehmet and Zeyrep Kus, and this is a great way of people getting together to share their different cultures and religions and break bread with one another. I commend celebrating this activity to all members of the house.

Melbourne: livability rating

Mr SOUTHWICK — Congratulations again to all Melburnians on scoring gold, with Melbourne being rated as the world's most livable city.

Victorian Immigrant and Refugee Women's Coalition: leadership program

Ms BEATTIE (Yuroke) — On Monday, 13 August, I joined the member for Broadmeadows at the graduation ceremony for the Women Building Bridges leadership program provided through the Victorian Immigrant and Refugee Women's Coalition (VIRWC). The graduation ceremony was held at the Hume Global Learning Centre, and it was a privilege to attend and see all the hard work pay off for these wonderful women.

Since 2002 the VIRWC has specialised in delivering community leadership courses to migrant and refugee women. It has trained more than 350 women and some men over the last decade and given them leadership skills they can apply in wider society. Funding for these courses comes from local councils, and I would like to take this opportunity to thank the cities of Hume and Darebin for their commitment to these graduates. Since April, 20 women from at least 18 different cultural backgrounds have been attending the training at the Broadmeadows group centre, and on Monday they were recognised for their commitment, hard work and dedication.

I would like to pay special thanks to Melba Marginson, the project manager, as well as Nazia Wasif and Ngatuaine Hosking, community development and partnership officers, who through their tireless commitment and hard work enabled the success of the project and helped these women meet their full potential. I hope the program continues next year, and I will be pleased to present certificates then.

Kokoda Track Memorial Walk: upgrade

Mr BLACKWOOD (Narracan) — As we commemorate the 70th anniversary of the Kokoda campaign, the 1000 Steps memorial at Ferntree Gully will be opened on 26 August. Created in the early 1900s, the 1000 Steps walk was originally made from the trunks of tree ferns, which were laid along the wetter areas of the track to make the climb a little easier. These were replaced by wooden palings before the more permanent concrete steps were installed in 1950.

The Victorian veterans of the Kokoda campaign adopted this park as their memorial site in 1998. The similarity of the walk to the first 100 metres of the Kokoda Track in Papua New Guinea resulted in the establishment of the 14 plaques along the walk, dedicated to those members of the Australian military forces who fought and died on the Kokoda Track. The 1000 Steps represent the Golden Staircase, a name given by the Australian soldiers to the 2000 steps cut into the track between Uberi and Imita Ridge by the Australian army engineers and others. The Kokoda Track Memorial Walk represents an area of historical significance and has been adopted by the 39th Battalion Association in honour of the amazing efforts of the 39th Battalion as it withstood the onslaught of the Japanese, particularly at Isurava.

The $l million provided by the coalition government for the 1000 Steps project is supporting a tremendous initiative that will further enhance efforts to ensure that the mateship, sacrifice, endurance and courage displayed by the Australian diggers on the Kokoda Track will never be forgotten. Lest we forget.

Minister for Sport and Recreation: performance

Mr EREN (Lara) — While the Minister for Sport and Recreation was on a long holiday overseas during the winter recess, I was visiting regional Victoria, listening to stakeholders' concerns about sport, recreation and volunteerism. What I have heard is not surprising. We have a minister who loves cutting ribbons and opening projects and developments started and funded by the previous Labor government but is not making any real investment of his own.

There is no point in having a catchphrase of 'more people, more active, more often' if you are not willing to stand by it. Regional Victorians want and need investment and a minister who will listen and stand up for all Victorians, not just a select few. They want a minister who will not backflip on decisions as

important as the sporting code of conduct. They want a government that provides opportunities for all and recognises the importance of sport and recreation in Victoria, in particular that investment into infrastructure is critical and grassroots sport is tomorrow's future. I am afraid the direction this government is heading in may see Melbourne, Victoria, lose its title as the sporting capital of the world.

This government has also treated volunteers with absolute contempt. It needs to place importance on volunteerism. Cutting the Victorian volunteer small grants program has impacted adversely on many organisations across the state. These vicious cuts have been a slap in the face for the 1.5 million people who volunteer in Victoria, and they are an absolute disgrace. This minister needs to make sure that he concentrates on sport and recreation instead of gallivanting all around the world.

Roads: Gippsland East electorate

Mr BULL (Gippsland East) — This government has shown a strong commitment to improving the Victorian road network, and it was with great pleasure I was last week able to announce $2.55 million in state funding towards upgrades for the Great Alpine Road between Bruthen and Bairnsdale and for the Bruthen-Nowa Nowa Road. This followed on from recent significant investments in the Princes Highway between Orbost and Cann River and Stratford and Bairnsdale.

Road safety: driver behaviour

Mr BULL — While on road safety, unfortunately there has been a spate of serious accidents in my electorate. Although none has resulted in fatalities, the sight of the air ambulance has become all too common. Whilst our road toll is down 12 per cent this year due to a number of initiatives, I urge all East Gippslanders and Victorians at large to drive safely to further reduce the impacts of road trauma.

Lakes Oil Tour of Gippsland

Mr BULL — My congratulations are extended to the organisers of the Lakes Oil Tour of Gippsland, who have once again produced another hugely successful event. The five-day tour, now in its eighth year, continues to attract a strong field of elite riders and promotes the entire Gippsland region but specifically Maffra, Bairnsdale, Lakes Entrance, Metung and Paynesville, which are all towns in my electorate. The outright winner was Will Walker. I also acknowledge the financial support provided by many local organisations, cycling clubs and businesses, as well as the support provided by Wellington and East Gippsland shire councils.

Gippsland Lakes Ministerial Advisory Committee

Mr BULL — Prior to the election this government, then in opposition, committed $10 million to the future health of the Gippsland Lakes, so it was with enormous pleasure that last week I joined the Deputy Premier to launch the Gippsland Lakes Ministerial Advisory Committee. The committee has already announced eight projects aimed at maintaining the health of this important ecosystem.

Hearing Awareness Week

Ms GREEN (Yan Yean) — As part of next week's national Hearing Awareness Week I will be getting my hearing tested tomorrow and helping to raise awareness of a condition that can affect everyone — even people here in the chamber. Hearing loss affects nearly 25 per cent of all Australians aged 15 and over, but as it happens gradually many people do not get their hearing loss diagnosed early, nor do they take into account what they can do to prevent hearing loss. I encourage all members, and indeed the minister, to join me and help by having their hearing assessed and learning more about what environmental factors could be leading to a decline in their hearing.

I want to thank Hearservice, a very important arm of Vicdeaf, which will be here at the Parliament testing the hearing of members. I understand that even Parliament House staff are lining up to have their free hearing examination — after all, they have to listen to us each sitting day. I encourage members of the community to contact Hearservice and have their hearing tested for free — whether in Hearing Awareness Week or at other times — at East Melbourne, Box Hill or Oakleigh. Hearservice also has amazing outreach services in other parts of the state. I commend the great leadership of Vicdeaf, headed up by Mac Adam, OAM, who received the Order of Australia Medal for his support of Vicdeaf services.

Friends of Baden Powell Bushland Reserve: grant

Mr SHAW (Frankston) — I was delighted to announce a grant of $8717 for the Friends of Baden Powell Bushland Reserve to enable the group to improve the health and amenity of this reserve. I congratulate Ann Scholes and the members of the group for their commitment and work to maintain the

reserve for the local community to enjoy. It is great to have volunteers who are passionate about the Baden Powell Bushland Reserve and willing to lend a hand to protect the local environment.

Peninsula Health: youth prevention and recovery care services

Mr SHAW — Last week I accompanied the Minister for Mental Health when she visited Frankston to open Victoria's first prevention and recovery service specifically for young people experiencing mental health issues. The Peninsula Y-PARC (youth prevention and recovery care) service provides 24-hour treatment and support for young people aged 16 to 25 years and is being operated by Peninsula Health in partnership with MIND Australia and Peninsula Support Services.

This service has a critical role in caring for young people, providing intensive help earlier. It is particularly aimed at young people who need residential support as an alternative to inpatient care or to help them transition from hospital back into the community. The coalition provided about $4.5 million to establish the facility and about $1.8 million a year to run the service.

Peninsula Strikers Junior Football Club: lighting

Mr SHAW — On Saturday I spoke at the Peninsula Strikers Junior Football Club to celebrate our 2010 election commitment of $120 000 for floodlighting on the soccer training pitch at Ballam Park. The upgrade will enhance and improve the pitch for training sessions held by the Peninsula Strikers Junior Football Club and its 400 young members. The project will result in a greater utilisation of the pitch, as well as improved safety and sustainability.

Brotherhood of St Laurence: Frankston

Mr SHAW — The Minister for Education and I visited Frankston's Brotherhood of St Laurence last week to see firsthand the programs supported by our $100 000 grant.

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

Schools: Thomastown electorate

Ms HALFPENNY (Thomastown) — I wish to raise with the house the continuing problems plaguing two schools in the Thomastown electorate, in both cases due to the poor management and funding priorities of this government.

The first matter, which I have previously raised here, relates to Lalor Gardens Primary School. Students at Lalor Gardens Primary School are now required to wear gumboots to school and cannot play outside during recess or lunchtime because the playgrounds have not been landscaped or restored from the building sites they were. There are mounds of rock and clay, and puddles up to 40 centimetres deep. It is a safety hazard and a drowning hazard that beggars belief.

What is worse is that the government's failure to provide funding to fix the problems has led to the school having to cut important programs, such as literacy, numeracy, IT and professional learning, and to lay crushed rock, as well as to scrounge up some $30 000 to fund a basketball court that had been promised as part of the school's redevelopment but was not delivered by this government.

The second matter, which I have also raised here previously, relates to Thomastown West Primary School, where some 600 defects have been identified across new facilities delivered during the school's recent upgrade. Its playground has been declared unsafe after building works compromised the ground's stability.

The Baillieu government's failure to do its job and provide the necessary funding to fix these problems is creating unsafe schools and letting our students down. I call on the government again to fix these urgent and dangerous problems immediately, before any student is hurt, and to help instead of hinder our children's learning.

Australian Education Union: Bentleigh electorate school competition

Ms MILLER (Bentleigh) — I was delighted to initiate the inaugural Marriott Cup, a vegetable growing competition for primary schools in the electorate of Bentleigh that promotes the benefits of good nutrition as part of a healthy lifestyle. The entire school community responded with excitement and enthusiasm. Sadly, due to political interference exerted by the AEU (Australian Education Union), the majority of schools were forced to withdraw from the competition, depriving children of the opportunity to participate. Decisions like this by the union deliberately disadvantage students, denying them a great opportunity to learn about health and nutrition and about our area's rich horticultural history. This is a

disgraceful move by the AEU to sabotage the children's experience for its own advantage.

Graffiti: Operation Cooperation

Ms MILLER — As a candidate in the 2010 state election I committed to tackling the issue of vandalism. In 2011 I was pleased to join the Minister for Corrections in announcing that the government had committed $13.5 million to adopt a zero-tolerance approach to graffiti. In 2012 I joined Victoria Police to launch Operation Cooperation, which invites the community to digitally record incidents of graffiti, contributing to the Victoria Police database and helping to develop an effective strategy. I am delivering real action for Bentleigh.

National disability insurance scheme: Barwon trial

Ms MILLER — The coalition government will invest $300 million in disability services for the people of the Barwon region over a trial period to commence in 2013. If the federal government cared, it would have done the right thing and would not have delayed the decision to conduct the trial, leaving the people of Barwon hanging with uncertainty. If Labor cared, the Leader of the Opposition and former Minister for Health would not have remained silent on the issue while his federal counterparts played politics by delaying the decision to trial the national disability insurance scheme at the expense of disabled residents in the Barwon region.

City of Glen Eira: men's shed

Ms MILLER — I attended the opening of a new Glen Eira men's shed. This group — —

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

Arthur Gough

Ms BARKER (Oakleigh) — I wish to record my sadness and that of many people in the Oakleigh and Chadstone communities on the passing of Arthur Gough on 2 July 2012. Arthur was a great environmentalist, and many of us simply called him Mr Scotchmans Creek because of his long-held passion for this historical and environmentally important area of Oakleigh and Chadstone. There was not a plant along the creek and bike track that he could not name with the correct botanical term, and he and his dog walked this area every day and cared for it. In fact Arthur was one of the people who led the revival of this area, which saw, for example, the old brickworks restored to become Brickmakers Park.

While his passion for Scotchmans Creek saw many native plants established, he also loved his garden at his home in Chadstone, which he built after he married Monica, with whom he shared almost 51 years and whom he loved very dearly. His great love in his own garden and around the local area was for camellias, and again he could always tell you the correct botanical name for any camellia he spotted in local gardens.

He was a great bandsman and was involved with both the Malvern band and the Oakleigh City Band. As well as participating in all the other activities of the Oakleigh City Band, he always played the *Last Post* and *Reveille* at local commemoration services. He was involved in Scouts, rising to become a Victorian branch commissioner. He was with Rostrum for 40 years, and on his retirement he joined Probus.

Above all Arthur was a family man who adored his wife, children and grandchildren. His life was one of devotion to his family and service to the community, and he was a decent and caring man. On my behalf and that of the communities of Oakleigh and Chadstone, I extend our deepest sympathy to Monica and the family on the passing of one of our great local people.

Minister for Sport and Recreation: achievements

Mr BATTIN (Gembrook) — I reply to the Member for Lara, who stated that the Minister for Sport and Recreation has not been acting in the interests of Victoria. Just in Gembrook he has been delivering — —

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

PORT MANAGEMENT FURTHER AMENDMENT BILL 2012

Second reading

Debate resumed from 18 April; motion of Dr NAPTHINE (Minister for Ports).

Mr PALLAS (Tarneit) — It gives me pleasure to rise to speak in relation to the Port Management Further Amendment Bill 2012. In so doing I want to express my concern about the delay in the progression of debate on this bill. You would have thought that a bill that saw its principal objectives and initiatives, as contained in the explanatory memorandum, as improving requirements for safety and environmental management

plans for ports, improving planning coordination at the port of Geelong and making minor improvements relating to hazardous port activities regulated at the port of Melbourne might have found its way from the second-reading speech to the business paper of this place somewhat faster than the three and half months that fell between the second-reading speech and today. In many ways it really does demonstrate the fact that this government is more intent on the shopfront than it is on substantive policy engagements.

I particularly want to concentrate on the claim by the Minister for Ports that this bill is consistent with the government's long-term plans and vision for the development of commercial ports in Victoria. There will be, I assume, some prize for anybody who is ultimately able to identify this government's plans for long-term port development. It is quite apparent to anybody who is observing this government that what we have is a shambolic approach based on a potpourri of ideas, poorly constructed within any policy framework and incapable of being adequately elucidated by the minister responsible for this portfolio.

The net consequence of the minister's failure to substantively explain the government's clear long-term vision for the development of the commercial ports in Victoria is that every time he is caught up in a criticism of this government's failure to act he seeks to derive a touchstone of comfort by saying, 'Well, look, essentially we are producing a policy that will deliver the development of the port of Hastings. After all, aren't we developing Webb Dock and increasing the containment capacity of the port of Melbourne?'.

Insofar as the development of Webb Dock and the port of Melbourne are concerned, they are initiatives of the previous government under the port container capacity upgrade process, and indeed the minister has acknowledged on occasion that that is the case. But the big difference between the purported clear vision of this government and what Labor did in government is that Labor recognised that you need to not only provide for the development of port capacity but also assure the community that in developing the port capacity you are making a substantial investment in infrastructure. That will ensure the recognition and acceptance of those developments by the local community.

All we have seen from this government when it comes to so-called upgrades at the port of Melbourne is effectively a proposal that the government will ensure something like $900 million worth of debt both in terms of increasing the capacity of Webb Dock and the car trade. We are also seeing from this government a continued response that it will put more and more truck traffic onto the Monash Freeway and the West Gate Freeway. Indeed it is acknowledged by the Port of Melbourne Corporation that there will be a doubling of port-related truck traffic over the Monash Freeway and the West Gate Freeway as a consequence of these initiatives. Where are we seeing from this government a recognition that something should be done about that?

There was an integrated plan or strategy from the previous government: it was called Port Futures and Freight Futures, and it was about hard infrastructure that would ultimately not only deliver an effective, performing port but also demonstrate that the government was prepared to do more than simply shift debt onto the Port of Melbourne Corporation and shift containers onto already congested freeways. We did that by investing in infrastructure that would overcome the problems that this government seems totally unconcerned about.

What did we do apart from putting $1.4 billion into the extra lane on the Monash-West Gate Freeway and the development and conclusion of the channel deepening project — a project that those opposite did everything possible to frustrate and delay? Who could forget the words of wisdom of the now leader of the state, the Premier, who said he supported channel deepening but did not support deepening the mouth of the Yarra River? What a preposterous and ludicrous statement. He was effectively saying we should deepen the port of Melbourne but have a depth-constrained container industry, which would effectively destroy the container industry.

Now members of the government say they are the great proponents of a clear vision and direction for Victoria. What is the vision for Victoria when it comes to ports? I have done some research, and I found what the government's policies are in respect of ports. You need go no further than to the Minister for Ports's very own website. If you look at his website, under the heading 'Policies' you will see this piece of clarity:

> There is currently no content.

If you are starting to feel a little bit embarrassed by that, the minister would not be. If you go to the noticeboard on the very same web page, you will see the message 'Write a plate for your state'. This is of course the government's proposal for a numberplate slogan. It might not have a ports policy, but for the last two years it has been working assiduously on coming up with a numberplate slogan. If it takes the government two years to come up with a numberplate slogan, God help us if we are waiting for it to produce a policy that is

coherent, credible and capable of actually delivering for the concerns of the people of Victoria.

Under the so-called clear strategy that the Baillieu government is intent on implementing, with which this legislation is consistent, the government has replaced the former government's Port Futures plan with nothing. If you want any further confirmation of the fact that there are no policies, that the government's new plan is that there are no plans, you simply need to go back to the minister's website. Port Futures is effectively gone, and this is part of a wider pattern we are seeing from this government of inaction on policy development in transport and infrastructure. The pre-existing transport plans of the last government have been terminated and listed on the Department of Transport's website as 'former strategies and plans'. Fair enough; the coalition is the new government, so it is allowed to have its own strategies and plans, but for God's sake, it has been more than two years and it cannot even elaborate on them to the community. The community has every right to see that the legislation before this place is consistent with the government's plans, but simply saying they are without demonstrating the existence of these plans is effectively an admission of failure by this government.

Somewhat curiously, Port Futures and Freight Futures do not appear on any government list as having existed or having been superseded or whatever. It is relatively safe to assume they no longer constitute part of the government's policy, but it is almost like *1984* to see that they have been expunged from the public record.

This government's much-lauded transport solutions plan first reared its head — I think over four years ago — as an integrated transport solutions plan the then coalition would progressively unveil when it was in government. That was done by the now Premier when he was Leader of the Opposition during the course of the 2008 Kororoit by-election. If it is going to be integrated and progressively released, it is going to be a very long wait for the people of Victoria, because it was to be developed with an aim of improving port, road and rail networks in Victoria, but the plan has effectively disappeared. No government MP, let alone a media release, has mentioned it this year.

The Victorian freight and logistics plan is due sometime in 2013. The fact that there are no plans means we see the government taking pieces of work partly completed by the previous government but not doing it in a way that effectively delivers the full value to the Victorian economy. You cannot simply, as it were, slice away at good policy and hope those parts you do implement will in themselves constitute good policy. They need to be part of a broad mosaic underpinned by clear policy that provides not only certainty to the community but also certainty to the bureaucracy, which is charged with the responsibility of implementing the plan. If the bureaucracy does not know what the plans are, then those plans cannot be introduced.

I invite members to look at the outward demonstration of the so-called clear implementation of the government's plans. The port of Melbourne expansion — once again a proposal initiated through the container capacity review by the previous government — seeks to extend the capacity of Webb Dock. The opposition has consistently said it does not oppose the expansion of Webb Dock in the terms proposed by the government, with one notable exception. That exception is this: the government needs to engage the local community around the way these matters are being dealt with. Most importantly, the minister at the table, the Minister for Ports, would be well served to listen to the members for Albert Park and Williamstown, both of whom are not only very knowledgeable in these areas but also have constituencies greatly concerned about the way the development of this facility is implemented.

