PARLIAMENT OF VICTORIA

PARLIAMENTARY DEBATES (HANSARD)

LEGISLATIVE ASSEMBLY

FIFTY-SEVENTH PARLIAMENT

FIRST SESSION

Tuesday, 28 February 2012

(Extract from book 2)

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By authority of the Victorian Government Printer

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The Lieutenant-Governor

The Honourable Justice MARILYN WARREN, AC

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

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

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

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

Parliamentary Services — Secretary: Mr P. Lochert

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FIFTY-SEVENTH PARLIAMENT — FIRST SESSION

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Deputy Speaker: Mrs C. A. FYFFE

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Deputy Leader of the Parliamentary Liberal Party:
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The Hon. P. J. RYAN

Deputy Leader of The Nationals:
The Hon. P. L. WALSH

Leader of the Parliamentary Labor Party and Leader of the Opposition:
The Hon. D. M. ANDREWS

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

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Kairouz, Ms Marlene	Kororoit	ALP	Wells, Mr Kimberley Arthur	Scoresby	LP
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Knight, Ms Sharon Patricia	Ballarat West	ALP	Wreford, Ms Lorraine Joan	Mordialloc	LP
Kotsiras, Mr Nicholas	Bulleen	LP	Wynne, Mr Richard William	Richmond	ALP
Languiller, Mr Telmo Ramon	Derrimut	ALP			

[1] Resigned 21 December 2010

[2] Resigned 27 January 2012

[3] Elected 19 February 2011

CONTENTS

TUESDAY, 28 FEBRUARY 2012

CONTENTS

Tuesday, 28 February 2012

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

MANAGER OF OPPOSITION BUSINESS

Mr ANDREWS (Leader of the Opposition) (*By leave*) — I inform the house that the member for Altona will serve as manager of opposition business for the duration of the member for Bendigo East's maternity leave.

DISTINGUISHED VISITORS

The SPEAKER — Order! Before we commence question time I welcome to the gallery a delegation from the Former Yugoslav Republic of Macedonia. The head of the delegation is Mr Veljanoski, President of the Assembly of the Former Yugoslav Republic of Macedonia. We welcome him to the gallery and thank him for being here.

I also welcome Shalom Simhon, Israel's Minister of Industry, Trade and Labor. We welcome him to our gallery and to the house.

NIDDRIE BY-ELECTION

The SPEAKER — Order! On 23 February 2012 I issued a writ for the by-election for the electoral district of Niddrie to be held on 24 March 2012.

QUESTIONS WITHOUT NOTICE

Planning: Phillip Island rezoning

Mr ANDREWS (Leader of the Opposition) — My question is to the Premier. Can the Premier inform the house of what discussions he or his staff had with the Minister for Planning regarding the minister's initial decision to rezone farmland at Ventnor and the minister's subsequent reversal of this decision?

Mr BAILLIEU (Premier) — I thank the Leader of Opposition for his question. The Minister for Planning consults, as he is required to consult, in the deliberations that he makes and undertakes in regard to any decision. I have had no such discussions with the Minister for Planning.

India: trade delegation

Mrs VICTORIA (Bayswater) — My question is to the Premier. Can the Premier update the house on the outcomes of Australia's largest ever trade mission, which has just returned from India?

Mr BAILLIEU (Premier) — The trade mission to India that has been undertaken over the last week is continuing as we speak. Representatives of a number of sectors attended the trade mission with us, and they are continuing there for two or three days more. We took more than 220 companies and organisations to India — a total delegation of some 280. No other government in Australia has attempted to undertake a mission of such a size before. I understand that more than 1000 meetings took place across the 10 sectors that joined us.

There is no doubt in my mind or the minds of anyone who attended the mission that it was highly successful in building on the mission undertaken last year, which was led by the Minister for Innovation, Services and Small Business, who is also the Minister for Tourism and Major Events, with results of more than some $60 million — a very successful mission. What is clear is that the delegates who attended were able to build relationships, establish new relationships and get commitments to new job-generating partnerships.

Honourable members interjecting.

Mr BAILLIEU — It is remarkable that members of the opposition would treat such a successful mission in the way they do.

Three-quarters of the small and medium enterprises that attended had not done so before in India, and every one of them I spoke to valued this mission. They valued the opportunity to have doors opened for them, and they valued the opportunity to meet with Indian counterparts, whether it be in the education sector, whether it be in the aviation sector, whether it be in the aerospace sector or whether it be in motor vehicle manufacturing, tourism, ICT, biotechnology or urban systems.

The Australia-India research collaboration, for one, generates significant jobs. Up to 300 jobs in highly skilled software engineering will be generated in Victoria as a result of a new partnership between RMIT, ABB Australia, ABB Corporate Research and ABB Global Industries and Services in India.

Honourable members interjecting.

Mr BAILLIEU — It is disappointing that the opposition would take this view of this important mission. It is amazing.

Dr Napthine interjected.

Mr BAILLIEU — It is absolutely vital that Victoria reach out to new markets, whether it be in China, India or the Americas. Victorian company GRG signed a memorandum of understanding with Madhya Pradesh Consultancy.

Mr Holding interjected.

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

Mr BAILLIEU — It is an agreement which will create some 50 new jobs in Victoria, with the potential for $500 million in Victorian exports over the next 10 years.

There is a new partnership with Mahindra Reva in regard to electric vehicles, a Victorian-Indian joint venture breaking new ground with Rosebank Engineering from the eastern suburbs of Melbourne in the servicing of defence force equipment in India. These are positive initiatives and positive outcomes. This trip was an outstanding success. I congratulate all of those involved in organising it, and I thank the delegates.

Public sector: job losses

Mr ANDREWS (Leader of the Opposition) — My question is to the Minister for Community Services. I refer the minister to page 90 of the Department of Human Services 2010–11 annual report where staff numbers are reported by 'Officer type'. It indicates there are some 1690 staff employed in child protection, including some 308 on fixed-term contracts. I ask: as a result of her slashing of 3600 public sector jobs, will the minister guarantee that there will be no reduction in the child protection workforce?

Ms WOOLDRIDGE (Minister for Community Services) — I thank the Leader of the Opposition for his question. I think we should get the facts right first of all, because under a former government we had growth in the public sector of 5.3 per cent per annum versus a 2 per cent population growth. We had the public sector growing significantly. This government has a sustainable government strategy, which will see a 3600 reduction over the whole of government and not in my department, as was implied by the question from the opposition, which is another fact on which it is wrong. The Baillieu government is taking very seriously the fact that we have to have a sustainable budget, a sustainable economy and a sustainable public sector, which is in sharp contrast to what we saw under the previous government.

In relation to the child protection workforce, I am very happy to stand on our record in relation to child protection, because in the last budget we funded significantly more child protection workers — 47 extra child protection workers on the front line delivering services and working with vulnerable families. We had to do that because of the massive failures in the child protection system under the previous government.

Mr Andrews — On a point of order, Speaker, the minister was asked to guarantee that there would be no reduction in the current number of staff. We do not need — —

The SPEAKER — Order! What was the Leader of the Opposition's point of order?

Mr Andrews — It is on relevance, Speaker. The minister was asked a question in relation to guaranteeing the 1690 — —

The SPEAKER — Order! I do not uphold the member's point of order. The minister was being relevant to the question that was asked.

Ms WOOLDRIDGE — In addition to putting extra workers on the front line we are the government that has made a commitment to reform the child protection workforce — a radical reform that will mean that the workforce will be better equipped to work with vulnerable families. The fact is that under the previous government we saw the workers leaving in droves.

Mr Andrews — On a further point of order, Speaker, I put it to you that the question is not an opportunity for the minister to reflect on the previous government as she sees it; it related to her department and her government's initiative to slash 3600 public sector jobs — —

The SPEAKER — Order! The member does not have to repeat the question. When a member gets up on a point of order it is not an opportunity to ask the question again. Members will not necessarily get the answer they want. I do not uphold the point of order.

Mr Andrews — On a further point of order, Speaker, can I put it to you that this is not a matter of my seeking an answer that I want. All I want, Speaker, respectfully, is for the standing orders to apply to this minister.

The SPEAKER — Order! I have ruled the member out on that point of order.

Mr Andrews interjected.

The SPEAKER — Order! I have ruled on it. I do not uphold the member's point of order. I ask the member to resume his seat.

Mr Andrews interjected.

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

Mr Andrews interjected.

The SPEAKER — Order! I ruled on the point of order to start with. The member then wanted to raise another point of order which started in exactly the same fashion as the first one. I overruled the member on that point of order. I call the minister.

Ms WOOLDRIDGE — You do not like hearing the truth, do you? The fact is — —

Honourable members interjecting.

The SPEAKER — Order! I do not appreciate that sort of answer from the minister. I ask the minister to answer the question.

Ms WOOLDRIDGE — We inherited a workforce that was leaving in droves; 28 per cent of our first-year child protection workers were leaving every year because of the management and leadership of the former government. We are reforming the child protection workforce. We have employed more workers. In relation to where we are going — —

Ms Hennessy — On a point of order, Speaker, with respect I ask you to apply standing order 58(1)(b). The minister has had ample opportunity to not only attack the opposition but to completely avoid the question. Will she or will she not guarantee the 1690 jobs within her department?

The SPEAKER — Order! A point of order is not the time to repeat the question. I do not uphold the point of order.

Ms WOOLDRIDGE — Front-line workers are not affected by the decision making of our sustainable government strategy. Child protection workers range from grade 1 to grade 6. The managers directly supervising that front-line workforce are also front-line workers. Our child protection principal practitioners are front-line workers, and they are not affected by the decision making of the sustainable government strategy. We will not be impacting our front-line workforce. What we are doing is implementing a sustainable government strategy which will mean that we can invest in our front-line workers, as we have been doing, because if you do not have a sustainable government, you cannot invest in the services that the state fundamentally delivers for very vulnerable people.

We inherited a system that was failing. We are making a real difference. We are investing in our front-line workers. We are making the reforms that are needed. We are restructuring our department so that we are better placed to deliver to vulnerable families and to genuinely deliver the services state governments are elected to deliver. We are proud of what we are doing to make a difference to vulnerable families. Front-line workers are protected in this process.

Regional and rural Victoria: government initiatives

Mr CRISP (Mildura) — My question is to the Deputy Premier in his role as Minister for Regional and Rural Development. Can the minister update the house on how the coalition government is investing in major regional projects to boost economic development and create more local jobs in regional Victoria, such as in Sunraysia?

Mr RYAN (Minister for Regional and Rural Development) — I thank the member for his excellent question and for the great work he continues to do on behalf of the people of Mildura and of the Sunraysia region generally. We are committed as a government to driving economic growth and job creation across the regions and in rural Victoria.

Last week I had the great pleasure to be in that beautiful city of Mildura in company with the local member for two major funding announcements which mean an enormous amount to the future of the area. Those announcements are being funded through our $1 billion Regional Growth Fund. The first of those is the Mildura Airport redevelopment, and the second is to do with the riverfront parkland project.

The $6.4 million airport redevelopment will deliver major benefits for the people of Mildura and for the region generally. Last year something like 210 000-plus people went through the Mildura Airport in transit either to or from that beautiful city and the region. The airport is a vital point of infrastructure and a major point of contact for people moving back and forth through the city. The redevelopment is a product of economic activity, of tourism and of job growth. It will allow for better and more frequent services through the

region. It will also enable larger planes to land in the area, and it will bring about lower fares.

Last week's announcement will see us add to our previous commitment of $3 million another $2.2 million for the project. It will be a commitment of $5.2 million taken in concert with the $1.2 million committed by the Rural City of Mildura. I might say that the mayor, John Arnold, was present for these announcements. It is a total project investment of $6.4 million. In the course of the construction 70 jobs will be directly created as a result of this task being undertaken.

I also announced an extra $2 million for the development of the Mildura waterfront, bringing our total commitment as a government to some $7 million. That will start this major project, which is intended to absolutely transform the riverfront into a world-class destination and, importantly, to reconnect the city's CBD with the river. I am sure there are many people who go to Mildura who do not fully understand the magnificence of the presence of the Murray River. Like a lot of our cities along the Murray, Mildura was originally built with its back to the river.

Mr Wynne interjected.

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

Mr RYAN — That arose because commerce was based on the river. As the township developed in what are now great cities such as Mildura, the development was away from the riverfront. What this project will do is turn the city back towards the river. It is an initiative that has been strongly welcomed by the people of Mildura. It is in total a $13.3 million development, and it has been identified as a project of state significance. Again, many jobs will be created as a result of this.

Of course this is only part of the story that we have brought to regional development since coming to government. Since we assumed office we have facilitated projects valued at over $700 million. They have resulted in the creation of more than 1000 new jobs. Recent job announcements in regional Victoria have included 90 new jobs in Mildura for Olam Australia's $60 million investment; 50 jobs at Burra Foods at Korumburra; 50 jobs at Covino Farms at Seaspray in my own electorate; 35 jobs over at Warrnambool Cheese and Butter; 40 jobs in the Tasman Market Fresh Meats store at Shepparton; 225 jobs at Iluka Resources near Ouyen; and on it goes. This government is absolutely committed to the future of rural and regional Victoria — and, unlike Labor, we talk it up; we do not talk it down.

Employment: Geelong

Mr PALLAS (Tarneit) — My question is to the Premier. I refer the Premier to his promise of 1000 jobs for Geelong resulting from the relocation of the car trade to the port of Geelong, and I ask: given that the shipping industry, the motor vehicle industry and the government's own secret Sinclair Knight Merz report do not support the move, does the Premier remain committed to his 1000 jobs promise, or does he now admit it was nothing more than a cruel hoax on the people of Geelong?

Mr BAILLIEU (Premier) — In opposition we indicated that we would conduct a review and look at the opportunities to relocate the car trade. That examination has been continuing, and when it reaches a conclusion the minister will make the appropriate announcement.

Honourable members interjecting.

Questions interrupted.

SUSPENSION OF MEMBER

Member for Lara

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

Honourable member for Lara withdrew from chamber.

QUESTIONS WITHOUT NOTICE

Questions resumed.

Police: affidavits

Mr NEWTON-BROWN (Prahran) — My question is to the Attorney-General. Can the Attorney-General update the house on measures the government is taking to ensure the integrity of our criminal justice system?

Mr CLARK (Attorney-General) — I thank the honourable member for Prahran for his question. As he and other honourable members will know, in recent times a serious issue has arisen that has threatened the integrity of Victoria's justice system — that is, the ability of our justice system as a whole to function effectively to uphold the law and help keep our community safe.

Late last year it became apparent that there were doubts about the admissibility of evidence arising from affidavits that were not properly sworn or affirmed by members of Victoria Police. As time has gone on, the scale of the problem has become increasingly clear. Victoria Police has reported that some 9000 officers have lodged disclosures that at some point in their career they may not have properly sworn or affirmed affidavits. On latest estimates there may be around 6000 cases in the Magistrates Court and around 300 cases in the higher courts, as identified so far, that may be affected by this issue.

As many honourable members will know, affidavits are used, amongst other purposes, to provide evidence for an application for the issue of a warrant or other process, and on the basis of that warrant or other process evidence may be collected, so if the affidavit is not properly sworn or affirmed, there may be issues about the validity of the warrant or other process and therefore issues about the validity of the evidence that is gathered as a result of that warrant or other process. It then may become a matter for the discretion of the individual judge or magistrate concerned whether or not that evidence should be admitted at the trial. In some cases to date that evidence has been admitted; in other cases to date such evidence has been excluded and cases have had to be discontinued.

The government has been closely monitoring the situation since this issue first arose and after careful consideration has decided to introduce legislation to address the problems that have arisen. The government considers that the potential consequences for the legal system of the issues arising from these affidavits remaining undecided are so grave that legislation is required. The legislation we propose will ensure that failures to follow formalities associated with the swearing or affirming of affidavits do not result in the exclusion of evidence from legal proceedings. It will only apply to affidavits sworn or affirmed prior to 12 November 2011 and to any subsequent processes or actions taken in reliance on those affidavits.

This legislation is certainly not intended to excuse or endorse the failure of some Victoria Police officers to follow proper requirements, but it is intended to prevent the possibility of trials being jeopardised solely because of possible procedural defects in the swearing or affirming of affidavits. It will not affect any rules regarding the truthfulness of contents of affidavits, and it will not affect the rights of any parties where a court has already ruled on the validity of an affidavit or process or on the admissibility of evidence.

The legislation will also not change any requirements going forward for proper formalities to be observed in the swearing or affirming of affidavits. The Chief Commissioner of Police has already taken action to ensure that his members are fully aware of their obligations, and to reinforce that we propose that a fine of up to 10 penalty units will apply under an offence to be created of making a false or misleading statement in relation to the making of an affidavit.

Dr Napthine interjected.

The SPEAKER — Order! I will not warn the Minister for Ports again.

Mr CLARK — The community cannot afford to have the risk of trials being abandoned and, potentially, offenders who have committed very serious crimes walking free simply because police or others have failed to comply with certain procedural formalities. This is simply unacceptable, and I can assure the honourable member and the house that this government will not stand idly by and allow Victoria's justice system to grind to a halt as a result of these issues.

Public sector: job losses

Mr HOLDING (Lyndhurst) — My question is to the Minister for Innovation, Services and Small Business, who is the coordinating minister for the Department of Business and Innovation. Does the minister know what the total reduction in DBI staff numbers will be as a result of the so-called 'sustainable government' initiatives, and can she inform the house of those numbers?

Ms ASHER (Minister for Innovation, Services and Small Business) — I thank the member for Lyndhurst for his question. The cuts to staff in DBI — and there will be cuts to staff in DBI — are going to be phased in over a two-year period. The reductions will occur in administrative and back-office positions — as you would expect, in DBI there are a range of administrative and back-office positions — and they will occur through natural attrition, a freeze on recruitment, the lapsing of some fixed-term positions and a voluntary departure package program.

As I indicated, these staff reductions will be phased in over a two-year period, and, as has already been explained by the Premier and other ministers, the reason we are attempting to reduce the size of the Victorian public sector is to try to address the unsustainable budget position which was left to us by the Labor Party. Again, in terms of — —

Honourable members interjecting.

The SPEAKER — Order! I will have some order in the house from both sides of the house.

Ms ASHER — I think it is important to remind the house of why there will be reductions in staff in DBI. The size of the Victorian government under the Labor Party grew from 12.5 per cent of the economy in 1999–2000 to almost 15 per cent — —

Ms Hennessy — On a point of order, Speaker, the parliamentary conventions of this house clearly prohibit attacks on the opposition. The minister was simply asked how many people in her department will be losing their jobs, and I ask that you direct her back to answering the question. She seems to understand the statistics around the previous government pretty well — —

Dr Napthine — On the point of order, Speaker, the minister was being very relevant to the question. It is absolutely relevant to the question to outline the sustainable government decisions. It is absolutely relevant for the minister to outline the budgetary position that was inherited by this government and the unsustainable growth of the public sector that the previous government presided over, because those things are absolutely relevant to the decisions of this government. That is why she was being relevant — —

The SPEAKER — Order! I have heard enough. I do not uphold the point of order because I believe the minister was being relevant to the question that was asked. She was explaining why.

Ms ASHER — In terms of the context of sustainable government, as has been explained by the Premier and by other ministers, the Victorian public sector grew at an average annual rate of 5.3 per cent between 2006 and 2010 compared to a population growth rate of just 2 per cent. It is unsustainable to have a public sector growing at the rate that the public sector grew under the Labor Party, including the member for Lyndhurst.

Mr Holding — On a point of order, Speaker, the question was very specific. It asked: does the minister know? If the minister does not know, she simply has to say so and sit down. At the moment the diatribe we are being subjected to simply reveals that the minister does not know how many staff are to be cut from her department.

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

Ms ASHER — It is very clear from what the government has said previously, given that front-line staff are going to be cut, that my department is going to be subject to some of these voluntary redundancies. Some of these redundancies will be coming from DBI. As I said earlier, these will be phased in over two years by natural attrition, a freeze on recruitment, the lapsing of some fixed-term positions and a voluntary departure package program. All these items have been announced previously by the Treasurer and by the Premier, but I am more than happy to reiterate them for the member for Lyndhurst today if he did not understand them properly previously.

Middle East: trade delegation

Mr BURGESS (Hastings) — My question is to the Minister for Innovation, Services and Small Business. Can the minister advise the house of recent developments in Victoria's trade with the Middle East?

Ms ASHER (Minister for Innovation, Services and Small Business) — I thank the member for Hastings for this important question, because one of the things the state government can do is try to assist businesses to find new markets. In that context I was very proud to lead Victoria's, and indeed Australia's, largest trade mission to the Middle East in the week preceding the Premier's mission to India. The mission to the Middle East visited Qatar and the United Arab Emirates and included over 100 Victorian companies from the food and beverage, infrastructure and water sectors. These businesses were delighted to participate in the mission and have already reported significant value from attending.

The mission included a stand presence at Gulfood 2012, which is the largest annual food and beverage trade show in the world. More than 80 Victorian companies exhibited at Gulfood, building on the success of a smaller presence the previous year. That smaller presence yielded an estimated export outcome of $57 million. We are very optimistic about the results of this mission. Indeed, in 2010–11 the region imported $830 million of Victorian food and beverage products. It is also important to note that the previous coalition government established a Victorian government business office in Dubai — the first Australian state to have a presence in the region — and we are building on that.

One of the investments that was announced on the mission was a major project worth $7.8 million by Bega Cheese and Tatura Milk Industries to expand a cream cheese facility, which is a terrific result. This is as a direct result of increased marketing opportunities in

the Middle East. I was delighted to join the chief executive officer to make the announcement. This will increase the output of cream cheese from 15 000 tonnes per annum to 22 000 tonnes per annum. Again it was a terrific announcement that was made on that mission.

Warrnambool Cheese and Butter also announced the global launch of its vintage cheese retail brand in the region.

Honourable members interjecting.

Ms ASHER — I notice that Labor members think these announcements about investments relating to jobs and export opportunities are something to be giggled about. In fact, Speaker, as you would know, these are serious export opportunities for Victoria.

We were delighted to lead this mission to the Middle East to try to assist businesses. Another announcement, again by a Victorian company, was that Nach Trading will export lamb worth $1.2 million to Saudi Arabia over the next two years. This announcement was welcomed roundly on all sides. In terms of other investments, Aconex won a contract to provide online solutions to a large project in Abu Dhabi, the quantum of which will be announced by the company in due course.

There was a range of opportunities, and we had a range of meetings, which were all very focused on Victoria, with government members, sheikhs and members of the royal family, all of whom had very good knowledge of Victoria. We are determined to ensure that export opportunities for Victoria in this growing region are kept at the fore of the government's economic agenda.

Essential Services Commission: government reference

Mr SCOTT (Preston) — My question is to the Minister for Finance. In light of the government's decision to take almost $500 million from WorkCover and the reports today that the government is conducting a review into the operations of WorkCover and the Transport Accident Commission, will the minister rule out merging WorkCover with the TAC?

Mr CLARK (Minister for Finance) — Let me provide assistance to the honourable member in relation to the allocation of portfolio responsibilities. The bulk of the member's question relates to the responsibilities of the Assistant Treasurer, who is represented in this house by the Treasurer.

In relation to that part of the honourable member's question that relates to the finance portfolio — namely, the review being conducted by the Essential Services Commission (ESC), which is a matter jointly handled by the Assistant Treasurer and me — I can inform the honourable member that this follows a well-established practice, as he may well have known had he consulted with some of his colleagues who are former ministers for finance.

According to my recollection it is legislation passed by the previous government to establish the Essential Services Commission that provides for certain references to be made to that commission by a government, including references in which the government can seek internal advice from the Essential Services Commission for the purposes of government. In relation to the inquiry to which the honourable member refers, that is the decision made by the government. The government is seeking advice from the Essential Services Commission.

Mr Merlino — On a point of order, Speaker, the minister is debating the question. Is he truly saying the Minister for Finance cannot rule out that the TAC is going to be merging — —

The SPEAKER — Order! The member will not repeat the question. I am not going to say it again; points of order are not an opportunity to ask the question again. The minister's answer was relevant to the question that was asked.

Mr CLARK — Let me conclude my answer in relation to those parts of the member's question which relate to my portfolio responsibilities. There is provision in the Essential Services Act 1958 for the government to seek internal advice from the ESC when it believes the ESC's expertise and skills can provide assistance to the government. That is the course the government has chosen to follow.

Carbon capture and storage: government initiatives

Mr NORTHE (Morwell) — My question is to the Minister for Energy and Resources. Can the minister advise the house on progress with initiatives to promote carbon capture and storage technology in Victoria, and is he aware of any threats to this progress?

Mr O'BRIEN (Minister for Energy and Resources) — I would like to thank the member for his question. As the member well knows, Victoria has the second-largest brown coal resource on the planet, second only to Russia. Around 93 per cent of Victoria's electricity is produced by brown coal, and that is an outstanding competitive advantage for this state. For

over 80 years it has supplied us with reliable, relatively affordable energy and thousands of well-paid jobs, particularly in the member for Morwell's electorate and throughout Gippsland.

Given the known reserves of brown coal in this state we can conservatively estimate that we have at least 500 years worth of brown coal supply at current usage levels. While that brown coal has low levels of sulphur and other impurities, it does have high moisture content, which means it has a higher emissions profile than other forms of energy such as black coal. For this reason we need to move to new technology that will enable us to keep using this world-class resource but with lower emissions.

Therefore I am very pleased to advise the house that I recently joined the federal Minister for Resources and Energy, Martin Ferguson, in Morwell to announce that the Victorian and Australian governments will jointly invest $100 million towards the development of Victoria's first carbon capture and storage (CCS) network project, CarbonNet.

CarbonNet has secured CCS flagship status with the commonwealth, and over the next two years it will rigorously examine the technical feasibility of the large-scale demonstration of carbon capture and storage in transportation in the valley. CarbonNet offers a pathway for the low-emission use of Victoria's brown coal assets into the future. The commonwealth is putting in $70 million; we are putting in $30 million.

In response, the *Latrobe Valley Express* said:

> The Latrobe Valley welcomed its 'best employment news in a long time' on Friday …

The Construction, Forestry, Mining and Energy Union — not known as being a supporter of the government — said:

> It is the first tangible announcement of future employment in the valley since the carbon tax announcement …

We all know who supports the carbon tax in this house, and we all know who does not. The Latrobe City Council mayor, Ed Vermueulen, said:

> This is a very important — almost a first — step towards dealing practically and committing money to our future in terms of where we are in the future of power production.

Honourable members interjecting.

The SPEAKER — Order! The house will come back to order.

Ms D'Ambrosio interjected.

Questions interrupted.

SUSPENSION OF MEMBERS

Member for Mill Park

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

Honourable member for Mill Park withdrew from chamber.

Mr Foley interjected.

Member for Albert Park

The SPEAKER — Order! The member for Albert Park will leave the chamber for half an hour as well.

Honourable member for Albert Park withdrew from chamber.

QUESTIONS WITHOUT NOTICE

Carbon capture and storage: government initiatives

Questions resumed.

Mr O'BRIEN (Minister for Energy and Resources) — As I said, I was very pleased to make this announcement with Martin Ferguson. I have been critical of Labor on occasions, but Martin Ferguson has been a very cooperative and constructive minister to deal with. He understands the importance of jobs and energy security to Victoria.

I was asked about threats. It is a matter of record that Minister Ferguson supported Kevin Rudd in the recent leadership circus in Canberra. As a result, the faceless men of the Labor Party are threatening his job, and that threatens carbon capture.

Honourable members interjecting.

The SPEAKER — Order! The house will come to order. The minister is very much aware that he was not answering the question that was asked. I ask him to desist from doing that in the future. The minister's time has expired.

Mr Howard — On a point of order, Speaker, during question time today you have evicted three members from the house without previously warning them. I noticed that on one occasion you named the Minister for Ports and gave him a warning, and he was not

thrown out. We have seen on other occasions members warned as many as three times and not thrown out. It is very difficult for members of the house to see a consistent practice here. I am wondering whether it might be possible for you to provide more consistent rulings so that, with respect, we can understand how you plan to operate and therefore gain a clear understanding of the likelihood of various approaches.