The point I make — and it is one I have made previously — is that the government cannot simply say, 'We are going to develop the port of Melbourne and see its capacity increase to 5.5 million containers', and have literally millions of extra truck movements on our freeway network if it does not make the necessary investment in road infrastructure, meaning how you manage the movement of vehicles and ultimately move towards a mode shift arrangement, not just road infrastructure enabling vehicles onto the freeway network.

The government would be well advised to come up with some strategies that make it clear to the people of Victoria that it has a plan beyond simply developing Webb Dock. It needs a plan to manage in an integrated sense the way our freight is moved. For the government to simply say the opposition opposes the bill is a shambolic and poorly thought through and advocated strategy. The government has not made its case to the people of Victoria, and it is important that this case be made. It is important for the economic wellbeing of this state that freight be effectively moved around the community but also that the community have some ownership of the infrastructure that is built.

Who can forget the minister at the table in opposition railing against the injustice and failure of the former government to invest in infrastructure when trucks were

being put onto roads? We know the total contribution made by this government on metropolitan arterial roads in the last budget was less than $4 million of new capital spend. This figure is an indictment of a government that takes the opportunity to knock in opposition but does nothing to substantively improve the situation in government. It demonstrates a gobsmacking level of cynicism.

We cannot forget the revelation made on 8 June this year when the Premier announced via a media release that the cost of the port expansion had increased from $1.2 billion to $1.6 billion. A $400 million cost blow-out should not be something that simply passes by the way.

Dr Napthine — There is no cost blow-out.

Mr PALLAS — The minister at the table tells us there is no cost blow-out: 'We just forgot to take into account that we were actually going to have to relocate the vehicle facilities'. Goodness; imagine that! You have to relocate the vehicle facilities, but it is not a cost blow-out, 'It's just something that occurred to us subsequently'. If you want any further demonstration that this is a government of shambolic decision making, a government that not only cannot manage money but has not got a clue about policy and, for that matter, cannot even accept that policy has a substantive role to play in terms of good governance, this is it.

There was a $400 million cost blow-out for this expansion, and the government attributed that decision as to why the car trade to Geelong would not be moved. The minister at the table should have listened to me in the months before the announcement when I told him it was not going to happen and could not happen. Anybody who had a vague clue about how ports and freight interact would not have proceeded down this march of folly and would have recognised that this was a foolhardy course of action and a cruel hoax on the people of Geelong.

We warned the minister at the table and the Premier about it but not because we wanted to break the hearts of the people of Geelong. We wanted to let them down gently, because this minister was going to let them down from a very great height. Once again it is a demonstration of this government's vision. In terms of the performance and application of this bill, one's expectations are not very high, because we understand that this is in part the legislative embodiment of the government's vision. In many ways it demonstrates how shambolic, piecemeal and poorly integrated and thought through the bill actually is.

Turning to the idea that the government could extend the capacity of the port of Melbourne but make absolutely no provision for the management of traffic on the Monash and West Gate freeways, and for that matter the rest of the freeway network within metropolitan Melbourne, members would be well served to look at the announcements that were made.

When the minister was asked on radio, 'What are you doing about traffic management?', he said, 'We'll be putting a ramp onto the West Gate Bridge'. That is not a management plan. That is a plan for gridlock and nothing else. We already know that the projections on growth on the Monash-West Gate will see that road, within the next five years, carry some 200 000 vehicles a day. There are very few times in the day — —

Dr Napthine — You would support the east–west then?

Mr PALLAS — We of course support a second river crossing because, as Sir Rod Eddington — —

Dr Napthine interjected.

Mr PALLAS — The poor old minister only demonstrates his ignorance. What ignorance!

Honourable members interjecting.

The DEPUTY SPEAKER — Order!

Mr PALLAS — Once again I want to demonstrate that here we have a government that is not prepared to make an investment where an investment is needed. The east–west link is a classic illustration. If you look at the words of Sir Rod Eddington in his report, you see he makes it clear that the first thing you need to do is deal with a second river crossing because, as he said, the traffic and truck movements from that section across the Maribyrnong River are critically important, and the Labor Party's position was, and remains, that in a $38 million, 12-year transport plan, there was no priority whatsoever for a cemetery link connection. There was no support for it, no commitment to it in $38 million and 12 years. You want to know what our position is? That is our position, loud and clear.

Dr Napthine — We still don't know.

Mr PALLAS — Sorry, were you asleep?

Dr Napthine interjected.

Mr PALLAS — I know you have qualified for a pension card.

The DEPUTY SPEAKER — Order! The minister and the member for Tarneit will cease having a conversation across the table.

Mr PALLAS — Another demonstration of this government's lack of clear vision, despite the purported use of clear vision in this legislation, is the fact that it extols the virtues of the port licence fee — a government in which the Premier got up and said, 'You would be foolish to oppose a tax that industry supports'.

What did we find out about the views of industry? You would be surprised to see that in the correspondence provided to the Port of Melbourne Corporation industry almost unanimously made it incredibly clear that the $75 million per annum to be raised in the form of a port licence fee was not supported. The government said that the port licence would fund its vision, which seems to be to raise money and stifle trade with no actual projects in mind. The port licence fee is nothing more than a revenue cash grab.

The port licence fee will damage the comparative competitiveness of the port of Melbourne, and the port licence fee is damaging the businesses of Victorian exporters, threatening Victorian jobs and, as was said consistently by one submitter after another to the Port of Melbourne Corporation in regard to its community and industry consultation around this issue, unlike the situation of the freight infrastructure charge proposed by the previous government, there was no effort or commitment to productivity-enhancing mode shift proposals, nor was there an investment or a firm commitment towards building infrastructure that would make the port more accessible to the industry and therefore improve its efficient operation.

It was a tax grab, pure and simple. There was no commitment to apply the benefits of that cash grab effectively to the utility of the industry or indeed to the amenity of the community in and around the port — a port whose capacity will grow substantially between now and 2027 to 5.5 million containers, in the minister's own view.

The port licence fee is strongly opposed by industry. Embarrassingly for the government, this is despite the Premier's statement in Parliament on 8 February that it is supported by industry. The minister has acknowledged that the port licence fee will not be used to fund freight efficiency improvement projects but will instead be allocated to consolidated revenue.

Dr Napthine — It is exactly the same as yours.

Mr PALLAS — The freight infrastructure charge was only accounted for in the forward estimates up until 2016, but the government refused to include a sunset clause, despite the fact that it said it needed to put this charge in place because of the forward estimates allocation. Forward estimates only go for four years. The minister had the opportunity and he took it, pure and simple. He saw the cash and he dashed for it. It was a dash for cash, and nothing could be more demonstrative of the fact that — to use the minister's own observation — far too often industry is not given a clear appreciation of what is happening. For the government to say it is taking funds and applying them not to projects but to consolidated revenue, as opposed to what the previous government did, which was effectively to identify a $38 million plan with pipeline projects — —

Dr Napthine interjected.

Mr PALLAS — We hear from the minister at the table. What about the $10.3 billion that we allocated to transport? The minister demonstrates his ignorance every time he opens his mouth.

The DEPUTY SPEAKER — Order! The minister will cease interjecting; the member for Tarneit will not invite interjections.

Mr PALLAS — I think I was responding rather than inviting.

The DEPUTY SPEAKER — Order! The member for Tarneit, to continue.

Mr PALLAS — Clearly as a government what we see is dishonesty in terms of the cash grab that it has put in place, and dishonesty with the people of Victoria about its purported desire to deal with amenity when you balance the freight needs of the community. We heard from the minister at the table time and again in opposition about how he was concerned about doing something in terms of super monster trucks, to use his words — I might say a term that nobody this side of the table has ever used. The minister consistently used that term to effectively create an expectation in the community that those opposite would do something to substantively assist the community.

What have they actually done? Effectively they have done nothing. We know they intend to develop the port of Hastings. We know that it will now be 15 years, not 8 years, and according to Treasury calculations it is a $12.4 billion net present value allocation. Of course the minister will dispute those figures, because he is a much better accountant than anyone in Treasury or the Department of Transport or Deloitte for that matter. I know he is a very wise man! For the record, that should be seen as sarcastic.

I want to be very clear that one cannot simply pull out these thought bubbles time and again and pretend that this is part of the government's clear and consolidated strategy. A demonstration of a thought bubble is the idea that the minister would have super monster trucks travelling down freeways to the port of Hastings. Nothing could be more ludicrous or so far removed — —

Dr Napthine — But I never said that.

Mr PALLAS — Yes you did. I have got you on television saying it.

The DEPUTY SPEAKER — Order! The member for Tarneit will address his remarks through the Chair.

Mr PALLAS — What we see from this government is time after time — —

Honourable members interjecting.

Mr Noonan — On a point of order, Deputy Speaker, on a number of occasions the Minister for Ports has referred to lies being told by members of the opposition. I believe in the past this has been deemed an unparliamentary use of language, and I ask that he withdraw.

The DEPUTY SPEAKER — Order! The Speaker has ruled that the words 'lies', 'lying' et cetera cannot be used, but the minister was not actually speaking to be recorded in *Hansard*. He was making asides.

Mr PALLAS — The reason the opposition does not oppose this bill is that essentially it does not do much. I suppose it does make some sensible and reasonable adjustments to the existing port management scheme, as is outlined in the issues for consideration, and it continues to operate largely within the previous government's 2009 Geelong port land use strategy. However, the idea of this small bill, as the minister describes it — it is small and one has to wonder why it has taken three and a half months for it to find its way onto the business paper of this place — is hardly a demonstration of the government's clear, long-term vision for the development of commercial ports in Victoria.

We know that there is no vision in the context of any publically stated policies. We know the minister himself acknowledges that there are no policies on his own website, and indeed he continues to extol the noble and long-term strategy of the government of trying to work out a road safety slogan for our numberplates in Victoria! No doubt we will see that happen before the next election, it having taken the government only four years to work it out. It is little wonder that the government does not do the hard work associated with developing serious policy and ultimately with long-term and substantial state-building infrastructure projects.

In many ways this bill effectively demonstrates three things. The safety and environment management plans (SEMP) and management strategies put in place will be streamlined and clarified — that is, there will be a clarification of the current arrangements of the SEMP procedure. That procedure outlined in the amendment bill is a valuable thing. In relation to planning at the port of Geelong, the bill confers responsibility for the development of the port development strategy — which is required under the statute to be delivered to the minister every four years — to the Victorian Regional Channels Authority. The opposition has no difficulty with that proposal. Finally, the bill amends the definition of hazardous port activities to include the transfer of liquid fuel and other non-cargo liquids so that issues relating to those activities will no longer be dealt with separately from other hazardous port activities. The opposition has no difficulty with any of that, and in that context we will not be opposing the passage of this bill.

In relation to how the time of this Parliament is spent, at some point we hope to get the opportunity to talk about matters of substance that this government has in terms of a clearly elaborated policy. If you go to its website, you will see what we know to be true — that the Department of Transport has no idea what policies it is pursuing. If you look at development within the government of its integrated transport solutions, or its transport solutions plan, you will see that it seems to have disappeared from the public record. Even the minister at the table had the audacity to mention this some years ago, but it no longer exists on the public record.

We have to ask ourselves: what does this all mean? What is the direction in which the state of Victoria is going? What is the clear vision for transport that the minister lauds so strongly in this field? At the moment we are clearly within a policy void, and while we are in a policy void the people of Victoria have every right to see the cherry picking of particular projects and not around a broad objective as being damaging to the wellbeing of the state. However, on that basis, the opposition will not be opposing this bill.

Mr BURGESS (Hastings) — It is a pleasure to rise to speak on this bill, but I have to say that I felt my skin start to crawl listening to the previous speaker — that is, the member for Tarneit, who was the responsible

minister in the previous government. It really is a little embarrassing to look at the performance of the previous government and that of the previous minister over 10 years. I have made a little note for myself just to trigger my memory. I have written, '10 years equals nothing'. I have got to say there is probably nothing that describes better the performance of the previous minister or of the government during that time. I think the overall performance of the government is epitomised in the performance of the ports portfolio.

Listening to the clever manipulation that goes on — extracting some words that the minister has said and then adding a few of their own to make it sound as though the minister has said something he did not say — is quite clever in some ways but deplorable in others. Really it is quite embarrassing to see the former minister have to resort to those sorts of tactics to make up for 10 years of inaction. I truly mean 10 years of inaction. The community in my particular area of the world, being Hastings, will watch this very closely. It watches the performance of the government in these portfolios because in my electorate clearly we have the port of Hastings. The hopes of the community have been raised and dashed over the last 10 years.

The former minister also said that expanding the port of Melbourne would double the traffic on existing roads. The only way that could happen — and the former minister is quite aware of this — is through the former minister's opposition to the east–west link. That is the only way what he is espousing could take place, so the doubling of port traffic would clearly be in the hands of members of the previous government, and it would not be surprising to see Labor go down that track. Labor members certainly opposed it when it was beneficial to them in the recent by-election, and now they are trying to flip-flop their way out of that particular situation and pretending that that never happened.

The former minister's performance is not really surprising. It is typical of the fact that Labor just does not care. Labor does not care about Victorian people, because it does not care about Victorian businesses, and that was seen in the performance of the previous government over that 11-year period even though it has been known for some time that the port traffic is going to grow dramatically. There was no plan. Firstly, the Bracks government said it would not go to Hastings because it was too expensive. At that point I believe the then Premier said it was going to cost $1 billion, so that was ruled out. Later on the same Premier instigated the port plan for the area of Hastings. Until recently — in fact over the last couple of years — that was on the internet for people to see, and I will cover that again in a few minutes. Then there was the introduction of former Premier Brumby, who supported it for a while and then backflipped on it.

What we ended up getting at Hastings was a hodgepodge of rubbish, including a bitumen plant being forced down the throats of the people of Crib Point. Labor's plan was clearly to industrialise the whole area north and south of Hastings. That is something that this government, this minister and this member are totally opposed to. The government is on the record many times, as the minister is in *Hansard* and as I am locally, as ruling out any industrialisation south of Hastings. However, it was not surprising to see Labor being caught up in that sort of trap, because it had no plan to deal with the growth. It is unable to handle money, unable to handle the economy and certainly unable to handle major projects, so of course there would be trepidation when talking about a project the size of the port of Hastings redevelopment. Labor has also been unable to plan for growth, and we certainly saw that and experienced it with each budget release. The figures were never accurate; even the growth figures for the state were inaccurate.

Having said that, it has been fairly clear that there is going to be significant growth in throughput at our ports. At this point in time growth is around 2.58 million TEUs (20-foot equivalent units) and the port is bursting at the seams, so the current minister has put in place a plan that is going to take us into the future. Under this government and under this minister the ports portfolio has moved from being in a decrepit state into being not just a good news story but a great news story.

Mr Foley interjected.

Mr BURGESS — The evidence of that great news story is partly held in the figures for overall trade at the port of Melbourne from 2011 to 2012. Overall trade has gone up by 9.1 per cent, and I am sure the member for Albert Park will be very pleased about that; he is looking enthusiastic. That means it has gone from 79.7 million tonnes to 87 million tonnes. Container throughput at the port of Melbourne is up 7.8 per cent, growing from 2.39 million TEUs to 2.58 million TEUs. Containerised exports, which is a great news story for the state, are up 9.8 per cent, and containerised imports are up by 7.1 per cent.

There is clearly a lot of good news coming out of the portfolio. Certainly it is the backbone of the state, and it is growing very well under the current government and under the current minister. The current government has already fulfilled its promises to this extent with the port of Hastings redevelopment. It has removed the

ownership and control of the port of Hastings from the port of Melbourne, which the previous government had established. It has developed the independent Port of Hastings Development Authority. It has put in place the new board and put in place the new chairman, and shortly we will be announcing the new CEO. It is a really good news story for the Hastings electorate as well as the state, and it is reassuring that the obfuscation that took place over the 11 years of the previous government has ended and that we have a minister who is actually moving forward, doing something positive for the state and making sure that the future is going to be something better for the families of Victorians.

The previous government's plan, which was on the website for quite a long time, was certainly a warning to my community — for proof of that one only needs to look at the fact that the previous government was going to industrialise the whole of the Western Port area, including north and south of Hastings, regardless of the fact that it would be almost impossible to upgrade the roads to take the B-double trucks. The proposal by the previous government to put a bitumen plant there was a real problem, not only because it was proposed that the plant be plonked on the foreshore of Crib Point but also because of the fact that it was going to require 24-hour movement of B-double trucks south of Hastings on roads that could not take it. That was the kind of thing the previous government had intended for the port of Hastings.

The plan moving forward is very clear under the current government, and that is to make sure that the port of Hastings is developed within the north area that has already been put aside for the port. The plan is also to use the Westernport Highway corridor wherever possible, which means that the local towns and community can be insulated from the impacts of the development of the port by using McKirdys Road, which locals know very well. It is about being able to directly access the Westernport Highway corridor and being able to use some of the newer technologies the minister has talked about — not the ones that have been manipulated by the previous minister but the newer technologies that are available to be utilised — to do the freight haulage in a way that would be most advantageous to the local community and businesses.

It is also important to note that the previous government's plan was to use the Stony Point line, which my local community relies on for passenger traffic. It wanted to use that line for freight movement. The previous government thought that there was 1 crossing on the Stony Point line; there are 28. To move freight along there day and night in trains that are kilometres long would have gridlocked that community, and there was no plan by the previous government to do anything about that. In dealing with that it is very clear that the previous government had no plan; there was no way of developing things to satisfy the growth that is coming through the ports. Under this government and this minister the ports portfolio is a really good news story for the Victorian community, and I commend the bill to the house.

Mr NOONAN (Williamstown) — I am very pleased to make a contribution to this debate on the Port Management Further Amendment Bill 2012. I listened to the member for Hastings reel off all the great statistics around record trade and container movements. I also listened to the member for Hastings have a crack at the member for Tarneit for 10 years of inaction. I remind the member for Hastings about the channel-deepening project. The channel-deepening project has secured the port of Melbourne for a generation to come as Australia's no. 1 container port. Under the previous minister's watch the port of Melbourne entered the top 50 ports in the world. In relation to Labor's legacy, and indeed the member for Tarneit's legacy as minister, I would just remind the member for Hastings that the Liberal Party opposed the channel-deepening project for a period. It wanted to lock it up in parliamentary committee processes. It wanted to stall it. It would not get behind it. The then shadow minister did not want to know about it. That is the truth.

Mr Burgess — On a point of order, Acting Speaker, I have a great deal of respect for the member for Williamstown, and he is aware of that, but he is falling into the trap set by the previous minister of being manipulative with the facts. The fact is that the Liberal-Nationals coalition in opposition did not oppose the deepening of Port Phillip Bay.

The ACTING SPEAKER (**Mr Northe**) — Order! I do not uphold the point of order, but I ask the member for Williamstown to confine his comments to the bill.

Mr NOONAN — I think I have made the point. I thank the member for Hastings for his assistance. The Labor opposition does not oppose this bill. In fact, we are happy to support any bill that is about improving safety and environmental management, both of which are Labor hallmarks and a proud legacy of our time in government. Indeed, I note from the minister's introduction that he talks about this bill as being small, which is in keeping with the tenor and performance of his government.

In a minute I will come back to some of those small changes detailed in this bill, but firstly I point out that

the bill builds on hallmark Labor legislation and action in regard to the safety and environmental management in our ports. Requirements for these were amended and strengthened back in 2003 to meet gaps in the management of ports identified in 2001 in the Russell report entitled *The Next Wave of Port Reform in Victoria*. Those Labor reforms in 2003 included new requirements for port managers such as the Port of Melbourne Corporation to develop both an environmental management plan and a safety management plan.

Those opposite should note the fundamental concern and commitment that Labor had when it was in office to make safety and the surrounding environment a priority of port management. Section 91D of the Port Management Act 1995 is very clear about the requirements of safety and environment management plans. It states:

> (1) A management plan must —
>
> (a) identify by a description, map or plan the area or areas of the port lands and waters to which it applies;
>
> (b) identify the nature and extent of the hazards and risks associated with the operation of the port;
>
> (c) assess the likely impact of those hazards and risks on the port and the surrounding area;
>
> (d) specify the measures and strategies to be implemented to prevent or reduce those hazards or risks;
>
> (e) nominate the person who is to be responsible for implementing those measures and strategies;
>
> (f) set out the processes to be followed to involve tenants, licensees and service providers in the port with the implementation of the management plan;
>
> (g) set out the procedures to be followed for implementing, reviewing and revising the management plan.

I will refer to those in some detail because it demonstrates just how comprehensive the Labor reforms were and contrast this with the bill we are debating, which is a small change, a mere tweaking, although the issues themselves — safety and environment — are of significance.

With regard to the safety and environmental management plans, or SEMPs, as they are referred to, this bill in clause 6(4) does not, as the minister claims, establish a set of objectives for SEMPS but simply adds to what is already included and implied in the existing statement of objectives.

In reference to clause 6(4), I admit to being somewhat bewildered by the words and phrases in brackets in the new paragraph (h) to be inserted after section 91D(1)(g). These include '(if any)' and '(as the case requires)'. It seems there is almost a reluctance on the part of the Baillieu government to acknowledge the need for safety and environmental management measures to be implemented.

I hope the mantra for cutting red tape, real or imagined, does not come at the cost of the environment and safety of the port. The caution of this government in its drafting of this bill has gone overboard even more in clause 7 detailing the new section 91FA with the further use of the words 'if any' in brackets. In my view this demonstrates a reluctance by the Baillieu government to move in the area of safety and environment.

I have looked at the current port of Melbourne SEMP, which is available on the website. It is a very comprehensive document. For all our sakes, particularly those who have electorates adjoining ports, I hope the SEMPs continue to be comprehensive as well as being the subject of continuous improvement. There are serious issues to be addressed when it comes to the safety and environmental management of our ports. Accidents can happen, but accidents can also be prevented.

Members may recall, and I am sure the member for Albert Park will remember, that there was an oil spill off Point Gellibrand back in August 2009 which took nearly three days to clean up. Oil was washed up over about a 300-metre stretch of beach between St Kilda pier and the St Kilda sea baths. Investigation into that incident showed that there were strong winds in the morning when the ship was discharging its crude oil. It moved off its moorings and broke the oil line connecting the ship to the shore. Fortunately only limited damage was done, but it enforced the need for continuous improvement of SEMPs, both to avoid repetition of that incident and to mitigate the effects of any possible future event, unwelcome though it would be.

Similarly, people will remember, I think it is now more than 20 years ago, the events of Coode Island and the issues surrounding having major hazard facilities within the port environs. These are serious issues and need to be addressed by the government of the day.

Interestingly, the planning minister acknowledged through the Ports and Environs Advisory Committee's work the need to preserve safe buffers between a port and nearby communities, but made a decision not to apply such a buffer over a development site at

Williamstown that just happens to be partially owned by Ron Walker and other developers. One can only imagine why it has made such an exception in that particular case, but I will not go any further on that.

On the issue of storage tanks and the accidents that can occur, they can occur for all sorts of different reasons such as lightning strikes, equipment failure, cracks or ruptures and static electricity. In researching for the debate on this bill I discovered that there have been over 250 incidents around major hazard facilities in the last 40 years across the world. In fact, in the last two years there was a massive explosion at a Chinese port during the crude product transfer from a ship, with 2000 firefighters engaged for 15 hours to bring it under control. This was considered a world's best practice facility operated by PetroChina. We must take the issue of safety around ports seriously. We cannot afford to drop the ball on this issue.

The key here is to minimise risk. Minimising risk requires good planning and a cautious approach; hence the importance, in my view, of ensuring adequate buffer distances as described by the Environment Protection Authority and WorkSafe in their own guidelines. I note once again that the Minister for Planning has ignored those buffer distances in relation to the Williamstown development when we have a bill sitting before the Parliament which is about strengthening safety around the port. On a number of occasions in this Parliament I have referred to the need to preserve those safe distances between major hazard facilities within the port precinct and nearby residents. I would be interested to hear from government members about why that contradiction exists.

To go back to where I started, any bill that strengthens safety in the port will be supported by the Labor opposition.

Mr MORRIS (Mornington) — One thing that members on this side absolutely understand is the central and critical role our maritime trade plays in the Victorian economy. It is absolutely critical to the success of our economy, export and import trades and primary industries. We have heard many times in this house about the important role the maritime trade plays in exports, particularly in the dairy industry. There are two things that the government can do in terms of ensuring that maritime trade continues to succeed. We have the largest port in Australia, and we want to make sure it stays that way. We want to make sure that we are preparing for future opportunities and growth. The two things we need to do as a government are to make sure that the legislation and the infrastructure are right. Though it is relatively small, this bill makes sure that the legislation we have in place is appropriate. The actions of members of the Baillieu government in the relatively short period we have been in office underline our commitment and determination to get those things right. When you look at the most recent figures, released for the port of Melbourne for the year ending 30 June, you can see that trade is up 9.1 per cent to 87 million revenue tonnes, container throughput is up 7.8 per cent, container exports are up 9.8 per cent and container imports are up 7.1 per cent. Dry bulk is up just under 21 per cent, liquid bulk is up just over 21 per cent and motor vehicles are up 4.5 per cent. There was a total of 3379 ship visits in the year ending 30 June. It was a very strong performance, and we need to make sure we keep it that way.

When we consider the growth in the port over the last decade — a growth of around about 1 million extra TEUs, or 20-foot equivalent units — it is clear that it is incredible growth. It is even more incredible when you consider the relative neglect that was lavished on our ports over that period. I want to contrast the approach that the coalition has taken with the development of our ports with the approach that was taken over the last 10 years. Some members will recall that when Premier Bracks came to office in 1999 the report on the former Kennett government's Victorian ports strategic study was just about due to be delivered. I think it might have reported in the period during which there was some discussion about who was going to form the government. When it was delivered to Premier Bracks's office, what did he do? He locked it in the cupboard, put the key in his desk drawer and forgot about it for two years. After two years had been lost he thought, 'We had better appear to be doing something', so it was dragged out, dusted off and put out for public consultation. Then, at the end of all that time, it was basically abandoned.

The state lost four or five years in terms of getting on and making sure that our ports had the infrastructure that they needed to develop. We had the channel deepening project, and I recognise the excellent work done by the port of Melbourne in terms of getting that project done. There were certainly some dangers there, but the port of Melbourne got it done. However, what happened after that? Absolutely nothing. We heard from the former Minister for Roads and Ports earlier today as he engaged in all sorts of selective quoting and putting together of media releases, trying to add 2 and 2 and get minus 16 — without success. When you look at his record over the period of his stewardship, you can see it is one of doing absolutely nothing.

I contrast that approach with that of the Baillieu government. We have already had two significant announcements in this calendar year: $1.2 billion for the construction of a new container terminal at Webb Dock and upgrades at Swanson Dock, and in June a further $400 million for the consolidation of the automotive trade at Webb Dock. That initiative particularly will do a huge amount in terms of improving the way the automotive imports are handled. It will result in significant improvement in efficiencies and traffic patterns on roads in that area.

As a government we have also unbundled the port of Hastings, which the former government decided to roll in with the port of Melbourne, virtually eliminating any competition. We have unbundled the port of Hastings and commenced the process to get it going. That will be a significant asset, particularly to south-eastern Melbourne in the medium term. When you look at the huge growth in port trade generally and in the south-eastern suburbs you can see that most containers do not travel all that far from the port. When you look at the industry in that area you can see it will be a significant asset.

We have the biggest port in Australia. It gives this state a significant competitive edge, and the government is determined to make sure that we keep that competitive edge, develop it and make it available to future generations. I contrast the approach taken by the current government. The former government procrastinated and refused to take the necessary decisions. In opposition it is opposed to the Webb Dock expansion and the east–west link. It seems to be opposed to the development of our maritime trade, and one can only conclude that it is opposed to jobs growth in this state as well.

As I said, this is a relatively simple bill. Essentially it comes down to three aspects; changes to the safety and environment management plan, changes to the hazardous port activities area and changes to the port development strategy for Geelong. There are some issues with the safety and environment management plans achieving the necessary integration. The proposed changes simply make sure that duplication in the requirements for port managers is eliminated and that there is better communication and greater consistency between the regulators. These changes are widely supported.

In terms of hazardous port activities, the principal act was changed in 2009 to give the Port of Melbourne Corporation statutory powers to regulate hazardous port activities — that is, the transfer of dry and liquid cargoes and so on, the transfer of liquid fuel and non-cargo liquids, which is otherwise known as bunkering, as well as hot works, which are things like welding, thermal, oxygen cutting or heating, spark-reducing activities and so on. The difficulty was that the transfer of liquid fuel and non-cargo liquids — that is, the bunkering activities — were not included in the definition of hazardous port activity and the bill makes that necessary change, eliminates the duplication which currently exists in that area and eliminates the potential for confusion in that area.

Finally, a very important part of the bill is the issue of the port development strategy for the port of Geelong, which, of course, is a rather different situation where there is a fragmented operating structure. With the passage of this bill the Victorian Regional Channels Authority will undertake the task of planning for the Geelong port. The port itself is currently doing it as the largest landowner. The channels authority will take it over, and that is important to get a consistent plan for the port of Geelong. That is likewise supported by the port managers.

As I said at the outset, this is a sector of the economy that is incredibly important. It has the capacity to power growth into the future, and to provide opportunities for future generations. It is important that we get the legislation right, and it is important that we get the infrastructure right. Over the last 18 months or so we have taken action to get the legislation right. We have had some very significant announcements in terms of investment in infrastructure and growth for the future. We have a very exciting program for both Webb Dock and Hastings and for the necessary road infrastructure as well. It is an excellent plan and an excellent investment in Victoria's economic future, and I commend the bill to the house.

Mr FOLEY (Albert Park) — I rise to make a few brief comments in regard to the Port Management Further Amendment Bill 2012. It is always a pleasure to follow the attack dog from Mornington; I take it his contribution is really a bid to have a container port handling facility at the dynamic and thriving port down in his electorate. Perhaps he could speak to his friend the Minister for Ports, who is at the table.

We know ports are vital to the economic future of Victoria and no more so than the largest port container facility in the country, which is the port of Melbourne, substantial parts of which operate from the district that I have the honour of representing in this place. Of course the opposition does not oppose this bill, because anything that does the workers, the surrounding communities and the environment of ports a favour in focusing on safety and environmental management is

an important issue. The sad truth is that constituents of mine have died on the waterfront. In the time that I have been the member for Albert Park people have been crushed to death by containers. It is an extremely serious issue, and when it happens the workers, their union and the management are all incredibly serious about it, so any measures that put a greater emphasis on the reporting processes of port operators to take those issues seriously is to be applauded.

As my friend the member for Williamstown said, we will be making sure the emphasis this bill purports to place on those important areas is delivered in reality. I am sure the minister and the government are serious about this, because there are some things that transcend the day-to-day battles in this place, and making sure that workers come home alive from their jobs is one of them. In that regard these are very significant issues indeed, as are the environmental performance measures, which are not hugely changed by this bill but which nonetheless port operators are required to deal with.

When we talk about port operators, essentially, and with all due respect to the other privatised ports, the vast bulk of what we are talking about in Victoria comes in and out of the port of Melbourne. In that regard when we hear contributions to this second-reading debate about the vision that this government brings to the issue of ports, we are in the position of having to contrast what the government says with what it does as being perhaps two different opportunities. What one cannot accuse this minister of on this issue is anything other than a lack of confidence, because he exudes confidence.

But if confidence is a prize given to the mediocre, then this minister exudes that confidence and that mediocrity by the shovelful. What we know from this mediocre minister is that he is promising the world to a lot of people but he is not in a position to deliver much of it. So when the minister talks about his vision for Hastings and promises dedicated rail and road routes, he knows in his heart of hearts that he is deluding the member for Hastings and his community into believing that this is somehow or other going to be delivered within the budgets that he talks about. He knows that the time frame, which has grown almost on a monthly basis from 8 years to 15 years — and it is rising — has to be dealt with as not much more than figments of his imagination.

The one thing we do know that is going to happen — that is, the $1.6 billion of extra debt that the minister is going to burden the Port of Melbourne Corporation with through the port capacity and car import and export and related facility proposals, the largest proportion of which will take place at Webb Dock in my electorate — is that those arrangements appear at least to be on the government's immediate priority list, and unlike the minister's cruel hoax on the people of Geelong and unlike his promise of a magic pudding for the people of Hastings, we know at least that the Port of Melbourne Corporation is in a position to deliver on the port capacity expansion project that this government has charged it with.

In that respect this is not a position that anyone who supports jobs or the driver of the economic engine room that the port of Melbourne is to Victoria and to south-east Australia can oppose in good confidence, but what we can do is hold the government to account to ensure it delivers the project it says it will deliver. That is where we start having some difficulty in matching the government's rhetorical position with reality because, of course, while we all want the best environmental and health and safety arrangements that are possible, we know that the position the government is bringing to the port capacity project has been designed deliberately to avoid those things.

The minister's spokespersons are on the record as saying they will not be seeking to appoint the highest economic tests to the site. They will not be seeking the highest environmental outcomes. They will not be seeking the best arrangements that can be independently oversighted and delivered not just to the Webb Dock community but, by extension, to the surrounding communities that the freight will be moving in and out of. We know this because the spokespersons for the various ministers — the Minister for Planning and the Minister for Ports — have been quoted on a number of occasions now ruling out calls for an environment effects statement. The reason they have done this is that they say one thing in here and in their media releases, but when it comes to the reality on the ground they are nowhere to be seen in matching that.

We know that the Port of Melbourne Corporation operates through its city port policy whereby it knows that it operates the largest container facility in Australia in the middle of an increasingly urbanised community — an urbanised community that under the Minister for Planning's vision is going to have 63 000 more people living right on top of it at Fishermans Bend, if the government's vision is delivered there. We know that the Port of Melbourne takes its responsibilities about engaging with communities seriously, yet at the same time when it comes to ensuring that that communication and engagement with communities is based on world best

practice, we know that this government has gone missing.

That is why in particular I have called for the Port of Melbourne Corporation board led by its chairperson, a former member of this place and a former minister in the Kennett government, Mr Birrell, to make sure that world best practice is delivered not only in practice but in partnership and consultation in a transparent, open and accountable way. These are the very factors that this government paraded to the people of Victoria in 2010 that were to be the hallmarks of its administration: that it does it in a way that makes sure that issues such as road management and freight impact on communities and issues around noise in what is a major industrial 24-hour-a-day, 7-day-a-week industrial facility will be world best practice; that issues around light spills will be dealt with according to world best practice; that the environmental impact on some of the surrounding marine and wildlife areas will be dealt with; and that it makes sure that the areas around the award-winning Westgate Park, which won the Landcare award for urban parks in 2010, are also taken into account rather than being seen as handy places to put roads through.

We know that these are the measures that a port operating in a city would be serious about delivering and that a government which is serious about being open, accountable and transparent would welcome. Instead we have had categorical statements made by the two ministers responsible, the Minister for Planning and the Minister for Ports, that, no, we will not have those highest possible standards, we will not have world best practice and we will not have any transparent process whereby communities can have confidence that these arrangements are being dealt with. On that basis there seems to be a world of difference between what the government says it will do in ports and what its position is in reality.

Ms McLEISH (Seymour) — I am pleased today to be able to speak in the debate on the Port Management Further Amendment Bill 2012. This is a fairly simple bill, but it proposes a number of amendments to the Port Management Act 1995 in relation to improving the requirements for safety and environment management plans, and that is pretty important for a number of reasons which I will touch on shortly. It will also improve planning coordination at the port of Geelong and will make minor improvements relating to hazardous port activities regulation at the port of Melbourne. One of the reasons I am very keen to speak on this bill is that I think the area of ports, and in particular their importance to the economic success of the state of Victoria and also rural and regional areas is paramount. Also having a strong port sector supports Victoria during periods of growth and development.

I want to touch on how we are doing in that area, because there have been some pretty important developments in Victoria and there are certainly the growth and figures to demonstrate the success that we are experiencing at the moment. I want to draw the attention of members to the 9.8 per cent increase in containerised exports, which is pretty darn good when you look elsewhere in the country or even internationally. Those areas are experiencing increases of 2 or 3 per cent, but we are way up there. It is particularly good in light of the very high Australian dollar, which people say is working against exports, but in Victoria we are lucky that we have systems and processes in place that work for us. I also look at the success of the current agricultural yield. We have bumper crops, we have great grain loads and we have fabulous product coming out of the dairy industry, which are all really contributing to our high export figures. At the same time we have a pretty impressive increase in container imports, which are up by 7.1 per cent and which highlight the current success of our imports.

I now want to draw the attention of members to a very recent joint statement by the federal Minister for Infrastructure and Transport and the Deputy Premier, which talks about more grains on trains for the Wimmera-Mallee region. What this actually means is having better infrastructure facilities up there, some of which are heading towards Portland, Geelong and the Melbourne ports as well, and having the train facilities to get freight off the roads and onto trains, which I have heard this afternoon is particularly important for the congestion issues that so many of us experience.

It is also very important to grow port capacity. But with this growth we do not want to see ships tied up in the bay and we do not want them to go interstate either, so it is really important that we have a plan to develop and grow port capacity. I am pleased with the announcement by the Premier of the government's decision to approve a $1.6 billion expansion of the port of Melbourne. While there will be expansion of facilities at Webb and Swanston docks, I want to touch on some areas in response to the comments made earlier by the shadow Minister for Ports about increased congestion on the roads. What he is failing to take into account is that some of this expansion will reduce congestion on the roads.

A new pre-delivery and inspection facility is proposed. Currently when imported vehicles arrive at the port they skip over the West Gate Bridge to Altona to have

the bits and pieces which they do not come with added to them. They then come back, so they travel over to and back from Altona. The new inspection facility will be built at Webb Dock, which will alleviate traffic congestion on the West Gate Bridge. An empty container park will be built there as well, so containers will not need to be sent away and then returned to the port. This measure will reduce traffic congestion. Not only will these facilities be built but a new port road will be developed, which is going to have easy access to and from the M1.

We are not just coming up with 'no plan' and a 'potpourri of ideas' and dumping them, which I think was the comment made by the shadow minister. We actually have a strategic plan in place that will look at the overall performance of the ports, not just their development and expansion but how they work in with other infrastructure in regional Victoria as well. That is particularly important for me.

I want now to touch on the safety and environment management plans that are included as part of this bill. When we look at the safety and environment management plans we see something that is paramount — the safety of all workers. I know that all members in this chamber feel very strongly about this. It is integral to the health and safety of not just the workers but also of the area. I have worked extensively in the mining and construction industries and know about the emphasis they place on having good workable safety and environment management plans.

What we have found so far with the one that is currently in place — the 4 commercial ports and the 14 local ports under the Port Management Act 1995 — is that they are required to prepare these safety and environment management plans but that in reality they have probably been a bit more process oriented than outcome oriented. There is no point going through the motions of ticking the boxes and saying, 'This is being done', without it being live and really making a difference.

Therefore we are working towards making this much more of an outcome-oriented plan, so that you can see the real results and that good initiatives are making a difference rather than people being caught up with saying, 'We need to do this, and we need to tick the box'. The intent is to integrate the thinking and planning on a whole-of-port basis and to simplify the requirements for port management or for the managers to eliminate duplication and promote communication and consistency between regulators. This is a particularly important element. It also touches on the hazardous port activities. If we look at some of the hazards of the port of Melbourne we see things such as the transfer of fuel between vessels and wharves, as well as hot works and lots of weights and heavy gear that are required to do the work of a well operating working port. Addressing some of these issues is particularly important as well.

There is also the issue of the removal of the words 'and certified' from the Port Management Act. This certification creates unnecessary duplication, so by removing those words, we remove quite a bit of red tape — and I imagine that that paperwork is part of the process I talked about, ticking the boxes, which is not tangible in terms of some of the outcomes.