The SPEAKER — Order! I do not intend to elaborate at this time. If members would behave themselves, nobody would be kicked out of the chamber, and that includes members of the government. The Minister for Ports was very lucky he was not kicked out.

An honourable member interjected.

The SPEAKER — Order! He has been kicked out a number of times already, so just accept the fact — —

An honourable member interjected.

The SPEAKER — Order! The member for Richmond was warned.

Mr Wynne — I did not say anything.

The SPEAKER — Order! No; the member is saying something now.

Mr Wynne interjected.

The SPEAKER — Order! Does the member for Richmond wish to leave now? If he continues to argue, he will be required to do so.

RULINGS BY THE CHAIR

Reading of speeches

The SPEAKER — Order! It is a well-established practice in this house that members do not read their speeches. The purpose of this rule is to maintain the cut and thrust of debate, which depends upon successive speakers responding to points of view outlined in earlier speeches. Debate is more than a series of set speeches prepared beforehand without any reference to each other. It appears to me that some members may be reading prepared speeches when they are contributing to debates.

As we are now into the second year of this Parliament, I believe all members should have the confidence and experience to make their contributions without the need to read a prepared speech. I advise the house that I intend to be more vigilant in applying this rule in the future. Members' 90-second statements and ministers' second-reading speeches will continue to be exempt from this rule.

DRUGS, POISONS AND CONTROLLED SUBSTANCES AMENDMENT (SUPPLY BY MIDWIVES) BILL 2012

Introduction and first reading

Dr NAPTHINE (Minister for Ports) — I move:

> That I have leave to bring in a bill for an act to amend the Drugs, Poisons and Controlled Substances Act 1981 to provide for certain midwives to possess, use, sell and supply certain drugs in the course of midwifery practice and for other purposes.

Ms GREEN (Yan Yean) — I request the Minister for Ports, who represents the Minister for Health, to give a brief explanation of the bill.

Dr NAPTHINE (Minister for Ports) — As outlined in the bill's introduction, this bill is to provide for certain midwives to possess, sell, use and supply certain drugs in the course of midwifery practice and for other purposes. It is consistent with Council of Australian Governments agreements on this issue.

Motion agreed to.

Read first time.

STATUTE LAW REPEALS BILL 2012

Introduction and first reading

Mr McINTOSH (Minister for Corrections) — I move:

> That I have leave to bring in a bill for an act to repeal certain spent acts.

Ms HENNESSY (Altona) — I ask the minister to provide a brief explanation of the bill.

Mr McINTOSH (Minister for Corrections) — The Statute Law Repeals Bill 2012 is a standard bill that comes into the house to tidy up a number of acts that are spent or otherwise redundant. In accordance with usual procedure, following the second-reading speech I will ask for this bill to be referred to the Scrutiny of Acts and Regulations Committee.

Motion agreed to.

Read first time.

WATER AMENDMENT (GOVERNANCE AND OTHER REFORMS) BILL 2012

Introduction and first reading

Mr WALSH (Minister for Water) — I move:

That I have leave to bring in a bill for an act to repeal provisions relating to the licensing system in the Water Industry Act 1994 and to make consequential and other amendments to that act, to provide for metropolitan water corporations under the Water Act 1989 and to make consequential and other amendments to that act and other acts and for other purposes.

Ms NEVILLE (Bellarine) — I ask the minister to provide a brief explanation.

Mr WALSH (Minister for Water) — This bill will transfer the Melbourne water retailers from the Water Industry Act 1994 to the Water Act 1989, make some changes to the provisions for debt recovery of all water authorities in Victoria and change the number of directors that can be appointed to water corporations.

Motion agreed to.

Read first time.

JUSTICE LEGISLATION AMENDMENT BILL 2012

Introduction and first reading

Mr CLARK (Attorney-General) — I move:

That I have leave to bring in a bill for an act to make miscellaneous amendments to the Children, Youth and Families Act 2005, the County Court Act 1958, the Liquor Control Reform Act 1998, the Magistrates' Court Act 1989 and the Victorian Law Reform Commission Act 2000, to improve the operation of those acts and for other purposes.

Ms HENNESSY (Altona) — I ask the Attorney-General to provide a brief explanation of the bill.

Mr CLARK (Attorney-General) — As the long title indicates, the bill makes miscellaneous amendments to the various acts referred to in the long title, most significantly to improve the legislative underpinning for the assessment and referral court list in the Magistrates Court, and to streamline the processes for the appointment of certain convenors to the Children's Court.

Motion agreed to.

Read first time.

LEGAL PROFESSION AND PUBLIC NOTARIES AMENDMENT BILL 2012

Introduction and first reading

Mr CLARK (Attorney-General) — I move:

That I have leave to bring in a bill for an act to amend the Legal Profession Act 2004 in relation to pro bono legal services, disciplinary complaints and investigations, professional indemnity insurance, the reporting requirements and payment powers of the Legal Services Board and to amend the Public Notaries Act 2001 in relation to eligibility for appointment as a public notary and for other purposes.

Ms HENNESSY (Altona) — I ask the Attorney-General to provide a brief explanation of the bill.

Mr CLARK (Attorney-General) — The long title itself provides a fairly reasonable explanation of the bill, but in particular the amendments to the Legal Profession Act 2004 seek to cut red tape and regulatory burdens in relation to the regulation of the legal profession in various respects, and the amendment to the Public Notaries Act 2001 proposes to make clear that the person needs to be a fit and proper person when seeking appointment as a public notary.

Motion agreed to.

Read first time.

EVIDENCE (MISCELLANEOUS PROVISIONS) AMENDMENT (AFFIDAVITS) BILL 2012

Introduction and first reading

Mr CLARK (Attorney-General) introduced a bill for an act to amend the Evidence (Miscellaneous Provisions) Act 1958 and for other purposes.

Read first time; by leave, ordered to be read second time later this day.

DISABILITY AMENDMENT BILL 2012

Introduction and first reading

Ms WOOLDRIDGE (Minister for Community Services) — I move:

That I have leave to bring in a bill for an act to amend the Disability Act 2006 to clarify procedures, address administrative issues and strengthen the rights of persons with disabilities under that act, to amend the Human Services (Complex Needs) Act 2009 to confer powers and functions on the Secretary to the Department of Human Services, to

make consequential amendments to certain other acts and for other purposes.

Ms GREEN (Yan Yean) — I ask the minister to give a further explanation of the bill.

Ms WOOLDRIDGE (Minister for Community Services) — This bill will address technical and administrative issues that have arisen since the act came into effect and strengthen the rights of people with a disability.

Motion agreed to.

Read first time.

BUSINESS OF THE HOUSE

Notices of motion: removal

The SPEAKER — Order! Notices of motion 3 to 12 will be removed from the notice paper unless members wishing their notices to remain advise the Clerk in writing before 6.00 p.m. today.

PETITIONS

Following petition presented to house:

Eastwood Primary School: upgrade

To the Legislative Assembly of Victoria:

The petition of the students, parents and community of Eastwood Primary School and deaf facility, city of Maroondah, Victoria, draws to the attention of the house Eastwood Primary School was identified by the department of education as needing to be rebuilt and prior to the last election its rebuilding was promised to be supported by your government. Our students, teachers and community are being adversely affected by the dilapidated condition of our school.

The petitioners therefore request that the Legislative Assembly of Victoria commit to the rebuilding of Eastwood Primary School in 2012 in accordance with the master plan approved by the department of education.

By Mr HODGETT (Kilsyth) (1210 signatures).

Tabled.

Ordered that petition be considered next day on motion of Mr HODGETT (Kilsyth).

PROTECTING VICTORIA'S VULNERABLE CHILDREN INQUIRY

Report

Ms WOOLDRIDGE (Minister for Community Services), by leave, presented report.

Tabled.

Ordered to be printed.

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE

Alert Digest No. 2

Ms CAMPBELL (Pascoe Vale) presented *Alert Digest* No. 2 of 2012 on:

Building Amendment Bill 2012
Carers Recognition Bill 2012
City of Melbourne Amendment (Environmental Upgrade Agreements) Bill 2012
Road Safety Amendment (Car Doors) Bill 2012

together with appendices.

Tabled.

Ordered to be printed.

DOCUMENTS

Tabled by Clerk:

Border Groundwaters Agreement Review Committee — Report 2010–11

Education and Care Services National Law Act 2010 — Education and Care Services National Regulations 2011 under s 303

Falls Creek Alpine Resort Management Board — Report year ended 31 October 2011

Financial Management Act 1994 — Report from the Minister for Environment and Climate Change that he had received the Report 2010–11 of the Lake Mountain Alpine Resort Management Board

Mount Buller and Mount Stirling Alpine Resort Management Board — Report year ended 31 October 2011

Mount Hotham Alpine Resort Management Board — Report year ended 31 October 2011

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

Ballarat — C147

Banyule — C76

Bass Coast — C78 Part 1

Baw Baw — C87

Boroondara — C132, C136, C144

Campaspe — C89

Cardinia — C153

Casey — C117

Colac Otway — C54, C58

Frankston — C55, C75

Greater Dandenong — C116, C142

Greater Geelong — C216, C230, C252

Kingston — C114

Knox — C62

Latrobe — C39 Part 2

Maribyrnong — C110

Mildura — C72

Mitchell — C84

Moira — C64

Moonee Valley — C113

Moorabool — C6 Part 1, C39

Moreland — C140

Nillumbik — C72, C74

Port Phillip — C92

Pyrenees — C26

Stonnington — C143, C147

Surf Coast — C71 Part 1, C77

Wodonga — C91, C92

Yarra Ranges — C99

Yarriambiack — C17

Statutory Rules under the following Acts:

Infringements Act 2006 — SR 3

Liquor Control Reform Act 1998 — SR 5

Local Government Act 1989 — SR 4

Pollution of Waters by Oil and Noxious Substances Act 1986 — SR 7

Subdivision Act 1988 — SR 111/2011

Victorian Energy Efficiency Target Act 2007 — SR 6

Subordinate Legislation Act 1994:

Documents under s 15 in relation to Statutory Rules 152, 161, 162/2011, 3, 4, 6, 7

Documents under s 16B in relation to:

Monitoring Technical Standard under the *Gambling Regulation Act 2003*

Partial Revocation of Crown Reserve in Docklands under the *Docklands Act 1991*.

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

Liquor Control Reform Further Amendment Act 2011 — Remaining provisions — 20 February 2012 *(Gazette S26, 7 February 2012)*

Serious Sex Offenders (Detention and Supervision) Amendment Act 2011 — Whole Act — 1 March 2012 *(Gazette S45, 21 February 2012).*

ROYAL ASSENT

Message read advising royal assent on 14 February to:

City of Greater Geelong Amendment Bill 2011
Planning and Environment Amendment (Schools) Bill 2011
Public Prosecutions Amendment Bill 2011.

STANDING ORDERS COMMITTEE

Membership

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

That Ms Allan be discharged from attendance on the Standing Orders Committee and that Ms Green be appointed in her place.

Motion agreed to.

DRUGS AND CRIME PREVENTION COMMITTEE

Reporting date

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

That the resolution of the house of 10 February 2011 be amended to extend the reporting date for the Drugs and Crime Prevention Committee's inquiry into locally based approaches to community safety and crime prevention to no later than 30 May 2012.

Motion agreed to.

BUSINESS OF THE HOUSE

Program

Mr McINTOSH (Minister for Corrections) — I move:

> That, under standing order 94(2), the orders of the day, government business, relating to the following bills be considered and completed by 4.00 p.m. on Thursday, 1 March 2012:
>
> Building Amendment Bill 2012
>
> Carers Recognition Bill 2012
>
> City of Melbourne Amendment (Environmental Upgrade Agreements) Bill 2012
>
> Control of Weapons and Firearms Acts Amendment Bill 2011.

In moving this motion I should also alert the house, and I have discussed this with the opposition, that the bill that was introduced by the Attorney-General relating to miscellaneous amendments to the Evidence Act 2008, which specifically relates to police affidavits — and I will not foreshadow further debate on that — will be debated, by leave, as the first item on the government's business program today. There is some urgency in relation to the passage of the bill, and I am grateful that the opposition has granted leave for that debate to take place as the first item on the program.

Given that there are four other bills on the program, I think there is adequate time for all members to make a contribution on the bills that remain on the government business program.

Ms HENNESSY (Altona) — I rise to articulate our opposition to the government business program. There is a reason why we oppose the program, and that reason is not to do with the substantive merits of any of the items or any of the bills that are currently on it; it is to do with our frustration at the government's continuing practice of using Wednesday afternoons for the purpose of second-reading speeches. We say that substantially impacts upon our capacity to scrutinise bills and contribute to important debates. In the last sitting week we saw important items of public policy, most pertinently the Freedom of Information Amendment (Freedom of Information Commissioner) Bill 2011 and the Independent Broad-based Anti-corruption Commission Amendment (Investigative Functions) Bill 2011, put to the guillotine while the opposition still had numerous speakers who wished to make a contribution.

It is our intention to continue to critique the government's abuse of the government business program by putting these items to the guillotine. We constantly see the government cutting short the important time that should be provided to scrutinise bills and make a contribution to these debates. We agree that these are important bills that are on the program. But it strikes us that the government continues to abuse the processes of this Parliament to try to reduce scrutiny and the capacity for members to make a contribution. On that basis we will be opposing the motion.

Mr HODGETT (Kilsyth) — I rise to support the motion moved by the Leader of the House in relation to the government business program. As has been outlined, there are four bills on the program. They are the Building Amendment Bill 2012, the Carers Recognition Bill 2012, the City of Melbourne Amendment (Environmental Upgrade Agreements) Bill 2012 and the Control of Weapons and Firearms Acts Amendment Bill 2011. We also have the Evidence (Miscellaneous Provisions) Amendments (Affidavits) Bill 2012, which the Attorney-General has outlined, and, thanks to the cooperation of the opposition, it will be the first item of government business so that the matter can be dealt with today. I think we have negotiated a number of speakers on that bill in order to scrutinise it so that we can pass it to the upper house to be dealt with in this sitting week.

The rest of the bills are to be dealt with by the guillotine at 4.00 p.m. on Thursday. Contrary to the previous contribution, I believe there will be adequate time for scrutiny of those four bills. There are a number of members on this side of the house who wish to speak on the bill, and I know from dealing with the Opposition Whip that there are a number of opposition speakers who wish to make a contribution to the debate on these bills. There will be adequate debating time this afternoon, this evening, on Wednesday and on Thursday to deal with the four bills, and I commend the motion to the house.

Mr MERLINO (Monbulk) — I rise in support of the manager of opposition business in opposing the government business program. We did indeed agree to expedite the Evidence (Miscellaneous Provisions) Amendment (Affidavits) Bill 2012, and we will be talking about that bill later this afternoon.

From my point of view there are two main concerns. One is around second-reading speeches on Wednesday nights. We have had and continue to have the farcical situation, particularly during the last sitting week, in which we have significant bills — for example, the Freedom of Information Amendment (Freedom of Information Commissioner) Bill 2011 and the

Independent Broad-based Anti-corruption Commission Amendment (Investigative Functions) Bill 2011 — on which many speakers who want to raise issues in order to scrutinise these very important bills do not have the opportunity to do so because the government second reads its bills on Wednesday night and guillotines the bills on the government business program on Thursday afternoon.

This week we have a situation in which the opposition was advised that there were four bills on the government business program. We were advised of that last Thursday, as is the usual process. That seemed light on, so we always anticipated that there would be something else on the government business program, because four is a particularly small number of bills to be debated in a parliamentary sitting week.

I want to make a point also about other processes. This morning there were briefings on two bills that we will be debating this afternoon. I had a briefing on some amendments to the Control of Weapons and Firearms Acts Amendment Bill 2011, and I received a briefing from the department about a month ago. However, I just make the point that I received a briefing on a bill from the government on the morning that it is to be debated. Even worse than that, I received a briefing at 9.40 a.m. today on the Evidence (Miscellaneous Provisions) Amendment (Affidavits) Bill 2012. There is absolutely no time at all to properly scrutinise this bill. I will talk about the merits of the bill and the position of the Victorian Labor Party when we have the second-reading debate shortly, but I just make the point that we have two bills being debated today on which we had briefings this morning.

This is a government that cannot get it right. We either have weeks where we have significant bills and there is absolutely no ability for members of the opposition to debate and scrutinise them in full or we have this charade that there is an urgent bill that could have been dealt with over the course of the last four months. This was clearly planned. One does not advise of a government business program with four bills on it without having something else already planned. However, last night we got a phone call to say, 'By the way, there will be a story in the media tomorrow about affidavits and we will give you a briefing. Can you please expedite this legislation through the house?'.

We will be opposing the government business program. We continue to oppose The Nationals' tail wagging the dog of the Liberal Party. The only reason we have second-reading speeches on Wednesday nights is because The Nationals members want to go home on Thursday. I support the manager of opposition business, and I oppose the program.

Mr CRISP (Mildura) — I rise to support the government business program. I would also like to welcome the member for Altona to her new job. I point out that on the last sitting Thursday afternoon, between question time and the guillotine at 4.00 p.m., for some reason speakers from the other side could not be found, so it is a little bit hollow to talk about the loss of debating time when opposition members surrender it so easily.

With five bills on the government business program this week it is going to be a busy week, and I thank the opposition for its cooperation with the urgent bill. It is an extremely urgent bill, and I think anyone who has read the papers can figure out where it has come from. I make the point that the opposition was briefed on it at the first available opportunity. I understand phone calls were made yesterday afternoon and yesterday evening to offer those briefings. As the Attorney-General pointed out at the first-reading stage, this bill is very urgent.

I think this is a good government business program, and again I thank the opposition for its cooperation with the Evidence (Miscellaneous Provisions) Amendment (Affidavits) Bill 2012. Let us get on with the debate.

Ms KAIROUZ (Kororoit) — I rise to speak on the government business program that has been outlined by the Leader of the House — —

Mr Noonan interjected.

The SPEAKER — Order! The member for Williamstown has been at it all day. That is enough!

Ms KAIROUZ — We have a fairly light program before us for consideration, and this is certainly consistent with what the government presented to us during the last year. One can only take it as an indication of what the government was striving for in the year ahead. Nevertheless, the opposition looks forward to playing an important role in this Parliament and to scrutinising some very important bills, such as the Control of Weapons and Firearms Acts Amendment Bill 2011, the Building Amendment Bill 2012, the Carers Recognition Bill 2012 and the City of Melbourne Amendment (Environmental Upgrade Agreements) Bill 2012.

I probably do not need to remind members that during 2011 the opposition was confronted with the government's abandoning of the traditions and rules that had been used by parliaments for many years. It

has emerged that the reason these rules and traditions were set aside was because they exposed the government's shortcomings, laziness and incompetence. I certainly hope that in 2012 the government will think carefully before it abandons more important practices and traditions.

The time set aside for members to debate bills is not only precious but is also competitive. On many occasions opposition members want to speak on bills but unfortunately debate on those bills is curtailed because government members do not want members of this side of the house to represent their communities fairly and responsibly. Another reason that emerged over the last year — I note that the manager of opposition business and the Deputy Leader of the Opposition also mentioned this — is that the curtailing of debate only suits members of The Nationals because they wish to go home at 4.00 p.m. rather than staying back and continuing very important debates. The Nationals prefer that second-reading speeches be dealt with on Wednesday nights rather than at 4.00 p.m. on Thursdays, as has happened in previous years. It is on this basis that we oppose the government business program.

House divided on motion:

Ayes, 44

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

Noes, 40

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

Motion agreed to.

MEMBERS STATEMENTS

Rail: protective services officers

Mrs FYFFE (Evelyn) — I condemn the former Minister for Police, now the Deputy Leader of the Opposition, the member for Monbulk, for his criticism of the Baillieu government's landmark law and order reforms, especially around the rollout of PSOs (protective services officers) across the railway network. Despite assurances from the Chief Commissioner of Police, Ken Lay, that Victoria Police is on schedule to have 940 PSOs in place by 2014, the Deputy Leader of the Opposition has taken every opportunity to attack this government and its policy to restore public confidence in the safety of Victoria's public transport network. The gall of the opposition to attack the government, given the former Labor government's poor record on law and order, is shameless. It is unabashedly hypocritical of the opposition to attack the government's policy to roll out PSOs across our railway network. Not only did people not feel safe on public transport under Labor but Labor did nothing about it.

The Baillieu government has provided the biggest increase in police funding in Victorian history to undo the 11 dark years of Labor, 6 of which saw Victoria left with less front-line police than any other state. The opposition has no authority on law and order issues, and all comments made by the Deputy Leader of the Opposition should be juxtaposed with the terrible state in which Labor left law and order.

Oxley College: achievements

Mrs FYFFE — On Monday, 20 February, I was delighted to attend Oxley College's investiture assembly. I acknowledge principal Sally Broadley and all the teaching faculty at Oxley for their hard work and dedication which, along with the positive attitude of the students and the support of parents, makes Oxley a

school which encourages every child to reach their full potential.

Mill Park Heights Primary School: Reading Recovery program

Ms D'AMBROSIO (Mill Park) — I condemn the Minister for Education for failing to table the petition presented to him personally and in good faith by the community of Mill Park Heights Primary School on 9 December. The minister was handed the petition in a package of other information highlighting the school's dismay at the Baillieu government's axing of the Reading Recovery program in the northern metropolitan region. The petition states:

> We the community of Mill Park Heights Primary protest against the axing of the Reading Recovery Program in the northern metropolitan region and urge the Baillieu government to reinstate this important program immediately. Reading Recovery is a successful, evidence-based program which provides literacy intervention to students who would otherwise struggle throughout their school life. Research shows that a literate, confident student is critical to success in all other curriculum areas. We ask and expect that this petition will be tabled in Parliament.
>
> This petition is organised by the school council of Mill Park Heights Primary School.

The Labor Party fully supports these sentiments and calls on the minister to table the petition and the government to reverse this appalling and cruel decision to axe the Reading Recovery program. The community of Mill Park, like every other community in Victoria, deserves proper respect and not the arrogant, disdainful and dismissive approach that emanates from the Minister for Education and the Baillieu government. Reinstate the program, table the petition and reverse the decision to axe — —

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

Jasper Road, Ormond: pedestrian crossing

Ms MILLER (Bentleigh) — Recently I was pleased to announce that $200 000 had been allocated to install a pedestrian crossing at Jasper Road in Ormond. Although the previous Labor government promised this crossing, no funding was ever allocated to the project. I am proud to be able to deliver this project within the coalition's first term. Empty promises characterised the Labor government over 11 years. The immediate response to the request for a pedestrian crossing is typical of the coalition's eagerness to listen and evidence of a well-managed budget that allows it to deliver.

Rail: Patterson station

Ms MILLER — This Sunday the Parliamentary Secretary for Transport, Edward O'Donohue, a member for Eastern Victoria Region in the Legislative Council, and I will officially launch the Patterson railway station mosaic. After committing $71 500 to this project the coalition is proud of the overwhelmingly positive response to this artwork in my electorate.

Charlie's Cookies: awards

Ms MILLER — It is with great pleasure that I announce the success of Charlie's Cookies at the recent Sydney Royal Fine Food Show. Out of only three products submitted, Charlie's Cookies was awarded two medals. Basically this business has been turned around.

Bowel cancer: screening program

Ms MILLER — Last week I was pleased to welcome the Minister for Health to the Bentleigh electorate to officially launch a new bowel cancer screening tool. As the most common cancer to affect both men and women, this software tool will go a long way to help prevent the 80 deaths occurring a week in Australia from bowel cancer.

Bentleigh Uniting Cricket Club: Twenty20 Cup

Ms MILLER — Congratulations to the members of the Bentleigh Uniting Cricket Club who were privileged to play in the grand final of the Cricket Victoria Twenty20 Cup at the MCG last weekend. I was very proud to attend the game to support them.

Bruthen Street Kindergarten: 50th anniversary

Ms MILLER — I recently attended the Bruthen Street Kindergarten to celebrate the 50th anniversary of the wonderful service it provides to the community through child care and early education. Congratulations to the parents, teachers and students who made it such a wonderful and special day.

Somerton Road: safety

Ms BEATTIE (Yuroke) — I rise to speak about the ongoing safety concerns relating to Somerton Road in my electorate. Members would be aware that this major road has seen a significant number of accidents over the past few years. Last year the Royal Automobile Club of Victoria identified Somerton Road as one of the most dangerous roads in Melbourne's outer suburbs.

On Wednesday, 15 February, I was joined by the Leader of the Opposition, the member for Broadmeadows, Hume City Council mayor Ros Spence and local residents to receive a petition of more than 1000 signatures calling on the Baillieu government to fix Somerton Road and prevent more fatal accidents. I will be presenting this petition to the house later this week.

On Thursday, 23 February, the Minister for Public Transport announced funding of $420 000 for the installation of traffic signals at the intersection of Somerton Road and Kirkham Drive in Greenvale. Although I welcome this funding, I consider this a bandaid solution from the minister. Frankly the residents of Yuroke and Broadmeadows deserve better from this government. There is still an urgent need for the duplication of Somerton Road, as well as traffic signals at the deathtrap intersection of Magnolia Boulevard and Somerton Road. Whilst these urgent upgrades continue to remain unaddressed by the Baillieu government, lives are at risk. I acknowledge the hard work done by local resident Abbey Rudd, who has fought strongly for improved safety on Somerton Road. I urge the minister to listen to Abbey and the thousands of others who use Somerton Road every day.

City of Frankston Bowls Club: facilities

Mr SHAW (Frankston) — On Tuesday, 14 February, I attended the City of Frankston Bowls Club together with the Minister for Sport and Recreation, club president Howard Hinds and club members for the announcement of $30 000 of funding to make the clubrooms and the surrounding bowling facilities more accessible. Lawn bowls has always been a part of our community in Frankston. The fact that Frankston hosted the first World Bowls Championship in Australia in 1980 shows that we do it well.

The funding, which came from the 2012–13 community facility funding program, has been matched by Frankston City Council and the club. It will provide for the installation of ramps and pathways for better access to bowling greens as well as the installation of a disabled toilet in the clubrooms. The project will not only provide more accessible facilities but also allow the club to host bigger competitions, offer more development programs and increase its membership base. I congratulate the City of Frankston Bowling Club on its success and look forward to seeing it grow further with these improvements.

Baden Powell Park Scout Group: 21st anniversary

Mr SHAW — On Sunday, 19 February, I was privileged to attend the 21st birthday celebrations of Baden Powell Park Scout Group in Frankston. Frankston has a proud history of scouting, having hosted the first overseas scout jamboree in 1934. Baden Powell Park Scout Group is the largest scout group in Australia, with around 200 youth members and 30 leaders who run a diverse program of activities and events. There are only a few groups in the world allowed to take the name of the founder of the scouts, Lord Robert Baden-Powell, who stayed in Frankston during the 1934 jamboree. It is important that all members of the Frankston community have the opportunity to be involved in scouts, so it gave me great pleasure to announce a very special birthday present for the group — funding of $17 500, which will allow the group to upgrade its toilet facilities and install new disabled facilities. I congratulate Baden Powell Park Scout Group — —

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

Eltham: wildlife protection

Mr HERBERT (Eltham) — I rise to speak on a matter that is very important to many residents in my electorate and about which residents are indeed very passionate — that is, the protection of native wildlife. At the end of last year I became aware that wombats are not protected in urban Eltham. This iconic and much-loved native animal, nurtured by several environmental groups, can be destroyed by any landowner who finds it to be a problem. Currently the Department of Sustainability and Environment lists the suburb of Eltham in antiquated maps as a parish area within which wombats are unprotected. I wrote to the Minister for Environment and Climate Change about this issue late last year and asked him to review what is clearly a ridiculous situation, but I am yet to get a response.