I commend the work that the minister and the coalition are doing in this area. We have a clear, long-term vision, and I was shocked to hear some of the comments made earlier by the shadow Minister for Ports. He was banging on about the research he has done on the website and — goodness me! — I think you can do a lot better than coming up with research on websites for policies. He should go out and speak to the stakeholders. In this case they would demonstrate widespread support. The key players in this area, such as Transport Safety Victoria, the Environment Protection Authority and WorkSafe, strongly support this measure, and it would be better were he to talk to some of the key stakeholders rather than relying on just a website for policy development.

The coalition has a very strong, long-term vision for the development of commercial ports in Victoria, and improving the standards and efficiency at those ports is absolutely paramount. Some excellent work has been done by the minister to bring things along very quickly, whereas the previous government was reluctant to make decisions and was perhaps a little too scared of making decisions that were for the economic benefit of the state. But in 18 months the government has moved very quickly to develop our approach and support the expansion. The port of Hastings is on the move as well, so the coalition is doing some fantastic things to develop the port strategy in this state. As a regional member I can see the benefits this has for supporting agricultural exports. I commend the bill to the house, and I congratulate the Premier and the Minister for Ports on their great work.

Ms BEATTIE (Yuroke) — I rise to speak on the Port Management Further Amendment Bill 2012. The opposition will not be opposing the bill. However, the bill does have some deficiencies, and I want to talk about them. The previous speaker talked about wanting to have a strategic plan that ticked all the boxes — I heard that expression several times — but we do not

want to tick the boxes, we want to get the port moving and create jobs in this state because the state is buckling under the administration of the inept Baillieu government that every day sees jobs leaving this state. Nearly 50 000 jobs have been lost in this state since the Baillieu government was elected, and that is a cause of great concern to opposition members.

I want to highlight not only the inadequacies of the bill but also some of the hypocrisy within the bill itself. In his second-reading speech the minister stated that this is a small bill which is consistent with the government's clear, long-term vision for the development of commercial ports in Victoria. I do not think there is a clear, long-term vision, because although we heard lots about the port of Hastings that was going to be up and running within 8 years, it has now blown out to 15 years. I have a little black book of projects that are marked 'Not in my lifetime', and although I plan to live to a very ripe old age and be in this house for a long time yet, this port of Hastings project is in that little black book of 'Not in my lifetime' projects.

The opposition does not see a serious plan to ensure the future development of vital Victorian assets such as commercial ports. The government avoids making decisions. It announces policies that are not researched properly and are just policy on the run. It actually makes matters worse, because people are unsure of what to do and where to invest. The port is quite valuable, and it is vital to our economic infrastructure. It is Australia's largest container port and its throughput per berth outperforms the majority of major container ports worldwide. So it is not just an Australian leader; it is up there worldwide. It contributes nearly 15 per cent of the gross state product, and more than 334 000 jobs stem from that across all industry sectors.

Other speakers, particularly the member for Tarneit, have highlighted the traffic problems that will come with the movement of containers, yet the government seems to think that building one ramp onto the M1 will solve all of the traffic problems. I just do not see it. Nobody seriously believes that one ramp will ease all the congestion. The opposition had the truck action plan, which was for the whole of that area and indeed for the whole of Victoria, but this government has ditched that. I do not know what the government will do when it has finished opening the projects that we started, because there are certainly no projects in the pipeline.

I want to talk about the increasing debt level at the Port of Melbourne Corporation. The port of Melbourne's debt levels have increased by $500 million to pay for the Webb Dock expansion. We all know about the port licence fee that was introduced by this government. It came into effect on 1 July this year, and that port licence fee raises $75 million per annum. In our view it is just a revenue-raising grab. It does not contribute anything, and in fact it damages the competitiveness of the port of Melbourne and other businesses and Victorian exporters. I know The Nationals will also be concerned about the damage that is done to exporters in particular.

I also want to talk about some of the government's confusion I mentioned earlier. The member for Williamstown talked about the buffer land around the port. He also talked about the Ports and Environs Advisory Committee. That committee was modelled on a committee that I chaired for the buffer land around Melbourne Airport — the noise overlays — to protect the airport and its 24-hour curfew-free status. The zoning stops the port and the airport from encroaching on residential land, but it also stops residential land encroaching into the buffer zones. I am advised that all the committee's recommendations were adopted, except for one site in Williamstown, which is co-owned by Ron Walker. As a matter of fact that site is only 300 metres from the Point Gellibrand major hazard facility area.

I want to talk a little bit about the position of the buffer land at the ports and the buffer land at Melbourne Airport. Acting Speaker, you may think, 'What do the two have to do with each other?', and, 'This is not on the bill'. It is on the bill because, particularly with the land that is in the buffer zone around Melbourne Airport, the Minister for Planning has said he will conduct a biennial review of all the green wedge land around Victoria. The buffer land under Melbourne Airport overlays is in the green wedge area. The minister is saying he is going to review the land around the airport every two years. I ask members opposite how being reviewed every two years provides certainty for ports and airports. Members opposite could say, 'It is logical that they will be protected', but that is not what the Minister for Planning is saying. He is saying that he will review them biennially.

I want to talk about the safety and environment management plans for the port of Melbourne. I can see that the minister at the table, the Minister for Mental Health, is very keen on environmental management planning. The bill makes some changes to streamline and clarify the current arrangements for safety and environment management plans. It establishes a statement of objectives for the management plans, and it requires port managers to set out key performance indicators directed at these objectives and future plans for risk and hazard reduction. We heard the member for

Albert Park talk about how important this is to his electorate, where residents have lost their lives in their workplace. It is imperative that managers carry out annual safety and environment management plans. An audit regime for the management plans is being put in place. This is a very good thing. The plans must be audited by a person approved by the minister, and the port managers arrange reviews of the audits and the plans.

As I said at the outset, this side of the house does not oppose this bill, but I ask the government for some certainty in planning around the port of Melbourne and also around Melbourne Airport. It should forget about reviewing them every two years.

Mr McCURDY (Murray Valley) — I am absolutely delighted to rise to speak on the Port Management Further Amendment Bill 2012. It is pertinent because ports are not just a good news story for Victoria; at the moment ports are a great news story for Victoria.

I listened to the contribution of the member for Yuroke. She said that she may never see the port of Hastings. I do not want to inquire about her health, but I will say that if this state remains in the safe hands of the coalition government, she will see it. If it falls once again into the evil hands of Labor, she may very well be correct in that we might not see the progress that we will see under this coalition government.

Day by day we are giving strategic direction to Victoria. We have secured short-term solutions in the ports, we have some medium-term projects and we have long-term goals that we have set for ourselves. It is certainly something we did not see from the previous government. In order for Victoria to prosper economically we need to get our fundamentals right. We need to get our basic infrastructure right — our roads and bridges — and jobs, as well as stability and confidence in our people and our businesses. We need the long-term view of the future that this government has.

Our ports are one of the most exciting prospects for Victoria's economic stability. We need only compare Victoria to South Australia and the way it has lost its AAA rating, New South Wales and its financial black holes, and Queensland, which has $60 billion of debt and growing. Queensland has been borrowing money just to pay its public sector wages. We are proud of the steps we are taking to secure Victoria's viability into the future, and the ports are an important part of this. Investing in our future does not always mean sexy projects that the government can hang its hat on and say, 'This is an exciting project that everybody can use today or tomorrow. We have put lights on a bridge or painted something dramatic, and everybody can get excited about it today'. This government is investing in the future, and that is what the ports are all about.

When you look at port trade globally you see there is an annual increase of around 2 per cent to 3 per cent at different ports around the world. Last year at the port of Melbourne there was a 9.1 per cent increase in overall trade. There is phenomenal growth. Container throughput increased by 7.8 per cent last year, container exports had a 9.8 per cent increase and the imports were up a further 7.1 per cent. On top of this we have increased efficiency at Swanson Dock, upgrades at Webb Dock and future development plans for the port of Hastings, which the member for Yuroke said she will never see. It is a natural deepwater port, and we are very excited about this project.

Make no mistake, Acting Speaker, around the world shipping is very competitive. It is a business. Ships come from around the world, and if they are not satisfied with the service they get at the port of Melbourne, they will unload in Sydney, they will go to Brisbane or they will simply avoid Australian cargo altogether.

I will start on the bill. The bill will keep our ports sustainable, viable and, most importantly, progressive. The main purpose of the bill is to amend the Port Management Act 1995 to improve requirements for safety and environmental management plans for ports, provide for planning and coordination at the port of Geelong and further regulate hazardous port activities to include the transfer of liquids at the port of Melbourne.

Sitting suspended 6.30 p.m. until 8.02 p.m.

Mr McCURDY — It gives me great pleasure to continue my contribution to the debate on the Port Management Further Amendment Bill 2012. As I was saying before the dinner break, the ports are an incredibly important part of our infrastructure and our future in Victoria, and it is pleasing to see the work that is being done to make sure we continue to see that the development of Swanson Dock and Webb Dock and the future development of the port of Hastings are well on their way. As I mentioned earlier, the ship owners will take very little persuading to go elsewhere if we do not provide those services — they will go to Brisbane or Sydney or they will simply not take Australian cargo — so it is important that we keep our ports progressive and in good shape. The provisions in this bill will continue to keep them sustainable, viable and, most importantly, progressive.

The main purpose of the bill is to amend the Port Management Act 1995, and there are three parts to that: to improve requirements for safety and environment management plans for ports, to provide for planning and coordination at the port of Geelong, and to further regulate hazardous port activities at the port of Melbourne to include the transfer of liquids. This bill is consistent with the government's clear long-term vision for the development of commercial ports in Victoria and the improvement of standards and efficiencies at Victoria's ports.

The bill will improve the safety and environment management plan (SEMP) scheme and the Port Management Act 1995 by ensuring that the SEMP process is more outcome focused than it has been in the past. We intend to do this by establishing a statement of objectives for the SEMPs, which are to promote improvements in safety and environmental outcomes and to take an integrated and systematic approach to risk management. As always, port managers are required to set out how they intend to improve port safety and environmental outcomes.

Certification requirements are also removed to eliminate duplication with audits and to reduce the red tape, and that is something this government has been on about quite regularly. To this end, audits will be needed for all ports every three years. Port managers will also need to provide annual reports to the minister on port safety and environmental performance.

The objectives in the bill that safety and environment management plans should address include promoting improvements in safety and environmental outcomes at Victoria's ports, promoting and facilitating the development, maintenance and implementation of systems that enable compliance with the various safety and environment duties that apply and, of course, promoting an integrated, systematic approach. A safety management plan and environmental management plan must set out many measures, and port management is to implement those in order to eliminate or reduce safety and environmental risks.

This requirement to eliminate or reduce risk is consistent with the Environment Protection Act 1970 and the Occupational Health and Safety Act 2004 and better informs port managers of their obligations. It also enables port managers' compliance with various safety and environmental obligations to be objectively monitored, and provides that an auditor must report to the port manager on the outcomes of these audits. This report must include any recommendations made by the auditor about any required changes to the plan or to the operations of the port to enable it to comply with the plan. In these circumstances it is proposed that WorkSafe Victoria, Transport Safety Victoria and the Environment Protection Authority, Victoria, be prescribed as the relevant authorities.

Lastly, the bill makes a small change to improve the hazardous activities scheme at the port of Melbourne. The transfer of liquid fuel or other non-cargo fluids by flexible hose to and from vessels or wharves has been included in the definition of a hazardous port activity. This was not included in the previous definition, and the activity was dealt with separately. Basically, the effect of the change is to simplify the regulation of the hazardous port activities, thereby reducing the red tape burden. Many regulations made under the principal act are currently duplicated, and this will alleviate that situation. It is also worthy of note that each of Victoria's commercial ports already has in place a detailed long-term land use strategy, and the content of these plans is constantly being reviewed.

In conclusion, Victoria's ports are a vital link in the productivity of this state, whether it be in the opportunities for importers to take advantage of the offshore markets, the export requirements, certainly for agriculture, or the many other business opportunities for our great state. The long-term vision is paramount. For example, the east–west link will provide greater access to ports, ease traffic congestion and continue the government's investment in infrastructure.

It beggars belief that Labor opposes this vital link. I cannot see why Labor members would oppose the east–west link. They say, 'Labor cares', but if Labor members cared, they would not oppose these upgrades and what we are trying to achieve through them. They would get behind the development of ports in Victoria, because as I said earlier in my contribution, it is absolutely vital — not to the government but to the state — to make sure that Victoria's ports are functioning well and are efficient, because they are a major part of our future. With that, I commend the bill to the house.

Mr SCOTT (Preston) — I rise to make a brief contribution to the debate on the Port Management Further Amendment Bill 2012. As has been said by previous speakers, the bill essentially has three aspects to it — firstly, it changes the requirements for safety and environmental management plans for ports; secondly, it changes the planning coordination for the port of Geelong; and thirdly, it makes changes to regulation of hazardous port activities at the port of Melbourne.

In making my contribution, I would like to touch upon the first of those aspects of the bill: the safety and environmental management plans for ports. As the shadow minister for WorkCover — and I note the Minister for Finance is at the table — I point out that ports are of course workplaces. I am sure every member of this house would like those who work in ports or associated areas to return safely home after a day's work — —

Mr Clark interjected.

Mr SCOTT — In this house.

Mr Clark interjected.

Mr SCOTT — No, you are not, either; true — —

The ACTING SPEAKER (**Mr Morris**) — Order! The member will direct his remarks through the Chair.

Mr SCOTT — I will touch upon other aspects of the bill, but it is incumbent on all of us with all pieces of legislation to ensure that we meet the requirements of safety. The opposition does not oppose improvements to safety. We have a longstanding commitment to safety. Our concerns about port management relate to our views about the Minister for Ports — and I note that he is present in the house to listen to this debate — and the inability of the government to produce what we would consider a suitable vision for ports.

I note the comments about the value and importance of ports from various members on both sides of this debate. Trade is a critical contributor to the welfare of the community. I put on the record that I am a great supporter of trade. Occasionally some commentators — not so much members of this house but in other places — seem to take a view along the lines of autarky regarding trade, and particularly the import and export of food. They talk about things like food miles as if exporting food is a negative — —

Dr Napthine — Are you talking about Bill Shorten?

Mr SCOTT — I am certainly not talking about Bill Shorten, to respond inappropriately.

I think ports and the import and export of goods and services are vital to the welfare of our community and the success of the state. The previous government took an important step through channel deepening to ensure that ports will have a positive impact on the future of the community. Ports play a critical role; it is not just about exports. Part of the purpose of exports is to facilitate trade and the importing of goods, which add to the wealth of our community. The Labor Party has a proud record of supporting controversial measures, including channel deepening, which ensure the welfare of the community going forward for many decades to come. It was a tough decision and one that was made for the benefit of the community against the opposition and fairly populist response of others in this house.

Sadly, I note that some government members have expressed their strong confidence in the Minister for Ports. I know he is quick to endorse himself. This is perhaps something that should be done by others, but he is quick to endorse his own good self. We are concerned about the government's overall policy in the area of ports, and in particular that it is made up of thought bubbles rather than an overall policy prescription. I refer to issues such as the transfer of the car trade to Geelong, which seemed to disappear into a thought bubble. I note that the minister responded quite vigorously at a Public Accounts and Estimates Committee hearing to the issue of giant driverless trucks, which I understand is one of his pet ideas. I could make a series of comments about automatons in this place, but I will leave it there, as I see you, Acting Speaker, nodding.

We do not object to the provisions of the bill and are not opposing it, but we have concerns that within this area of public policy there is not sufficient thought and consideration given to the needs of ports and the need for a comprehensive policy moving forward.

Mention has been made of the port of Hastings development, which appears to be blowing out over a period of time. We also note, as I mentioned before, the Geelong car trade, which seemed to disappear in a puff of smoke despite the promises of 1000 jobs and $200 million of economic activity that was purported to be heading the way of the good people of Geelong. Sadly, that did not last more than a short period of time until the minister's thought bubble popped.

We do not oppose the bill, so I intend to make only a brief contribution on it, but I reiterate that it is important that safety measures are in place in all ports. We will not oppose any changes that we do not believe to be harmful in this respect. It is important that every person who goes into a port or is near a port returns safely from their endeavours, whether they be work or trade.

Ports play a critical role in our community. I will say one thing: the rise of container ports, not just within Victoria or Australia but around the world — and I am sure the Minister for Ports would agree — has been one of the great drivers of international development and trade and the advancement of humankind around the

world. It is often unheralded, and not everyone celebrates it duly, but it has been one of the great drivers of the exchange of goods and services across the globe and the improvement of living standards, which we have lived through. It is worth placing on the record the value of that development and the role it has played in the expansion of trade that has in recent decades brought literally hundreds of millions of people out of poverty.

The benefits that accrue from a vigorous trade coming out of Victoria do not just accrue to the Victorian community, they also accrue to those we trade with. That is the whole point of trade: it is a free exchange of goods to improve the wealth of both parties, those who are selling or buying the services or goods. In this case ports are undoubtedly a positive aspect of our community, and supporting our ports and trade is something I hope would have the support of all members of this house.

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

Debate adjourned until later this day.

ROAD SAFETY AMENDMENT BILL 2012

Second reading

Debate resumed from 18 April; motion of Mr MULDER (Minister for Public Transport).

Mr DONNELLAN (Narre Warren North) — From the outset I would like to state that the opposition will be supporting this bill. We think it is very much a continuation of the policies we introduced in relation to hoon driving. There are some additional provisions in this bill, so it is worthy of support. The bill deals with three separate issues, one of which is something I have worked on for many years with the VACC (Victorian Automobile Chamber of Commerce) and the smash repair industry. It relates to a standardisation of statutory write-offs, specifically in relation to cars which have been crushed, and to a stricter criteria for when cars are statutorily written off, instead of allowing them to be an economic write-off.

For many years there were inconsistencies across the country in relation to what was a statutory write-off. This bill brings that standard into line across the country so that cars which are statutory write-offs are not rebirthed or repaired and put back onto the road in a dangerous state. The bill identifies crash zones and the like which would stop a car being repaired, meaning it would be a statutory write-off. For many years there have been far too many incentives for some less reputable insurers and the like in the industry to identify a car as an economic write-off as opposed to a statutory write-off, even though these vehicles may have been unsafe to repair and the actual structure could not be actually reshaped, taken with a jig or the like and straightened. This bill brings the situation back to where it should be, with safety being the paramount concern and with a standardised method for identifying this.

I know many people at the VACC and in the smash repair industry who will be very happy to have a national standard set up so that in the future they do not come across cars which should never have been repaired or cars which were in another accident and part of the reason the second accident may have occurred was because the car should never have been repaired in the first place. I know that Gerry Raleigh, who has fought against such things for many years, including the practice of dangerous cars being repaired in a dodgy manner, will be very happy. I know the VACC smash repair division will be very supportive of this bill, and as I said, the opposition will definitely be supporting the bill.

The second part of the bill provides for safe-driving courses for hoons. These courses are for people who have been found guilty of hoon offences and who have had their car impounded or immobilised in order for them to complete an approved safe-driving program at their own cost. Sometime later this year VicRoads will put out tenders for people to provide safe-driving courses. Anything that can minimise recidivism in people who have been caught behaving that way is very worthy. I certainly hope the safe-driving courses in a sense shock those people who behave in a stupid manner into not behaving like that in the future.

Safe-driving courses are an appropriate requirement for hoon drivers, but concerns have been raised about getting providers across the state to provide such courses. If some parts of the state do not have providers, it will be very difficult to get people who have behaved like hoons into the safe-driving courses so they can get their licences back and get back on the road. I encourage VicRoads to have providers from one end of the state to the other so that there will be a capacity for everybody to actually do a safe-driving course if they have been caught behaving like a hoon. That is a sensible idea, and hopefully above all else it will minimise recidivism so that we do not have hoons who have been caught once going out on the streets and doing it again and potentially killing other people or themselves.

The third part of the bill deals with vehicle impoundment and the immobilisation scheme to try to speed up the process for getting rid of cars, or selling cars, if they have been abandoned or if the particular individual does not come to collect a car.

What it does is provide the police with a longer period of time to issue surrender notices for vehicles. This is obviously in relation to things like blood tests and oral samples, the results of which may not come in immediately. It gives police more time. It ups it from 48 hours to 42 days, and that is very much a sensible move because obviously sometimes the results of these blood tests or oral samples will not be available immediately. It provides police with search and seizure powers to move an abandoned vehicle from a location where it is causing a hazard. Police will also be able to clamp cars and leave them on site instead of towing and impounding them, because the issue with towing and impounding these vehicles is that it just increases the cost for the state, and that is not the purpose of the exercise. The purpose of the exercise is to push the cost back onto the individual who has behaved as a hoon, to ensure that they suffer the full consequences of the law and pay for the administration of the law in the first place. It is part of a cost recovery for police and for the Department of Justice, and I think it is very well worthwhile.

Another provision in the bill orders the owner of a vehicle to prove within 30 days that their vehicle is not abandoned through its collection, but with the proviso that there are appeal rights to the Magistrates Court. Some of these owners will abandon their vehicles and leave them behind because they do not believe they are worth picking up — because they are not valuable enough and so forth — and this provision allows police to sell such vehicles quickly. I understand there have been delays: VicRoads has indicated there were delays sometimes of between 6 and 12 months, or possibly more, before they went through the full process of actually selling these vehicles. So I think that provision in the bill makes the process quicker, gets rid of the vehicle sooner and provides funds to administer the law.

It allows for the punishment by sale or disposal of the vehicle impounded or abandoned prior to the outcome of proceedings against the individual. Now, I guess there would want to be a little bit of caution with that, but I would hope that authorities would get it right. I believe there is a capacity for compensation if it is done incorrectly. It is very much a matter of speeding up the process, which is what is required. As I mentioned, there are safeguards in place so that if a person with a proprietary interest in a vehicle is not charged, they must be compensated. I think that is worthwhile.

This bill very much continues the legacy of the previous government, which focused on issues of driving safety. We had a very good record. We introduced the legislation around 2006, and up to the finish of the government's term I think over 10 000 vehicles had been impounded, which sends a very clear message to those who drive like hoons that their behaviour is totally inappropriate and dangerous. This was part of a safer roads program that we put in place and which over successive years reduced the road toll from 444 in 2001 to 288 in 2010. The previous government also expanded the impoundment and immobilisation scheme, but there had been delays in this process of getting rid of and selling the vehicles, so this legislation is required to speed up the process.

The previous government allowed for cars to be sold and crushed with proceeds going to the victims of crime, which I think was appropriate because at the end of the day these people who abandon the vehicles are committing crimes. As I have said, this continues the legacy of the previous government, but in many ways it is not part of a total program, which concerns me. In a sense, yes, I support the idea of getting the cars of hoons more quickly — impounding them and the like and minimising the cost to the state.

Mr Herbert — When are we going to get new legislation from this government, rather than just tacking it onto ours?

Mr DONNELLAN — Yes, that is true; but it does need to be part of a broader road safety strategy. What we have seen in the previous budget is a reduction in funding for road safety. This is an important part of road safety, but the present government is reducing the funding for road safety from the proposed $50 million, which we had in our forward estimates in our last budget, to approximately $17 million — and a full plan still has not been released. To reduce deaths on roads you really have to implement a total program — not just piecemeal additions to hoon legislation and the like, but fully fund a road safety program and actually have a plan.

You may be fortunate in some years to have the number of road deaths go down, but it is through a collective effort from all the agencies — whether the TAC (Transport Accident Commission), the police, road testing authorities and the like — or in other ways, such as through education programs that reduce the number of deaths on our roads. At this stage the government is still to release a full road safety action

plan, and I would encourage it to move on that issue. I know many members of various institutions involved in this space — whether government or non-government institutions — are concerned that to some extent the government has not focused in on this issue and that the minister needs to focus in on this in a more concentrated manner. Sure, the road toll is down — and that is very fortunate and welcome — but at the end of the day, if you do not actually have a program, you are not going to continue to reduce that road toll.

The other day we heard on 3AW that John Thompson from the TAC had done some studies which identified that many people — and I think it was the majority of the people who were interviewed — believed they had driven while over the legal blood alcohol limit at some time in the past year. I think the figure was 80 per cent. It could be wrong, and I would have to go back and check that; but that is a pretty startling figure. Obviously in many ways the message is still not getting through to many people that you need to drive safely and you certainly cannot be under the influence of alcohol when you are driving. That TAC study which John Thompson was talking about to Neil Mitchell very much highlighted the dangers that exist on our roads. They are that people still believe they can drink drive, and the only deterrent to that is the belief that they will be caught at a road testing station.

If we are looking at a new road safety plan for this government, I would encourage the idea of looking at more road testing. Under our government I think the amount of road testing substantially increased. I cannot remember what the figure is, but realistically the only way to actually stop — —

Mr Herbert interjected.

Mr DONNELLAN — I thank the member for Eltham for his contribution. At the end of the day road testing is the only way to encourage such people to stop drink driving. I have noticed that there have been various incidents of road testing; I saw one on Tuesday afternoon in the city of Casey, down at Hallam South Road. I would like to see more of that, because that is the only thing that gets people like this, who believe they can still be drunk and drive, to change. It scares them into behaving in a better way. If we have to scare them, we have to scare them. You would hope that over time it will get through their thick skulls that that is not an appropriate way to behave.

As I have said previously, this bill continues the legacy of the previous government. It relates to hoon driving, but even if you look at road funding and the like, it is all part of a safety program. I have tallied up the figures for the existing and future projects of the Department of Transport in roads in the last budget. If you look at the total figure — which I think is $4.6 billion over the forward estimates period to beyond 2013, to 2014 — the only funding which has actually come from this government is $403 million. The majority of the funding was from the federal government and from the previous Labor state government, so there is a very limited increase in road funding from this government; I think there was $120 million in the last budget for new road projects. So about 10 per cent of all the projects in roads in this state are funded by the current government, and the majority are actually legacies of the previous state government and the current federal government. Funding of $120 million around the whole state, separate from the roads and bridges program — which is very much for councils and not for VicRoads projects and like roads — is not a lot. If you are going to make the roads safer, you have to spend more money.

I have been down to South Gippsland recently. I have been to parts of the south-west of Victoria, and many of those roads are in a terrible state, including some of the major roads, like the South Gippsland Highway and the Woolsthorpe-Heywood Road. Roads like that are used for both business and pleasure, and they are in a terrible state. You can only improve safety on these roads by making them viable for people to drive down for the purpose for which they are there. If you look at the Woolsthorpe-Heywood Road — it is for B-double trucks and like — the road disappears before your eyes as you are driving along. One minute it has bitumen, the next minute it has no shoulders and before you know it it is back to a dirt road. It goes back and forth. That is totally inappropriate. If we are looking at road safety, those basic things — having basic maintenance and construction and ensuring that shoulders are on the road — have to be there.

It is a bit like the school crossing program, which the government has not funded. I think the funding was expended sometime earlier this year. As identified in a VicRoads letter to a local school in the Dandenongs, there will be no funding for school crossings. School crossings are basic to ensuring safety, because we know children will sometimes cross the road and that people might not be aware that schools are just around the corner. You need treatments — electronic signage or the like — to deal with this substantive safety issue. If you are a government that is deadly serious about road safety, this is one of those programs you would definitely continue to fund, especially when you have made an announcement today that you are going to extend the 40-kilometre-an-hour speed limit zones around schools and pedestrian-heavy areas. I would

have thought that if you are going to extend those zones, you would have to actually fund them. To read in a letter from the senior VicRoads manager that there would be no further funding — the terminology was that the funding has been 'expended' — for school safety programs is very disappointing.

I think this bill goes a small way to improving road safety in Victoria, but it is not part of a total program. It is continuing the legacy of the previous government. I would encourage this government to develop its own road safety plan and fund it fully, not to have a paper thin road safety plan and hope, more than anything else, that the road toll decreases. I think to date there has been $2 million allocated in this financial year out of a total $17 million for road safety, and I do not believe that will reduce the road toll in the long run. It is unfortunate for all of us that this government has not committed itself fully to this.

I would say to the government, 'Move on. Get the road safety plan done. Build your own plan'. I am sure there is enough skill and capacity at the Monash University Accident Research Centre, the Transport Accident Commission and the like to put together a fulsome road safety plan so that we can continue to improve road safety and not lose our reputation internationally because we seem to have somehow dropped the ball and lost interest in this space apart from some small contributions to road safety through this current bill. As I said, we will be supporting the bill, but road safety requires a fulsome effort from the whole of government — not just small contributions — in relation to impounding of hoon cars and, as I said, the statutory write-off standardisation and the sale of vehicles. With that contribution I commend the bill to the house.

Mr THOMPSON (Sandringham) — I am pleased to contribute to the debate on the Road Safety Amendment Bill 2012. Along with a number of other members of this chamber I have the privilege in this current parliamentary term to serve on the Victorian Parliament's Road Safety Committee, and over the last 40 years that particular committee has had a long tradition of making meaningful recommendations to this place which have been implemented by the Parliament and which have led to Victoria being regarded as a world leader in the implementation of road safety measures. It is a position we have as a state, and it is not permanent. It is pleasing to note that Melbourne has been rated as the world's most livable city in a recent survey, the results of which were announced today, along with a number of other Australian cities. That is not something we should take for granted but rather it is something we need to be vigilant about in endeavouring to make further recommendations and reforms that might bring about improved road safety outcomes.

In 2010 in Australia there were some 33 000 people who were killed or injured on Australia's roads. In Victoria we are in a position where in the last recorded year we had the lowest death toll on Victorian roads, and we are making good progress this year, moving within that figure to hopefully a lesser sum by the end of the year. Behind every death there is a chain of innocent victims, be they mothers, fathers, brothers, sisters, spouses or children. We need not take the issue of road safety lightly.

The bill before the house is therefore an important bill in three respects. Firstly, it establishes a compulsory safe-driving program for drivers who have committed certain traffic offences. This particular approach implements a pre-election commitment to require hoon offenders to complete a safe-driving course. The press of recent years would record the tragic deaths of people who might be regarded as being involved in hoon driving at the time of their death where their cars have run off the road or where their speeds have been more than 45 kilometres per hour above the speed limit or over 145 kilometres per hour on a Victorian road. Those are some of the general benchmarks. If someone is caught travelling at such speeds, they will be obliged to complete a safe-driving course, which I trust will help improve their behaviour.

As I said, along with a number of colleagues who are currently in the chamber — the member for Benambra, the member for Derrimut and the member for Cranbourne — this year I have been taking evidence on the public record as part of the parliamentary Road Safety Committee's inquiry into improving the incidence and severity of motorbike accidents. We have been making a number of recommendations, which will be lodged with the Parliament before the end of the year. As we take evidence from medical experts such as orthopaedic, trauma and plastic surgeons and from articulate young people who have had the courage to come along and speak to the committee after sustaining an acquired brain injury (ABI) and narrate the tragic impact and changed life outcomes in their own particular life journey, the importance is driven home more strongly to us of improving road safety outcomes and minimising the trauma and tragedy of these circumstances.

Someone I spoke to over the course of the last 12 months put forward the suggestion that motorcyclists ride hard and die young. We as a community need to counter the inculcation of that

attitude in our younger and, at times, older motorists. I am aware of a senior Victorian who, while travelling to Canberra, reached a speed beyond 145 kilometres per hour. Whilst that would not automatically fall within the hoon driving parameters, as I understand them to be defined in the act, it would not be far short of that. There is great merit in sending people who are driving at excessive speeds or managing their motor vehicles in a manner that comes within the statutory definitions of hoon driving to a safe-driving course which could be directed towards improving their awareness of the implications of road trauma, the tragedy of loss and suffering as well as the danger to other users. They themselves might survive the experience safely, but there is also the impact on other persons to be considered.

In the press today there was a report of a young Australian who was involved in a jet ski accident overseas. He collided with another jet ski driver, who was killed. In the media today it was reported that he wished he could take the place of the person he killed. There are some salutary lessons to be learnt, and I trust people do not have to go through the direct experience but can learn vicariously to bring about changed behaviour on the roads.

The legislation before the house will send a message to younger motorists so that if they are interested in sports driving, they can find an arena where that might be possible such as Phillip Island Circuit or Calder Raceway. Hoon driving is not for Victorian roads. The bill before the house sends a very important and cogent message to people who might be prosecuted and convicted of hoon driving. The message will get out that there is a better way to drive as a result of attending and completing a safe-driving course.

There are a number of other measures in the bill, including refining the existing vehicle impoundment scheme in order to address operational issues and reduce government costs in administering the scheme. These provisions give powers to Victoria Police and detail the surrender of a motor vehicle. New section 84PB details the provisions relating to the relocation of an immobilised vehicle by Victoria Police. Locking devices are put on immobilised vehicles, and the police have the ability, if the vehicle is in an inappropriate location — it may be blocking traffic — to relocate that vehicle. There are also a number of other statutorily defined outcomes.

There is a third aspect to the bill before the house tonight which is an interesting one. It establishes new, more stringent and nationally agreed criteria for assessing whether a damaged light motor vehicle is a statutory write-off. Schedule 6, which is to be inserted in the principal act, provides a number of definitions and provisions in relation to a technical guide. Clause 3 of the schedule, headed 'Prescribed structural areas', prescribes the structural areas as the roof; each of the pillars; the floor plan; the firewall; each of the longitudinal structural rails or the chassis, as applicable; the vehicle suspension; mechanical components; and the supplementary restraint systems.

Clause 4 of the schedule also defines a light motor vehicle as a statutory write-off if it has excessive structural damage, excessive fire damage, excessive water damage or excessive stripping damage. The bill then continues to further define the provisions relating to what can be regarded as a statutory write-off. These provisions are important and of benefit to the industry sector concerned as they give greater clarification of what constitutes a statutory write-off.

In closing I go back to the work of the Victorian Parliament's Road Safety Committee and note for the record the valuable work which has been undertaken in relation to seatbelt legislation, random breath test legislation and the Transport Accident Commission campaigns that have been developed in parallel and which have led to a significant reduction in road trauma and deaths on Victorian roads. There was a campaign some 40 years ago when the number of road deaths went beyond 1034. Last year the number of road deaths in Victoria was around 279, which is a massive reduction given the increase in the number of vehicles and licensed drivers on Victorian roads. We have much to be proud of, but still more needs to be done to ameliorate the suffering and loss of not only those who die on Victorian roads but those who are maimed and spend their lives suffering enormously with conditions such as paraplegia, quadriplegia and related ABI conditions.

Debate interrupted.

DISTINGUISHED VISITORS

The ACTING SPEAKER (**Mr Morris**) — Order! I interrupt to acknowledge the presence in the gallery of the President of the Municipal Association of Victoria. I welcome Cr McArthur.

ROAD SAFETY AMENDMENT BILL 2012

Second reading

Debate resumed.

Ms KAIROUZ (Kororoit) — I rise to speak on the Road Safety Amendment Bill 2012, which is primarily focused on hoon driving. From the outset Labor will not be opposing this bill. There is absolutely no question that hoon driving is an issue that requires the attention of this Parliament. Hoon driving causes fear and concern in the general community and risks the lives of drivers and any passengers who are naive or stupid enough to get into a car being driven in such manner. It risks the lives of other road users and pedestrians in the vicinity.

While hoon driving is not confined to the young, we know that across all jurisdictions in Victoria almost half of the hoon drivers apprehended are probationary licence-holders, and of those, 98 per cent are male. We also know that young drivers are overrepresented in road crashes that result in serious injury and fatality. In 2009, 23 per cent of drivers killed were aged 18 to 25 years, and 67 per cent of those drivers were young men. This is despite the fact that that age group represents only 13 per cent of Victorian licence-holders. The tendency of young men to drive recklessly, including in a manner described as hoon driving, often results in tragic consequences and deserves the attention of all in this house.

The bill focuses on three separate issues: statutory write-offs, vehicle impoundment and the immobilisation scheme, and a safe-driving course for hoons. Labor is not opposing this legislation for a number of reasons, but there is one aspect of this bill, the safe-driving course for hoons, that I think does not provide an adequate solution. I have several reasons for thinking so. While I do not take issue with the notion of convicted hoon drivers being required to undertake a safe-driving course to satisfy the courts, I do worry about who will be providing the courses. Will they be provided by quality training organisations, such as TAFEs, or will this be a cash cow for dodgy private RTOs (registered training organisations) like those that appear favoured by this government?

These are questions that need to be answered by the government. If quality training is not developed on sound principles of adult learning, the courses will be a waste of time. We would be seeking behavioural change, but such change would not be likely to occur as a result of attendance at a course. The course itself would need to be tested and the results evaluated. It needs to be considered whether such courses would be a viable tool for achieving behavioural change.

I also note that as long as the training provider forwarded the required fee to VicRoads to ensure that the program was cost neutral to the government, it would then have the opportunity to charge attendees any fee it wished for the provision of the program. What would happen if there were limited competition to run such courses, as may occur in regional or rural areas? Any application by a hoon driver to gain an exemption from attendance will fail in the courts if the driver can gain access to a course, but only if there is a course provider. If a single provider has an opportunity to price gouge, I do not think it will hold back. While the deterrent effect of attendance at such a course may be questionable, in the circumstances I have just described one thing is for sure — individuals are going to be further alienated than they may have been prior to the experience of undertaking such a course.

The other thing I raise is that while there is no evidence that such a course will effect any lasting change on hoon driver behaviour, this government appears to be reluctant to undertake any kind of preventive measures that go to the reasons for hoon driving. A lot of people on this side of the house would agree with me that this approach has become the signature of this government, along with developing policy on the run — that is, doing what feels right at the time and finding out if it works later — rather than working out the policy beforehand and undertaking research. Have we heard of any research to suggest that this strategy will work? I do not know. I have not seen it. We certainly do not want to go back to the days of the can-do Kennett government. We want to see proper research, and we want to ensure that the government gets this right in the beginning rather than finding out afterwards that it took the wrong approach. We have seen some faces in the chamber change over time, but some have not. I hope that the modus operandi of this government is not that of former Premier Jeff Kennett. I hope it is more about ideas, research and getting things right.

Another issue I raise regarding this bill is connected to the previous issues I have raised, and it is that little or no research has been undertaken in relation to hoon driving. One answer might lie in the postcodes of the suburbs that many hoon drivers call home. It would not surprise most of us in here that the highest numbers of hoons are found in areas of disadvantage, including areas such as my seat of Kororoit in the north-west, where many people — hundreds, in fact — have had their cars impounded by police in the past year. In the *Brimbank Weekly* of 10 July 2012 Melton Leading Senior Constable Allan Edwards said that in Caroline

Springs police impounded 32 cars, which was one-third of Melton's total of 97. In Brimbank, Sunshine police impounded 173 cars, while Keilor Downs officers seized 118.

That is quite significant. The areas of Melton and Brimbank are the areas where this government refuses to spend money on infrastructure and where little private sector investment is occurring. Unfortunately this government is doing little in relation to the shrinking private sector and jobs in general, but that is another issue.

The remainder of the bill is largely routine in nature and I do not have any issue with it. Suffice to say that in general the bill is consistent with the legislative program that this government has rolled out in the last two years — that is to say, it lacks inspiration and substance. As I have said from the outset, it is important that we build communities, and Labor is more than happy to assist in building communities and ensuring our communities are safe, and on this measure the government has failed in the last two years. Labor will not be opposing the bill.

Mr BULL (Gippsland East) — I rise to support the Road Safety Amendment Bill 2012. The bill cracks down on hoon drivers, and it is one measure that all members of the house will agree with wholeheartedly. I certainly agree with it, and I acknowledge that it has bipartisan support. Among various changes, it delivers on an election commitment to require hoon driving offenders to undertake a safe-driving course. It makes vehicle impoundment more efficient for Victoria Police and it reduces government costs, which have been quite high, in undertaking this process. It will also establish new and more stringent nationally agreed criteria for assessing whether a damaged vehicle is a statutory write-off.