Further, it appears that it is as simple to obtain permission to destroy kangaroos as it is to destroy wombats. The situation was raised at a recent Green Wedges Forum organised by the member for Yan Yean and me. The issue came to the attention of a concerned local Nillumbik resident, Janet Crosswhite, when a neighbour obtained an authority to destroy kangaroos on her property. The Panton Hill Residents Group took up the issue and has been lobbying for change to the process ever since. Unfortunately the attempts of group members to meet with the minister were unsuccessful,

but they did meet with a departmental official, who advised them that a review was under way. Unfortunately the review was not public and no consultation took place. The review — —

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

Iluka Resources: Mallee mine

Mr CRISP (Mildura) — Recently I was able to visit Iluka's WRP (Woornack, Rownack and Pirro) mine site to be updated on its progress. Iluka has been mining mineral sands at Kulwin in the Mallee for a number of years and has completed its mining operations at Kulwin. It is now moving its equipment to the WRP site, which is to the south of Kulwin. Shifting all the equipment and re-establishing it at the new mine site has created valuable jobs in the Mallee and for the state of Victoria. There are around 200 people involved in the relocation, which will take 103 days and cost $100 million. I was able to walk around the WRP site and observe the rapid rate of relocation and some of the new engineering features that have been introduced at WRP to improve the mine operations.

Mineral sands are a vital export for Victoria, and the industry sector is a valuable employer in our region at a time when jobs are a major focus of the coalition government. I would like to thank Tom Blackwell, Victor Hans and even Neil at the gate for their hospitality and for the time they spent showing me the features of the site and explaining the mining operation. I look forward to the resumption of mining operations when this massive relocation is complete.

Mildura: commonwealth funding

Mr CRISP — On another matter, the coalition's investment in Mildura's future continues, with the Deputy Premier and Minister for Regional and Rural Development announcing additional funding to allow Mildura's airport to be expanded — a project that will employ people in its construction over the next year. An additional $2 million for the Mildura riverfront should encourage the commonwealth government to stump up its share of this project and make Mildura's future a different one. I call on the commonwealth government to fund — —

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

Road safety: speed limit review

Mr DONNELLAN (Narre Warren North) — I wish to raise two issues today. The first is in relation to the speed camera review that is currently being undertaken. Submissions closed in October. VicRoads said it would deliver the review to the minister by the end of 2011, which I understand it has done.

There were over 60 submissions. Many local councils made submissions to the review, and many are waiting for a response from the minister. I understand that the report has gone to the minister but that the minister has now sent it back to VicRoads for further consideration. This review was looking at things like routes with large numbers of speed zone changes and the like. I urge the minister to act on this, to release the review publicly and to move on.

Woolsthorpe-Heywood Road, Broadwater: maintenance

Mr DONNELLAN — On a separate issue, I recently noted some reports in the Warrnambool *Standard* in relation to the Woolsthorpe-Heywood Road. One of the residents listed in one of the reports first complained about the state of that road in February last year, with VicRoads advising her it was to be fixed by April. Unfortunately it was recently also brought up on the ABC, and Mrs Jodi Fry, a resident of Broadwater, near Bessiebelle, explained the bad condition of the road. She noted that the road is a major part of VicRoads' preferred routing for B-doubles.

Mrs Fry talked about the fact that accidents experienced by her family on that road have happened due to the deteriorating state of the road. Fry has been contacting VicRoads, the Minister for Roads, the local member, the member for South-West Coast, and the shire for over 12 months. VicRoads told her 12 months ago that the road would be repaired by April 2011, but this has not happened. She says the local member is not returning her calls.

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

Ashburton Festival: Ashy Dasher

Mr WATT (Burwood) — It was full steam ahead for the Ashy Dasher at the Ashburton Festival on Sunday, 26 February, with steam trains running up and down the Alamein line.

Congratulations to the Ashburton traders who organised the event, the vast number of community groups involved and the Steamrail volunteers who ran the steam trains. Thanks also to the Minister for Public Transport for ensuring that the event was a roaring success. Over the last year the minister has undertaken

a number of tasks to make sure the event was put back on track. It is heartening to see that so many people in Ashburton worked to put on such a great event.

Wattle Hill Kindergarten: lease

Mr WATT — I thank the Minister for Children and Early Childhood Development for the work her department did to secure a long-term lease for the Wattle Hill Kindergarten. I thank all of the staff and parents involved, with a special mention going to Karen Woods and Sophi Galanis.

Ashburton Primary School: school captains

Mr WATT — On 13 February I visited Ashburton Primary School to present the school captains badges. Congratulations to Elise Wright and Luke Fudholz on becoming school captains. They gave an inspiring speech after the announcement, and it is great to see the future is bright with leaders such as these.

Roberts McCubbin Primary School: student leaders

Mr WATT — On 27 February I visited Roberts McCubbin Primary School to present the house captains badges and vice-captains badges. Congratulations to house captains Mason, Melanie, Stephen, Mia, Jack, Isabella, Tom and Catie and vice-captains Stan, Xavien, Josh, Jasmine, Connor, Sami, Nicholas and Hannah.

Solway Primary School: ministerial visit

Mr WATT — I recently joined the Minister for Education, the Honourable Martin Dixon, at Solway Primary School for a tour and morning tea with the teachers.

I thank the principal, Julie Wilkinson, the vice-principal, Peter Mills, and the school council president, Tania Coltman, for their tour. With such a great leadership team it is easy to understand why this school is becoming a school of choice.

Phillip Holian

Mr NOONAN (Williamstown) — I rise to pay tribute to former Victoria Police sergeant Phillip Holian, who sadly passed away on 4 February after a long battle with cancer. He was aged 53.

Phillip Holian had a long and distinguished career with Victoria Police lasting 34 years, before his premature retirement from the force in 2010. He spent five years heading up the Hobsons Bay traffic management unit, where he was revered throughout the community for his approach to road safety.

In paying tribute to his former colleague, Inspector Bill Mathers said:

> … the character he displayed as an officer came through in the way he fought his cancer …

Hundreds of mourners packed St Leo the Great Catholic Church in Altona North on 9 February, and Phillip Holian then received a final farewell before a guard of honour with a police helicopter flyover.

I thank Phillip Holian for his service to our local community and offer my condolences to his former colleagues, his wife, Paula, and his children, Laura and Robert.

Australia Day: City of Hobsons Bay

Mr NOONAN — On a brighter note, I want to congratulate two local Hobsons Bay residents who received Order of Australia medals as part of the Australia Day celebrations last month. Malcolm Daubney of Williamstown was recognised for service to people with a vision impairment through Vision Australia, and Leigh Hardinge was recognised for service to local government and the community of Victoria through executive roles with a range of service organisations. Both men have made extraordinary contributions over many decades and are very worthy recipients of these awards.

Taxation: GST revenue

Mr NORTHE (Morwell) — It has been an interesting week in federal politics, with much focus on the inept leadership of the Labor government. Federal Labor under both prime ministers Kevin Rudd and Julia Gillard will leave many legacies — unfortunately not many positive ones. One only has to reflect on the school halls debacle, the home insulation fiasco or the impending carbon tax legislation, which will hurt many businesses, individuals and communities, to understand that the current federal government is unable to manage major projects or the economy.

One of the other challenges confronting Victoria is the inequity of GST revenue distribution. For example, for every $1 of GST spent by Victorians only 92 cents is actually returned to our state by the Gillard government. This is an unfair and inequitable system that our Treasurer has strongly sought to change. In effect it means that Victoria will subsidise most other states and territories in Australia to the tune of approximately $171 per person in 2012–13. This comes

just a year after the Gillard government reduced Victoria's GST revenue by $2.5 billion, and on top of that a further $1.6 billion was wiped from Victoria's revenue in the forward estimates.

Gippsland community leadership program: funding

Mr NORTHE — Whilst on the topic of leadership, I was pleased to join the Speaker in Leongatha last week to launch the 2012 Gippsland community leadership program (GCLP). We were thrilled to announce that our government will contribute $600 000 to help deliver the program over the next four years as part of an overall $6 million investment into regional community leadership programs. As one person quipped at the launch, it might be beneficial to enrol Julia and Kevin from Canberra into the GCLP for 2012 so that they may enhance their leadership skills!

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

Greece: working holiday visas

Mr PANDAZOPOULOS (Dandenong) — I rise to support calls by Australia's Greek community for a working holiday visa agreement between Australia and Greece. This has been called for for a number of years by the Greek community of Melbourne and the Hellenic Australian Chamber of Commerce and Industry.

Australia has a number of working holiday visa agreements with countries that give reciprocal rights, including Cyprus, Estonia, Finland, Hong Kong, Italy, Malta and Taiwan. Despite the very large size of the Greek-Australian community, no agreement exists between Australia and Greece. About three years ago the Australian government made some proposals in Greece, but a change of government occurred there and they got lost in the process. Less than a year ago the Greek government renewed discussion with the Australian government, and I understand there is a briefing now with the federal immigration minister about this potential for a working holiday visa.

I think it is about time that Greece and Australia had this reciprocal benefit that supports people in each country. We know how important working holiday visas are for our tourism and hospitality industries and also how important they are for young people taking time off study — to be able to go and take a holiday and work and learn things in a different environment. That provides mutual benefits to Australia and countries with a signatory agreement. This is something being very strongly called for by the Greek-Australian community and I ask members to endorse it.

Central Reserve, Glen Waverley: redevelopment

Mr GIDLEY (Mount Waverley) — The redevelopment of Central Reserve, Glen Waverley, moved up a gear on 11 January, when I was joined by Richmond Cricket Club representatives, Mazenod Old Collegians Football Club, Monash City Council and AFL representatives to turn the first sod for stage 1 works of the Central Reserve redevelopment. As a sponsor and key supporter of teams based at Central Reserve, I was particularly pleased to have the redevelopment construction works commence.

Stage one upgrade works include a new pavilion on the northern oval, featuring social club facilities, kitchen, home and away change rooms and umpires change rooms, as well as equal-access facilities. The facility will be home to Victorian premier team Richmond Cricket Club, cementing its move to Waverley and premier cricket in Waverley, as well as to the Mazenod Old Collegians Football Club. The new pavilion will also be available for community use on non-game days.

It is a great pleasure as a local member to see this project undertaken, and I note the coalition's commitment of almost half a million dollars to it. After many years of talk about the project when Labor was in government the coalition is delivering on it for the benefit of our community and putting its money where its mouth is.

Australia Day: City of Monash

Mr GIDLEY — On Australia Day, 26 January, celebrations took place in Waverley to mark that important day in Australia's history when Captain Arthur Phillip established a settlement at Sydney Cove. The events in the Monash area included a flag-raising ceremony and morning teas. I congratulate those members of the community who were awarded an Order of Australia on that day and thank them for their service.

Ernie Speight

Mr TREZISE (Geelong) — I take this opportunity to commemorate the life and passing of an untiring champion of the working class and one of nature's true gentleman, Ernie Speight. Ernie was born in Oxbridge, Durham, in 1928 at a time when families like his did it tough through the Depression years. In 1950 Ernie married Marion, and I can say that Ernie and Marion

were one of those couples who were not only lifelong loves but also best mates. When Marion died a couple of years ago it would be fair to say that part of Ernie died too. In 1965 after a couple of false starts Ernie and Marion together with their family emigrated to Australia, where Ernie took up employment at the Whyalla shipyards.

In 1966 Ernie and his family moved to Geelong, where in his quest to establish his family and their home in Australia Ernie took up a number of jobs but finally settled at International Harvester, where he soon became involved with the metal workers union as a shop steward and delegate to the Geelong Trades Hall Council. Through his work in the trade union movement in Geelong Ernie quickly established himself a reputation as a fair but staunch unionist, a badge he wore with great honour.

When International Harvester was closed in 1982 the trade unions had $1600 left in their fighting fund. Ernie, together with lifelong mate Kevin Boland and other unionists, decided to establish a fund to assist struggling Gordon TAFE students. Ernie and Kevin worked tirelessly as a dynamic duo for the Gordon Institute support fund. Today the fund is worth more than $250 000.

I would like to pass my condolences on to Ernie's much beloved family Barry, Elaine and Wendy and his adored grandchildren Alice, Grace and Cara. Vale Ernie Speight! This world will be the poorer for his passing.

Motor neurone disease: Benalla electorate fundraiser

Dr SYKES (Benalla) — Last Sunday I joined over 1400 people in Benalla who walked, ran and cycled to raise over $45 000 for motor neurone disease (MND) research. The event, now in its fifth year, is in honour of popular local Mick Rodger, who succumbed to MND two years ago. All up, over $250 000 has been raised. Congratulations to event organisers Robyn Smith and Jim Myconos, and special congratulations and thanks to the people of Benalla and Cobram, who have supported the event to the point where it is a truly community-driven act of giving to those affected by MND.

Goulburn Valley: fruit growers

Dr SYKES — Over the past couple of days staff and members of this place have enjoyed beautiful apples and pears made available to us by Goulburn Valley orchardists Gary and Julie Godwill, Bill Sali and Peter Radevski. I encourage all members and staff to support our local fruit growers, noting the words of Peter Radevski, who said, 'I hope the chiefs like the pears because us Indians worked hard to produce them'.

Nagambie on Water

Dr SYKES — Next weekend thousands of people will flock to Nagambie to enjoy the Nagambie on Water festival. The festival will centre on beautiful Lake Nagambie, with the feature event being the park-to-pub swim. The Premier and Tony Abbott would love to compete in it but both have other commitments. Cricket legend Merv Hughes will be competing in the grape stomp competition and is bound to excite the crowd. I invite members and staff to come along and enjoy what will be a great day's entertainment. North-east Victoria is a great place to live, work and raise a family.

Ivanhoe electorate: former school sites

Mr CARBINES (Ivanhoe) — I rise to renew the community's call in my electorate of Ivanhoe for the Minister for Education to fulfil his personal commitment to meet Banyule City Council, local community groups and me, as local member, regarding the future of the vacant school sites in Bellfield and Heidelberg Heights. In response to my raising this matter in Parliament on 6 December last year the minister said in Parliament:

> In the new year I or one of my staff will meet with the member and the stakeholders.

The minister has not followed through on this commitment. The community assets that could be run by the sporting groups and the council have been vandalised. The school sites are unsafe. The sporting groups have been kicked out. I reaffirm my commitment to working with the Banyule City Council, the federal member for Jagajaga, Jenny Macklin, and the local community to secure these sites for community use.

I welcome the comments from the Minister for Planning and local upper house member Matthew Guy, reported in today's *Heidelberg Leader*, that he was shocked at the state of Bellfield Primary School's basketball court brought about by vandalism. Clearly, Mr Guy is shocked at the mismanagement of these sites by the education minister and his department. There has been deliberate neglect of these sites by the Baillieu government since its election over a year ago.

Local residents expect community assets to be retained and any revenue raised from the sites to be spent upgrading Ivanhoe Primary School, rebuilding the Olympic Village Primary School and completing Charles La Trobe College. That was what the community agreed to several years ago. It was my commitment to the electorate at the last election. It was Labor's commitment.

I commend the actions of a former member of this place and Banyule city councillor, Wayne Phillips, who has lobbied the Baillieu government seeking that it sit down with the council and stakeholders to resolve these issues in the best interests of the community. As the local member, I am determined to work with all levels of government to ensure that these school sites remain community assets. We need leadership from the education minister and his department. I warn the community to be wary of Places Victoria's interest in these school sites. It will want to sell them off to the highest bidder.

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

Barwon Water: Black Rock project

Mr KATOS (South Barwon) — Last Thursday, 23 February, I was honoured to officiate at the sod-turning ceremony for the commencement of the Black Rock environmental precinct project on behalf of the Victorian Minister for Water, the Honourable Peter Walsh. The new recycled water plant to be built at Black Rock is a significant project that will provide environmental, social and economic benefits to the people of Geelong, the Bellarine Peninsula and the Surf Coast. Projects such as these free up drinking water supplies, providing an alternative water source for homes in new residential developments such as Armstrong Creek and the Torquay area. The project itself is consistent with the Victorian government's commitment to improving the use of recycled water, rainwater and stormwater for non-drinking purposes.

I also acknowledge the financial involvement of the Australian government. But it was disappointing that at the last minute the member for Corangamite and the federal Parliamentary Secretary for Sustainability and Urban Water did not attend the sod-turning ceremony. Obviously they were too preoccupied with the turmoil within the federal ALP created by the leadership struggle to turn up to recognise this important project for the Geelong region, which the federal government has co-funded with the state government. The federal government is being run by faceless men, and the Gillard government is rudderless and directionless and is not fit to govern this fine nation.

Mount Clear College: earth education centre

Mr HOWARD (Ballarat East) — On Tuesday, 14 February, I was very pleased to attend the opening of the $4 million earth education centre at Mount Clear College. The regional science centre, which was built with very high technology and environmentally responsible design techniques and which incorporates state-of-the-art equipment, is staffed by an extremely enthusiastic team of teachers and support staff. This is truly another great Brumby government education initiative, which I have supported throughout.

The current Minister for Education officiated at the opening of the centre and spoke highly of its potential benefits. It is very disappointing to note that this project marks the last of a great list of over 27 major education infrastructure projects built and funded under Labor in the Ballarat East electorate. As yet the new coalition minister has not identified one building project he will support in the electorate, which is a source of great disappointment to the school communities of Daylesford Secondary College and Kyneton primary and secondary schools, given their K–12 plan. This adds to the significant disappointment felt by schools that have seen cuts to Victorian certificate of applied learning funding and other highly valued numeracy and literacy programs aimed at supporting students who are at risk of falling behind and becoming disengaged from the education system.

Daylesford Spa Country Railway: stabling shed

Mr HOWARD — I also note that the Minister for Public Transport recently officiated at the opening of the Labor-funded stabling shed at the Daylesford Spa Country Railway. Unfortunately at this event he failed to commit the Baillieu government to funding the completion of the rail track — —

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

Country Fire Authority: Rowville brigade

Mr WAKELING (Ferntree Gully) — On Thursday, 23 February, the Treasurer and I were honoured to announce the location of the new integrated station for the Country Fire Authority Rowville brigade. With a $5.5 million investment and an anticipated opening in August 2012, the state government is delivering on its election commitment to my community.

Wellington Road, Rowville: intersection and pedestrian crossing upgrades

Mr WAKELING — I was pleased to see that both the Wellington Road pedestrian crossing upgrade near Westminster Drive and the improvements to the Wellington Road and Silkwood Way intersection have been completed. These important upgrades demonstrate the Baillieu government's commitment to improving infrastructure for Rowville residents.

Ferntree Gully Cricket Club: war service honour board

Mr WAKELING — I would like to congratulate the Ferntree Gully Cricket Club on its effort at honouring past players who served in World War I and World War II with the establishment of a special war service honour board. The board was recently unveiled at the club's 65th reunion.

Angliss Hospital: Upper Ferntree Gully auxiliary

Mr WAKELING — Congratulations to the Upper Ferntree Gully auxiliary of the Angliss Hospital, which presented the hospital with a cheque for over $19 000 at its recent annual general meeting. The auxiliary works tirelessly to raise these funds, which are used to purchase specialised medical equipment for the hospital.

Knox Italian Community Club: Venezia Night

Mr WAKELING — On 18 February the Knox Italian Community Club, in conjunction with Rotary Club of Knox, held its Venezia Night masquerade dinner dance. The night was a huge success and assisted in raising much-needed funds towards sending an underprivileged student on a study tour to Italy.

Lysterfield junior football and cricket clubs: facilities

Mr WAKELING — Cr Sue McMillan of Knox City Council and I recently met with representatives from the Lysterfield junior football and cricket clubs to discuss the future needs of the clubs, which operate from Lakesfield Reserve in Lysterfield. It has become clear that both clubs need an improvement to their playing facility and club rooms. I am keen to work with the clubs and the council to identify funding opportunities to assist in the enhancement of this important community facility.

Lifestyle Communities: Cranbourne resort

Mr PERERA (Cranbourne) — It was with great pleasure that last Friday I officially opened the clubrooms at Lifestyle in Cranbourne. The Lifestyle resort is a new way of living that combines stylish new homes with 5-star resort facilities. The resort offers an affordable and fun alternative to retirement villages, and there is no age restriction for the occupants. Many residents who have moved into Lifestyle Cranbourne have had the chance to release equity, forget maintenance hassles and take control of their financial future. I congratulate Lifestyle Communities directors, Dael and James, on putting their hearts into choosing Cranbourne for this wonderful facility. They will not look back.

St Peter's College: Cranbourne East campus

Mr PERERA — Last Friday I also had the great pleasure of attending the official opening of St Peter's College Cranbourne East campus. This exciting new school facility will meet the growing demand for Catholic secondary education in St Agatha's parish, Cranbourne, and the Clyde district. The new campus is expected to develop into a year 7–12 school by 2016 with a student population of approximately 1000 students. This college complements the current campus in Cranbourne, which is well attended.

Bulleen Road–Golden Way, Bulleen: traffic lights

Mr KOTSIRAS (Minister for Multicultural Affairs and Citizenship) — After 11 long years we are finally installing traffic lights at the intersection of Golden Way and Bulleen Road, Bulleen.

EVIDENCE (MISCELLANEOUS PROVISIONS) AMENDMENT (AFFIDAVITS) BILL 2012

Statement of compatibility

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

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

In my opinion, the Evidence (Miscellaneous Provisions) Amendment (Affidavits) 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 are to:

amend the Evidence (Miscellaneous Provisions) Act 1958 (the act) to deem effective any affidavit made before 12 November 2011 for which certain procedural requirements were not complied with;

deem valid any warrant, summons or other process issued, or order made, in reliance on affidavits deemed to be effective pursuant to the bill; and

create a new offence of making a false or misleading statement as to the circumstances in which an affidavit was sworn or affirmed, in relation to affidavits made after commencement of the bill.

Human rights issues

The effect of the bill is to validate affidavits made before 12 November 2011 that are tainted by certain procedural defects, and any warrant, summons or other process issued, or order made, in reliance on those affidavits. This validation in and of itself does not limit human rights. It does, however, have the result that interferences with human rights that may have otherwise been unlawful (due to being based on affidavits not made lawfully) are now lawful in retrospect.

For example, the execution of a search warrant may engage the rights to privacy and property, and the execution of an arrest warrant will engage the right to liberty. However, interferences with these rights only require justification in circumstances where the relevant interference is 'unlawful' or 'other than in accordance with law'. The rights are not prescriptive as to the content of the laws governing the form of affidavits, or even whether an affidavit, statutory declaration or other document is required. It may be said that the execution of a warrant that was based on a defective affidavit is unlawful or other than in accordance with law. The effect of the bill is to remedy this situation by deeming the affidavit effective and the resultant instruments valid so that no unlawfulness arises.

It should be emphasised that in rendering procedurally defective affidavits and consequential instruments valid, it is not the intention of the bill to validate any corrupt conduct or any affidavit the contents of which are false. Where deponents have given false evidence purportedly on oath or affirmation, those deponents should be subject to the offence of perjury.

It should also be emphasised that such validation is suitably confined to apply only to affidavits made before 12 November 2011. Further, a new offence will attach to the making of false or misleading statement made after the commencement of the bill, which will apply even if the statement concerns an affidavit purportedly made before commencement of the bill. This is to ensure that deponents adhere to procedural requirements in the future.

Conclusion

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

Robert Clark, MP
Attorney-General

Second reading

Mr CLARK (Attorney-General) — I move:

That this bill be now read a second time.

The Evidence (Miscellaneous Provisions) Amendment (Affidavits) Bill 2012 will amend the Evidence (Miscellaneous Provisions) Act 1958 to remedy issues identified in recent County Court proceedings in relation to the failure of members of Victoria Police to properly swear or affirm affidavits in support of search warrants in that case. The defects in the relevant affidavits resulted in the evidence obtained being excluded from the proceedings under section 138 of the Evidence Act 2008.

Affidavit evidence is crucial to the functioning of many parts of the criminal justice system. The potential consequences of the failure of Victoria Police to properly swear or affirm affidavits would be far-reaching if the situation were not rectified. The Chief Commissioner of Victoria Police has now taken specific action to ensure that in future Victoria Police members follow the correct procedure for the preparation of affidavits. This action seeks to ensure that henceforth all appropriate processes are followed so that courts will be able to rely on the proper swearing or affirming of affidavit evidence prepared by Victoria Police members in the issuing of warrants, orders, summons or processes, in accordance with all applicable procedural requirements.

This bill does not purport to excuse nor endorse the failure of many Victoria Police members to follow proper procedural requirements for the making of affidavits. However, the government considers the potential consequences for the legal system of procedurally defective affidavits remaining unremedied to be so grave that legislation is required.

The bill applies where the affidavit states that the maker made the affidavit on oath or affirmation but where certain formalities associated with the making of an oath or affirmation were not performed. The bill will ensure that these procedural defects in an affidavit to which the bill applies supporting an application for a warrant, order, summons or process do not result in the exclusion of evidence from a proceeding.

The requirements for the making of affidavits are provided for in the Evidence (Miscellaneous Provisions) Act 1958 and at common law. The bill will amend the Evidence (Miscellaneous Provisions) Act 1958 in a number of ways.

First, the bill will amend the Evidence (Miscellaneous Provisions) Act 1958 to retrospectively validate otherwise procedurally defective affidavits by deeming

them to be properly sworn or affirmed where the affidavit has been signed by the deponent and signed by a person authorised to witness affidavits under section 123C of the Evidence (Miscellaneous Provisions) Act 1958.

The bill makes it clear that these affidavits will be deemed to be validly sworn or affirmed despite any failure to comply with procedures for the making of affidavits such as, but not limited to:

a failure to make an oral oath or affirmation;

a failure to complete the jurat in accordance with section 126 of the Evidence (Miscellaneous Provisions) Act 1958; or

a failure to properly witness the signing of the affidavit.

This will place it beyond doubt that the Parliament intends to cure these procedural defects. The bill will not, however, excuse fraud or forgery. Nothing in this bill will validate corruption or perjury in the making of an affidavit.

Secondly, the bill will provide that where an affidavit or other instrument has been relied on by a court or other person for the issue of a warrant, order, summons or process, that warrant, order, summons or process is not invalid due to a procedural defect in the original affidavit.

Finally, the bill provides that a procedural defect in the preparation of an affidavit is to be disregarded for the purpose of determining whether or not to admit that evidence in a criminal proceeding where the evidence was obtained in reliance, either directly or indirectly, on the procedurally defective affidavit. Subject to that provision, the judicial discretion to exclude evidence or to stay a criminal proceeding in the interests of justice will not be affected.

The bill will apply to all affidavits made before 12 November 2011 and accordingly any subsequent actions undertaken in reliance on those affidavits.

The bill will also create a new offence of making a false or misleading statement as to the circumstances in which an affidavit was sworn or affirmed. This offence will apply to any false or misleading statement made from the day after the bill receives royal assent, even if the statement concerns an affidavit purportedly made before commencement of the bill. This will ensure that anyone who falsely signs or witnesses that an affidavit has been sworn, affirmed or witnessed when it has not been is liable to a penalty of up to 10 penalty units. The government will also give consideration to the desirability of further legislation that would codify the formal and procedural requirements for the making of an affidavit.

The government considers that retrospective legislation is a measure of last resort and brings this bill before the house only after close consideration of the potential consequences of failing to act for victims of crime and the justice system more broadly.

If this legislation is not enacted, there would be an immense potential toll upon victims of crime, community safety and our court system associated with the disruption or abandonment of criminal proceedings as a result of procedural defects in affidavits.

I commend the bill to the house.

Ms HENNESSY (Altona) — It is with great pleasure that I have the opportunity to rise and make a contribution on the Evidence (Miscellaneous Provisions) Amendment (Affidavits) Bill 2012. I say at the outset that the opposition will not be opposing this bill, which is not to say that the opposition in any way endorses the processes that have been used to bring this bill before the house today.

We are not persuaded by the assertions of government members that this is an urgent matter that they have not had the opportunity to deal with previously. The opposition was only provided with a briefing and access to the bill at approximately 9.30 a.m. today — this is not an acceptable way to make public policy — and this has significantly impaired our ability to make a reasonable and rational contribution to the debate on the bill. Therefore we will be making reasonably brief contributions to the debate on the bill.

As I said, the opposition does not intend to oppose the bill as we understand the consequences of failing to address this issue and we support the government's endeavours to mitigate the risks that we understand are currently before the courts. We understand the challenges around opening and shutting the gate on this issue, and we support the government's endeavours in that regard. However, what we do not support is the failure of the government to act in respect of this matter when they have been on notice for a significant period of time.