The crux of the bill is the safe-driving course for hoon drivers. The bill will require courts as a matter of course to order a person who has had their vehicle impounded or immobilised for a variety of offences, including excessive speeding or street racing, to complete a safe-driving course approved by VicRoads. This will go a long way to making hoon driving offenders more accountable for their actions, and I am sure the vast majority of Victorian motorists will welcome and support that. It will provide a much greater deterrent to the unacceptable behaviours that occur on our roads, and it will certainly increase the ramifications for hoon drivers. VicRoads will oversee and administer the program, approve the course providers and, through ongoing monitoring, make sure the course meets the needs it is intended to meet.

Offenders who refuse to complete one of the safe-driving courses will face further punishment. They can have their licences suspended or, if their licence is already suspended as a result of their action, a further suspension can be delivered on top of the one they have already received. The introduction of the safe-driving program, together with the recent changes which have been made in this field, such as the increase in the period of immediate impoundment for first-time hoon offenders to 30 days and the increase in the range of offences for which vehicles can be impounded, are all part of the government's tougher stance in taking action on hoon driving.

My electorate of Gippsland East has recently been the beneficiary of a number of significant road improvement works, between Stratford and Bairnsdale, between Orbost and Cann River and between Bairnsdale and Bruthen. These are significant investments. However, while road conditions are one factor in relation to road safety, driver behaviour is far more critical in tackling our road toll and accident rate. It is very pleasing to see that our road toll is coming down, but obviously we need to do more work in that area. I am pleased that the government's approach combines tough penalties with programs that encourage behavioural change. It is a very important step and it provides a firm response and a very clear message in relation to hoon driving. It makes it clear that the dangerous and antisocial behaviour of hoons will not be tolerated on Victorian roads.

Importantly, the costs of implementing and administering the safe-driving course will be recovered from the offenders, which will provide yet another deterrent for those who wish to offend and indulge in this sort of practice in that they will have to pay for the safe-driving course they will undertake. It is all about making our roads safer and lowering the road toll, and these are positive steps.

Under the current vehicle impoundment scheme impounded vehicles are frequently abandoned, and it is these high rates of abandonment that have made the scheme expensive for our state. When an impounded vehicle is in poor condition, the expenses of towing and storage must be paid by the offender before the vehicle is released. Repair costs may have to be undertaken to make the vehicle roadworthy. When combined they can exceed the value of the vehicle, resulting in some impounded vehicles being abandoned. Under the current scheme it can take an average of between 12 and 14 months for the sale or disposal of uncollected vehicles, as the current provisions prevent Victoria Police from commencing the sale or disposal process until all court proceedings relating to the initial offence

have been finalised and the appeal period has expired. The delay in commencing the sale or disposal process increases the storage costs incurred by Victoria Police which it is unable to recover from offenders. Therefore action is required.

The bill allows for the earlier sale or disposal of uncollected vehicles. If a vehicle has remained uncollected for seven days the Chief Commissioner of Police may notify affected persons that the vehicle will be deemed to be abandoned unless within 30 days of the notice it is collected or appeal rights are exercised. An affected person can then apply to the Magistrates Court for an order declaring that the vehicle is not abandoned. Obtaining such a court order would end the new process. It is expected that the new process will have significant benefits for Victoria Police. It will reduce the cost of managing the impoundment scheme and ensure that sufficient storage capacity is available for impounded vehicles. The bill provides for a similar mechanism for deeming immobilised vehicles to be abandoned if they have remained unreleased for three months, which is another positive step.

The bill makes a number of other refinements to the vehicle impoundment and immobilisation scheme. The current surrender powers are subject to time constraints. Not only must police officers wait 48 hours before issuing a notice, but the notice must be served within 28 days of the detection of an offence by a road safety camera and within 10 days of detection in any other case. These time constraints can be impractical and cause problems in a whole range of areas where more time is needed to ascertain the identity of a driver, if that is in question, or while awaiting the results of various tests including blood tests and the like. The bill removes the 48-hour restriction and extends the time available to Victoria Police to issue a surrender notice.

It provides that if an offence is detected by a road safety camera the notice must be served within 42 days and, if the offence depends on the analysis of a blood or oral fluid sample, the notice must be served within three months of the commission of the offence. This is a much more flexible and workable time frame. The bill makes valuable changes to the impoundment and immobilisation scheme, it delivers on the government's commitment to make hoon offenders complete a safe-driving course and it introduces new, stricter and nationally agreed criteria for assessing whether written-off light motor vehicles are statutory write-offs.

As I said in the house earlier today, unfortunately in my electorate of Gippsland East we have had several serious accidents in the last two to three weeks, and while I acknowledge that they cannot be attributed to hoon driving, they have certainly provided a stark reminder of the damage that can be done on our roads. With that in mind any action we can take as a government to make our roads safer and to make people more accountable for inappropriate actions on our roads will certainly be welcomed by all members of the house and the Victorian public at large. With those comments, I commend the bill to the house.

Mr PERERA (Cranbourne) — I wish to speak in the debate on the Road Safety Amendment Bill 2012. The coalition went to the election in 2010 promising an immediate 30-day vehicle impoundment for a first hoon offence with the requirement that the driver complete a safe-driving course. It said there would be impoundment of a vehicle for up to three months for a second offence and forfeiture and the crushing of a vehicle for a third offence. The Baillieu government has been slow to act against hoons. However, continuing the legacy of the previous Labor government's antihoon legislation, after 18 months the Baillieu government has finally delivered on its election promises.

According to Victoria Police, more than 18 000 vehicles have been impounded since the introduction of the first legislation in 2006. All amendments since the first enactment of the legislation have widened the range of impoundment offences. This has resulted in an increase in the numbers of impoundments each year. Again according to Victoria Police, 2584 vehicles were impounded in 2007, 3180 vehicles in 2008, 3192 vehicles in 2009, 3253 vehicles in 2010 and 3903 vehicles in 2011. As can be seen, the numbers have been steadily increasing.

The top three offences committed since 2006 have been hoon-level speeding or driving at more than 45 kilometres an hour over the speed limit in 35 per cent of all offences, improper use of a motor vehicle in almost 32 per cent of all offences and driving while disqualified or suspended in almost 15 per cent of all offences. Researchers have found that speeding is at least as dangerous as drink driving. The research has found that travelling at 5 kilometres an hour in excess of the speed limit in a 60-kilometre-an-hour speed zone carries with it twice the risk of being involved in an injury crash, exceeding the speed limit by 10 kilometres an hour quadruples the risk of a crash and exceeding the speed limit by 15 kilometres an hour results in 10 times the risk of a crash. The increased risk from exceeding the speed limits on the roads studied was about the same as driving with a blood alcohol content of .05, .08 and .12 respectively.

'Hoon speed' has been defined as exceeding the speed limit by 45 kilometres an hour or more, or travelling at more than 145 kilometres an hour in a 110 kilometre-an-hour zone. The bill defines 'hoon driving' as offences such as excessive speeding — of course at hoon-speed levels — street racing or loss of traction, and it deals with those offences. The bill requires the courts to order a person who has had his or her vehicle impounded or immobilised after committing an offence classified as hoon driving to complete a safe-driving course approved by VicRoads. There have been a number of studies over the last couple of decades examining the efficacy of safe-driving courses. In 2001 a Royal Automobile Club of Victoria-commissioned report found that driver training could not be regarded as an effective countermeasure to crashes among drivers of all ages and experience groups. There were also findings from other national and international studies which determined that driving-skills training, particularly for young male drivers, led to self-perceived driving skills that exceed their true skills and did not reduce risk-taking behaviour.

According to a literature review conducted by researchers at the Curtin-Monash Accident Research Centre for the Royal Automobile Club of Western Australia, training that focuses on the development of higher order skills such as hazard perception, situation awareness and insight training has the potential to improve road safety. It concluded that vehicle handling should be taught in tandem with higher order skills such as risk awareness to ensure that drivers understand that good driving involves more than skilful control of the vehicle. In my view, hoon drivers should be forced to undergo some exposure to handling powered two-wheelers and heavy trucks for them to appreciate other road users who would be put in a difficult situation as a result of their behaviour.

A comprehensive training program should highlight the environmental benefits from low speeds and smooth driving behaviour. The clearest relationship is the one between speed, fuel consumption and carbon dioxide emissions. Climate change sceptics might not value this idea; however, car drivers can save litres of fuel if they keep to the speed limit and adopt a smooth driving style by anticipating well, resulting in a smooth acceleration and braking style.

The opposition does not oppose the bill. In fact Labor welcomes the attention given to the problem of hoon driving, even after 18 months of inaction. The opposition supports ordering hoons to undertake well-designed road safety courses at their own expense. Any changes to hoon legislation must be part of a wider road safety action plan. There should be firm funding measures for plans such as improving road infrastructure, police presence and driver education for all Victorians. The Labor government provided $50 million over three years for the Arrive Alive II program. Unfortunately the Baillieu government's road action plan 2012–15 has been funded only to $2 million this financial year. It appears that the Baillieu government will provide only $17 million over four years for the Victorian road safety action plan, apparently cutting more than $30 million from road safety while at the same time significantly increasing revenue from fines to more than $300 million. It is not good enough for the Baillieu government to be hitting taxpayers with increased fines while decreasing spending on road safety measures.

Labor's discussion paper entitled *Below 200 By 2020 — Protecting Victorians on Our Roads* goes a long way to forming the basis for a thorough road safety action plan for Victoria's roads and identifies major issues for road safety in Victoria. The first is safe roads, including regional roads. In this space $490 million was invested under Labor. Other issues include tailgating, dangerous driving, road rage and level crossings; safer vehicles with better star ratings; safer motor cycles and heavy vehicles; and a focus on safe driving through better education for drivers.

The central plank to improvements in road safety was the Transport Accident Commission road safety experience centre, funding for which the Baillieu government has cancelled. The government's excuse was that the Transport Accident Commission is broke and does not have the funds for the road safety experience centre to go ahead. In 2011 the TAC attained an after-tax operating profit of $279 million, providing a $100 million dividend to the government. This makes it clear that the coalition does not believe in a comprehensive, properly funded approach when it comes to road safety.

Road safety is paramount for Labor. That is why Labor supports this legislation. During the Labor years the road toll was lowered from 444 in 2001 to 288 in 2010. The tougher regime introduced by Labor meant that hoons' cars could be sold or crushed, with the proceeds going to the victims of crime, to graduated licensing being implemented for P-plate drivers and to a strong focus on reducing drug driving across Victoria. Under Labor there were twice as many roadside tests by Victoria Police between 2008 and 2010 as in the previous period, and it introduced new intelligence-based enforcement measures to crack down on dangerous drivers. Labor also made it compulsory for car manufacturers — —

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

Mrs BAUER (Carrum) — I rise to speak in support of the Road Safety Amendment Bill 2012. At the outset I commend the Minister for Roads for this sensible legislation. It is a sensible approach to road safety, and I am proud to support any initiative that can result in our neighbourhood streets and communities becoming safer places in which to reside.

The bill has three main purposes: it requires hoon offenders to undertake a safe-driving course; it makes the vehicle impoundment scheme more efficient for Victoria Police and less costly for the government to administer; and it establishes new, more rigorous criteria for assessing whether a damaged light motor vehicle is a statutory write-off.

In this legislation the definition of 'hoon' refers to a person who has had a vehicle impounded or immobilised due to offences of excessive speed, loss of traction or street racing, amongst others. The bill gives courts the ability to order an offender to complete a safe-driving course. All of the courses will be approved by VicRoads, the program will be administered by VicRoads and also all course providers will be monitored by VicRoads. The cost of a course for an offender will be recovered in full by the fee paid by the hoon offender, and we believe this will be approximately $1000; facing the prospect of a $1000 fine will be a strong incentive not to hoon.

This legislation is part of our government's commitment to send a clear message that hoon drivers will not be tolerated. Hoon behaviour in our community is antisocial but also dangerous, and since being elected our government has introduced tough new legislation. We have already seen that these changes are working well and have been well received within our community. They have included, for first-time hoon offenders, immediate impoundment of their vehicle for 30 days. This is a very tough penalty. There is three months impoundment for the second offence, and forfeiture and crushing of the vehicle for the third offence. So what our government's very tough stance is displaying is zero tolerance of hoon drivers.

Hooning and hoon offenders in my electorate of Carrum are certainly an issue. We see a higher prevalence in summer months and on weekends. A reduction in hooning for our community will not only result in safer streets but also reduce our road toll and decrease the cost of trauma from road accidents. This will then flow through to our disability services, our hospitals and our emergency services. So whilst we are talking about hoons on our streets and the fines and penalties that hoons will attract, the issue certainly has a much bigger flow-on effect for our community.

Looking at the statistics, according to police 18 376 vehicles have been impounded since 2006. When we break that down to the city of Kingston and the city of Frankston, both of which are covered by the Carrum electorate, the city of Frankston has had 529 vehicles impounded and the city of Kingston has had 292 vehicles impounded. Recently the *Age* reported that a hoon driving at almost three times the speed limit in a Melbourne bayside suburb had been stripped of his Porsche. The 39-year old man was clocked travelling at 115 kilometres an hour in a 40-kilometre-an-hour zone on the Nepean Highway, just near Argyle Street, Chelsea. I know the area well — it is just down the road from my office — and that 40-kilometre-an-hour zone is from Monday through to Saturday, from 8.00 a.m. until 7.00 p.m.

Living locally in the electorate for over 20 years I have seen and heard firsthand the results of tragic outcomes from dangerous driving. I am also a parent of four sons, with one obtaining his P plates just several weeks ago and another on his L plates, and many of their friends are also driving for the first time. This is yet another reason why I am proud to support the initiative to make our roads and our community safer.

In April Deputy Commissioner of Police Kieran Walshe mentioned that even a small change in behaviour within the community on our roads makes a difference, and he was quoted as saying that a reduction of just 1 kilometre an hour could save 15 lives and potentially decrease accidents on our streets by 300. Victoria Police's Kingston traffic management unit has three officers working on reports to the hoon hotline, and it has become a major part of their operations. These operations are identified by the tough new road safety legislation, I referred to earlier, which we implemented to deter hoon behaviour on our roads. During the winter recess I also had the privilege of spending a night on the beat with our Chelsea police and special Taskforce 27, and in speaking to the police they also echoed these sentiments and welcomed the proposed legislation.

A report released by the Royal Automobile Club of Victoria and written by Dr Ron Christie states that:

> Enforcing traffic laws and deterring drivers, particularly young drivers, from engaging in behaviour that increases crash risk is an effective way of reducing crash risk in respect of drink driving and speeding behaviour.

It is important that we enforce tough penalties on drivers who recklessly flout road rules, and our recent changes to legislation mean that those offending now face tough consequences. However, we also need other measures to influence their behaviour on our roads. This is the purpose of introducing safe-driving courses for hoon drivers. We need drivers to think about their behaviour and to address their desire to behave recklessly before handing them back their licences. Our ultimate aim is to reduce the road toll and make our roads a safer place, so it is important that we take a multipronged approach to hoon behaviour. This gives us maximum impact in reducing the instances of reckless driving on Victoria's roads.

Through this legislation we are sending a clear message to hoons that we will not tolerate their behaviour and that we have a zero tolerance. Several weeks ago I was proud to hand over two mobile speed trailers, which will be used to make the neighbourhood streets safer in the Carrum electorate. One was for the city of Frankston and one was for the city of Kingston. We have a high percentage of elderly people and schoolchildren, and the mobile speed trailers reinforce safety and display messages such as, 'Watch for children', 'Slow down, and 'Too fast', and the cities of Kingston and Frankston have welcomed these trailers.

By amending the existing legislation we are keeping our election commitment to require hoon offenders to complete safe-driving courses. This bill is yet another example of how this government is firmly committed to reducing hoon behaviour on our roads and making Victoria a safer place to live. With those words I commend the bill to the house.

Ms BARKER (Oakleigh) — I support the Road Safety Amendment Bill 2012, as I will support any further legislation or efforts to deal with hoon drivers. As has been outlined, the bill will make the vehicle impoundment scheme more efficient for Victoria Police and reduce government costs in administering the scheme; establish new, more stringent and nationally agreed criteria for assessing whether a damaged light motor vehicle is a statutory write-off; and implement a commitment to require hoon offenders to undertake a safe-driving course.

The safe-driving course is of particular interest to residents in my electorate. I hope and they hope that the hoon driver who has had his or her vehicle impounded and undertakes a safe-driving course program will begin to understand the dangerous and antisocial behaviour that he or she has participated in. I note that offenders who do not complete a course that is required by the courts will be subject to licence suspension — or if their licence is already suspended, a further suspension on the expiration of the existing suspension — or disqualification from driving in Victoria or from obtaining a Victorian driver licence or permit. There is certainly an incentive to complete the course, and if they do not, then the suspension or disqualification is most appropriate. The cost of implementing and administering the safe-driving course will be recovered in full through a fee paid by the hoon offenders, and again that is something that my local residents welcome.

Hoon driving is a major problem in the Oakleigh electorate. Dandenong Road — as we know it, although it is often referred to as the Princes Highway — is the main problem area. Some drivers on Ferntree Gully Road and other roads cause problems, but Dandenong Road is the main problem area.

I note that the parliamentary library research service brief on the Road Safety Amendment Bill contains a table that lists hoon impounds by location from 1 July 2006 to 30 April 2012. Each area's total number of impounds is calculated as a percentage of the state total. It makes for interesting reading, with Hume at 6 per cent, Brimbank at 5.5 per cent, Greater Dandenong at 3.9 per cent, Bendigo at 3.9 per cent and Whittlesea at 3.6 per cent. Those are the top five police service areas, but they are very closely followed by Monash at 3.3 per cent and Stonnington at 2.5 per cent. Stonnington is relevant to my electorate because the hoons go over Warrigal Road, heading towards the city, and that would be the area the police are collecting them from.

Despite initial impoundment legislation in 2005 and the subsequent increases to impoundment times, the problem in Dandenong Road has just got worse. The problems used to occur primarily on Friday nights, commencing usually at 11.00 p.m. or 11.30 p.m. and going through to the early hours of Saturday morning. It is not just a problem for the residents who live on Dandenong Road; I hear them because I live two streets away from the problem area. Unfortunately last summer this dangerous and reckless driving extended from Friday nights, and some weeks it was happening on Wednesday, Thursday, Friday, Saturday and Sunday nights. We have had some wet weather recently, which slows them down, but a couple of weeks ago we had a fairly mild and dry Friday evening. Guess what? Out they came at 11.00 p.m., 11.30 p.m., on that Friday night, and it went through till the early hours of the morning.

This is a policing matter, and Oakleigh police officers do as much as they possibly can with the resources available to them. The officer in charge at Oakleigh is

Senior Sergeant Andrew Stamper, and he has been very active in regard to this matter since he came to Oakleigh and took over as the officer in charge. I congratulate Andrew and his team at Oakleigh for all the work they do and the effort they put in. Andrew has recognised that others can also play a role in assisting police to catch offenders. He and his team have worked very closely with Monash City Council and VicRoads to look at and identify other things that they might be able to do in the local area to stop this being a drag racing track.

I have been very pleased to work in partnership and cooperation with Oakleigh police. Earlier this year we worked together to produce a newsletter, which we distributed mainly around the problem areas. The newsletter outlines what has been done in terms of legislation. To the government's credit, people were very happy to see the amendments that went through last year which mean that police can now immediately impound or immobilise a vehicle for 30 days.

The newsletter also listed what Oakleigh police have been doing at a local level, such as working with Monash council to install 'No standing between 10.00 p.m. and 5.00 a.m.' signs. Some of those have now gone up between Warrigal Road and Drummond Street. That may not sound like something that will deter hoon drivers, but I can guarantee you it will, because the hoons park all the way up near Dandenong Road, principally outside one of the local hotels. The cars are all lined up — they can be seen there from about 10.00 p.m. or 10.30 p.m. — ready to take off from about 11.00 p.m. or 11.30 p.m. You can bet your bottom dollar that at 11.00 p.m. or 11.30 p.m. it starts up. The cars line up and off they go.

Oakleigh police have worked with local business owners, encouraging them to put up chains or barriers to prevent the cars from parking in those areas, and they are working with council on extending the alcohol ban to cover the whole area. Oakleigh police have developed, and are developing further, standing plans for local area police managers working the afternoon and night shifts on weekends. The local police also routinely call on the public order response team to assist when the crowds congregate. I think all members will recall the incident we had on the corner of Dandenong and Warrigal roads some time ago — it was very public — and that was the destruction of the Bob Jane T-mart franchise store by the crowd on that corner. Oakleigh police have developed a localised standing operation to gather information relating to those who commit these offences. The police are working very hard; in the last 12 months they have impounded 149 vehicles, which is a 55 per cent increase. The Oakleigh police are doing everything they can.

The other thing we asked of residents in the newsletter was to help us — that is, ring 000, Crime Stoppers or the hoon hotline, and dob them in, and if possible get their registration numbers so that we can continue to build the picture of where they are and at what time, and hopefully catch offenders. We asked residents to do this because, as I said, Oakleigh police do as much as they possibly can with the resources available to them, but they need some assistance in combating this great problem. We can show police command and others that hoon driving is a very big and serious problem in Dandenong Road. We all know about it; we just need to get the documentation so that Oakleigh police can be assisted with the resources to target and run campaigns against hoon driving.

The police cannot sit in a car and just hope the hoons will come by. With social media — Facebook and Twitter — the hoons now know when the police are in the area and just take off. We need to be able to ask residents, as we have done, without putting them or their families at risk, to contact 000 if it is happening and to contact Crime Stoppers in particular if they can get the registration number. We have emphasised very strongly, 'Do not put yourselves or your families at risk by doing that, but please help us'.

As I said, local residents have just had a gutful, and I do not blame them. They are used to living on a busy road like Dandenong Road, but they will not tolerate any more of this idiotic, reckless, and antisocial behaviour. The Princes Highway and Dandenong Road are not drag-racing strips, and we have to do everything we can to combat this behaviour. As I said, I support any legislation to combat hoon driving, I encourage local residents to continue to report instances and, if possible, registration numbers, and I support the consideration of other measures which can be taken by council or VicRoads to work in partnership with Oakleigh police. In particular, I urge police command to ensure that the extra resources needed for these particular efforts by Oakleigh police are made available so that when the summer comes we can get some of these hoons out of our area once and for all.

Mr WELLER (Rodney) — It is my privilege tonight to rise to speak on the Road Safety Amendment Bill 2012. The main purposes of the bill are to make amendments to the Road Safety Act 1986 to establish a safe-driving program scheme for hoon offenders, make changes to the vehicle impoundment and immobilisation scheme to reduce costs associated with the administration of that scheme and introduce new

criteria for assessing whether a damaged motor vehicle is a statutory write-off.

I will make some comments on the contributions from members on the other side of the house. I must say that the member for Oakleigh made an honest and, I thought, valuable contribution: a reflection on the problems in her electorate. I give credit where credit is due, unlike the member for Kororoit, who took the opportunity to say this was policy on the run. The safe driver program was a policy we took to the election. It is not policy on the run; we took it to the election. It is a policy that has been thought out properly in terms of how it should be implemented. The member for Kororoit, being a member of the previous government, should not talk about policy on the run. I will go to some examples of policy on the run by the previous government. The desal plant, the Ararat prison — and we have seen the mess there — and the north–south pipeline are prime examples of policy on the run. The member for Kororoit also spoke about the lack of infrastructure investment in Melton and Brimbank. The previous government was in power for 11 years. When did it invest in those two seats over those 11 years?

We are here to talk about hoons, and that is what we should be on about, but I would just like to square up a couple of other claims. The member for Cranbourne took the opportunity to say that this government is not investing enough in roads. Indeed this government is investing more in roads. We have a program to assist the 40 smallest shires in the state with $1 million a year for four years. Over the term of this government we will be investing $160 million to fix up local roads in the 40 smallest shires in this state. The member for Cranbourne also said we were soft on hoons. The previous government originally brought in the legislation under which a hoon could lose his car on a Friday night and have it back to go to work on Monday morning. That was not a penalty; the hoons used to wear it as a badge of honour. It actually encouraged their behaviour. To give the previous government its due, it brought the legislation back in. But it did not go far enough, and here we are having to fix up what was left.

The member for Kororoit asked who will be delivering these programs. Safe-driving programs will be delivered and developed by private providers. The providers will need to be approved by VicRoads. As part of the approval process VicRoads will require that the providers meet certain requirements. These requirements will relate to the way in which programs are delivered and to the content of those programs. VicRoads is currently working with road safety experts to develop a suitable set of requirements. To call it policy on the run when we are working with experts is just beyond belief. VicRoads is finalising its approval method for program providers. Methods under consideration include short-listing providers based on their capacity to meet VicRoads requirements via an expression of interest process. Will approved safe-driving providers be monitored by VicRoads? Yes, of course they will. VicRoads will carry out ongoing monitoring of approved providers to ensure that they are adhering to VicRoads requirements. There will be auditing to make sure that providers are delivering what they should be delivering.

The bill itself amends the Road Safety Act to require a court to order an offender who has been found guilty of certain hoon offences under the act and who has had his or her vehicle impounded or immobilised by police or by order of a court to complete a safe-driving program. This implements a government election commitment, as I have already stated. I will list some of the relevant offences: dangerous driving in circumstances involving deliberate loss of traction, where a vehicle is driven at 45 kilometres or more over the speed limit or where a vehicle is travelling at 145 kilometres an hour or more where the speed limit is 110 kilometres per hour. The threshold of 45 kilometres an hour over the speed limit does not apply when you are in a 110-kilometre speed zone; in that case it is only 35 kilometres an hour.

To recap, offences include careless driving in circumstances involving deliberate loss of traction, exceeding the speed limit by 45 kilometres an hour, driving a vehicle at 145 kilometres an hour when the speed limit is 110 kilometres an hour and using a vehicle in a race or speed trial. In the examples given by the member for Oakleigh of what was happening on the Princes Highway, those vehicles would be impounded and the person who was driving and found to have been in control of the vehicle at the time would be required to do such a course.

Other applicable offences include organising or managing a race or speed trial, starting a vehicle or driving a vehicle in a way that produces unnecessary noise or smoke in circumstances involving deliberate loss of traction, and failing to have proper control of the motor vehicle in circumstances involving deliberate loss of traction. It is quite clear that those are the offences that will mean the offender will have to undergo a road safety course, which I point out once again was a coalition commitment.

Another part of the bill deals with refinements to the vehicle impoundment scheme. The scheme provides for the imposition of vehicle impoundment, immobilisation or forfeiture sanctions for hoon driving offences. The

refinements in the bill include facilitating the expeditious sale or disposal of abandoned, impounded or immobilised vehicles by introducing a new process whereby a vehicle will, subject to certain safeguards, be deemed to be abandoned if not collected within a reasonable period of time.

Another section of the bill talks about the damage done to a vehicle when it is considered to be a statutory write-off. New section 16BA(2)(a), inserted by clause 4, states that such a vehicle must have been damaged by at least three of the following impact damage indicators:

(i) damage to an area of the roof equal to or exceeding 300 millimetres by 300 millimetres; or

(ii) damage to an area of the cabin floor equal to or exceeding 300 millimetres by 300 millimetres; or

(iii) damage to an area of the firewall equal to or exceeding 300 millimetres by 300 millimetres …

For those people who are more imperially minded, that equals 1 foot by 1 foot. The list continues:

(iv) damage to the suspension; or

(v) damage (cracked or broken) to major mechanical components such as the engine block and transmission casings …

Or where the vehicle has been:

(i) immersed in salt water above the doorsill level for any period; or

(ii) immersed in fresh water up to the dashboard or steering wheel for more than 48 hours.

It is quite clear when the vehicle will be considered to be a statutory write-off. That will save the state money.

I am glad that the opposition is supporting this measure. The new criteria have been agreed to at a national level and are necessary to take account of recent changes in vehicle construction and manufacturing. This is a nationally agreed law which will be the same right across Australia.

This is sensible and timely legislation. The government is trying to make the roads safer and ensure that young drivers or drivers of any age who offend will be required to undertake a course so that when they have their licences restored and get back on the road they will be safer and more careful drivers. I commend the bill to the house.

Mr LANGUILLER (Derrimut) — I am happy to join this debate. The bill amends the Road Safety Act 1986 for the following key purposes: firstly, it requires hoon drivers to participate in safe-driving courses. It is important that we be aware of the need for these courses, but I suggest we must always look at the nature of these courses and continually try to improve them. Secondly, it will look at improving the efficiency of the vehicle impoundment scheme and establish new nationally agreed criteria for determining whether a damaged light motor vehicle is a statutory write-off. The bill requires a person found guilty of hoon driving offences who has had their vehicle impounded or immobilised as a result to complete an approved course. Every community in the state would welcome that. The bill also introduces a new process for the sale or disposal of abandoned or impounded or immobilised vehicles.

Shamefully, the municipality of Brimbank wins the silver medal in hoon driving, according to Victoria Police. If you look at the research brief prepared by the parliamentary library, in particular table 4, headed 'Hoon impounds by location — 1 July 2006 to 30 April 2012', you see that in Brimbank 64 vehicles were impounded in 2006, 79 in 2012 and 312 last year — in summary, 5.5 per cent of the state total. The shameful gold medal goes to Hume, unfortunately, at 6 per cent of the total. Next comes Frankston, with 529 vehicles impounded, or 2.9 per cent of the state total, impounded between 2006 and 2012 — the number in one year increased from 48 in 2006 to 52 in 2012. Finally, I will mention another one — Wyndham. This is bad. This is something we condemn. This is something we should continue to bring to the attention of communities, because hoon driving leads to crashes and crashes lead to deaths.

As a member of the Road Safety Committee, ably chaired by the member for Sandringham, I have learnt that in other jurisdictions — let me just mention one: Sweden — they have actually changed the way they look at the world. Their paradigm has changed. In this country, and unfortunately in most countries of the world, we accept that people will die on our roads. Quite correctly, when 15 people die in Afghanistan or some other war, the nation pauses, cries and grieves, and so it should. I say that very seriously and respectfully.

However, if 300 people die on our roads, we say, 'There is not much we can do, it is meant to happen'. There is an amazing community tolerance — and we are all guilty of it — that crashes lead to death. That paradigm is rapidly changing, especially in Sweden, where they say, 'We will not accept that. We will change the culture of our communities and work towards safe systems and zero tolerance'. I will stick to the bill, but we need to have the conversation about

changing the paradigm and move from a position where we accept death on our roads to one where we do not. By the way, I commend Western Australia, because although that conversation is very complex and difficult, that state has very courageously adopted a position towards zero tolerance. However, that is a conversation and a debate for another time.

Coming back to Victoria Police statistics, who are these predominantly young offenders? A Victoria Police *Vehicle Impoundment Monthly Status Report* of 2012 contains on page 13 a table headed 'Hoon impounds by age and gender'. Those aged 19 or younger constituted 20.2 per cent of offenders. Another cohort — the worst one in a sense — is those between the ages of 20 and 25, who constitute 44.4 per cent of offenders. Those aged 26 to 30 constitute 15.7 per cent of offenders. This government is now building on what Labor did very well when it was in government.

I invite members to look at measures introduced by the previous government and the equally important very specific action undertaken by that government. In 2006, 832 vehicles were impounded; in 2012, it was 3903 vehicles.

They were real actions and measures, and they sent a very direct message to offenders that this behaviour is not acceptable, because — and speakers from both sides of the house referred to this — it is an issue for all people in our community. Every member of this house would have received phone calls and heard concerns raised by parents and other members of the community who put up with this behaviour on Friday, Saturday or Sunday nights. We need to continue to build on these measures. We need to send a clear message that this behaviour is unacceptable, but we all need to work at it.

It takes education and also very tough measures and direct messages. We impounded vehicles and went through the process of doing that after three months — and it is important that we continue to do that. The Labor government was focused on this issue and remains equally focused because the measures go hand in hand with road safety issues and with the legislation we introduced in 2006, where we saw more than 10 000 vehicles impounded by the time we left office. Those were very direct messages and measures. We talked and acted tough, and we need to continue to do that. We lowered road tolls in successive years, from 444 deaths in 2001 to 288 deaths in 2010.

I will conclude with a message I picked up in my very privileged position, as I indicated early, as deputy chair of the Road Safety Committee. Together with my colleagues, the members for Sandringham, Benambra and Cranbourne, I am learning from other jurisdictions that we do not have to have the paradigm that people will die on our roads. How courageous for the Swedish pioneers to be able to say they are committed to a vision of zero tolerance, a safe system where people will not die on Swedish roads — and they are talking about cars and other forms of transport, not motorcycles and bicycles. That paradigm shift will come with a serious commitment in terms of infrastructure and safety, a serious commitment in terms of driver behaviour and changing that culture and with the adoption of new technologies, innovation and design in the types of vehicles that we drive. I commend this amending bill to the house.

Ms MILLER (Bentleigh) — I am delighted to make a contribution to the Road Safety Amendment Bill 2012, and I would like to make a comment in regard to the contribution from the previous speaker. He was grandstanding about how the former government took a zero tolerance approach and introduced tough steps to enforce this legislation when it was introduced back in 2006. I say to the member that I would like to know why the vehicle impoundment annual statistic for the city of Glen Eira has gone up 0.8 per cent since 2006? Why has the same statistic in the city of Kingston gone up 1.6 per cent since 2006? If the previous government was so committed and adamant that it was the only one that was going to take a zero tolerance approach to road safety and the lives of Victorians, its members should take a darn good look at themselves.

The purpose of this bill is to allow a court to order that a person who is found guilty of certain driving offences should complete a safe-driving program by a provider approved by the corporation. It will provide further powers for the relocation or sale of vehicles that have been impounded or immobilised, and make other amendments to clause 6(a) of the legislation.

The bill amends the definition of statutory write-off as it applies to light motor vehicles other than motorcycles to align that definition with criteria developed nationally. It will also make statutory law revision amendments to the Road Safety Act 1986 and the Road Management Act 2004. What does all this mean? Essentially the bill will establish a compulsory safe-driving program for hoon drivers which implements a government election commitment. This is all about the Baillieu coalition government delivering on its election commitments to all Victorians.

The bill will also refine the existing vehicle impoundment scheme in order to address operational issues and to reduce government costs in administering

the scheme. It will also expand the definition of the statutory write-off insofar as it relates to light motor vehicles, as I said before, to ensure that unsafe light motor vehicles cannot be registered for use on the road. Most people in the state of Victoria will drive a motor vehicle, and in the statistics which the previous member was talking about for the age group from age 19 or younger, the number of impounded vehicles was 20.2 per cent of the total. The next age group category was 20 to 25, which was up to 44.4 per cent of the total. So we know, and research has told us, that among drivers in their early 20s there is a high statistic of road rage, hoon driving, accidents et cetera, and their insurance premiums reflect that.

But what this policy is also doing is changing the attitudes of those Victorians drivers. What do I mean by that? I have a health-care background, for those in the house who were not aware of that. I have been at the forefront of some of those trauma accidents. I have also been involved with young people coming to hospitals and have engaged with past hoon-driving young people who have unfortunately been impacted by the severity of their actions. What does that mean? It means that some young people have had surgical implications to their physical mobility for their future lives. It also has impacted on their mental capacity to think cognitively, practically and sensibly.

Not only is this policy utilising programs that have been offered in the past, but we are now looking at changing the attitudes of young people. What do we mean by this? This means we are educating our young people before they get behind the wheel and do some dangerous act, such as breaking the law by exceeding the speed limit. It might be that they are doing things called donuts, where they are going around and around in circles, or demonstrating some other inappropriate behaviour on the road.

How are we going to do this? One of the things that is being looked at in trying something different and something innovative is group discussions. They can be quite productive because when you are in a group discussion you are learning from each other, sharing experiences, sharing ideas and potentially learning what to do or not to do, so I think that some sort of group treatment or group discussion can actually flick the light on for some young people to say, 'Maybe this isn't such a good thing and I should be a law-abiding citizen as a young person behind the wheel'.

Certainly in my community of Bentleigh we have taken a zero tolerance view. We have reduced the speed limit in Centre Road, Bentleigh, to 40 kilometres an hour between 7.00 a.m. and 7.00 p.m. seven days a week. We take speed, hoon driving and respect for the road very seriously in the community, and certainly as a government we totally take on board what our communities are telling us.

In terms of what the bill does, there are three things: we are delivering on an election commitment, as we said we would; we are also going to make the vehicle impoundment scheme more efficient for Victoria Police; and we are going to reduce government costs in administering the scheme.

What does that mean? That means speeding up the sale of abandoned vehicles; therefore one in three vehicles that are repairable will be moved onto the statutory write-off list. Essentially what is happening now is the cars that are being impounded are remaining where they are.

The DEPUTY SPEAKER — Order! The time has come under sessional orders for me to interrupt the business of the house. The member will have the call 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.

Western Ring Road: noise barriers

Ms CAMPBELL (Pascoe Vale) — I raise a matter for the attention of the Minister for Roads. The action I seek is that Western Ring Road noise walls between Glenroy and Gowanbrae and further up to Sydney Road be constructed to the quality and frequency of noise walls on other freeways throughout Victoria.

Construction to upgrade and widen the 38-kilometre stretch of the Western Ring Road from Greensborough to Laverton is important, since the road carries significant freight traffic and forms a critical link to northern regional Victoria, New South Wales and Queensland. Residents along this route deserve to have protection from the excessive truck and vehicle noise that occurs there on a daily basis, particularly in the evenings.

Whilst this widening is a win for motorists, VicRoads has failed to include noise walls in the stretch of road near Gowanbrae to protect residents from the inevitable increasing noise. Increasingly the capacity of major roadways encourages increased traffic volumes and

subsequently increased noise. However, VicRoads and the M80 alliance have taken a stance that as it is an addition to an existing freeway and due to the fact that no buildings have been removed for the road's expansion, noise mitigation requirements that apply to new freeways or expansions do not apply. This is despite international standards stipulating that protection from noise is required at the anticipated traffic volumes for this road.

I was driving down to Anglesea on the weekend, and I looked at Anglesea Road near Waurn Ponds. It has been widened, and a new bridge has been put in. New noise walls have gone up, and — significantly — designed noise walls were erected.

North-western residents deserve quality noise walls that are equal to other noise wall upgrades, such as those on the Monash Freeway. I have photographic evidence of the old wooden noise walls on the Monash Freeway being removed, which have been replaced with much better architecturally designed and much higher noise walls. The same should apply behind Glenroy, and the same should apply behind Jacana.

If it is good enough for people on the Monash to have appropriate noise walls to allow them sleep and to allow their health to be protected, it equally applies in Glenroy. We want quality noise walls, and we want equality with other parts of Melbourne. Noise is harmful to health, and night noise results in increased blood pressure, increased heart rate, changes in respiration, cardiac arrhythmia and an increase in body movements.

Small business: Gembrook electorate

Mr BATTIN (Gembrook) — Tonight I rise to call on the Assistant Treasurer to visit the Gembrook electorate to update small businesses in my electorate on programs, cost-saving measures and how this government is cutting red tape. Small business is the lifeblood of Victoria and particularly of the Gembrook electorate. It is a very important part of our economy. We currently have more than 500 000 small businesses in Victoria, with over 190 000 of these employing extra staff other than the owner.

Recently we had the Minister for Employment and Industrial Relations, Mr Dalla-Riva, in the Gembrook electorate to discuss small businesses, employment and industrial relations. We also visited some of the major employers throughout the Gembrook electorate, including Europa Cheese, Robert Gordon pottery and D'Angelo's wine. These three are major manufacturers, two of them in food supply in the area, that are also looking at growing in the near future.