This issue became apparent in late September-October last year, and the shadow Attorney-General raised the matter with the government and indicated that the opposition would be more than happy to work with it to address the issue and mitigate any existing risks. The response we received from the government was that

there was not a significant problem. The reason we did not accept the government's response at that particular time is that it was clear to all and sundry that there were serious problems. I accept that the government may not have been able to accurately quantify the scale of the problem at that point in time, but the government was put on notice and it was warned. I note that at that time there were a range of commentators in the media — all very significant stakeholders from the Victorian Criminal Bar Association, Victoria Police, the Police Association Victoria and the Law Institute of Victoria — who warned the government and the Victorian public that the scale of the issue may be much larger than was necessarily revealed in the criminal proceedings that led to the initial revelation.

On 6 October last year 'ABC news' reported the secretary of the Police Association Victoria, Greg Davies, as saying that most officers do not take an oath when signing an affidavit. He said:

> It's an issue of training and it's an issue of reinforcing the standards that perhaps we were all imbued with several decades ago, but appear to have fallen by the wayside…

The ABC further quoted Mr Davies as saying that the oversight was going to be problematic at best. He stated:

> Clearly on the evidence that has been provided, there's a suggestion that it will be a problem in many more than one instance.

That is certainly true.

According to another source, Victoria Police has identified that three-quarters of its officers — potentially around 9000 or so, including those up to the rank of deputy commissioner — have conceded to illegally preparing affidavits used to gain search warrants and the like. When I say 'illegally' I do not necessarily impute a deep, dark, criminal desire to their intention; I merely take up the point that Mr Davies made that a cultural practice has evolved and a degree of professional socialisation appears to have occurred whereby the practice of swearing or affirming affidavits lawfully and correctly has fallen by the wayside.

Almost 3000 pending criminal cases in the Magistrates Court and another 300 in the Supreme Court and the County Court are likely to be affected by this fiasco, and I say 'fiasco' because the government was on notice and had a significant period of time in which to take action. It had been pointed out by the most significant of stakeholders within the law enforcement and judiciary spheres, and it chose to do nothing.

We support this bill, and we support the government's attempt to make sure that the gates are opened and closed very quickly. We accept that it is a legitimate issue to address because we know that the consequences of failing to do so would mean that thousands of criminals would seek to have their convictions overturned by arguing that the evidence used or obtained to attempt to convict them was obtained illegally. That is a matter that the Court of Appeal has upheld.

We also saw last year — and again this goes to the government's failure to take action — the then Acting Chief Commissioner of Police, Ken Lay, institute an amnesty across the force to flush out the true nature and extent of the problem. He promised not to take action against officers who confessed to failing to properly swear or affirm affidavits. This process indicated that the practice of failing to swear or affirm affidavits had commenced approximately 15 years ago and was a problem across the majority of suburban, regional and country police stations. Again, I accept and understand that what appears to have occurred can be attributed to a professional socialisation or cultural issue, and a change of practice needs to occur. However, the point is that the government was put on notice from October last year, on the most positive reading, when it became aware of this being a significant problem.

The deputy commissioner who was in charge of the investigation revealed that some long-serving members of squads involved in major drug and organised crime cases had admitted to never having correctly sworn an affidavit. If there is any basis for the government's urgency on this legislation, it must also be accepted that this issue has the capacity to be a fiasco of epic proportions. Whilst there are certain high-profile criminal prosecutions that have attracted media comment on this issue, those that do not necessarily attract a media profile also warrant serious consideration.

As I mentioned at the outset, I am concerned that the government failed to take swift and responsive action on this matter. I am also concerned that it has taken the government four to five months to acknowledge that such action is required to remedy the issue. I am concerned that the government has now rushed in this legislation. We have not had an opportunity to consider it in any great detail, although I acknowledge and thank representatives of the Attorney-General's office and the department for providing a briefing at 9.30 a.m. to me and to the shadow Attorney-General. However, the fact is that the benefit of having legitimate parliamentary scrutiny of this matter and having significant external stakeholders scrutinise it is that it identifies potential

deficiencies, loopholes and weaknesses in the bill, enabling the government to remedy those deficiencies. If the government and the opposition agree on one thing, it is that the consequences of getting this wrong and failing to act would result in a complete and utter disaster which would undermine confidence not only in Victoria Police and the processes it has used to obtain evidence but in the criminal justice system more generally.

I note that the bill applies to organisations wider than Victoria Police. We should reflect on whether or not it is appropriate that, for example, members of the legal profession should be given an amnesty. People from the legal profession should perhaps know better in relation to such matters. The response we were given from the department and from the Attorney-General's representatives this morning was that it was difficult to draft a bill that was specific to Victoria Police. That may be a legitimate response; it may be a legitimate framework in which to talk about this bill being a public policy-making exercise, but the fact is that members of the opposition and many others who work in the legal system have not had the opportunity to test those assertions. We think the bill may potentially be the poorer for that. If there is a problem with this bill, it will be on the government's head, not on the opposition's head. The government must accept responsibility for this rushed legislation and for a failure to scrutinise the matter adequately.

We are also concerned that the government may also not have the benefit of referring this matter to the Scrutiny of Acts and Regulations Committee. We were advised by the Attorney-General's representatives this morning that it was intended that this bill would be considered in the Council on Thursday, providing the government with a chance to give SARC the opportunity of scrutinising the bill tomorrow. More importantly, confidence in the bill would be better for the government adopting that process, and we would be interested to hear what the government's response is to that proposal.

Finally, we are deeply sincere in our commitment to assist the government to fix this problem. That is why we are not opposing the bill and why we have not opposed the expeditious proceedings the government has sought cooperation for in order to get this bill through both chambers as soon as possible. However, we are concerned about this practice. We do not accept it as a legitimate modus operandi, and we put the government on notice that our cooperation on such matters will not be extended in all circumstances. We remain deeply concerned that this bill has not been adequately scrutinised, and we say that, to the extent that there are any deficiencies and weaknesses in this bill, they will be on the government's head. Having said that, we support the government in its endeavours to address this problem, and we wish the bill a speedy passage through this chamber.

Mr RYAN (Minister for Police and Emergency Services) — It is my great pleasure and an honour to rise to speak in support of this legislation. It is vitally important legislation. All parties across this Parliament agree that such is the case, and it is imperative therefore that the bill pass as quickly as can be done. I want to go to some of the principles underlying the legislation. As a matter of general course, retrospective legislation is repugnant — it is regarded at law as being repugnant. It is something in which the Parliament as a matter of general course does not indulge. That is so as a matter of general principle because when laws are passed, citizens cast their activities according to those laws; they shape their lives in accordance with what those laws dictate. Therefore, when legislation of a retrospective nature is passed by the Parliament which in some manner impacts upon those pre-existing laws in a manner that changes the operation of those laws in a way that means that the people who have acted in accord with them are in some way disadvantaged, as a matter of general course that is utterly repugnant. It is the fundamental reason why I think it reasonable to say that governments of all political persuasions across all jurisdictions in the political spectrum of our nation have historically baulked at passing retrospective laws.

That having been said, there are cases, rare though they may be, where that general principle must be obviated. Sometimes it is necessary in particular circumstances, more often than not unique, that laws of a retrospective nature do have to be passed. I might say that has been the case throughout the history of the parliaments of this state. I well remember as a member of the third party in this Parliament prior to the coalition being formed in 2008 that over a period spanning many years the former Labor government on occasion saw the need to pass legislation of a retrospective nature. I stand to be corrected, but as I recall The Nationals as a party and then we as a party within the coalition structure in opposition supported the government of the day for the purposes of being able to deal with those items of legislation as they came before the house. In this case we therefore welcome the support of the Labor opposition in relation to the passage of the bill through the chamber, and indeed we look forward to that support continuing throughout the course of the week to enable the final passage of the legislation through the upper house and then to its concluding stages in this chamber before enabling it to become the law of our state as soon as those processes are concluded.

In all of that, with the greatest respect, the member for Altona is trying to have a bob each way in relation to this important debate. It is said on the one hand that it is imperative that this legislation be passed for all the reasons that have been talked about, that the issues surrounding these procedural deficiencies be addressed and that the matter be regularised so we can therefore achieve the outcomes that are set out in the erudite second-reading speech by the Attorney-General. On the other hand we are subjected to criticism by the member for Altona because we have not done it fast enough. It is an interesting juxtaposition when you actually have regard to the facts.

The first fact is that back on 6 October Mr Pakula, a member for Western Metropolitan Region in the other place, made some observations as reported in the *Australian* newspaper with regard to the matters that are now under discussion. In the course of a rather discursive commentary that he provided to the paper he had a number of things to say, but the take-out from his commentary was that he made the observation, which I think was accurate, that both the police and the government were in what he termed 'a wait-and-see predicament'. That was the expression he used. It was a very sensible thing, if I may say so, for him to have said because the issues around this imbroglio were emerging and no-one knew where this was going to go. Certainly the police were unsure and most assuredly the government was unsure, and not surprisingly the Labor opposition, with due respect, did not have a clue. Mr Pakula made the very reasonable observation that there was a wait-and-see predicament among the parties.

Subsequent to that, as we know, a number of things occurred. I am not seeking to track through the totality of the history of this matter for the purposes of this contribution, but not the least of that was that as it continued to emerge that this problem was of a scale and a degree of gravity that had not previously been appreciated or indeed had occurred in the state of Victoria, steps needed to be taken to get to the bottom of just how substantial the problem was, let alone how you would go about then fixing the problem, having regard to whatever materialised once that problem had been properly diagnosed. In all of that a process was undertaken by the Chief Commissioner of Police in close consultation, as I understand it, with the Office of Police Integrity.

That process in essence established a system whereby police were able with impunity to confess to the fact that they had not conducted themselves in accordance with proper protocols and legislative requirements for the purposes of either swearing or affirming affidavits. The amnesty that was offered under that arrangement was the precursor to what we now know to be the substantive facts, which in turn have given rise to the legislation before this house. It was as a result of that process that police fessed up, as it were, that something of the order of 9000 of them may have been involved in a style of conduct which was in breach of the law or those protocols and which in any event rendered at risk the affidavits that had been sworn, in turn creating the terrible uncertainty which would otherwise apply in the justice system if this issue were not addressed.

By definition, no-one knew the gravity or the depth of the problem until such time as that process had the opportunity to take its course. I might also say that it was probably not until recent comments of even further clarification were made by Deputy Commissioner Tim Cartwright that the fuller detail of all of this came to light. So it is that the government and the police came to understand the depth of the problem and the prospect of the extent of it, and then minds were able to be turned to how these issues would need to be addressed. It was as a result of that protracted, in a sense, but reasonable and responsible approach to this issue that the government came to the conclusion that legislation of this nature would need to be introduced to the Parliament and passed in the manner now intended.

This has been a very careful and considered approach to an issue of fundamental principle and significance to the laws of the state of Victoria and our justice system. This is not something that you rush into. This is not something that you just tear into by way of seeking to apply solutions without having a proper investigation of the matters underpinning the necessity for such action to be taken. With that position having been made clear, it then became imperative for the government to act as soon as was reasonably possible to address the areas that are impacted by this legislation. That in turn is necessary because there are a number of trials before the courts that may potentially be affected by the matters that are going to be addressed through the passage of these laws.

In conclusion, I congratulate the Attorney-General for the enormous amount of work that has been undertaken to bring this legislation before the house today. I wish the bill a speedy passage.

Mr MERLINO (Monbulk) — I am pleased to rise to speak on the Evidence (Miscellaneous Provisions) Amendment (Affidavits) Bill 2012. The Deputy Premier is right when he refers to this legislation as being fundamental and significant. This is indeed legislation that requires deep thought. Having said that, the opposition was briefed at around 9.30 to 9.40 this

morning after a phone call last night saying, 'It is going to be in the papers tomorrow. We are happy to provide you with a briefing in the morning, and by the way can you agree to rush it through the Assembly and the Council this week?'.

Given that this significant and fundamental bill has been provided to the opposition today with a briefing only this morning — and I thank the departmental officials for briefing the member for Altona and the shadow Attorney-General — the contributions to this debate from our side will be brief. It is impossible to provide, and we have not had the opportunity to prepare, an analysis of and full response to this bill. It is simply not something we can do.

As we have heard, this bill addresses procedural defects in relation to affidavits, and the scale in which it does that is something we heard about this morning. However, as the manager of opposition business pointed out, the scale of this matter was flagged some four months ago. It has only become urgent because of this government's dithering over that four-month period. The shadow Attorney-General offered assistance from the Victorian parliamentary Labor Party to fix this problem, which, as we have heard, is a problem that goes back some 15 years. It is a longstanding practice within Victoria Police of not going through the correct procedures as they provide affidavits.

Four months ago the shadow Attorney-General offered to provide assistance, and there was the debate on the government business program earlier. The urgency of this bill is, in part, manufactured. The government business program that was provided to the opposition last Thursday contained four bills. There is no doubt that the government has always planned, and planned for quite some time, to introduce this bill. You do not just provide a government business program of four relatively simple bills that can speedily get through this Parliament; we always thought that there would be something the government intended to introduce during the course of today.

I also make the point that when we offered to provide the assistance of the Labor Party to address this issue of affidavits, the advice from members of the office of the Attorney-General was that they did not think that this was a problem, and indeed they thought it was pretty confined. Furthermore, the Premier also made a number of statements to that effect: that this issue was pretty confined, that it was not a big issue and that Victoria Police and the courts would sort it out. That is not what the Criminal Bar Association of Victoria was saying; it was not what Victoria Police was saying; it was not what the Police Association was saying; and it was not what the Law Institute of Victoria was saying.

I will read again the quote referred to by the manager of opposition business in which it is stated that the secretary of the Police Association, Greg Davies, had said that most officers do not take an oath when signing an affidavit, and further:

> It's an issue of training and it's an issue of reinforcing the standards that perhaps we were all imbued with several decades ago, but appear to have fallen by the wayside.

In the eyes of anyone associated with the legal profession in Victoria this was always identified as a significant issue. As we have pointed out, we do not oppose this bill, we will assist in its speedy passage through the Assembly today and it will be debated in the Council on Thursday. Therefore there is no time for members in this chamber to scrutinise and analyse this legislation, but the government can make a minimal effort in terms of openness and transparency. The Council cannot debate this legislation tomorrow, but it will do so on Thursday. Between the conclusion of the debate in the Assembly and the commencement of the debate in the Council, the minimum the government can do — it is what the opposition is requesting the government to do — is to ensure that the Scrutiny of Acts and Regulations Committee has the opportunity tonight and through the course of tomorrow as an absolute minimum to give the bill some scrutiny.

If there is a defect or a loophole in the drafting of this legislation, it will be on the heads of the Attorney-General and the Premier, because there has been time to get this legislation scrutinised, to go through the proper processes, to allow the opposition to analyse the bill and to allow for full consultation with stakeholders. What I have proposed is the minimum the government can do. The opposition will expedite this bill through Parliament this week, but the minimum the government can do is provide for the bill to be given some analysis by the Scrutiny of Acts and Regulations Committee.

The manager of opposition business raised the issue of the date of 12 November, and I think we can make the point that if anyone failed to correctly go through the proper procedures in the provision of an affidavit after this issue became public, then that should be on their own head, it should be their responsibility. I am unsure why this date was picked and not the date on which this became a very public issue within the Victorian community. This legislation also applies across the board. The provision does not cover only police officers who have incorrectly provided affidavits but also applies across the board. Every lawyer should have

known better. Is it the responsibility of this Parliament to provide coverage for lawyers who should have known better? I understand the issue in regard to Victoria Police, but that is a question we ask.

As I said, we do not oppose this bill. We will ensure that it gets through this chamber today, and we will ensure that it is debated in the Council on Thursday, but we request that the Attorney-General provide some scope for the Scrutiny of Acts and Regulations Committee to examine this bill and provide some advice to the members in the other place.

Mr McINTOSH (Minister for Corrections) — I will address a couple of matters that the previous speaker raised in his contribution in relation to the Scrutiny of Acts and Regulations Committee. Notwithstanding the fact that the bill passes through both houses and may even be enacted into law, SARC has the capacity to review it, and I anticipate that it will be reviewed in some degree of detail and that the committee will report back to the chamber on it. The second matter I address is the reason 12 November was selected as the deadline. It was because that was the day the Court of Appeal handed down its decision essentially upholding a decision to exclude affidavit material in relation to a criminal proceeding. I do not want to go into the details of that particular case, but it was for that reason 12 November was selected.

I remind the house that this is retrospective legislation. Traditionally, and as a matter of practice, people are entitled to rely on the law at a particular date to have a court define their rights and liberties. This may have been highlighted by a number of commentators, but it was that Court of Appeal decision which upheld a lower court's decision to exclude affidavit material in the course of a trial. In that case it led to a serious consequence. The point about this is that it is retrospective legislation and, as the Leader of The Nationals has indicated, you do not take these things lightly. The Attorney-General had every right to ensure that there was an understanding of the magnitude of the problem, its impacts and how it would play across a number of different players in the scheme.

The magnitude of the problem has been the subject of media speculation, but certainly the Attorney-General is acting on the advice of the Chief Commissioner of Police, and as he has indicated, there appear to be over 9000 voluntary disclosures by members of Victoria Police that they may have inadvertently adopted a practice that may have led to this significant problem. On top of that clear evidence, which the Attorney-General has acted upon, is the significant impact that may have on a number of matters that are currently before the court. It potentially could also impact upon those cases that have gone before the court where this material has already been relied upon. It is a significant problem just in relation to these matters. On top of that, the Attorney-General has taken advice about the significant impact it may have on victims of crime. That would mean not only victims of crime who are looking towards a particular proceeding or court trial coming up that could be abandoned because of these technical deficiencies, but also the potential that cases could be reopened. Cases that have been proceeded on and then determined by a court, perhaps on appeal, could be subject to review on that basis. As I said, in addition there is the trauma for victims who may have those matters reopened because of these deficiencies.

The Attorney-General has taken advice from a number of players in relation to costs. Not only are there a number of costs applying to prosecution services but there is also the physical cost of potential litigants in those proceedings and an enormous amount of court time that may be taken up just in resolving these technical matters. If there are 9000 voluntary disclosures by Victoria Police, there is the potential for a huge number of cases to be extended and for these issues to be debated at trial level or otherwise. All of this will be an enormously expensive process, not just for the Crown but also for those other people who are involved in that sort of litigation and in particular, of course legal aid, which would be funding many of the defendants in these proceedings.

It provides a significant problem in relation to the delay in our courts because of these other proceedings being mounted. Therefore those cases that are able to proceed may not do so in the appropriate time because of the delays that this particular matter creates. On top of that there is the potential — and all of this is beginning to come clear — that there may be proceedings that may have to be reopened. As an example, the state could be exposed for unlawful imprisonment of particular parties if they were to avail themselves of this opportunity to make that claim. There is also the issue of proceeds of crime, and there may have to be reversals in those matters.

All of these things are matters of practical effect, but the Attorney-General has taken a measured and reasonable response. Everybody is now taken to have known what the law was from 12 November, which has been declared effectively by the Court of Appeal. That is why the date of 12 November was selected. The Attorney-General has operated effectively and appropriately to get all the material marshalled from a variety of different sources to enable and support this legislation going through the Parliament. I remind the

house, as many other speakers have said: it is retrospective legislation. While this house is quite capable of passing retrospective legislation, it is not done lightly. The Attorney-General has acted reasonably and responsibly in garnering all that information that supports this retrospective legislation. Accordingly I am very pleased and proud to support the Attorney-General in this important piece of legislation. Again I thank the opposition for its support to facilitate the bill through both houses of Parliament.

I will just raise one matter in relation to the upper house. Wednesday is opposition business day in the upper house and this bill cannot be dealt with, so Thursday will be the first practical time with which to deal with the bill.

Ms CAMPBELL (Pascoe Vale) — I rise to support this legislation, but with a great deal of caution. It is caution based upon being deputy chair of the Scrutiny of Acts and Regulations Committee (SARC). The reasons why the Scrutiny of Acts and Regulations Committee should have time and should assess this legislation have been cogently put by the last speaker. This legislation has to be right. It has to be right because, as the Attorney-General said at the conclusion of his second-reading speech, it has great importance because of its 'immense potential toll upon victims of crime, community safety and our court system associated with the disruption or abandonment of criminal proceedings as a result of procedural defects in affidavits'.

The Scrutiny of Acts and Regulations Committee is charged with the responsibility of identifying any defects in relation to legislation. The importance of this legislation has been articulated by every speaker who has preceded me. If the Scrutiny of Acts and Regulations Committee meets tonight or tomorrow, it will have time to put a minor but initial report to this Parliament. I have already raised this matter with the chair and am awaiting a response. The committee could provide a fuller report at the commencement of the next sitting week. It is important for this Parliament, and particularly for members in the other place, to have the benefit of what little capacity SARC has to examine the legislation.

Previous speakers have highlighted the chronology that has preceded the introduction of the bill today. It goes back to late September or early October last year, when the problems in relation to one particular affidavit were highlighted in court in a very high-profile case. The government had the opportunity to act in October, November and December last year and in our first sitting week this year, but that opportunity was not taken, and we have waited until today to examine this legislation. We are a week short of three months of procrastination by this government in introducing this legislation. Parliament sat in the week of 22 November 2011; the legislation could have been brought in then. It sat in the week of 6 December; the legislation could have been brought in that week. It sat in the week of 7 February; the legislation could have been brought in that week.

One might ask why we have waited until today. One proposition that was put was that the magnitude of the problem needed to be identified. As a policy matter, I put it to the house that whether it was 1 high-profile case or 10 or 20 cases — let alone 9000 voluntary disclosures by the police — there is a significant issue in relation to affidavits in cases and we should have fixed this problem weeks ago. The house could have examined it in the week of 7 February, the week of 6 December last year or the week of 22 November last year.

The previous speaker talked about the worry that victims of crime might feel about their cases possibly being abandoned due to incorrect affidavits. He also said that cases could potentially be reopened. Again, both these points — the worry in terms of victims of crime and the potential for cases to be reopened — create a very strong policy and political imperative to have had this legislation brought into the house much earlier than today.

As I said, I am particularly interested in this issue in relation to the Scrutiny of Acts and Regulations Committee. I strongly recommend to government members of the committee that they use their time tomorrow — either at lunchtime or in the evening — to prepare a report so that even though this house will have passed the legislation there will be at least a modicum of scrutiny of this legislation in the Legislative Council. Our shadow minister outlined to us how important it is that any deficiencies in the legislation are identified promptly. As I said, SARC would be able to conduct some scrutiny of the bill prior to the upper house considering the matter.

With those points, I join with the opposition's two previous speakers — both relevant shadow ministers — in highlighting that we understand the reasons why this legislation has been brought in and why it needs to be retrospective but that it is important that the Scrutiny of Acts and Regulations Committee has the opportunity to examine it at lunchtime or during the dinner break tomorrow before the upper house examines it.

Mr CLARK (Attorney-General) — I thank all members who have contributed to the debate. I thank opposition members for their wishes of speedy passage for the bill and for their support of its expeditious passage through this house. The opposition has raised a number of points during the course of the debate, some of which have been responded to by previous speakers and some of which I will respond to in closing the debate.

As the Deputy Premier indicated, in essence opposition members are trying to have a bob each way in relation to this issue. Their argument seems to be that the government should have brought in legislation more quickly but now it is doing it too quickly. Let us look at both aspects of that argument. There has been a significant effort to reinvent history here. There have been references to conversations indicative of the offering of opposition support if at any time the government chose to legislate, and opposition members have now tried to morph that into the claim that the opposition, in retrospect, was calling for this and knew all along that something drastic needed to be done. The trouble is that if you look at the public record, there is nothing to support that proposition.

As the Deputy Premier said, the *Australian* of 6 October last year reported the shadow Attorney-General, Mr Pakula, as saying that the government and police found themselves in a wait-and-see predicament. As all members will know, press reports are not always a 100 per cent accurate reflection of what members have said, but that is what is on the public record attributed to the shadow Attorney-General. I have not been able to find anything else on the public record from him in terms of publicly exhorting the government to legislate. If I have overlooked anything, I would be most grateful if members of the opposition would draw it to my attention.

For all the attempts to reinvent history there is no evidence of the opposition at the time actually calling for what it is now saying the government should have done. It has been a situation in which over time the scale and extent of the problem has become increasingly apparent, and there has been reference in debate to the 9000 police officers who have now made disclosures and the current estimates of cases that are at risk as a result of affidavit issues being involved. The government has been closely monitoring the situation throughout, and it has reached the conclusion, as I indicated in moving the second reading and elsewhere, that legislation is necessary.

The second aspect of the concern raised by the opposition is that despite its previous arguments that the government should have acted more quickly we are now acting too quickly — again, notwithstanding the fact that allegedly on its own account it previously offered to expedite the passage of the legislation through the Parliament. There are two reasons why the government is seeking to get the legislation through the Parliament quickly. Of course, the first is that with the magnitude of the problem — as police information and the result of their disclosure process has come to hand and their further work and the work of others in ascertaining the scope of the problem has come to hand — it is clear that the sooner this legislation can be on the statute book the sooner the problems can be averted going forward.

But there is a second important aspect to the timing issue — that is, the need to minimise the time between when the intention to legislate is announced and when the legislation is actually on the statute book, because in that intervening period issues are created for the courts. The courts and all the parties before the courts will have heard the government's announcement and will be aware of the legislation before the Parliament, but until this bill ends up on the statute book, assuming the Parliament supports it, the courts and the parties have to operate under the existing law. We were concerned to ensure that that interval of time was kept to a minimum and we were keen to ensure that when the intention to legislate was announced, it became known at a time when the courts were not sitting.

As has been indicated, I contacted the shadow minister in the other place, a member for Western Metropolitan Region, Mr Pakula, late yesterday afternoon and I spoke to him in person. I might say as an aside that, to the absolute best of my recollection, never once in the four years that I was shadow Attorney-General was I contacted by the former member for Niddrie about any matter when he was Attorney-General. Nonetheless I phoned and had a very constructive discussion with Mr Pakula. I offered him a briefing and invited him to decide when he would like a briefing and to come back and nominate a time. He came back and nominated a time this morning, and the briefing proceeded.

The government has made every effort to ensure that full information was made available to the opposition.

Mr Noonan interjected.

Mr CLARK — The member for Williamstown interjects about whether that is acceptable. I do not know if he was listening to the point I was making that there is a need to minimise the period between the

announcement and the introduction of the legislation and putting it on the statute book, so necessarily times need to be compressed. On other occasions the government is perfectly willing to allow a normal and adequate time for scrutiny.

Again, I might say in reference to the member for Williamstown that the former government tried to rush legislation through the Parliament, at times not because there was a genuine reason but just because it wanted to create mischief. I well recall one occasion when the former Attorney-General arranged for me to be briefed urgently on legislation for intensive correction management orders. The briefing took place at lunchtime, the second-reading speech was given by him that afternoon and at the conclusion he called upon the opposition to be willing to proceed to debate the bill forthwith having given zero notice. Knowing how the former Attorney-General thought, we realised he might be up to that, and in any event we were more than willing to proceed with the debate, but I make the point that the former government tried to bring on legislation urgently for no good reason whatsoever. We have only sought to bring on legislation urgently when there is a genuine reason for that urgency, as I have explained to the house.

I will deal with two further issues that were raised in the course of debate. The first relates to why the legislation applies generally instead of only to police officers, as the opposition has asked by way of rhetorical question. The government's view is that there is evidence that practice has got out of line with what is appropriate and that appropriate formalities were not being observed in the police force. The situation was unclear as to whether others who were in the practice of swearing affidavits had got into similar poor practices, and rather than risk a repeat of the problems that have been experienced, we thought the clear point of logic was to say that now everybody is on notice by virtue of the issues that have arisen about the police force and about the need to properly comply with formalities. Everybody is now on notice going forward. People may not have been on notice given that bad practices had developed in other areas prior to this coming to light, and therefore it is better for the legislation to apply across the board.