Some questions were raised at a forum in relation to technology advances and what the government is doing to cut red tape. During these discussions it was decided that it would be best to get the Assistant Treasurer out to the Gembrook electorate to again hold a forum, meet with these businesses and invite other businesses along to discuss the implications of how this government is making business more attractive and easier to do in Victoria, to make sure we are a leading state. Having owned a small business myself — as have many on this side of the house — I understand not only the importance of small business but how difficult it can be to run a small business, the changes and ideologies of governments and how they affect you, the laws and especially the bureaucratic red tape that gets in the way as a small business tries to move forward.

We held a business forum. Minister Dalla-Riva, small business commissioner Geoff Brown and Corporate Travel Connections managing director Nick Sutherland attended. We focused on how a business can improve its productivity, grow in the financial climate we face today and stand out amidst growing competition around them despite some of these businesses having smaller customer bases now. Feedback from the event was very positive. This is something we want to move forward with. We want to make sure that this government continues down the path of supporting small business in the Gembrook electorate, increasing employment and giving everybody out there an opportunity.

We have many young people. We have got a very young population in the Gembrook electorate, with an average age of just 38. We need to make sure that we have got employment for the future for everybody in the electorate and that we attract more businesses by holding more business forums and making them attractive events to come along to. I look forward to the Assistant Treasurer visiting the Gembrook electorate for discussions with businesses and letting them know we stand with them so they can see future growth.

Country Fire Authority: Ballarat brigade

Mr HOWARD (Ballarat East) — I have an issue to raise with the Minister for Police and Emergency Services, and I ask him to take action to provide funding to the Ballarat fire brigade to enable it to build its new engine shed, as promised. Last Saturday night I was very pleased to attend the annual presentation dinner for the Ballarat fire brigade, an event that I have been pleased to attend on a number of occasions over the last 20 years. This is clearly a brigade that is very

proud of its history. It was formed in 1856, so it has been running for 156 years.

At its presentation dinner I was again impressed to join with some volunteers who have served the brigade for over 45 years, and I was pleased to see others recognised for completing milestones in their service. They include Russell Harris, who gained his 40-year service award on the evening, and Evelyn McGregor, who was recognised for her 50 years of service as a founding member of the ladies auxiliary.

The brigade's home at the Ballarat East fire station was first established on its present site in 1858. It is a wonderful historic station which still features its brick tower, built in 1864, next door to its brick engine shed, which still houses the fire engines. Unfortunately its double archway has been removed to provide access for larger, more modern vehicles, but the engine bay still doubles as a fantastic museum where the brigade's ornate silver trophies, earnt in competitions over 156 years, are on display along with many other items of memorabilia.

Clearly the station is worthy of museum status, and it is for that reason that the brigade was excited when the Baillieu opposition promised to fund a new engine bay for the brigade. This bay would provide more modern and appropriate facilities to house the brigade's fleet of vehicles, which includes a pumper tanker, a heavy rescue vehicle and a brigade car. The construction of the new engine shed would allow the historic engine bay to be returned to its former appearance and be valued as a museum.

I should add that the brigade, which is made up of volunteers, continues to be vitally important as a firefighting unit as well as providing the region's primary rescue vehicle service. The brigade also supports a very enthusiastic junior brigade. However, the brigade is very disappointed that the government appears to have forgotten its pre-election promise. The minister's office has advised that the funding decision to build the new engine shed is a Country Fire Authority operational decision and that CFA management advise that the promised shed is not a priority for the CFA. The brigade is disappointed by this.

I remind the minister that Mount Clear and Mount Helen are still waiting for their fire station, and I ask for this action.

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

HIV/AIDS: rapid testing

Mr NEWTON-BROWN (Prahran) — My adjournment matter is directed to the Minister for Health, and the action I seek is that he investigate options for the introduction of rapid HIV testing.

In Australia testing for HIV is a drawn-out process. It can take many weeks to get a result. Some countries, such as the United States, have rapid testing for HIV. This testing involves taking a sample — either a blood spot from a finger prick or a saliva sample — and normally delivers a result within about 30 minutes. There are significant advantages to rapid testing, some of which are the convenience of testing, the increased regular testing that people at risk would undertake if they had a rapid test available, the reduction in the cost of testing and subsequent clinic visits and the immediacy of the result, which is an incentive to test as well. There is also potential for earlier HIV diagnosis and referral to treatment and care pathways, and it enables treatment as prevention, so the end result is less infections within the community.

How might the test be used? The immediate application of these technologies, if they are approved within Australia, would be in clinical and community settings. In Victoria the Victorian AIDS Council is working with sector partners to secure the resources needed to conduct a pilot study of rapid HIV testing in a community setting. Among other things, this study will look at the acceptability of the test and models of pre-test and post-test counselling and referral.

In 2008 the Burnet Institute conducted an HIV prevalence study in Melbourne using saliva-based HIV testing. While in this test the participants were not given the results, over 90 per cent said they would participate in oral testing again. In summary, rapid testing for HIV would be convenient for those requiring testing. It would be effective, and it would be a powerful tool in breaking down barriers to existing testing methods. These technologies have been in use around the world in several countries, and the Victorian AIDS Council seeks the speedy implementation of rapid testing in community settings as a priority.

The International AIDS Conference will be held here in 2014. Australia has been chosen due to its political, scientific and civil society commitment to ending the HIV epidemic both nationally and within the Asia-Pacific region. I say well done to the minister for securing this conference. It is important that Melbourne keep up to date with AIDS prevention strategies, and I seek that the minister take a leading role and investigate options for Victoria to introduce rapid testing for HIV.

Mildura electorate: Aboriginal education

Mr CRISP (Mildura) — The matter I raise is for the attention of the Minister of Education. The action I seek is for the minister to meet with members of the Aboriginal community to discuss their proposals in relation to the future of Aboriginal education.

I sought the assistance of the Mildura Aboriginal Corporation and its acting CEO, Mr Rudolph Kirby, to facilitate a forum of stakeholders as part of a consultation process in order to deliver the opportunity for improved education outcomes for students in the Mildura area. The first of the three forums was held on 31 July and featured a wide representation of organisations and interest groups working in the disadvantaged education space. The forum was facilitated by Mr Ian Seal, who worked with 20-plus attendees to develop a vision for Aboriginal students in Mildura to look at gaps and priorities in the landscape and to divide the landscape into early years, primary years, transitional years, middle years, secondary school and higher education and training. The mainstream settings as well as alternate settings were discussed, along with how to make the available programs work for a disadvantaged family, particularly when it is difficult to identify who the children are and what will work for those children.

The Aboriginal community, through the Mildura Aboriginal Corporation, is considering the following: what else we could do; which cohort this is for; how it will work; who we need to involve; how much it will cost; and what else we would need to know. I applaud the leadership shown by Mr Rudolph Kirby and the Mildura Aboriginal Corporation in pulling together the people and resources to allow these issues to be considered. The Aboriginal community is preparing a submission to discuss with the minister. Once the submission is complete I invite the minister to sit down with representatives of the community and discuss the future not only for Aboriginal students but for a wider cohort of disengaged children in education in the Mildura area.

Moonee Valley Racecourse: development

Mr MADDEN (Essendon) — My request tonight is for the Minister for Planning. My request is for the minister to respond formally to the Moonee Valley City Council in relation to matters raised by the council pertaining to a proposed redevelopment at the Moonee Valley Racing Club. It is my understanding that the council has sought clarification from the Minister for Planning in relation to a number of matters. The council has requested that the minister consider amendment C124, which relates to permanent heritage overlays for the site, and amendment C126, which relates to interim heritage overlays for the site. There are a series of overlays that the council has sought that the minister consider.

I understand that at this stage the council has received no notification whatsoever from the Minister for Planning in relation to these matters. This creates some degree of difficulty for the council, because at the same time I understand that the proponent, the Moonee Valley Racing Club, has also written to the minister seeking that the minister intervene in this planning matter in relation to the club. At the moment the council has had no notification or response from the Minister for Planning, nor has the proponent. It seems incongruous that you could have a council which has some very serious concerns and hence has sought heritage overlays but which has had no response or update from the Minister for Planning in relation to those matters, while at the same time you have a proponent who is obliged to provide more information to the Moonee Valley City Council as per the council's request in relation to further information on the proposal. Given these matters, the proponent has sought intervention in relation to the Moonee Valley Racing Club proposal.

What we have at this time is a very contentious issue in the seat of Essendon, which extends further and into the seat of Niddrie, because the many people who drive through Moonee Ponds junction are worried about the impact and scale of this development. I would have thought that the minister, who seems to be so gung-ho about his portfolio, would at least have the courtesy to respond to the requests by the council, and if not the council then certainly the request by the proponent and provide an update.

Planning: Ferntree Gully development

Mr WAKELING (Ferntree Gully) — I wish to raise a matter for the Minister for Planning. The action I seek is for the minister or his representative to meet with concerned Ferntree Gully residents and traders regarding planning issues in and around the Ferntree Gully village. The Ferntree Gully community is currently concerned about a proposed multistorey development at 38 Station Street, the former site of Straubs service station. An original building application was refused at the Victorian Civil and Administrative Tribunal, and a subsequent application is currently being considered by Knox City Council. The community concern has been heightened by the recent construction of an adjacent multistorey development at 36 Station Street.

Over recent months I have spoken to many residents and traders, including Des Higginbotham, Lyn Brewster and Graham Crichton. Furthermore, Knox City Council has facilitated two community meetings regarding the application. During these discussions it has been identified that mandated height controls do not apply for most of the commercial activity in Station Street, Alpine Street and Forest Road.

In 2006 the Knox City Council developed a structure plan for the area now known as the Ferntree Gully foothills. This plan covered a significant portion of the properties bounded by the Dandenong Ranges National Park, Burwood Highway, Boronia Road and Dorset Road. This planning scheme amendment was approved by the Bracks government in October 2006. The planning scheme amendment provided a range of planning controls, including height restrictions on residential properties covered by the scheme. However, mandatory height controls were not determined for the commercial properties within the confines of the Ferntree Gully village. As a consequence the height controls specified in the structure plan do not legally apply to applications at 36 or 38 Station Street.

Local structure plans are principally established by local government in collaboration with local communities. Once endorsed by the local planning authority the structure plan is provided to the Minister for Planning for approval. This process was recently undertaken under the former government in the establishment of the Boronia structure plan and obviously in regard to the foothills. As a consequence, however, the community has identified the need to establish height controls for properties located within the village as part of a planning scheme amendment.

I am advised that residents and traders have been talking to representatives from Knox City Council about this process. Given the concerns of the residents and traders that have been identified about future planning within the village, I request that the Minister for Planning or his representative visit the Ferntree Gully village to discuss this important issue with residents and traders in my community.

Mill Park Heights Primary School: funding

Ms D'AMBROSIO (Mill Park) — The matter I raise is for the attention of the Minister for Education. The action I seek is for the minister to provide funds to Mill Park Heights Primary School to replace some of its old, outdated and small portable classrooms. Mill Park Heights Primary School is a terrific school. It is led by a wonderful principal, Deborah Patterson, and a very strong and committed school council. The school applies innovative teaching methods in the classroom, and that has fostered better learning outcomes for students. Deborah Patterson has received international awards for her groundbreaking teaching and the leadership she shows to teachers in the school.

The school is the largest Victorian government school on a single site. That has been the case for a number of years. The student population has fluctuated between 900 and 1100 students, and it is a school that has done very well considering its size. The school will be celebrating its 20th anniversary in September, and it will be a great occasion because many students and families have direct association with the school. It has received government funding in the past, but with 23 demountables on site the school community fears that the children's safety is at risk unless some of the older demountables are replaced. Most of them are in good nick, but there are some that need urgent attention.

I understand that the school has approached the department but was given a resounding 'No' in regard to addressing this issue. The reports are that the department has indicated that no new demountables were being made and there is no budget commitment for any more. The school has reported that there is mould, inadequate heating and leaking roofs that need urgent attention. I note in an article published in the *Whittlesea Leader* of 24 July that a Department of Education and Early Childhood Development spokesperson says this year's budget includes $9.3 million for new relocatable classrooms. It is important that the minister indicate which schools will receive new relocatables and which schools will miss out.

Given the indications so far with respect to Mill Park Heights Primary School, I fear the school should not hold its breath for funding. However, I hope the minister can allay my fears and give some good news to Mill Park Heights Primary School that its students will be looked after and not forgotten, especially in this 20th anniversary year it is celebrating.

Mullauna Secondary College: funding

Ms RYALL (Mitcham) — I wish to raise a matter for the attention of the Minister for Education. My request is that the minister visit Mullauna Secondary College in the electorate of Mitcham. Mullauna is a Koori word meaning 'together'. It is a wonderful secondary college that has over 500 students and is one of three secondary schools in the electorate. It is a vibrant school community, and I have had the pleasure of getting to know many of the students and hearing

firsthand about the contribution they are making to the school for the long term and the legacy that many of the year 12 students wish to leave with the school.

Early in the parliamentary term, prior to winter, I was alerted to the failure of the heating system that is used in a large portion of the school. For 18 months prior to the Baillieu government coming to office the school was unable to achieve an outcome for its heating system, and the students and teachers faced a very cold winter. The system had been neglected for 18 months, but within days of it coming to the notice of the Baillieu government that learning would be very difficult in such a cold environment, the situation was rectified. This is indicative of the facade of the former government's school maintenance debacle that saw a 20 per cent drop in maintenance funding and resulted in the Baillieu government having to increase school maintenance funding by 50 per cent.

In October 2010, just prior to the election, John Brumby and the former member for Mitcham visited Mullauna college to make a big announcement — with a big photo opportunity — for a completely unfunded major development of the school, including new classrooms, specialist learning areas, an upgrade of the gym and library and new administration facilities. The press release, dated 21 October — just over one month before the election — was the standard John Brumby press release. He said it was a major new investment that would give students a world-class learning environment and teacher facilities to continue providing a world-class education.

It was a standard press release with a substandard promise. No funding commitment to the school, no clear indication of what the major development would cost and no date for its completion was given. It was an empty promise designed to build up the hopes of students, parents and teachers in order to win an election. The former government had 11 years to act but chose the week before the election to deliver an empty promise.

There was no commitment by the former government for the forthcoming term, as we have seen with hundreds of other unfunded promises to students, parents and teachers for their schools. They were empty announcements designed to win an election. My request is for the minister to visit Mullauna college to see and hear firsthand about the needs of the school.

Road safety: Eltham electorate

Mr HERBERT (Eltham) — The matter I raise is for the attention of the Minister for Roads. The action I seek is for the minister to do his job and fully investigate the 130 reported road dangers that I have advised him of within and outside the electorate of Eltham. As part of a local Arrive Alive campaign, I recently surveyed local residents about dangerous roads and received more than 100 responses to the survey, with residents reporting dangers within and outside the Eltham electorate.

Of all the road dangers reported, three intersections were identified as the most dangerous, attracting multiple reports from residents. The three most dangerous intersections are the intersection of Rattray Road and Para Road, Montmorency; the intersection of Mountain View Road and St Helena Road, Greensborough; and the intersection of Beard Street and Main Road, Eltham. Residents reported various potentially dangerous road conditions, including difficulties turning right at these intersections due to large volumes of traffic, dangers posed to pedestrians and schoolchildren trying to cross these intersections and dangers posed by the poor design of the intersections themselves.

As a follow-up to this campaign I wrote to the Minister for Roads on 14 June and 21 June to advise him of these and other reported road dangers. In total I advised the minister of over 130 reported road dangers within and outside my electorate. I have to say I was absolutely appalled by the minister's response. It took him nearly eight weeks to provide any real response to my correspondence, and when I did receive a response it was a grand total of one page in length.

Do you know how many of the reported road dangers the minister sought individual advice on from his department? Not one. Do you know how many of the reported road dangers the minister personally assessed? Not one. Do you know how many of the reported locations the minister took the time to visit to gain a firsthand appreciation of the concerns expressed by residents? You have got it: not one. Can you guess how many of the reported issues the minister individually addressed in his correspondence? Yes, you have guessed it again: not one — zip, zero, zilch.

It was an absolutely outrageous response from the minister, who seems to think the sum total of his job as Minister for Roads is to advise members of this house which roads are the responsibility of local councils and which roads are a statutory authority responsibility. He seems happy to simply fob off reports of dangerous road conditions made by genuinely concerned Victorians who expect action from government. He fobs them off to anybody but himself. This who-cares-less attitude is simply not good enough. I

call on the minister to personally and professionally assess these road dangers that residents of Eltham took time to advise him of. I call on him to do his job and make sure that these road dangers are assessed and that there is some action taken on them.

Responses

Mr R. SMITH (Minister for Environment and Climate Change) — The member for Pascoe Vale raised an issue for the Minister for Roads regarding noise walls along the Western Ring Road.

The member for Eltham also raised a matter for the Minister for Roads regarding over 100 road dangers. I am wondering how many of those came to light just in the last 18 months and whether they existed prior to that.

The member for Gembrook raised an issue for the Assistant Treasurer and asked him to visit Gembrook to update small businesses on how government is cutting red tape.

The member for Ballarat East requested that the Minister for Police and Emergency Services provide funding to the Ballarat fire brigade to build a new engine shed.

The member for Prahran raised an issue for the Minister for Health asking him to investigate options into rapid HIV testing.

The members for Essendon and Ferntree Gully raised issues for the Minister for Planning. The member for Essendon asked him to formally respond to the Moonee Valley council with regard to the redevelopment of Moonee Valley Racing Club. The member for Ferntree Gully is a passionate member who represents his community extremely well, and he asked for the minister to meet with Ferntree Gully residents and traders about planning issues at Ferntree Gully village. I will ensure that those issues are passed on to the relevant ministers.

Mr DIXON (Minister for Education) — The member for Mildura raised with me and spoke about the subject of Koori education provision in his electorate. I have always been very impressed with his knowledge of and relationship with his Koori community up there, especially his knowledge of its needs in an educational sense. He has asked me to be in a position to talk with and listen to members of that community as they talk about future Koori education provision in Mildura. It is important to note the willingness of that community to work in partnership with all education providers. They certainly have the best interests of their students at heart. When the total community works in partnership — and part of that partnership involves the local member — great things can be done for those young people.

We in government are very keen on Koori education. It is important that the money go into the sorts of programs that work. We need to close the gap, and we need to do that with programs that work. I am very interested in meeting with that community and listening to its members with regard to the future of Koori education in the Mildura area.

The member for Mitcham, a very good member, spoke about Mullauna Secondary College. It is one of those quiet secondary colleges that works hard. It is well known in its community and has been well supported by the member for Mitcham. She has asked me to visit the school, and I look forward to doing that. Members represent and talk about their schools in this place, but nothing beats going to the school, seeing the conditions and meeting the staff so that when any future decisions are made about refurbishments or upgrades I have an understanding of the buildings and, more importantly, of the community and its needs. The member for Mitcham is a great advocate for her community and especially for the schools in her community. I am more than happy to arrange a time to come out and visit the school.

The member for Mill Park spoke about Mill Park Heights Primary School. It is the school's 20th anniversary this year. I have visited the school and know it well. Deborah Patterson, the principal, is a great advocate for government education. She does a wonderful job at that school. What I like about Deborah is that she corresponds regularly with me about all sorts of interesting and worthwhile educational ideas. She is not afraid to push the boundaries at her school, because that is all about doing the right thing for the students in her care. Mill Park Heights Primary School is a great school and unique in its size.

The relocatable classrooms are the issue that was raised by the member. As she rightly pointed out, we have allocated an extra $9 million in this year's budget to upgrade the stock of relocatable classrooms that we have around the state. There are new models coming out, including the popular two-storey relocatables — we call them the mod-10s portable classrooms. They are excellent value, especially for schools that have restricted playground space and are growing. They will be in the mix as well. The decision about where those classrooms will go has not been made. I am more than happy to take the request on board and see where we are in terms of the construction of those classrooms,

where they will be going and when they will be coming on stream.

I can assure the house that that $9 million will be spent on further relocatables and on upgrading the stock of such buildings, because a lot of them have been sitting there for a long while. The new relocatables are fantastic learning environments for schools. I will take that issue up with the department and see what is happening with them.

The DEPUTY SPEAKER — Order! The house is adjourned until tomorrow.

House adjourned at 10.35 p.m.