The issue was also raised about the Scrutiny of Acts and Regulations Committee. Needless to say, the procedures of a parliamentary committee are matters that are governed by that parliamentary committee, so it is a matter for SARC to determine what it does. From the government's point of view we would be more than happy if SARC were to find itself in a position to consider the bill and to report on it. That may be a question of logistics and timing and the availability of staff and whatever other considerations might need to be taken into account by SARC. But we are more than happy to have this legislation scrutinised. Indeed it was mentioned in debate that the opposition wished that it had more opportunity to scrutinise. Of course the opposition is very welcome to continue to scrutinise the legislation between now and when it is debated in the upper house, and if it wants to come back seeking any further clarification or raising any queries with the government, then it is very welcome to do so. A lot of effort has been put in on the part of the government and officers of the department and everybody else involved to get this legislation as right as possible, and we are more than happy to take on board any queries or suggestions that SARC or members of the opposition or anybody else might wish to raise in relation to the bill.

In conclusion, this is an important bill to bring to an end these very serious difficulties that have arisen in the courts and in the justice system as a result of failures by police officers and, potentially, others to observe the appropriate formalities in the swearing or affirming of affidavits. This government is not prepared to accept, and the community cannot afford, to have a court system that is logjammed and which grinds to a halt as a result of the sheer weight of these matters. Nor can the community afford, potentially, to have offenders who have committed very serious offences walking free from court because their cases cannot be heard on the evidence that is available to be led against them because of these failures to observe procedural formalities. For all of those reasons I commend the bill to the house.

Motion agreed to.

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

Third reading

Motion agreed to.

Read third time.

CONTROL OF WEAPONS AND FIREARMS ACTS AMENDMENT BILL 2011

Second reading

Debate resumed from 7 December 2011; motion of Mr RYAN (Minister for Police and Emergency Services).

Opposition amendments circulated by Mr MERLINO (Monbulk) pursuant to standing orders.

Government amendments circulated by Mr WELLS (Treasurer) pursuant to standing orders.

Mr MERLINO (Monbulk) — It probably does not happen too often, but you will notice that the amendments proposed by me and the amendments circulated in the name of the Minister for Police and Emergency Services are exactly the same. It simply reiterates the point that with regard to the Control of Weapons and Firearms Acts Amendment Bill 2011 we did our due diligence with stakeholders and in doing so found there was a significant issue with this bill. We therefore had these amendments drafted some time ago. We then went through the process with the clerks to get the amendments organised and have them circulated today. There was a briefing. For the second bill we are debating today there was another briefing this morning. At the last minute, at the 11th hour, the government also realised there was a significant problem with this bill and proposed the appropriate amendments, so we are talking about the same amendments. However, it was through our efforts with the sporting shooting community that this very significant problem was identified. I will talk more about that in a moment.

At the start can I say that the opposition does not oppose this bill. Indeed there is much in the bill that is quite fine. However, I will spend a bit of time on the participation requirements for licence-holders, as that is the issue to which the amendments of both the opposition and the government go. The amendments prepared by the opposition accurately reflect the commitments given by the government to stakeholders. These were at negotiations held primarily between the Department of Justice, the government and the Victorian Firearms Consultative Committee. Those negotiations were around the participation requirements for handgun licence-holders and go back some 18 months. Essentially an agreement was reached with members of the Victorian Firearms Consultative Committee and the broader sporting shooting fraternity that dates back to June last year, but when the bill was introduced into this house it did not reflect that agreement and the understanding that was reached back in June 2011.

I will now refer to the current law and the requirements for licence-holders as they apply at the moment. Under the Firearms Act 1996 handgun target shooting licences are conditional upon the licence-holder attending a minimum number of target shooting events each calendar year to demonstrate what is described in the act as an ongoing genuine reason for the licence. Across the country different jurisdictions deal with licence arrangements differently, and there are different ways to approach the classes of weapons that people use. In Victoria there are four classes of general category handgun — class 1 being air pistols, class 2 being .22 rim-fire weapons, class 3 being centre fire weapons up to .38 calibre and class 4 being centre fire weapons over .38 calibre and up to .45 calibre.

Those are the classifications that currently apply, and the act currently imposes the condition that in each calendar year for which the holder holds the licence subject to section 16(3), he or she must participate, either as a competitor, supervisor, competition judge or range officer, in at least six approved handgun target shooting matches on at least six separate days, and in at least four handgun target shoots that comply, and so forth. The common practice in Victoria is that the six and the four are added together. This practice dates back to about 2003, so the minimum requirement of participation in Victoria is 10 days a year. These are the most stringent conditions across the nation, and conditions vary across the other states and territories.

Before we get to the proposed amendments, let me point out that the bill requires a licence-holder to participate in a minimum number of handgun target shoots and/or approved handgun target shooting matches on separate days in a calendar year, which is then described in a table. The first column of the table is headed ‘Number of specified classes of handgun possessed, carried or used’. For class 1, the total number of handgun target shoots or matches or a combination of both is 10 days; for class 2, 12; class 3, 14; and class 4, 16. It was explained to the opposition at the first departmental briefing a month ago that that range between 10 and 16 days in a calendar year, depending on the number of classes, enables the combination of two or more classes in one day and was intended to accommodate Olympic and other elite competition, which can involve four or five matches using up to three classes of gun in any one day.

The bill also broadens the definition of ‘approved handgun target shooting match’ to include matches

outside Australia where Victorian requirements are also satisfied. It is not a diminution in the requirements but will allow matches outside of Australia to count towards the requirements. In regard to the intention as was described by the department to the opposition, I make the point that this would provide for a number of matches — for example, a competition held over a weekend or three days. However, when we spoke to the stakeholders — the sporting shooters — they explained that that was exactly the opposite of what would be the case. As it stands, the bill refers to these matches being held on separate days in a calendar year. A shooter could be participating in one event in class 1, but would have to go on a separate day to do another class. This would be quite a difficulty for aspiring athletes participating in the Commonwealth or Olympic games, for example, because the sport just is not organised in that manner.

Another point I would make is that it was explained to me by people from the sporting shooting community — particularly from the Victorian Amateur Pistol Association, but from other sporting shooting groups as well — that this would place a greater burden on Victorian sporting shooters than on those elsewhere in the country. The whole idea was to coordinate and sync as much as possible our arrangements with arrangements across the country, which has been part of the Council of Australian Governments discussions, but indeed the opposite is the case.

Departmental staff were challenged on how they came to the numbers, such as 10 handgun target shoots or matches for class 1. That example is understandable, because it is the minimum in Victoria and has been in place for quite some time. However, for categories 2 and 3 there was no logical explanation of how the numbers 12 or 14 days were reached, other than it being even numbers — 10, 12, 14 and 16. That was the only logical reason that anyone could see, and this was conceded by the department. The sporting shooters have been seeking that the minimum requirements for classes 2 and 3 reflect the national minimums. I refer to the amendment which provides for 10 days for class 2. From the very start members of the sporting shooting community have not been seeking to reduce the minimum requirement that has been well established in Victoria, so they have not sought or lobbied for a diminution in the minimum of 10 days. Whilst they say class 2 should stay at 10 days participation, they want class 3 at 12 handgun target shoots or matches rather than 14 and, as I said, class 2 at 10 rather than 12.

The opposition amendment proposes to insert the words ‘at least 10’ before ‘separate days’. That amendment keeps the minimum but does not blow out the number of days that a participant is required to either participate in a match or a shoot to maintain their handgun licence. We are talking about 20 000 participants across the state. In my previous role as sports minister I had a lot to do with the sporting shooting community. It is a legitimate sport, and I spent four years making sure that sporting shooting is considered a legitimate sport and that sporting shooters have the support of government. This is a significant Commonwealth Games and Olympic sport, and many champions come through the ranks. This is a high-participation sport for many people and a recreational pursuit, and the people who engage in it should be supported.

As an aside, there are great concerns in the sporting shooting community about the support they are getting from this government. As I said, the sporting shooters had reached an agreement and had commitments from the government that this bill would reflect the amendments that we have proposed. They had an understanding, and it was minuted. A number of stakeholders will tell you that if the government had bothered to ask them about this bill they would have said that they had reached an agreement, and this bill does not reflect that. This bill is only one example of how the sporting shooting community has not been supported by this government.

I am very proud of the fact that the previous Labor government committed $12.7 million — this was budgeted — to fund the purchase of land to provide Victoria’s first state multidiscipline shooting centre. That would have included indoor and outdoor ranges. It was going to be — and I hope it will be — a fantastic facility. We budgeted for it. We provided almost $13 million to purchase the land in regional Victoria to provide a significant multidiscipline shooting facility for recreation, for elite competition and for the development of the sport. There has been a period where it has been increasingly difficult. Local suburban communities are being squeezed out of particular localities. We provided — Labor provided — the funding of almost $13 million to fund the purchase of the land. On top of that, the previous Labor government committed to providing $7 million for stage 1 of the development of that facility.

We are now 15 months into this government, and the state multidiscipline shooting facility is nowhere to be seen. It has not moved one inch.

Honourable members interjecting.

Mr MERLINO — They laugh. I do not think the sporting shooting community is laughing. We put

money on the table in the budget and committed, and it has not moved one inch.

The government also promised to establish a game council. What has happened to that? Back in November the sporting shooters were marched into the office of the Minister for Agriculture and Food Security and were advised, 'No, we're not going to do that. We're not going to establish a game council. We're not going to do that'. But back in November of the election year — back in 2010 — the then Leader of The Nationals and now Minister for Police and Emergency Services said this:

> We think there is a very, very great opportunity therefore to enable government to work constructively with them in the interests of the community at large.

That was a quote in the *Northern Times* of 23 November 2010. The now government committed to establish a game council, but the sporting shooters have been subsequently told there will be no such thing. There has been no game council and not one ounce of effort on a state multidiscipline shooting centre, and in regard to the minimum requirements to continue with handgun licences the sporting shooters are saying, 'We had consultation, and we had an agreement with the government which the government reneged on'. The government introduced a flawed bill, and yet this morning it was dragged kicking and screaming in here with amendments, admitting that it got it wrong.

I think it is fair enough to ask how much real support there is from the Baillieu-Ryan government towards the sporting shooting community, and I would say that there is not much at all.

There are a number of other amendments to legislation in this bill, all of which the Labor opposition will not oppose. The bill inserts new sections 5AA and 5AB in the Control of Weapons Act 1990. These are both clarifications which the opposition does not oppose. The first is new section 5AA, which is headed 'Offence to possess, use or carry a prohibited weapon' and states:

> A person must not possess, use or carry a prohibited weapon (other than an imitation firearm) without an exemption under section 8B or an approval under section 8C.

The clarification is whether it is registered or not, and that is something that is certainly supported.

The other is new section 5AB, which is headed 'Offence to possess, use or carry an imitation firearm' and states in part:

> (1) A non-prohibited person must not possess, use or carry an imitation firearm without an exemption under section 8B or an approval under section 8C.

This is in relation to firearms that resemble operating firearms or are capable of being modified, and the department provided examples of blank-firing firearms. So you can have a starter pistol that does not look like a working firearm, and that continues to be exempted, and that is the right way. But if you look at the pictures of a firearm that can be converted to a blank-firing gun, that will continue to be regulated as a firearm under the Firearms Act 1996, and the proposal is to regulate purpose-built blank-firing devices as firearms under the Firearms Act 1996. When you look at the pictures — and I know this is difficult for Hansard — they look exactly like firearms. Those amendments certainly have the support of the Labor opposition.

There are also exemptions for non-prohibited persons who are exempt from the requirements to hold a licence under part 2, and they now include operational staff of the Metropolitan Fire and Emergency Services Board and officers or members of the Country Fire Authority. That relates to particular incendiary devices that the CFA uses, and it is also appropriate that that exemption is provided under this legislation.

The final area I want to touch on is the changes to the planned designation of a search area contained in substituted section 10D(6) of the Control of Weapons Act 1990, which reads:

> A declaration under this section has effect, after the date of publication of the notice in the Government Gazette, for the period or periods specified in the notice.

This essentially is removing the seven-day notice period of a planned designation of a search area; so it does not remove the notice requirements, but it does remove the seven days. This is an election commitment of the government made back in 2010 that is being implemented. We will not oppose it, but I will point out that this is tinkering at the edges. This is tinkering at the edges around street violence. We are not going to oppose it. This was a commitment that was made by the government in the election, but when you look at the significant things that the Labor government did to address street violence over the course of the last decade and compare it to this tinkering around the edges, you see that it is pretty minor stuff — 'Let's just remove the seven-day notice period for a planned designation'.

We increased police numbers by 2000; we allocated 220 specialist officers to the operational response unit to crack down on hot spots; we banned troublemakers from licensed venues and entertainment precincts; we provided the legislation to issue on-the-spot fines to drunks; we provided move-on power; we introduced random search powers for police; we provided the

capacity, as I said, to introduce 1000 on-the-spot fines for carrying weapons; and we created antihoon laws enabling authorities to impound cars for up to three months or seize or crush them. That was the framework to deal with the issue of street violence and perceptions of safety. Those were significant legislative reforms that Labor introduced from 2007 through to 2010.

One of the last things we did was fund the 1700 additional police in the budget of 2010. I know that is something the government likes to trumpet as its idea, but the fact is that it cannot wipe the 2010 budget from the annals of history. It is a fact that on top of the 2000 additional police that we provided over the course of our government, we funded 1700 additional police in the 2010 budget. That is what Labor did, and I am quite proud of those reforms. What we have here is an absolutely minor change: 'Let's take the seven out of the seven-day notice period of a planned, designated area'. This is pretty minor stuff. That is what we get from this government — a lot of talk but in reality legislation that is pretty minor.

I am proud of the fact that Labor treated the state's sporting shooting community with respect — and it is a community. I spent quite some time around the sporting shooting facilities that were destroyed on Black Saturday, going up to mountain districts and providing government support to ensure that those facilities were rebuilt, and I know that these are community sporting organisations in every sense of the word. They are as sporting and community minded as football clubs and netball clubs. We treated them with respect and provided real money to advance the sport and the recreation. What we have seen from this government in the last 15 months is it going back on its promises, it not moving, it not providing one ounce of effort to support the establishment of a multidisciplinary shooting range and it ignoring the agreements that were reached in regard to the participation requirements for handgun licences.

We have a sporting shooting community that completely understands the difference between the support it gets now from the Baillieu-Ryan government and the support it received from the previous Labor government over a long period of time. Labor does not oppose the bill. I wish it a speedy passage. It is good to see that at the 11th hour the government came up with the amendments that Labor was always intending to move as part of this debate.

Dr SYKES (Benalla) — I rise to contribute to the debate on the Control of Weapons and Firearms Acts Amendment Bill 2011. I wish to put this bill into context by stating that the vast majority of firearm owners are responsible, law-abiding citizens and that historically attempts to improve public safety have sometimes resulted in unnecessary restrictions on these responsible, law-abiding citizens. This bill seeks to address some of these situations with the intention of focusing more on illegal ownership and use of firearms and on increasing the practicality and reasonableness of compliance measures.

The government amendments and the opposition amendments that have been circulated are exactly the same, as the member for Monbulk pointed out. We have had a presentation by the member for Monbulk which I can summarise as coming down to an exercise in one-upmanship. It is fascinating that the opposition has sought to highlight something that might involve a period of days or hours, yet the opposition was in power for 11 long, dark years and failed to address the issues that this government has on the table today. The member for Monbulk also sought to highlight his former role as the sports minister. For four years he had this close working relationship with the Sporting Shooters Association of Australia, yet he did not address the issue before the house today. What a fantastic four-year effort from the member for Monbulk!

If members look at the working relationship that those on this side of the house have with firearm owners, they will see that many of us on this side of the house are licensed firearm holders. I am one of them, both in my role as a veterinarian and in my role as a primary producer. Many of us on this side of the house are also members of Field and Game Australia. Many of us have close working relationships with the Sporting Shooters Association, the Australian Deer Association, Victorian Hound Hunters and the handgun users association. In my case this relates to my previous role as The Nationals spokesperson for police and emergency services and my current role as Parliamentary Secretary for Primary Industries. I do have some specific responsibilities in relation to game management and some other firearm-related matters.

In relation to the issue of participation requirements, it is clear that members on both sides of the house agree with the amendments that have been circulated today and with the overall intention of this bill, which is to make the participation requirements more practical and reasonable and to ensure that the law-abiding citizens of this world who hold handgun licences can achieve their qualification requirements in a reasonable and practical manner — on that we agree.

In relation to other matters, again the member for Monbulk, who is a former Minister for Police,

highlighted a couple of instances of the Labor Party making promises and setting aside money but not taking further action in relation to the shooting centre. He then sought to attack the government of the day in relation to game management. I say again to the member for Monbulk, who was a minister in the former government — —

Mr Merlino — You're a bit sensitive about your inaction over 15 months!

Dr SYKES — The member for Monbulk has just interjected and said I am sensitive about our alleged inaction over 15 months. After 11 long, dark years in government the member for Monbulk is attempting to criticise us on this side of the house, who were elected to fix the mess left to us by 11 dark years of the former government. We will put in place — —

Mr Donnellan — Acting Speaker, I direct your attention to the state of the house.

Quorum formed.

Dr SYKES — Was that not a classic example of when the going gets tough the wimps wander? They call for time out, because they cannot stand the heat. This side of the house is going to fix the mess left by 11 years of the inactive Labor government.

As I was pointing out before the call for a quorum, in relation to the issue of game management that the former Minister for Police and Minister for Corrections raised, this government will introduce a management council that ensures stakeholder involvement and realistic participation. We are in the process of determining the composition of that council and its terms of reference. When we have them in place we will focus on outcomes; we will deliver, unlike the former Labor government whose members ranted and raved and wandered about, but did not deliver. We will deliver outcomes. I say to the member for Monbulk: we will resume this discussion in 12 months time or two years time and we will see what runs we have on the board and what outcomes we have delivered of the long list of at least 20 issues before the current minister. The sporting shooters and hunters have come to us saying, 'Please deliver on these issues', because after 11 long years of inaction by the former government they have had a gutful. We will deliver and we will focus on outcomes.

I turn now to other aspects of the bill. I welcome the opposition's decision not to oppose the bill. The measures that the bill contains in relation to imitation firearms make sense. The measures that will be put in place to simplify offences relating to prohibited people possessing firearms, whether they be registered or unregistered, again makes sense, because it is targeting criminals. It does not contain the all-embracing reams of red tape that the former Labor government put in place, which tangled up the vast majority of law-abiding firearm owners. We will deliver outcomes that focus on the baddies and look after the goodies.

In relation to the removal of the requirement for a seven-day notice period in regard to searches, again the opposition does not oppose that measure because it recognises it is common sense. Opposition members recognise that we, the coalition government, are introducing common sense into this legislation so we will achieve our outcomes. Finally, we heard the parting remarks of the member for Monbulk, who did not speak for all his allocated time, about us tinkering around the edges. The member for Monbulk is the man who got up in this place and said publicly that the protective services officers are plastic police. He is the man who said that. We on this side of the house will introduce this legislation and with the support of the opposition have the amendments go through that will deliver a common-sense outcome that we all agree to.

Mr Merlino interjected.

Dr SYKES — It is pleasing to hear the member for Monbulk being so supportive in his interjections.

Mr DONNELLAN (Narre Warren North) — Gee, it is intriguing today! Thank God for the opposition, because if members look at the amendments we have before us they will see that they are exactly the same. It was not until the opposition raised this that the government realised it was going ahead with a bill which would not do what it indicated to sporting shooters it was going to do. The government was going to go all the way with this bill until we pulled it up and said, 'This bill requires amendments. You have made various commitments to sporting shooters and you have failed to deliver them in this bill. You have been consulting for 18 months and at the end of day, even with the support of the public service and all the consultation you could have had, you have not got it right'. What does that say about the government? For 18 months the government consulted with sporting shooters and made various promises to them, but at the end of the day it could not deliver the bacon. It is absolutely amazing.

A parliamentary briefing note of the second half of 2011 from the Combined Firearms Council of Victoria, under the heading 'Matters for your information', raises as its first matter the failure to establish a game council. The coalition promised a state game authority prior to

the last election, and since the last election until recently it indicated ongoing development of this proposal. However, on Wednesday, 2 November, representatives from Victorian hunting organisations were invited to meet with the office of the Minister for Agriculture and Food Security when it was announced that there would not be a state game council but instead there would be a new game management structure in the Department of Primary Industries. Hunting organisations are unanimous in their disappointment that the government has not delivered on its promise, and this comes on top of another backflip over the reopening of Lake Mokoan to waterfowl hunting.

We know Lake Mokoan happens to be a favourite obsession of the member for Benalla, but this indicates that the government cannot seem to get its act together. It had an 18-month period up to June 2011 to consult. There are 20 000 people involved in this sport, and the government has come up with a bill which has got it totally wrong. The only reason any changes have been proposed is down to the opposition: it put the government on notice that it was going to put up amendments which, at the end of the day, would have the broad support of sporting shooters. Sporting shooters know of the substantial support we have given them over many years — a commitment to a state multidisciplinary shooting centre — but to date there has been nothing like that from this government. The amendments came very late — today, Tuesday. That is very sloppy on the part of the minister and his office.

The government has had the Department of Justice, a full department, backing it up, yet it still cannot get the bill right. It is basic: if you consult, you give commitments to the sporting shooters that you can deliver. Here we have a government being dragged kicking and screaming to do the right thing. It is very much amateur hour. The government is very much asleep at the wheel. All this work has been done by the public service, but for some reason, somehow, the interpretation thereof by the minister and so forth is totally wrong.

The opposition supports the bill, but I want to point out that to this point it has been an incredibly sloppy effort. It is ridiculous that the government, with its many advisers and a whole department to help, somehow or other comes in here with a bill that just does not come up to the mark.

Shooting is a serious sport, as we all know. We have had many champions at the Commonwealth and Olympic games levels, and they deserve incredibly strong support. If I were a sporting shooter, I would be very disappointed in this government to date. One has only to listen to what the Combined Firearms Council of Victoria has said. The council has made it clear that it is very unhappy. If you were a sporting shooter and saw this bill coming in, you would be very unhappy as well, especially if you had participated in consultation with the department, had had discussions with advisers and ministers and the like and then ended up getting a bill which effectively made it more difficult for you to show a genuine ongoing reason to hold your licence, whether it be class 1, class 2, class 3 or class 4. Why would the government deliberately make it difficult for these people who are genuine sporting shooters to hold these licences and participate in a productive social sport?

I think the government needs to look at the way it has got to this point and work out why, when it has had all this consultation over 18 months, it cannot deliver a bill that is correct. That is the concern here — that you can have 18 months of consultation and be no further forward than where you were previously. It is amazing. It is really quite mind blowing that this bill, which would have limited or severely hampered the ability of sporting shooters to actually hold their licences, was to be put through in that form. We would potentially have had Olympic and Commonwealth games medallists losing their licences because they could not meet the ongoing reason for holding a licence.

An honourable member interjected.

Mr DONNELLAN — It could have been a shambles. In many ways, thank God for the opposition. Thank God the opposition came in here and put the government on the spot. The Victorian Amateur Pistol Association made it very clear that this pack of gooses needed to get it right, but the government did not get it right. It was only because the opposition intervened that we are at the point now where we are able to pass a bill which sporting shooters and the like will be happy with. What an absolute blessing it is that we are actually here!

Ms Ryall interjected.

Mr DONNELLAN — We are speaking on the bill. We are speaking on the movement towards the bill. If it were not for the opposition, there would not be a decent bill here today. At the end of the day we would have had a bill which would have knackered various sporting participants and actually caused them to lose their licences. I do not know how it would have helped anybody if we had passed the bill. We would all have been a pack of gooses, and we might have lost Commonwealth and Olympic medallists in the process, because they would have been arrested for having

handguns illegally. That would have been a pretty amusing outcome for all. So what a blessing it is that we have an opposition that actually put up amendments; that spoke to people and worked out what consultations the government had had and what consultations it obviously had not listened to — and now we have actually got it right. With that short and valuable contribution I commend the bill to the house.

Ms McLEISH (Seymour) — I rise to speak in support of the control of Weapons and Firearms Acts Amendment Bill 2011. I find it quite staggering that the previous speaker spent 8 minutes and did not get to the guts of the bill at all. I am not sure that the opposition actually understands what the bill is about. I am happy to inform the house about and speak to the bill so that we know what its key messages are. I am pleased that opposition members are supporting the bill. However, I was not pleased to think that they thought it was just about the sport of shooting, because there are many other key elements to this bill that are certainly worthy of mention.

In order to implement this bill amendments need to be made to the Control of Weapons Act 1990 and the Firearms Act 1996. Many in the house may remember and reflect on pre-election commitments the coalition made as part of addressing community safety concerns. The community was telling us loud and clear that the antisocial behaviour and violence that was evident in the community was a problem. We went forward with a platform of law and order, including — here I congratulate the Minister for Police and Emergency Services — the introduction of the protective services officers. The first lot were rolled out very recently as part of the government's platform of law and order and addressing antisocial behaviour. Looking at this bill specifically, we can see that it will actually work to improve the operation and the effectiveness of some of the regulatory regimes that sit behind these acts.

I will speak first about the control of weapons. The purposes here are twofold: the first is the removal of the seven-day notice requirements in relation to planned declarations of designated areas, and the second is about creating a new indictable offence for prohibited persons who possess, use or carry imitation firearms. Let me expand on the removal of the seven-day notice requirement. This is about cracking down on the increase of the incidence of knife violence and attacks. Not long after I was elected there was someone wanted by police for such attacks in my electorate in the Yarra Glen-Healesville area. Previously there was a requirement to publish the notice for the planned designation area search seven days in advance, and this did not give the police the flexibility they require to be able to do their job well.

Many years ago I worked for a government statutory authority that used to publish what they were going to do so far in advance that it gave everybody plenty of time to get out there and make sure that by the time whatever needed to happen had happened everyone had already got their act into gear and the result was that not a lot of breaches were noticed. It is extremely important that the police will be able to select the timing of the publication of notices that is most appropriate to the circumstances that they know about. Notices will be publicised but that seven-day period will be removed and, as I said, that will provide the police with the flexibility to be able to do their job and to make decisions to the best of their ability and knowledge, given that they have information regarding their operations that we do not.

With regard to possessing, carrying and using imitation firearms, one of the things I am very pleased about is the increase in penalty units from 240, which is equivalent to a couple of years in prison, to 1200 penalty units, which is the equivalent of 10 years. When you think about imitation firearms, it is worth noting that the person on the other end of that firearm really has not got a clue whether it is imitation or not. Regardless of how old or experienced you are, if someone confronts you with an imitation firearm, the incident is so scary that you will not necessarily know what is imitation and what is not. The increasing of penalty units as a prevention tool is an example of our work on antisocial behaviour and the prevention of violence in this area, and it is to be commended.

With regard to the firearms act, there are four key areas to mention. There has been a lot of talk about shooters, shooting events and athletes, and opposition members have mentioned that that is the only amendment they think is important. That is a shame, because there are so many other parts of this bill that are extremely important. Firstly, there is an alteration to the minimum number of shooting events in which a person who is licensed for two, three or four classes of handguns must participate. Secondly, there is the classification of certain blank-firing devices as firearms within the definitions of the bill. Thirdly, there is the combining of two offences relating to prohibited persons possessing, carrying or using registered or unregistered firearms, and I will speak to each of those shortly. Lastly, there is the authorisation of the use of certain devices in back-burning and planned burning operations.

I want to talk about having a licence to own a handgun. You must have a reason to hold that licence, and you

must be able to demonstrate on an ongoing basis that you still have a reason to hold it. This is related to participation in shoots. There is a national handgun agreement which is supported by the Council of Australian Governments, and part of this legislation is about making alterations to handgun licences. There is a safety platform and there was a pre-election commitment, but it is also about having an approach that is consistent with other jurisdictions.

In addition, this legislation will help to simplify the administrative requirements for licences and club officials. Many if not most of these club officials are volunteers, and as a government we understand the role and importance of volunteers in the success of clubs and how important it is that they are able continue to operate to the best of their ability. They do not want to be bogged down in administration, red tape and compliance. If this legislation makes things better for club officials who are volunteers, that is terrific because it will ease the burden related to recording and compliance monitoring. It will also make things easier and simpler for Victoria Police because it will allow them to free up resources to do other important policing work.

With regard to blank-firing firearms which resemble firearms that fire real shots or which can be modified to do so, it is important to keep in mind that victims of crimes involving these blank-firing firearms are not going to know whether those firearms fire blanks or real shots. If you are under the pump, you are not going to stop and think about that. It should also be remembered that the use of starting pistols by sporting organisations and schools is going to remain unregulated — there is no change to that in this bill.

With regard to the distinction between registered and unregistered firearms, there was a bit of an anomaly and a loophole in a County Court matter that involved the prosecution of a prohibited person. It is not always easy for somebody to know whether or not there is a requirement for registration. The intent here is really the prevention of the carrying of firearms and the reduction of any loopholes so that we can have a safer society.

Finally, when back-burning and conducting planned burning the firefighting and emergency services use devices that fall into this category. They fire pods that can ignite on contact with the bush, and it is important that they be able to do that while operating within the law. This bill will allow them access to those devices and ensure the continued speed and improved safety of their operations. I also want to mention that planned burning is something this government is going at with a vengeance, whereas the previous government was happy to let fuel loads get out of control.

With those remarks, I am pleased to commend this bill to the house.

Mr TREZISE (Geelong) — I am pleased to speak in support of the Control of Weapons and Firearms Acts Amendment Bill 2011, and I am pleased to do so for two main reasons. Firstly, I am happy to be supporting the shooting fraternity in Victoria, and secondly, what we are talking about in this bill is community safety. Community safety in electorates right across Victoria, including my electorate of Geelong, is a very important matter.

As other speakers on both sides of the house have acknowledged, sporting shooting is a legitimate sport. I must admit that before being elected as a member of this house I had had nothing to do with gun clubs, and there are gun clubs in my electorate. In my duties as a member of Parliament I got to know the Geelong Gun Club and its members, and I must say that it was and still is a very responsible club run by good members — people who are prepared to put effort into their club. I think of people such as Steve Haberman, a Geelong resident who has represented Australia in sporting shooting. I am happy to be speaking on this bill because sporting shooting is a legitimate sport.

It was the Brumby and Bracks governments that committed something like $13 million to a multipurpose shooting facility. As previous speakers on this side of the house have pointed out, that money was made available to the sporting shooting fraternity back in 2009–10, and here we are in 2012 and absolutely nothing has occurred. I implore the state government to ensure that this multipurpose shooting facility is built sooner or later in Victoria because the money is there, it is a facility that is desperately required and it is about time that the state government got off its backside and ensured that the $13 million facility gets built in Victoria.

In preparing to speak on this bill today I was surprised to find, as other speakers have also pointed out, that after 18 months of apparent consultation with the Sporting Shooters Association of Australia, the legislation brought into the house only two weeks ago did not reflect what was agreed to, as I understand it, with organisations such as the Victorian Amateur Pistol Association. That is unlike the situation under the previous Bracks and Brumby governments. The hallmark of our legislation from 1999 to 2010 was strong consultation with stakeholders right across the spectrum of whatever that legislation covered,

including firearm controls. The hallmark of our legislation was strong consultation, so I cannot believe that the second-reading speech delivered in this house two weeks ago in no way reflects the legislation we are debating today. I call on the state government to ensure that from now on in when it consults with the stakeholders it listens to them instead of paying lip-service to those stakeholders, including, as I said before, the Victorian Amateur Pistol Association.

The other important aspect of this bill is not just in relation to sporting shooting; it relates to community safety and street violence. As our lead speaker pointed out earlier, this bill is pretty light on when it comes to street violence and community safety. As compared to the case under the Bracks and Brumby governments, when we delivered something like 2000 police across Victoria.

In relation to stakeholder consultation on community safety, in Geelong the former government and members of this house — including me, the members for Lara and Bellarine and the then Premier — on numerous occasions sat down with stakeholders like the City of Greater Geelong, the local nightclub owners and police and addressed the important local community safety issues. At the time there were a number of ugly incidents on Geelong streets in relation to nightclub control, and through stakeholder consultation we initiated procedures such as licence scans in consultation and partnership with the nightclubs and the City of Greater Geelong, radio contact between clubs and better lighting, and in about 2006–07 we passed legislation which gave police the ability to ban troublemakers from the central business district. I note only today in an article in the *Geelong Advertiser* that a thug was banned for 12 months from the central activities area in Geelong. This legislation in relation to street violence and community safety is light on compared to the legislation of the previous Bracks and Brumby governments when legislation with real initiatives and real steps forward was introduced to ensure that the streets of Victoria, especially in Geelong, were made safer.

It is not only in Geelong that we saw wide initiatives introduced by the Bracks and Brumby governments in relation to firearm licences. For example, we imposed a requirement for firearm licence-holders to reside in Victoria, we regulated tighter controls making imitation firearms prohibited weapons and we improved tracking and serial number regulations on firearms. The point I am making is that it was the previous government that took real steps forward in relation to this type of legislation, and the legislation before us tonight is light on when we are talking about community safety. I will move on. Other speakers have made points in relation to the bill that I will not repeat. As I said, we will not oppose this legislation. I therefore wish it a speedy passage through the house.

Mr WELLER (Rodney) — It gives me great pleasure to rise to give a very good contribution on the Control of Weapons and Firearms Acts Amendment Bill 2011. I need to make it clear at this point that I am the holder of a firearm licence in the categories A, B and C. I am a member of Field and Game Australia, and Pine Grove is my home club. Unfortunately in my job I do not get to go out there and shoot as often as I would like to, but it is a pastime that I quite enjoy.

Before I get to the guts of the debate, I will discuss what has been contributed to it by the opposition. The member for Monbulk talked about a multipurpose shooting complex and how this coalition government has not achieved that in 18 months. We know that was a prepared speech, because the member for Narre Warren North also mentioned a period of 18 months, as did the member for Geelong. Obviously the person responsible for their research did not realise that the coalition has only been in government for 15 months. It was either that or all three of those members cannot count. I know the member for Narre Warren North is good mates with Bill Shorten, who serves as the federal member for Maribyrnong, and is obviously better with his numbers because he usually gets the right people up. It is a pity he cannot get these members to count as well as he does.

They also talk about Game Victoria as being one of the commitments of the coalition. Indeed! They talk about us having been in power for 18 months — once again they say 18 months when we have been here only 15 months — and they talk about it not having been delivered. What they have to understand is that to do things properly takes time; it will be delivered in this term, and it will be delivered to their satisfaction. There was a commitment made at the previous election that we would be tough on crime, and we are in here and we are being tough on crime. I will go through that later.

The member for Monbulk talked about keeping promises and the member for Narre Warren North talked about keeping promises. It was good to see that the member for Scoresby, the Treasurer, was in the chamber at the time. We all remember 'No tolls on the Scoresby freeway'. We all remember that promise, which was overturned as soon as the government was elected.

Mr Herbert — On a point of order, Acting Speaker, we all enjoy the contribution of the member for

Rodney, but I think he is straying just a tad too far, even in a wide-ranging debate, from anything to do with the bill.

The ACTING SPEAKER (**Mr Morris**) — Order! If the member for Rodney would like to return to the bill or to the matters that have been raised in the debate so far, then that is fine, but perhaps Scoresby is one step too far.

Mr WELLER — I thought keeping promises had been raised in the debate. Another one would have been 'No water from north of the Great Dividing Range', but we will move on.

I support the amendments that have been proposed by the government. We are always looking at improving bills, and these improve it. The member for Geelong spoke about community safety. The problem is that is all that members opposite ever did when they were in government — they sat there and talked. What we saw while they were in government was rates of crime against the person continuing to rise and rise. All we ever heard was, 'We're going to have consultation, and we're going to develop another plan'. Yet nothing was implemented that actually worked. When you consult with people you actually need to listen; and that was a failure of the previous government.

I will now talk about the bill. The bill amends the Control of Weapons Act 1990 to make it an indictable offence to carry, possess or use imitation firearms. It also increases the number of penalty points for an offence from 242 to 1200 or from 2 years imprisonment to 10 years — that is, they are multiplied by five. That is what I classify as getting tough on crime, and that is what we are trying to do. That is obviously why the opposition members do not oppose it; they actually recognise that we are doing the right thing.

Another election commitment was to reduce knife crimes, including a commitment to remove the seven-day notice period for random weapons searches. Notices had to be either in newspapers or in the *Government Gazette*. You still have to put it in the gazette or in the newspaper, but it does not have to be for seven days. It can be for any other time, as long as notice is published in there, which makes great sense. There was a commitment made, and we are doing these things. We are getting on with the job of tidying up.

The bill makes a number of amendments to the Firearms Act 1996. The definition of a firearm is extended to include blank-firing firearms that resemble operating firearms and are capable of being modified to fire live rounds. A gun may be meant only to shoot blanks and not to shoot live rounds, but if it is capable of being modified, then it will have to be registered. This means that illegal modification will not be able to happen, because it has to be registered to start with. Once again, this is a common-sense thing to do, and that is what we are getting on with — making these sensible amendments.

The bill also amends the Firearms Act 1996 to make it an offence for a prohibited person to carry a firearm, regardless of the firearm's status. We have had people getting off on technicalities. A prohibited person has been found to be carrying a firearm, and they have claimed that they did not know whether it was registered or unregistered. We take away the loophole there. Whether it is registered or unregistered, a prohibited person still cannot carry it, therefore they will be held responsible and suffer the consequences.

Handgun licence-holders who hold multiple classes of handguns will now be able to reduce the number of shoots each year. They will also be able to count shoots that they attend in another country or in another state or territory. The number has been reduced from 22 to 16, though 6 of those 16 must be matches.

I did not mention at the start of my contribution that I am a long-term Country Fire Authority member. In 1979 I joined the Tennyson CFA.

Mr Trezise interjected.

Mr WELLER — I just thought I would reinforce that for the member for Geelong, seeing as how he is trying to rewrite history. Why is it necessary to have an exemption for members of the Victorian firefighting and emergency services community so that they can use devices in back-burning and planned burning operations, I ask in a rhetorical sense. There are particular devices — of which one example is known as the Green Dragon plastic sphere dispenser — which are designed solely for the purposes of back-burning or planned burning.

These devices have proved useful in making back-burning safer and more efficient. This government is into greater productivity, and when it comes to back-burning or planned burning we want to be more productive and get more of it done so that we can deliver on our promises. The devices work by propelling a small incendiary pod using compressed carbon dioxide into brushes that can quickly and accurately start fires. They are classified as a category E firearm — that is, they are classified as a cannon. They are actually classified as a cannon.

An honourable member interjected.

Mr WELLER — I do not have a licence for a cannon, no. As a result, users of these devices are obliged to be licensed under the Firearms Act 1996. To avoid this unnecessary regulatory constraint an exemption has been made to allow members of the Victorian firefighting and emergency services community to use these devices without the need for a firearm licence. It makes a lot of sense. These devices are going to be used to actually protect communities against fire. It is a rare class of firearm — there are not that many cannons here in Victoria, I would think — yet it is very important when it comes to back-burning.

In summary, I acknowledge that opposition members are not opposing the bill, because they have acknowledged that it is an improvement on what we had. They acknowledge that it is needed to help make our streets safer so that we can give police — including the extra 1700 police that we are delivering over the next four years — the tools to help make the streets safer places. We are getting on with the job of making Victorian streets and Victorian places safer places, whether it comes to violence or whether it comes to fires. We are also giving Victorian firefighters the tools to be more efficient when it comes to back-burning and planned burning to protect us against horrific fires like those we had in 2003, 2006 and 2009.

Mr EREN (Lara) — It is always a pleasure to follow the member for Rodney, because he sets the benchmark so low it is really easy to follow on from him. I believe he spoke on the bill for about 2 minutes of the 10 minutes he was on his feet. I suspect that is because he is not proud of the bill that is before the house — that is, the bill before the opposition's amendments are made. Having said that, I will now speak on the Control of Weapons and Firearms Acts Amendment Bill 2011, which makes a range of amendments to the Control of Weapons Act 1990 and the Firearms Act 1996.

As you would know, Acting Speaker, Victoria already has the toughest weapons search and seizure regime in Australia, and the bill will further enhance the good work that Labor did in its time in government. The changes to the Control of Weapons Act 1990 will boost police powers to conduct random searches for weapons. These changes will also remove the requirement on Victoria Police to publish notice of a planned designation of a search area at least seven days prior to the declaration coming into effect. In a press release of 8 December last year the Minister for Police and Emergency Services indicated that the bill reflected 'the government's ongoing intention to crack down on violence and antisocial behaviour'.

I take up the comments made by my good friend the member for Geelong. He said that when the government introduces bills like this one without attaching money to it or announcing that extra police will be hired, it is necessary to consider whether the government is being genuine about the amendments made by the bill. In order for the amendments to work, you have to have the police on the ground. In the time Labor was in government it provided some 45 extra police to the Geelong region. We have always maintained that that was a police command decision. In 2007 the now Premier, who was then the opposition leader, along with the then shadow Minister for Police and Emergency Services, who is now the Minister for Corrections, came to a public forum in Geelong which I attended as a representative of the government, and they both concurred in saying Geelong needed 70 extra police immediately — and that was five years ago. I mention some of the comments made by the member for Geelong because I think it is important that the government concentrate on providing extra police for areas such as Geelong. I have a letter from the City of Greater Geelong, which also has concerns about policing in Geelong.

Members of the government would be hurting at this point, because they understand — and I am sure one of them intends to take a point of order on me.

Ms Ryall interjected.

Mr EREN — I understand that, because the government knows that it lacks in substance when it comes to dealing with antisocial behaviour. To implement some of its strategies to make Victoria a safer place and enforce the flimsy laws that come before us, which are not even well thought through, we actually need police on the beat.

Before the election the coalition wanted to portray itself to the Victorian community as transparent and open and listening to the community and all that sort of stuff. It had months and months of consultations with key stakeholders on this bill, but what did it bring before us up until the amendments? It was a bill that potentially jeopardised the licences of sporting shooters. That is a serious matter. The opposition wants to make sure that bills do not jeopardise somebody's potential not only to compete in shooting events at the Olympics but also to be part of a shooting organisation and have a licence as such to do so. Without the amendments we suggested, the bill would have been flawed. Many stakeholders would have been absolutely disgusted if this bill had come to this place without the amendments we suggested. Luckily at the last minute members of the government thought, 'Hang on, I think the opposition

has got something here. We had better make these amendments before they do'. The bill that the government has brought before the house now makes more sense.

I turn back to the concerns of the City of Greater Geelong. The bill in principle aims to provide safety for the community, and along these lines the City of Greater Geelong has written a letter to all the relevant MPs in Geelong, outlining its concerns about the lack of police and resources. That is important to understand. The government needs to understand that at some point it has to listen to the community. Having said all that, I can also say that the opposition is used to the government coming into this place with half-thought-out bills with no money attached. If the government had said, for example, 'We are going to provide X amount' — and the Treasurer is sitting before us — —

Mr Wells — I am waiting for you to get back on the bill.

Mr EREN — Actually I am talking on the bill. If the Treasurer had allocated some money towards this bill, the bill would have some substance. At this point in time what it has done is bring in a law that without our amendments would mean that some sporting shooters could lose their licences, and that would be an absolute disaster. If members of the government had said, 'We are genuine in our concerns about the safety of the community, we are announcing, along with the bill, X number of dollars to make sure that our policies can be implemented, and we will provide X numbers of police to implement these laws', that would have been a genuine thing. This is what we have come to expect from this government, and I am not at all surprised that these sorts of bills come before the house.

As outlined by previous speakers, our amendments are absolutely necessary to rectify the government's badly planned and poorly executed approach to stakeholder consultation as reflected in the unamended bill. The government knew we were going to propose amendments in the upper house, so it quickly slipped through its amendments and saved the bill — and saved the government from potential embarrassment. Our amendments were required because the government's approach to these matters and to legislative development, like so much of its decision making to date, is haphazard, sloppy and piecemeal to say the least. It is great to see that those opposite are taking our lead and introducing these vital amendments, even if it is at the 11th hour. They will change the participation arrangements for licence-holders in any calendar year, and they reflect the changes set out in our amendments. I want to know why this government, which never seems to stop boasting about its openness, transparency and accountability, only saw fit to advise the opposition of its amendments to the bill today. In this era of cooperation and when the government wants to bring forward bills such as these — and I am not sure whether I have mentioned it, but we are not opposing the bill before the house; now that it has been amended and perfected we are supporting it — we want to know how this could happen and how and why the opposition was told so late about the government's amendments.

I would also like to know why stakeholders were left in the dark until the very last moment about what the bill would look like in its ultimate form. There were a lot of nervous shooters out there — and rightfully so. They were very concerned that the government was promising one thing but delivering something entirely different, especially in relation to the way in which minimum requirements are to be met by Victorian shooters under this bill. Obviously I am out of time, but this government needs to pull up its socks.

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

Ms RYALL (Mitcham) — It is a pleasure to rise to speak on the Control of Weapons and Firearms Acts Amendment Bill 2011. I cannot quite believe what I have heard from the last four opposition speakers on the bill. They have not spoken on the bill, and I tend to agree with the member for Rodney: somebody on the Labor side developed a standard response that has nothing to do with the bill. They put it out and everybody has read from it, and it has very little to do with the substance of the bill. Opposition members have been reminiscing about their time in government and probably coming to terms with the fact that they did very little consultation when they were in government. To a large degree, that resulted in the Victorian people being absolutely sick of not being listened to, not being heard and not being consulted.

The member for Lara talked about police in relation to this bill — quite easily forgetting that we have made significant commitments to police on the beat and to front-line services and are well and truly delivering on increased police numbers.

I am going to speak on the bill so we can have some clear debate on it. The bill makes a number of amendments to the Control of Weapons Act 1990 and to the Firearms Act 1996. It makes it an indictable offence for prohibited persons to possess, use or carry imitation firearms. It provides for new rules relating to the minimum number of shooting events in which a

person must participate in order to maintain and possess handguns. It also refers to pistols and to the definition of a firearm, including a blank-firing pistol, that can technically be modified to make it fire off a live round. The bill gets rid of — and we heard very little of this from the other side — the seven-day notification period for planned weapons searches in designated areas. Obviously this is very important in relation to the issue of antisocial behaviour and public safety.

The bill enables the acts it amends to be more effective, and it improves their operation. It is another plank in the coalition's law and order platform, and it is another plank to deal with both the perception and the reality that those opposite, when they were in government, were soft on crime.

People who are now prohibited from possessing a firearm are not allowed to carry, possess or use an imitation firearm. The maximum penalty for those who do is 1200 points or a maximum jail term of 10 years. Making this new indictable offence will create a stronger deterrent, and it will prevent prohibited persons from carrying imitation firearms. A prohibited person is someone who has served a prison sentence for a particular crime or who is the subject of an intervention order as set out in section 3 of the Firearms Act 1996. These people are not eligible for exemptions in relation to weapons or the approval of weapons for the period during which they are deemed prohibited. When an imitation firearm is technically altered to make it usable as a firearm or even when it is used to trick people into believing it is the real thing, it is a serious matter. It causes great fear and distress, and it can cause harm to other people.

At present there is no similar indictable offence in the Control of Weapons Act 1990, and a summary offence is simply not strong enough when it is a prohibited person who is carrying or in possession of such a weapon. A prohibited person possessing, carrying or using an imitation weapon is a very serious issue, and it deserves a stronger offence to reflect its serious nature.

As I mentioned before, we did not hear much about the fulfilment of our election commitment in relation to the seven-day notice period. It is indeed another election commitment that has been fulfilled. The bill will remove the requirement for seven days notice to be given in newspapers and in the *Government Gazette* of where and when planned weapons searches will occur in designated areas. That notice can now be given at any time prior to an event, so it is appropriate to the circumstances.

Where the problem lay in the seven-day notice period for planned weapons searches was that Victoria Police had to give seven days notice in a publication of these designated areas, which gave the public substantial notice that searches were going to take place. That is like giving somebody a heads-up about what you are going to look for at a particular time. A planned designated area is one that is applied to events or particular high-profile activities to support the enforcement of those activities. The Chief Commissioner of Police has the authority to declare an area designated if certain criteria are met — for example, where there has been violence at a previous event, where it has been known for people to carry weapons or where there has been significant antisocial behaviour. The timing of the publication is now flexible; it can be published at any time prior to an event.

There is no change to the safeguards that are associated with and applied to the way in which those searches are undertaken, and that is an important point. It means that when police are set up at a search site where knife crimes have occurred or where there is a higher chance of catching offenders, we are not in the business of giving people a heads-up and advance notice or warning of the fact that they are going to be looked at. Seven days notice is a little bit like telling your kids that in seven days time you are going to check their room for alcohol. The chances of finding alcohol in seven days time is pretty well next to zero. Seven days notice does nothing for enforcing compliance, and therefore it does nothing to create accurate statistics about who is carrying weapons. If we tell people in advance that we are going to check — —

The ACTING SPEAKER (**Mr Morris**) — Order! Now is an appropriate time to break for dinner.

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

Ms RYALL — To carry on from where I left off before, giving seven days notice is a bit like telling your kids that you are going to have a look in their room for alcohol in seven days time and the chance of finding it at that time is about next to zero. If people know so far in advance that a particular venue is going to be searched for knives and weapons, they are going to leave those items at home. That means those who are in normal circumstances likely to carry a weapon would not be identified or prosecuted. That does not augur well for the accuracy of statistics of those who actually carry weapons. How does that help gain the compliance of individuals in not carrying knives? How does that help affect the culture of knife carrying that seems to be around?

This bill is imperative to provide the Chief Commissioner of Police with the discretion needed to introduce change to ensure the prosecution of offenders and, as I said, put in place that cultural change. If we can remove knives or other weapons and prosecute those who carry them, we can start to impact the culture of knife carrying. If one life is saved, we have achieved something.

Knife attacks have horrific consequences. We were all appalled when an unprovoked attack occurred at Mitcham railway station in 2009. A 41-year-old man was lucky to survive after he was stabbed multiple times in the head and body as he walked along the station's pedestrian crossing. Changing the notice period for these searches absolutely makes sense.

Further amendments to the legislation will mean international shooting events can be recognised for the purposes of handgun participation rules and the maintaining of a valid licence. The bill also reduces the number of shooting events in which a person who is licensed for a number of classes of handguns must participate. This will reduce red tape.

We did not hear anything from those opposite about this bill. This is a lazy opposition. It did not take the time to read the bill; it did not take the time to study or debate it. We had a standard response shared by all those opposite because, just like their Labor colleagues in the federal Parliament, they have lost their way. It is a lazy opposition. The Victorian government recognises the increasing popularity and need for these amendments, and I commend the bill to the house.

Mr LIM (Clayton) — I heard the accusation thrown across the chamber about us being lazy, but I am just trying to come to grips with why it took 18 months for the government to come up with this bill. The government took 18 months, yet at the last minute we see it scrambling to come up with amendments. These amendments have come about simply because concerns were raised with us by the shooting fraternity; that is why these amendments have been proposed.

It would be remiss of me not to mention that on this side of the house we have a long tradition of supporting all sporting bodies. This is reflected in the fact that it was the previous Labor government that went to the election with a commitment of at least $13 million to buy the land and build the infrastructure to support the shooting sporting community. That is an indication of what Labor is all about when it comes to shooting sporting activities. It goes without saying that we do the right thing. We are not just talking; we are not lazy. This is unlike the government, which has taken 18 months to come up with this unprepared, unpolished and unready bill, only to then have to scramble for amendments.

I will now turn to the bill. It would appear that the bill has two main aspects. Firstly, it amends the Control of Weapons Act 1990 to make it an indictable offence for a prohibited person to carry an imitation firearm. Secondly, the bill does away with the requirement that at least seven days notice be given in the gazetting of a planned designation of a search area.

I would like to touch on the first point — the indictable offence for a prohibited person to carry an imitation firearm. I will start with the definition of what is meant by 'prohibited person'. The bill gives an extensive definition of such a person. I do not wish to read this long list into *Hansard*, but suffice it to say that a prohibited person is a serious criminal, a perpetrator of family violence or a person convicted of firearm offences of a violent nature. These are not the sorts of people that our community would want anywhere near a firearm.

To take it to an extreme, where I come from these people do not deserve to walk this earth because the violence that they perpetrate on their own family and community is most unacceptable, has no place and should not be tolerated. To suggest that this person could be in a position of being able to convert an imitation firearm into a weapon that could use real bullets and use effectively it as a firearm is a dangerous idea to entertain. It should be noted that the possession of an imitation firearm was originally an indictable offence, but from 1 July 2011 the maximum penalty was 240 penalty units or two years jail. Clause 4 of the bill before the house raises this penalty to 1200 penalty units or 10 years imprisonment, which is a significant change.

The second aspect of the bill that I want to touch on concerns the removal of the seven-day notice period in the gazetting of a planned designation of a search area. This raises some questions, but I would not want to go down the track that the member for Mitcham suggested — that is, an almost gung-ho, cowboy-style interpretation of that aspect of the bill. We need to strike a balance between civil liberty and the safety of the community, and this point was raised by the Scrutiny of Acts and Regulations Committee. It is interesting to read the committee's *Alert Digest* No. 1 of this year in the context of this provision. It states:

> The committee will write to the minister seeking further information as to the required period of time between notification of a designation in a daily newspaper and when

the designation may validly operate. Pending the minister's response, the committee draws attention to clause 5.

I checked a copy of the subsequent *Alert Digest* No. 2, and there is no mention of the minister's response, which is a concern.

Another aspect I bring to the attention of the house is that in this day and age of the latest technology, we are talking about how we convey to the community information in this area. The traditional way would have been to put the information in the newspaper, but I suggest that we use the latest technology — the internet, Twitter, Facebook and all that. Maybe the government needs to think about bringing this latest technology into play. I am talking about this in all sincerity and without wanting to be glib. We live in an age of modern technology, and we have to properly come to grips with it in reality.

As we all know, the opposition will not oppose this bill. However, I am keen to see if there is a need for further amendments in the Council. Having mentioned all the major concerns I have, I hope the government will take them into account during the passage of this bill through the chamber.

Debate adjourned on motion of Mr BATTIN (Gembrook).

Debate adjourned until later this day.

BUILDING AMENDMENT BILL 2012

Second reading

Debate resumed from 8 February; motion of Mr CLARK (Attorney-General).

Mr WYNNE (Richmond) — I rise to make a contribution to the debate on the Building Amendment Bill 2012, and I indicate from the outset that the opposition does not oppose this bill. It is a relatively simple bill that seeks to address an anomaly that has arisen in relation to the practices of the Building Practitioners Board.

Members of the house would be well aware that the Building Practitioners Board is a statutory body that oversees the quality and standard of professional services in the Victorian building industry. The Building Practitioners Board plays a crucial role because apart from the purchase of one's property there is no larger expenditure that most people make than the engagement of builders to construct their property or undertake renovations and so forth. It is absolutely the most significant financial decision that individuals and families make, so it is important that there be in place an appropriate, robust regulatory framework to ensure that both building practitioners and consumers are properly protected. That has very much been the role of the Building Practitioners Board.

The reason for this particular amendment being introduced is that in 2001 the previous government passed an amendment to the Building Act 1993 that provided that the Building Practitioners Board had the power to inquire into the conduct of a person whose registration as a registered building practitioner had been suspended and that such an inquiry was limited to conduct that occurred during the three-year period immediately preceding the suspension. That provision is contained in section 179A of the Building Act 1993.

We are dealing with this amendment today because it has arisen from an action that was taken in the Supreme Court. The case cited is *Ariss v. Building Practitioners Board*, which appeared before Justice Bell. It is most illuminating, and I recommend to members that they take the opportunity to read the decision of Justice Bell, who has outlined very clearly the reason he agreed with the applicant in the matter of *Ariss v. Building Practitioners Board*, which provides us now with the circumstance where we are seeking to amend the act to address the question that was afoot in the Supreme Court action.

Mr Stephen Ariss was a registered building practitioner, and the Building Practitioners Board commenced an inquiry into his building practices. Before it was completed, Mr Ariss's registration was compulsorily suspended for his failure to pay a statutory fee of $90 per year to maintain his registration. He maintained, according to Justice Bell, that the board thereby lost its jurisdiction to continue its inquiry. Obviously, as Justice Bell indicated, the board not surprisingly rejected that contention and decided that under the relevant legislation it retained jurisdiction because Mr Ariss was registered when the inquiry commenced. If its jurisdiction were lost, an unscrupulous builder could avoid scrutiny of its practices by orchestrating the suspension of its registration before the inquiry was completed. What is alleged is that there was an attempt by Mr Ariss to avoid the scrutiny of the Building Practitioners Board by ensuring that his registration was not valid and current, thereby in his view putting him in a position where the jurisdiction of the board was placed under question.

The decision of Justice Bell goes to a number of key points which are in effect addressed by this amendment. According to Justice Bell, under sections 177, 178 and

179 of the Building Act 1993, the provisions under which the board was operating, the board did not have jurisdiction to appoint someone to make a preliminary assessment, to conduct or continue an inquiry or to make disciplinary decisions with respect to a builder who was not a registered building practitioner. That category, as Justice Bell indicates, includes a builder whose registration was or became suspended. Justice Bell stated:

> In consequence, the board lost jurisdiction to continue an inquiry when the registration of a builder which was current when the inquiry commenced was compulsorily suspended for failing to pay the statutory fee, whether the suspension was 'orchestrated' or otherwise.

Justice Bell very clearly outlined why the board had no jurisdiction.

According to the account given by the board, it commenced an inquiry on 2 December 2009 into conduct alleged against Mr Ariss between October 2001 and August 2005, so there was quite a long gap between the alleged behaviour and the subsequent attempt by the board to initiate its inquiry — a gap of almost eight years from the first allegations against Mr Ariss and his behaviour through until August of 2005. As I indicated earlier, Mr Ariss, I suggest for reasons of seeking to avoid the scrutiny of the Building Practitioners Board, failed to ensure that his registration was intact.

Justice Bell went on:

> Under section 146(1)(a), the board's decision to suspend Mr Ariss's registration took effect on 12 January 2010, after —

this is crucial —

> the expiry of the appropriate prescribed appeal period of 60 days. When the board commenced the inquiry on 2 December 2009, the suspension decision had not taken effect and Mr Ariss was still a registered building practitioner. But after the suspension took effect on 12 January 2010, he was not.

The view of Justice Bell was that the decision made by the board was in excess of jurisdiction and was also an error of law on the face of the record. The decision was made on a misinterpretation of sections 175, 178 and 179 of the Building Act 1993.

Justice Bell went on to suggest that there were a range of remedies available to the government, including that the problem could be addressed by removing the incentive of builders to delay inquiries, that it could be achieved by making further amendments to the directions made in 2001 and that the time limit could be extended — and Justice Bell suggested that a period of five years from the date of the suspension for three years is not a long time in the building industry, especially taking into account the time needed to conduct an inquiry. Further, or alternatively, the time could be reckoned back from the date of the suspension or the date of the action under sections 177, 178 or 179 if action were also relevant in this context, whichever was the earliest.

What we have here is a sensible amendment. It seeks to remedy an anomaly which could not have been predicted when this bill was initially amended by the previous government in 2001. I think it is clear that the behaviour of the applicant before the Supreme Court was a premeditated matter and that he had specifically, by his actions or in fact his omission to ensure that his registration was current, sought to avoid the scrutiny and the inquiry of the Building Practitioners Board. I think any fair-minded person who has had a look at this bill would say that that was certainly a consequence that could not have been predicted when we amended the bill in 2001. By closing this loophole pretty much in line with what was recommended by Justice Bell in his decision, we will prevent a situation where an Ariss matter could occur again — that is, where someone could capriciously and in a very calculated way seek to avoid the jurisdiction of the Building Practitioners Board.

The only other matter I want to briefly touch upon is that this bill allows the Building Practitioners Board to deal with registered building practitioners whose registration has been suspended, provided that the board's inquiry commences within three years of the date of the suspension. We are certainly closing this loophole. I think these amendments address all of the relevant sections of the Building Act 1993, particularly sections 177, 178 and 179. I hope they will bring certainty to the building industry generally, but most particularly to consumers, because at the end of the day we have to have confidence that we have in place the right and appropriate regulatory environment, which obviously must protect the interests of consumers.

As I indicated at the start of my contribution, for many people engaging in the construction of a new home for themselves and their families or having renovations carried out on their home is the most important financial decision they will make in their lives, and they want to ensure that they are dealing with registered and legitimate practitioners who undertake their work in good faith. Unfortunately members all know from people who come to our electorate offices of circumstances involving unregistered builders — people who inappropriately call themselves registered builders and practitioners or architects. There are a

range of people within the building profession who over time have sought to provide their services in, frankly, a less than professional way and who have brought great heartache to consumers, who often are young families who have battled to get into their first home. The unscrupulous way that some of these people have operated in the domestic building industry is quite reprehensible.

In closing this loophole we are seeking in a bipartisan way to address the question that arises out of the Ariss Supreme Court action, and we can be confident that that will provide some comfort and safety to consumers. For the tens of thousands of building practitioners and others across Victoria this legislation shines a light on the state's desire to ensure that we have a strong regulatory environment and that we have in place the appropriate checks and balances to ensure that people who are seeking to inappropriately use their position, or by their actions to avoid the appropriate scrutiny of statutory authorities, cannot do so in the future. I commend the bill to the house, and — perhaps inappropriately — I welcome to the advisers box the advisers who provided excellent advice to the opposition in relation to this bill. I thank them for it.

Mr MORRIS (Mornington) — I am pleased to hear that the opposition will not be opposing the bill, which amends the Building Act 1993 to clarify the situation in regard to disciplinary inquiries into the conduct of building practitioners whose registration is suspended. The bill is intended to close a loophole that allows building practitioners whose registration has been suspended or who have perhaps taken a course of action that permits their registration to be temporarily suspended to escape attention because of that fact. It is also — and the member for Richmond referred to this — an issue that has had some recent exposure in the court, and as a result of Justice Bell's decision the Parliament now needs to revisit the subject. I am pleased there is accord on both sides of the house. The bill relates not just to domestic builders; it is about much more than that, but it is certainly an issue that affects the most significant investment decision that the vast majority of people in the state will make.

The intention is to place building practitioners whose registration is suspended on the same footing as those who are currently registered for a period of three years following the cessation of their registration. The bill is fairly straightforward. Three or four clauses effectively do the job. I thought it might be useful to the house for me to outline the role of the Building Practitioners Board and basically what the sanctions are.

The Building Practitioners Board is established under the principal act, the Building Act 1993. It effectively operates as a division of the Building Commission. In the last financial year it conducted some 89 inquiries. That is up from 60 in the year before — virtually a 50 per cent increase in the number of inquiries dealt with over that 12-month period. Following decisions made by the practitioners board there is the opportunity to take an appeal to the Building Appeals Board if the people who are being pursued are not happy with the outcome.

The classes of people who are classified as building practitioners are fairly wide. People tend to think of building professionals as the local builder or someone they are dealing with on a one-to-one basis. However, the classes of occupation covered by this bill include building surveyor; building inspector, both limited and unlimited; quantity surveyor; a variety of engineers, including civil, mechanical, electrical and fire safety; draftsperson for building design, including architectural, interior and services; commercial builder, both limited and unlimited; domestic builder, both limited and unlimited; another category of builder described on the website as 'demolisher', which would seem to be contradictory, but apparently it is a category that involves the demolition of low-rise and medium-rise buildings, limited and unlimited; and also an erector or supervisor of the erection of temporary buildings. Thus a fairly broad group of professions are involved in terms of the registration.

The sanctions available to the board are defined in section 179 of the Building Act 1993. The board has the capacity to reprimand a person, order the payment of costs, require an undertaking to be given to not do a particular thing, pursue training if that is appropriate and impose a fine of not more than 100 penalty units with three exceptions, and they are if a charge has been filed with the Magistrates Court, if the matter is being dealt with by another court in its criminal jurisdiction or if it has been dealt with by issue of an infringement notice. The final two sanctions are at the more serious end. The first is the capacity to withdraw registration for up to three years, and the ultimate sanction is to withdraw registration entirely and to cancel the registration. The resort to a temporary suspension to avoid being dealt with is largely at the latter end.

The current situation is that building practitioners who are suspended are treated differently when it comes to disciplinary inquiries in comparison with registered building practitioners. A registered building practitioner can have their actions over the course of their career reviewed, but once a registration becomes suspended that time frame telescopes back to three years. It

effectively becomes a moving target, because even should an event within the last three years trigger an investigation, the fact of the investigation itself does not stop the clock. You may well have a situation where an investigation could take more than three years to complete and jurisdiction would be lost. One would hope that most of these sorts of investigations would be completed within three years, but often there is a degree of complexity.

There are many matters that are not always immediately apparent that may give rise to a complaint. There may be a number of issues that cumulatively lead to the matter being considered by the board. The way the process is structured at the moment means that, as the three-year limit approaches, these matters may fall off the other end of the process, if you like, so the capacity to pursue the whole picture is diminished. There are also matters where the defects in the work may not become apparent for a number of years. Three years is a reasonable time, but it is not always time enough to complete the investigation.

This potential for the loss of jurisdiction is not satisfactory, hence the current bill. The proposition before the house is for an effective three-year time limitation but not in terms of the action and certainly not one that continues to roll regardless of the investigation. The intention is to have an effective three-year time limitation from the time the registration is suspended. If the individual concerned has taken a decision to not pay their registration, that time commences 60 days after the due date. But the point is that once this bill passes, the very existence of an investigation will be enough to stop the clock so that the matter can be pursued all the way through.

As the member for Richmond observed, the Parliament visited this matter in 2001 and felt that the legislation that was passed at the time was satisfactory. It has proved not to be the case, but I believe the bill before the house will remedy a situation which both sides had thought had been resolved. The solution will work, and the solution is supported by both sides. On that basis it is a decent bill, and I commend it to the house.

Debate interrupted.

DISTINGUISHED VISITORS

The ACTING SPEAKER (**Ms Beattie**) — Order! I welcome to the gallery a delegation from Jiangsu Province, which, as members would know, is part of our Jiangsu Province sister-city relationship. Welcome to the Victorian Parliament.

BUILDING AMENDMENT BILL 2012

Second reading

Debate resumed.

Mr MADDEN (Essendon) — I welcome this opportunity to speak in the debate on the Building Amendment Bill 2012 and follow my learned friend the member for Richmond, who has done such a comprehensive job of describing all the technical matters about the way in which this bill deals with the Building Practitioners Board (BPB) and the legal ramifications of the decisions made by Justice Bell in *Ariss v. Building Practitioners Board*. I will not go into the technical details, because my learned colleague has done that so comprehensively. I will speak more generally about some aspects of the bill and about the role of registered building practitioners.

I declare and put on the record that I have been and am still a registered architect, albeit not a practising one. That falls into the category of being a registered building practitioner. I accept that people should read any remarks in *Hansard* in that context.

Given my role as the former Minister for Planning, many of these issues are not new to me. One of the great difficulties with building, as has been mentioned by my learned colleague, is the fact that it is one of the biggest investments that people, in particular families, make in their lives. More often than not when they step into that domain and make that investment it is an investment which bears a fair bit of risk. They are entering into a transaction which is often foreign to them, it is often new to them and they have to make a step change in their lives. Sometimes it is the newly married couple who buy their first home or build their first home. Sometimes it is the newly married couple who are about to have their first child, so they decide they need a bigger home. Sometimes it is members of a family who decide they are going to expand their house or buy a bigger house and renovate it, because the family has grown accordingly.

When people enter into this situation it is about more than just the building. The building signifies much of the change in these people's lives, and for that reason there is often quite a dynamic, quite a bit of tension and quite a bit of nervousness and anxiety before they even start to sign the paperwork and deal with the builder. What often happens is that a nice, clean paddock, or somebody's backyard, suddenly becomes a work site for a group of builders, and this can add to the anxiety and tension, particularly if you throw in the fact that sometimes people live in close proximity to the site,

either in a house or in a caravan nearby. You can imagine if you throw in the dynamics of a family or a couple with a child on the way or any of those things, there is additional stress involved, and the last thing you want is to have the added difficulties associated with a building project.

One of the things that I have learnt from my range of experiences is that the worst thing that can happen with a building project is for it to stop at some significant point in the project. This has been one of the bugbears of the building system for a very long period of time. If a dispute occurs during the course of construction, the current model means that often either you go to the Building Commission first or you are referred on to Consumer Affairs Victoria — and I must say that there are still some tensions between those areas of government in the way in which they deal with their respective responsibilities in a timely manner — and that creates even greater anxieties.

What you need when some of these issues come along is to have them fixed straightaway. They do not have to be fixed necessarily by the builder, but you do need a decision made straightaway, because the last thing you want is for something to push out and prolong and delay the construction. Once you put subcontractors or other tradespeople off site they are going to take a long time to come back onto the site. If you delay a building project for a week while you settle a dispute, you can be guaranteed that it will be delayed for three, four or five months, because you are going to have a hell of a time getting some of those subbies back. It is no wonder then that when you get into that sort of territory you get all the complexities and difficulties associated with those involved who are trying to unravel what has become a tangled mess.

Broadly speaking the construction and building industry in this state is probably one of the best in the world, and that is why we see suburbs develop almost overnight sometimes. It is because of the efficiency and effectiveness of the construction technique. That is not to say that we should be building those sorts of homes all the time for everybody. I will not go to those sorts of arguments or details because we do not need to, but I will say I believe that in this state the government should be better at resolving some of these issues, because from time to time you get unscrupulous builders who take advantage of the situation.

When there is a dispute over the quality of their work or what they have or have not done, depending on what is in the contract, the delay becomes even greater, and as we have heard from my learned colleague in relation to this bill, many of those unscrupulous builders — and fortunately there are not too many of them — seek to prolong the delays not only in terms of trying to find a resolution but also in terms of dealing with the Building Practitioners Board.

What you tend to see is that these unscrupulous types will push it out for as long as they possibly can, get almost to the door of the practitioners board and then argue that they are no longer a registered builder. Then you have another series of arguments. What this bill tries to overcome is the argument about whether somebody is or is not a registered building practitioner.

I suspect the difficulty that will arise from this bill is we will close a loophole but those who are unscrupulous will seek to find other loopholes by which to take advantage of the sorts of situations that I have described. I am not saying that is a good thing, because it is not a good thing — it is a dreadful thing — but what you tend to find is that unscrupulous types will find, in a sense, the line of least resistance as an exit for them, and I suspect that although this bill will fix some of those problems it is highly likely that they will find an equivalent way, legal or otherwise, to avoid their responsibilities and obfuscate their duties.

What I hope is that the government will have a good look at the implications of where this bill might lead some of those unscrupulous characters and where they might find loopholes, because I am sure there are loopholes which will exist in the regulatory framework, whether they are through delaying justice for as long as possible or avoiding justice at all costs. I would encourage the government to cast an eye across the operation of the building system. We have a very good building system. More recently some issues that need to be dealt with have been highlighted, but generally we have a very good domestic building industry, and I would hate to think that because we allow certain loopholes to be closed off but others to be left open we are undermining more broadly the reputation of the domestic building industry.

In closing I would like to take this opportunity to put on record my thanks not only to my learned colleague the member for Richmond but also to those people with whom I worked over a number of years at the Building Commission. I would like to take this opportunity to also put on record my thanks to the recently retired building commissioner, Tony Arnel, who did an outstanding job over a long period of time. Obviously the government sought to move him on because he had been there for a fairly significant amount of time and the government could see some issues which needed to be dealt with. I hope that if that is the case it will deal with the issues, because I know Tony Arnel was very

much a leader in the industry. He was very hands on and very keen to confront the issues that need to be dealt with in the industry.

There are constraints that a commissioner must work under, whether they are the government, the minister, the industry or other stakeholders, and one of the things you find particularly in the domestic building and construction industry is that there are some very opinionated stakeholders with a very significant degree of influence — either in the domestic market or the commercial market — and, as you would expect, they agitate to have their interests represented in the best way possible, and that is not necessarily always in the interest of the broader public. So I hope that coming out of these initial reforms we will see additional reforms considered to make sure that we continue to have great confidence in what is a great building system in Victoria.

Mr NORTHE (Morwell) — It gives me great pleasure to rise this evening to speak on the Building Amendment Bill 2012. Firstly, this bill amends the Building Act 1993 to provide that an inquiry may be commenced against a person whose registration as a building practitioner is suspended provided the inquiry is commenced within three years of that suspension taking effect. These inquiries, as other members have noted, are to be undertaken by the Building Practitioners Board. In his contribution to the debate, the member for Mornington referred to the important role that board plays in Victoria. The board comprises 11 members with a wide range of expertise representing professional associations and various categories of building practitioners as well as legal and consumer representatives. It has an independent chairperson.

The Attorney-General in his second-reading speech articulated the history of this act and referred to the 2001 amendments to it. He also gave credence to the amendments before us today, referring particularly to the Supreme Court case of *Ariss v. Building Practitioners Board* and the concerns expressed in commentary by His Honour Justice Bell and the Building Practitioners Board. It has come to pass that there is an anomaly in the system, and the amendments in this legislation seek to address that anomaly. In conjunction with the member for Mornington, we are pleased that the opposition is not opposing this bill.

The history of this legislation is that prior to 2001 there was some doubt as to whether the Building Practitioners Board could conduct an inquiry into a registered building practitioner whose licence had been suspended. That was on the basis that that person was no longer a building practitioner because their licence had been suspended. The 2001 amendments to the Building Act 1993, which included the insertion of section 179A, sought to deal with that particular anomaly. They enabled the Building Practitioners Board to inquire into the conduct of a registered building practitioner whose registration had since been suspended.

The current legislation only allows for an inquiry into misconduct by a building practitioner to be conducted in relation to the three years immediately preceding a suspension. The problem with that is that currently an inquiry cannot commence if a building practitioner is suspended and the misconduct occurred more than three years ago. With respect to the case I referred to earlier, the amendments put forward by the Attorney-General seek to address that anomaly.

This bill ensures that a disciplinary inquiry into a building practitioner whose registration has already been suspended can commence or continue, with the proviso that that inquiry commences within three years of the date the building practitioner was suspended. From a practical point of view this bill allows for an inquiry to consider past conduct with no date restrictions as long as that inquiry commences within three years of the date of the suspension of the building practitioner. There have been three key time lines for this legislation: the amendments that occurred prior to 2001, the 2001 amendments and the sensible provisions and amendments the Attorney-General has proposed through this legislation.

As other speakers have mentioned, it is a shame that a minority of building practitioners have sought to manipulate the system to some degree through the loophole referred to earlier, and it is imperative that we put measures in place to ensure that this type of activity does not happen in the future. I must commend the previous three speakers who spoke about the building of a home or dwelling being one of the most important things people can do in their lives: the last thing we want to see is unscrupulous building practitioners taking them for a ride. That is a terrible scenario to consider, so as a Parliament it is important that we put measures in place to prohibit that type of activity.

Clause 4 of the bill deals with inquiries into the conduct of building practitioners who are no longer registered. I will not go into that in too much detail, but as the member for Mornington said, the bill is quite straightforward. Clause 4 deals with the bulk of the amendments in that regard.

Other speakers have referred to the fact that the building and construction industry across the state is

absolutely crucial to Victoria's wealth and economic future, no more so than in my own electorate. I will digress a little and focus on my local building and construction industry. We have many fine builders in Gippsland and the Latrobe Valley, whether that be Nielson Builders, Kirway Constructions, Jimmy Stevenson Builders, or Shane Hollingsworth. There are many fine builders in our midst and they keep the local economy flowing. It is important that as a government we not only support that industry but are mindful of the flow-on effects that go right through our community, such as the retail stores and other sectors that are reliant on the building and construction industry. If one looks just at the city of Latrobe, which covers the majority of the Morwell electorate, one sees that in the year June 2009 to July 2010 some 644 new dwellings were constructed in that municipality, representing a significant investment. The place was really booming. In part those statistics are a little outside the realms of what is normal, given that a lot of that construction was an unfortunate consequence of rebuilding after the bushfires of 2009. In the next 12 months the number of total dwellings constructed reduced to 385, so there was a marked downturn in the building and construction industry, representing a return to normality in the figures.

It is disturbing that in the six months from July to December 2011 the number of new dwellings in Latrobe has reduced quite significantly. There are a number of factors contributing to that. One of the key issues in the Morwell electorate at the moment is making sure we have adequate land ready for development.

As a member of the government I am very pleased that the Minister for Planning has rezoned a substantial amount of land in and around the Latrobe Valley, in the key towns of Traralgon, Morwell, Moe, Churchill and Newborough, and through three amendments: C47, C56 and C58. That will potentially enable a total of around 6500 homes to be rebuilt in the future. At the moment that is waiting on council releasing some of that land for development. But the key element, the critical element we have in building and construction in my electorate just at the moment is the fact that we need that land supply; we need to be turning the sod at the moment to ensure that these homes can be developed in the future, because at the moment we are seeing a downturn in the building industry.

With those few comments I will conclude by saying that I think this is sensible legislation. Other members have espoused very well the virtues of the legislation before us and the proposed amendments. It is imperative that we have a good legislative framework to ensure that consumers have confidence in the ability of the Building Practitioners Board to carry out its duties to their full extent on behalf of consumers as well. Again I extend my congratulations to the Attorney-General. I commend the bill to the house.

Ms THOMSON (Footscray) — I also rise to speak on the Building Amendment Bill 2012. This is not a complicated bill; it is quite simple as bills go, but it is not unimportant because of that. We have heard at some length from members about the implications of this bill, a loophole having been exposed in a court case before the Building Practitioners Board. It is important that this loophole be closed, and I certainly support the government in closing it in an attempt to ensure that what the government originally intended will now be enforced in the courts. That is crucially important. It is good to have legislation that closes loopholes. We know that court cases invariably show up loopholes in various pieces of legislation that appear not to be meeting the intent of the legislation when it was actually brought to the Parliament. Closing loopholes is a part of the role that Parliament plays, but I want to talk more broadly about the Building Practitioners Board, the Building Commission, the way that building warranty insurance has changed and how this impacts now on the regulation of builders.

I have had a number of builders who have come to me and said they despair at the rogue builders or the builders who really do not care about the product they build and who leave their clients stuck in the position of having a place where the building is less than standard. On that basis their reputation is also damaged. Everyone has a story to tell about the dodgy builder. Our reputable builders out there who do not scrimp on providing quality building are also tagged with that label. There has to be a balance somewhere. At the same time as regulating and providing surety for consumers we have to find a way of putting in place a reward system for the really good builders that recognises that they are trying to do the right thing by their clients and that they do take pride in the construction of their buildings and ensure that we do not overregulate them.

However, over the years we still have not quite got right how we regulate against dodgy builders. This will continually change, and we have to be vigilant about it. I guess what I am seeking to say in my contribution tonight is by all means fix the loopholes — I think that really is important — but let us take it a step further. Building warranty insurance is not what it once was. There are many people out there whose life savings go into building that first home. If they cannot get the compensation they need from their builder or get the

builder out to come and do the quality fix — and in a building boom it is very hard to get a builder back to come and fix the building once the keys have been handed over and it is at lockup stage and ready to go — then we have a real problem that we have to address.

I do not know whether we need to look again at building warranty insurance. Again, I understand the problems with insurance and the issues. I went through a phase of having to look at that very carefully at one stage. But we also have to look at the regulation behind it, and we need to talk to consumers, the people who have actually built the homes. We need to sit down to talk to the reputable builders in the industry about the appropriate mechanisms we can put in place that will protect consumers and actually recognise builders who do care about the product they deliver to their client base. I am not sure we will get it right the first time around, but if we engage properly with both sides of the sector, we will get an outcome that is better than what is currently in place.

I know many members of Parliament will have had constituents walk through their door saying, 'Look, I have got my house, but this and this is wrong with it, and I cannot get the builder to come back out and fix it', and by the time they have gone through the maze of trying to get this addressed they have lost the capacity to keep fighting. It is effectively like hitting your head against a brick wall, and many consumers just give up; they do not keep fighting, they actually give up. As members of Parliament we might take up the fight for them and be more successful, but it should not take a constituent having to come to us to help them fix it. There should be an easier mechanism to fix what are often not major issues. Major issues are covered by building warranty insurance, but it is those smaller bits that make people's house a home that are not, and that needs to be addressed.

I hope we will go that step further of looking at how we can do that. I hope we will be tougher on those builders who do not take pride in their work, who do not make sure that their clients are happy with the build and the completion of that build, who take the shortcuts and who use less than quality products. We have a very deregulated building sector now. Once upon a time every stage of a building had to be inspected by inspectors who were usually attached to councils. When you had the foundations laid they had to be inspected. When the plumbing went in they had to be inspected. When the bricklaying was done that had to be inspected. When the electricity went in that had to be inspected. At every stage along the way there were a whole lot of inspections that took place that slowed down the actual construction and were a minefield for builders in an overly regulated sector.

But it is not like that anymore; there is self-regulation in the sector. You tick off on your own plumbing. You tick off on your own electricity components. You do not have to have an independent inspector come out to inspect anymore. On that basis it works if the people who are inspecting have pride in their work and make sure that they really do meet the regulations and in some cases exceed them. But what happens when they do not care? That is what we need to look at. That is where I would like to see these issues being addressed.

While I commend the fact that we are closing this loophole and acknowledge that it is important to close it, this is only the very beginning of what I think we need to assess in a changing market. We now have massive estates being opened up on old industrial land or greenfield sites, where new housing is being constructed. They are not just single dwellings anymore; they are multiple dwellings. We have apartments being built, and it is a bit iffy how that all works when there are faults with the building of the apartments. There are a whole lot of new kinds of housing combinations that we need to take into account in our legislation to make sure that we are protecting consumers who buy new-build apartments, consumers who go into multidevelopments — the townhouses that are all attached one to each other — and those that are still buying single dwellings. We need to accommodate that.

While I commend the government for closing this loophole, I ask that we have a look at the construction and building industry as it is now. Let us try to get it right for the home buyers and the people who are building their dream homes and let us try to reward the builders who are looking after them.

Ms Hennessy — Acting Speaker, I understand this is a government bill and I draw your attention to the state of the house. I would have thought that government MPs would be interested in listening to the debate on their own bill, but it appears not.

Quorum formed.

Mr THOMPSON (Sandringham) — I am pleased to rise to speak on the Building Amendment Bill 2012. The principal focus of the bill is to amend the Building Act 1993 to provide that a disciplinary inquiry may be commenced against a person whose registration as a building practitioner is suspended for a period of up to three years after the suspension takes effect and for other purposes.

The bill has its genesis in circumstances in which a builder was able to avoid review for collusive practices within the construction industry as a result of engineering his own suspension by allowing his registration to lapse over a period of time. As a result of that and because of the timing of the review, there was no prosecution or registration review activity that was able to take place. In turn, as a result of that, in like circumstances it would mean that a person who was able to engineer their own suspension as a builder could see out the period of time and then apply to be reregistered. Furthermore, because an inquiry into their conduct had not taken place, which may have been the reason they sought to engineer their suspension in the first place, it would mean that there would be some legal complexities in terms of due process being exercised. It is a practical objective in terms of the bill and one that has been outlined by other speakers in the house.

I will cover a couple of wider issues in relation to the role of builders, because where poor work has been undertaken — the previous speaker spoke about some circumstances as not being compliant — it can create adverse consequences for the property owner. The iconic Australian film *The Castle* portrays the importance of the family home to individuals such as Darryl Kerrigan and his neighbours. When someone is building a new home and their life savings and investments are on the line in terms of the value of the investment and the repayments, something can come unstuck part way through. In the case of a doctor it is said that they bury their mistakes, but in the case of a builder their mistakes are cemented in concrete and they are there for all to see. Unwinding those works involves expensive litigation that can sometimes devastate households and families and destroy the savings of individuals who are caught within that arduous, expensive and complex process.

The objective of the bill before the house is reasonably straightforward in its principal intent of removing a loophole that had been used. Justice Bell had understood the intent of the legislation but was constrained on what he could rule in a particular case. The bill has been brought before the house expeditiously to make sure that adverse circumstances are able to be properly addressed in the future.

I note that the Building Practitioners Board has a number of members contributing a range of skill sets, including quantity surveyors, members of the legal profession, building surveyors, building designers, a member of the Architects Registration Board who is also from the Department of Human Services, a representative of the Master Builders Association of Victoria and a member of the Hire and Rental Industry Association of Australia. There is also another board member who is the head of the RMIT school of property, construction and project management, Mr Ron Wakefield.

I note for the record that Mr Wakefield is a constituent who also serves as the school council president of Sandringham College. He brings to that role great expertise in light of his construction background, his academic background and his knowledge of the industry. He is guiding the school initially through the development of a teaching plan and a pedagogical framework for the students and ensuring that that is supported by the school's buildings along the way.

Also in the Sandringham electorate there is a person by the name of Phil Dwyer, who has taken a very keen interest in wayward builders, their impact upon consumers and the inability of the builders warranty insurance scheme to immediately address the needs of affected consumers in Victoria. In the words of Mr Dwyer, the Victorian system is a system of last resort, as opposed to Queensland, where it is understood that there is a system of first resort whereby in effect a consumer is able to lodge a claim. In Victoria you need to find that the builder has died, disappeared or foundered economically and wind-up proceedings have been taken against the individual before you can draw down or seek recompense from the insurance scheme.

On my understanding there is a fair revenue take of a few thousand dollars for each building contract entered into by the Victorian home purchaser or home builder. A fair amount of money is collected, and only a very small percentage of that revenue is paid out as part of the scheme. Mr Dwyer has made his presence strongly felt in Victoria and in the corridors of Spring Street with great resolve and great determination as he has endeavoured to campaign for more effective outcomes for Victorian consumers. It will be interesting to follow that journey and see what the outcome will be.

Another issue that will confront the building industry over the next period of time is the increase in population. There are projected to be 80 000 new arrivals in Melbourne each year over the next 10 years, and allied to that is the burgeoning role of building. It is important that prospective homeowners have confidence in the product that they have arranged to be constructed and confidence that there is appropriate insurance so that that home — a man's home is his castle — is best protected and is not subjected to the risk of difficulties along the way.

As a former legal practitioner, I have come across numbers of cases and have inspected buildings where, within the warranty period, there have been major flaws and major faults. But there are difficulties, as people understand, given the cost and complexities of allocating responsibility and liability for defective works. The costs of expert witnesses and of court time can sometimes make it an extraordinarily prohibitive process. The current affairs programs in Victoria would also detail at first hand dwellings that have been built on tip sites or on inappropriate land where inappropriate footings have been established and where the labour, tiling, brickwork, plumbing and other finishes have not been up to standard. Thereupon commences the challenge for people to find some form of redress.

The bill before the house tackles the problem from a particular angle, so that if it is appropriate for a builder to be suspended for a range of disciplinary reasons — and I presume calibre of work would be one such issue that might arise along the way, through defective workmanship that is not redressed — then that person will not be able to avert suspension owing to the non-payment of the renewal of their registration fee. The amendment to this particular act, the Building Act 1993, will redress that circumstance so that a builder who has undertaken defective work will not be able to engineer their own suspension and so that the matter can be dealt with within a three-year period following the suspension as part of due process. I commend the bill to the house.

Ms BEATTIE (Yuroke) — It gives me great pleasure to rise to speak on the Building Amendment Bill 2012. As has been said by other speakers, the opposition will not oppose this bill. The bill is for an act to amend the Building Act 1993 to provide that a disciplinary inquiry may be commenced against a person whose registration as a building practitioner is suspended for a period of up to three years after the suspension takes place and for other purposes. It has been said by other speakers that the purpose of this bill is to close an unintended gap in the legislation. Certainly members of the house know that within the area I represent, the area of Yuroke, is the Craigieburn corridor. It is one of the urban growth corridors, and there are hundreds of new homes going up there all the time. As has been said by other speakers, often it is a young couple's first home. Often in the case of my electorate it is the first home of newly arrived migrants, and perhaps their English skills are not as good as yours and mine or those of other members, and they are not aware of the pitfalls that can occur, so this legislation will protect them.

Unfortunately this bill came from a case, *Ariss v. Building Practitioners Board*, which was before His Honour Justice Bell of the Supreme Court. In that case Mr Ariss said that he was registered at the date of commencement of the inquiry but that the 2001 amendment operated to prevent the Building Practitioners Board from commencing or continuing an inquiry into the conduct of a practitioner in particular circumstances. He was trying to say, 'Even though I was registered at the time, I am no longer registered, therefore you do not have jurisdiction'. Of course His Honour commented on that and on the legislation at that time. Unfortunately in the area I represent there are some shonky builders. There are some very good, big, professional companies — big-volume builders — but there are some small shonky companies that quite frankly should be held to account for things that they do. Sometimes while an inquiry is being held you have the various subcontractors lined up to do work. If there is a hiccup anywhere in that process, then everybody else is put back and maybe they will go on to other jobs. Therefore although an inquiry might last a week or so, in fact it can put back construction by 12 months while the case is heard, because all the subbies and tradies move on to other jobs. In 2010 the Supreme Court decided in the Ariss that the 2001 amendment meant the inquiry could only look at the conduct that had occurred prior to the suspension. Of course, as I said, this legislation closes that loophole.

I just want to take up a point that the previous speaker, the member for Sandringham, made about a family's home being their castle. Indeed the member for Sandringham cited the case of Dave Kerrigan in the movie *The Castle*.

The ACTING SPEAKER (**Mr Thompson**) — Order! Darryl Kerrigan.

Ms BEATTIE — I do beg your pardon, Acting Speaker; Darryl Kerrigan. That film could have been made in my electorate. It was not, but it could have been made in my electorate, where, as many members know, there is the Melbourne international airport. We can treat these things light-heartedly, but at the moment that cannot happen under Melbourne Airport, because the Labor government put in planning controls around the airport which said where you can and cannot build in relation to the airport, not only for the protection of residents — so that they do not have planes roaring overhead, like they do in Sydney — but also to protect the airport's 24-hour curfew-free status.

Sadly, one of the proposals before the current government is an application, supported by the City of Hume, to have that land under the flight path rezoned.

This is the very thing that the previous Labor government tried to avoid — cases like that of Darryl Kerrigan's family, where there are planes roaring overhead. It is my great fear that this Minister for Planning may allow that sort of scenario to happen. We must be ever vigilant. I call on the Minister for Planning to reject out of hand that application for rezoning under the flight path. It is important not only for building but also for the tourism industry and for employment opportunities in my electorate, with the threatened closure of Qantas.

I have digressed a little from the bill. This important legislation is imperative for the Building Practitioners Board. It will close avenues for unscrupulous building practitioners. As I said, the opposition does not oppose the bill. I hope it will be effective for the protection of people. Whether people are building their first — dream — home, undertaking massive renovations or downsizing to something smaller, the bill offers protection to all those who are building, so it deserves a speedy passage through the house.

Mr KATOS (South Barwon) — It gives me pleasure to make a contribution in support of the Building Amendment Bill 2012. In South Barwon there are many growth areas, such as Armstrong Creek, and Torquay is a large growth area, so there is a lot of building activity in my electorate. This bill will give surety to homeowners — I myself am building a new home; that started just a couple of weeks ago — that the loophole will be closed and builders will not be able to use an unscrupulous practice to avoid Building Practitioners Board disciplinary action.

The loophole is that a building practitioner can escape disciplinary action simply by not renewing their membership of the Building Practitioners Board and allowing their membership to lapse. The purpose of the bill is to amend the Building Act 1993 to enable a disciplinary inquiry to commence or continue in respect of a building practitioner whose registration has been suspended, provided the inquiry commences within three years of the date of the building practitioner's suspension. It will close that loophole.

What was happening due to the loophole was that a building practitioner would let their membership lapse and then renew after the three-year period had finished. As you, Acting Speaker, said during your contribution, the Building Practitioners Board was not able to say, 'Sorry, we will not accept your renewal; we will not register you again', because there were only allegations of misconduct — they were never proven because the unscrupulous builder had allowed their registration to lapse.

When such cases occur they tend to be serious in nature. A wide range of sanctions are available to the Building Practitioners Board — reprimands, suspensions, fines et cetera — but the building practitioners who have been using this loophole are those who faced more serious misconduct allegations. If they simply faced fines or reprimands — if it was something relatively minor — they would not go down this path. This loophole is used to avoid the consequences of their unscrupulous acts. They would not do this if it were simply going to be a fine or reprimand, so we are talking about more serious cases.

The case before the Supreme Court that has been mentioned several times this evening, *Ariss v. Building Practitioners Board*, highlighted this loophole. His Honour Justice Bell commented that although he could see the problem his hands were effectively tied by the existing legislation. He had no recourse but to make that judgement because that is all the statute allowed him to do. In his judgement he said he saw what these building practitioners were doing to avoid scrutiny but the statute precluded him from any course of action other than the one he took. The case was a serious one. There were allegations of misconduct, collusive tendering and the use of phantom companies, and over $1 million worth of building work and public money was involved. This was highlighted by Justice Bell, but unfortunately, as I said, he had no option but to hand down the judgement he did. That is why we are here this evening. The amendment made by the bill fixes this loophole.

Let us step back to the 2001 amendment to the principal act. It put a time limit on the period in which an inquiry could take place after a building practitioner had left the industry. It was aimed at people who had honestly left the industry — they might have retired or gone into other professions or fields. The 2001 amendment provided that inquiries would be limited to conduct that had occurred in the three years immediately prior to the suspension but, of course, this led to this loophole and its unintended consequence.

Under this bill an inquiry must commence within three years of the suspension taking place. However, it is not limited to three years; you can go back and look at something that might have occurred 8 or 10 years ago. Obviously if a builder has been doing good work and has a good reputation you are not going to go back over a 20-year period; such a builder would not even be before the board.

It is not practical for some of these inquiries to be finished within the three-year time frame, and there are some examples of where this could happen. A

complaint may not be made until some time after the misconduct occurred. There was a matter before the board where there had been a 12-month police investigation; obviously that took precedence over the civil matter, and it ate away the available time. The bill would allow the board to go back and examine the matter properly. There could be an example where a defect does not become known for some time; it might not manifest itself for four or five years. Some of these investigations can take quite a bit of time and they usually deal with very complex matters. Witnesses may not be available and adjournments can be sought, so proceedings can be quite lengthy. Sometimes these things take place over a prolonged period. There may be a builder who has been doing this over a number of years at a number of sites, so it takes a lot of time to gather evidence. In saying that, I believe the vast majority of builders are good. They are just like drivers on the road: the vast majority do the right thing but there are a minority who do not, and that is what this bill is targeting — a minority of the practitioners who go down that path.

Obviously there was an unforeseen consequence of the 2001 amendment, and the legislation before the house tonight will correct the situation and fix the loophole. It is very sensible legislation and, as I said earlier, if it can ensure that no first home owner or young married couple starting out is taken for a ride by unscrupulous building practitioners, then it is a good step. It is sensible legislation, and I commend the bill to the house.

Ms HALFPENNY (Thomastown) — I rise to speak on the Building Amendment Bill 2012. The amendment is to cover a loophole in the current legislation. Today we have debated at least two pieces of legislation which cover loopholes and, while it is very important that this legislation covers loopholes — because no matter how good legislation is, over the course of time defects can arise and there can be unintended consequences that have to be remedied by amendment — it would be nice to see this government introducing legislation of its own initiative which, maybe, has some life-changing effects on the people of Victoria and which is proactive and demonstrates that the government has a plan for how it sees Victoria in the future and how it is going to improve the lives of Victorians in the future, because as yet it is something that is lacking. Everything we have seen from this government so far has been reactive and demonstrates no vision, no plan and nothing for people in the future.

If we wanted to look at some more proactive pieces of legislation that might have good effects on the people of Victoria, legislation around the universal housing design standards in terms of the building industry might be something that could be looked at by the government. We are talking about universal accessibility to housing, so there is a mandate for a percentage of new housing designs that allow for provisions such as no-step showers, which are not earth-shattering or mind-boggling things, or reinforced walls in standard housing so that those with disabilities, the aged into the future, can live in housing that accommodates their needs and allows them to live in mainstream housing.

Getting back to the Building Amendment Bill 2012, which we are talking about this evening, the Building Practitioners Board requires more support, and that is the reason for this amendment in the bill. I want to go to an explanation that Justice Hollingworth in *Rodwell v. Building Practitioners Board* made about the board, which we are talking about today in terms of the effect of the amendment. It says:

> The board —

that is, the Building Practitioners Board —

> has … powers to inquire into the conduct of registered building practitioners, and to make certain findings and exercise certain powers against them.

It also states that:

> … the main purpose of such an inquiry is to ensure that registered builders adhere to the high standards expected of them, primarily for the protection of the public and the reputation of the building industry itself.

This is what the amendments we are talking about today will build on. In a 2010 Supreme Court decision it was found by Justice Bell that there were some things lacking in the legislation and the powers of the Building Practitioners Board to inquire. I quote from that decision, in which Justice Bell states:

> Those purposes — —

That is, the purposes of the Building Practitioners Board —

> are weakened when some builders are able, and seen to be able, to avoid regulatory scrutiny of their practices by delaying an inquiry and 'orchestrating' their own suspension.

In doing so by the mere fact of delaying things over three years they can avoid any scrutiny into the things they have been doing and the wrongs they have done to consumers in Victoria.

This amendment bill is an important piece of legislation because it covers this loophole. As has been said by all speakers tonight, it is important that the bill passes

through the Victorian Parliament to ensure that consumers are protected and to put yet another stop in the way of unscrupulous building practitioners. We hope that most building practitioners are good practitioners who do good quality work and abide by all the regulations. But, of course, in the case of unscrupulous building practitioners we need to make sure they are subjected to the full force of the law so that the most expensive asset of Victorians and one of the most significant investments they make in their life — their house — is protected and they are protected into the future in order to secure their investment.

Mr McCURDY (Murray Valley) — I am delighted to rise to make a contribution on the Building Amendment Bill 2012. We have heard a fair bit about this bill. Its overall objective is to remove the loopholes within the Building Act 1993 whereby building practitioners can remove themselves from disciplinary scrutiny by the Building Practitioners Board (BPB) by manufacturing their own suspensions. They usually do that by non-payment of their annual registration fees. That is a concern for the entire building industry.

Building is a key driver throughout the whole Victorian economy. In the Murray Valley there has been a significant increase in building and in commercial development in Yarrawonga and Wangaratta. We have seen much of that take place recently in the redevelopment of the Wangaratta Showgrounds, which the Minister for Sport and Recreation is going to open this coming weekend. This development has been of great assistance to the local economy, but for these things to go to plan, it relies on the integrity of operators in the building industry. In order for people to have trust and faith in builders and the building industry and for the sector to continue to grow, the Murray Valley, like all of Victoria, needs to establish a reputation for having fine builders who not only build quality homes but who also abide by the rules and regulations. This builders registration amendment provides consequences for those in the industry who do the wrong thing. It will build further trust in the community that steps are being taken to guide the behaviour of the building industry.

The main purpose of this bill is to amend the Building Act 1993 which provides that a disciplinary inquiry may be commenced by the Building Practitioners Board against a building practitioner whose registration is suspended provided the inquiry is commenced within the three-year period after the suspension takes effect. The bill sets out amendments to be made to the Building Act 1993 which will ensure that the Building Practitioners Board has jurisdiction to deal with registered builders whose registration has been suspended provided that the BPB inquiry commences no more than three years after the date of suspension. It has become clear that a disciplinary inquiry commences from the date on which the Building Practitioners Board serves the practitioner a written notice of inquiry under section 178(2) of the act.

Prior to 2001 doubt existed as to whether the BPB had the power to hold an inquiry where a registered building practitioner ceased to be registered and, as a result, ceased to be a registered building practitioner. There was concern that builders could avoid the consequences of an inquiry by voluntarily allowing their registration to fall into suspension, most easily by failing to renew their annual registration. This was an easy way for them to avoid scrutiny and recourse. In 2001 the act was amended and current section 179A was added to address this concern.

In the second-reading speech for the 2001 amendment it was indicated that the purpose of the amending bill was to enable the Building Practitioners Board to conduct inquiries into the conduct of registered building practitioners whose registration had been suspended. The explanatory memorandum stated that the 2001 amendment would enable the BPB to hold an inquiry into the conduct of a builder who was registered at the time the conduct occurred but whose registration had since been suspended by the board. This is where the problem began, because the actual wording of the 2001 amendment provided that the conduct that could be inquired into in relation to a person whose registration had been suspended was limited to conduct that occurred during the three-year period that immediately preceded the suspension.

However, in 2010 in the decision in *Ariss v. Building Practitioners Board*, Justice Bell of the Supreme Court held that notwithstanding that Mr Ariss was registered as at the date of the commencement of the inquiry, the 2001 amendment operated to prevent the BPB from commencing or continuing an inquiry into the conduct of a practitioner whose registration had been suspended. Justice Bell commented that whilst the present terms of the legislation demanded this conclusion, he noted the concerns of the board about the consequences. So the purpose of the legislation is weakened when some builders are able and seen to be able to avoid regulatory scrutiny of their practices by delaying inquiries and basically orchestrating their own suspension.

The amendment in this bill is required because if a builder creatively invents his or her own suspension so as to avoid the disciplinary jurisdiction of the BPB, that

practitioner may subsequently seek re-registration. In terms of transitional provisions, section 179A will continue to apply where a building practitioner has been suspended and suspension has taken effect before the commencement date of the amendments.

There are three main reasons for this bill to proceed through Parliament with some urgency. Firstly, lawyers for the Building Practitioners Board have advised that there are inquiries pending where jurisdiction could be lost through practitioners engineering their own suspension by failing to pay their annual renewal. Secondly, lawyers for the BPB are also of the view that some legal practitioners are now promoting lapses in licence renewal and delay of BPB inquiries as a deliberate tactic to avoid BPB disciplinary jurisdiction, which is quite shameful. Thirdly, the speedy passage of this bill through Parliament is critical in order to avoid or minimise the cases where loss of BPB jurisdiction occurs. There are sanctions that the BPB can impose following a disciplinary inquiry. Under new section 179(2) of the act the BPB may decide to issue a reprimand, require payment of costs incidental to the inquiry, require the completion of a specified training course, impose a fine, suspend registration or even cancel registration.

In relation to a person whose registration has been suspended, unless a disciplinary inquiry can be commenced and completed within three years from when the conduct occurred, jurisdiction can be lost. There is potential for matters to be within jurisdiction when an inquiry commences but to progressively fall outside the jurisdiction as the time required for the inquiry means that certain events alleged to constitute misconduct fall outside the three-year period that immediately preceded the suspension. There have been cases where allegations of misconduct have occurred over a period that exceeds three years. For example, in a recent inquiry heard before the BPB there were some 90 instances of misconduct alleged over a period of eight years and over 30 different sites.

With that I think enough has been said regarding the time limits and some of the detail that is involved in this legislation. I believe this bill will help prevent some indiscretions that are currently happening in the building industry. It also encompasses building surveyors, so more attention will be drawn to them. It is truly a whole of industry approach. I believe this is a fair and well-drafted bill. I commend the bill to the house.

Mr PERERA (Cranbourne) — I have very great pleasure in speaking on the Building Amendment Bill 2012. As this house is aware, the opposition is not opposing the bill. The bill amends the Building Act 1993 so that the Building Practitioners Board has jurisdiction to deal with building practitioners whose registration has been suspended as long as the BPB inquiry commences within three years of suspension becoming effective.

The BPB is an independent statutory body that oversees the quality and standard of the professional services rendered by building practitioners in the building industry. In 2001 the government passed an amendment to the original Building Act 1993. This bill provided the Building Practitioners Board with powers to inquire into the conduct of building practitioners during the three-year period that immediately preceded the suspension. This amendment was brought into effect to address the concern that building practitioners could avoid inquiries by allowing their registration to lapse. This legal framework provided an incentive for shifty and unscrupulous building practitioners to delay proceedings. It is not hard to become suspended — for example, reasons include failure to renew registration, failure to comply with directions of the insurer or failure to be covered by insurance. These can be easily achieved. This bill clears the pathway for the BPB to deal with the conduct of registered building practitioners at any time in history as long it undertakes its inquiry within three years of the suspension.

In December 2011 a Victorian Auditor-General's report found problems with 96 per cent of the 401 building permits audited. In the report the Auditor-General wrote that the permit system:

> … depends heavily on 'trust' —

that is, the trust that surveyors have in building practitioners. These decisions by the building surveyors are neither guided nor affirmed by reliable data.

The Auditor-General identified deficiencies in the Building Commission's complaint-handling process and monitoring of building surveyors. He wrote in his report that the commission staff do not have sufficient guidance on how to investigate complaints. He also found that there was a lack of standards for reporting the effectiveness of investigations carried out by the commission and that therefore investigations would invariably be long, drawn-out processes that were sometimes not conducted properly and reported well, according to the Auditor-General. Without the current changes it would have been much easier for unscrupulous building practitioners to go free by dragging the process out and finally becoming suspended.

In 2009 Ms Jo Keighley and her family found a local builder through the internet. The builder issued a warranty insurance certificate, and the surveyor accepted it and issued a building permit. Ms Keighley then signed a $122 000 contract for an extension to her house. The builder was bankrupt and had a criminal record, and the insurance certificate was a fake. This is clearly a breach of the Domestic Building Contracts Act 1995, but Ms Keighley was not aware of this situation.

In March 2010 this same builder — Tim Watson of Wat's On Top Constructions and Painting — was convicted of assaulting one of his clients after entering their house by breaking a window. Mr Watson was still happily undertaking building contracts after committing these criminal activities.

In February 2008 Peter Quartel entered into a contract with Mr Watson to complete a $110 000 extension to his house in Box Hill North. Twelve weeks later the project was hit by delays and defective works, and the project dragged into the year 2009. Mr Watson was continuously requesting premature payments. Mr Quartel took Mr Watson to the Victorian Civil and Administrative Tribunal. VCAT's verdict was to have the contract terminated and Mr Watson pay costs to the client, Mr Peter Quartel. Mr Watson visited the client, and that is when he physically assaulted him. Mr Watson was convicted in the Ringwood Magistrates Court. When this criminal act was brought to the attention of the authorities, Mr Watson was still practising.

Tim Watson declared bankruptcy in August 2009. During the bankruptcy process Mr Watson undertook more building work, in defiance of the insolvency laws, and that is when he entered into a contract with Ms Keighley. It is not hard for building practitioners to get their suspensions revoked. When evidence of proof of insurance and the annual registration fee is supplied, it can be revoked easily. Unscrupulous building practitioners can manipulate it very easily. Only when a suspension is for more than three years does an application for revocation have to be submitted.

The majority of the population in Victoria get involved in building a house or an extension at least once in their lifetime. It is important to put in place the best possible legislative framework to safeguard the majority from unscrupulous building practitioners. There is a long way to go to fix the anomalies in the building industry. I sincerely hope we will get there, and I commend the bill to the house.

Ms MILLER (Bentleigh) — I rise to speak on the Building Amendment Bill 2012. The purpose of the bill is to provide that a disciplinary inquiry may be commenced by the Building Practitioners Board against a building practitioner whose resignation is suspended, provided the inquiry is commenced within the three-year period after the suspension takes effect. The amendment bill removes a loophole in the Building Act 1993 whereby building practitioners can avoid disciplinary scrutiny by the Building Practitioners Board by engineering their own suspension as registered building practitioners, usually by failing to pay their annual renewal fee.

The Baillieu government is acting very responsibly. We made a commitment to the Victorian people, and I have made a commitment to the people in my electorate of Bentleigh, that we are certainly going to fix the problems left by the former Labor government and we are going to build for the future. I have with me a relevant article from the *Herald Sun* of 11 August 2006 headed 'Dodgy laws'. It states:

> Victoria's relatively weak consumer protection laws allow dodgy builders, rip-off merchants and shonky salesmen an open field to fleece the elderly, the weak and the trusting.
>
> In the latest case a disabled McKinnon pensioner was charged almost $70 000 for house repairs worth less than $5000.

That is what this amendment is all about: it is to prevent people in my electorate who are disabled, disadvantaged and financially challenged from being ripped off by these dodgy builders. The article goes on to say:

> A qualified roofing contractor said it was the worst job he had seen in 40 years.

I have another article, from the *Age* of 15 August 2009, entitled 'Dreams of a new life fade as builder vanishes'. This article also describes the practices of dodgy builders and how they have ripped off Victorian families who are trying to build homes and provide for their families in an area where they choose to live in Victoria.

I have another *Age* article from as recently as 2011 entitled 'Watchdog shields "dodgy cowboys"'. Under the headline 'Commission under fire over complaints process' it says:

> Homeowners seeking compensation for shonky home building or renovations have accused the authority that protects their interests of acting to protect dodgy builders instead.

This piece of legislation is going to remove the loophole and prevent these builders from being out in

the community. It will allow the professional, qualified builders who do an amazing job — certainly in my electorate of Bentleigh, and also in Victoria — to continue practising and providing families with homes in areas where they choose to reside.

There are several clauses in the bill. The first clause talks about the purpose of the bill and what this will be. The third clause talks about the amendments to the Building Act 1993, and then clause 4 talks about new sections. What is interesting is that at a quick glance from 2006 — —

Mr Wynne interjected.

The SPEAKER — Order! I advise the member for Richmond that it is not too late.

Ms MILLER — We have several articles here that talk about the dodgy builders that have existed and the ways in which they have been able to get away with ripping off the people of Bentleigh and the people of Victoria.

This is an important piece of legislation. The investigation and inquiry process can take time, particularly in serious or complex matters or when witnesses are unavailable and adjournments are sought. It also allows for some cases where misconduct is alleged over a prolonged period — for example, in an inquiry recently before the Building Practitioners Board some 90 instances of misconduct were alleged over a period of eight years and some 30 different sites, so it is important that — —

The SPEAKER — Order! The honourable member may continue her speech when the matter is next before the house.

Business interrupted pursuant to sessional orders.

ADJOURNMENT

The SPEAKER — Order! The question is:

That the house now adjourns.

Consumer affairs: Applewood retirement village

Ms D'AMBROSIO (Mill Park) — The matter I raise on the adjournment is for the attention of the Minister for Consumer Affairs. The action I seek from the minister is for him to investigate claims made and concerns held by residents of the Applewood retirement village in Doncaster regarding their leases and, in particular, how service fees are being apportioned and used.

As the shadow minister for consumer protection I was pleased to meet with representatives of the residents association committee very recently — last week, in fact — and they explained to me in great detail and at length incidents they believe constitute unfair management practices which place residents at financial disadvantage.

The residents' concerns have attracted a great deal of local media publicity, and it is important, therefore, that their concerns are fully investigated so that any substantiations, if found — and that is important — can be dealt with.

The residents inform me that Consumer Affairs Victoria has not gone far enough in investigating this matter and has instead encouraged mediation, which has not worked. I understand the minister is aware of this issue, noting comments from his representative, Emily Broadbent, in an article in the *Manningham Leader* of 8 February and the indication in that same article that a ministerial adviser would meet with the residents to discuss matters.

This and other articles in the *Manningham Leader* have appeared with various headlines, and it is important to refer to them to describe the heightened anxiety around this particular issue. On 8 February an article appeared entitled 'Caught in a "trap"'. The opening line reads:

> Residents of a Doncaster retirement village are taking their fight over what they claim are financially exploitative leases to the state government.

On 22 February an article entitled 'Applewood hits back at exploitation claims' states:

> Managers of an embattled Doncaster retirement village have hit back at claims its leases financially exploit elderly residents.

I imagine the minister would agree that such headlines, if left unaddressed by way of a full investigation, will diminish the confidence of retirement village residents in our consumer protection system and that the consumer protection system can indeed afford to provide protection against unscrupulous practices, if found.

I hope the minister will indeed a full investigation without further delay.

Office for Disability: future

Ms McLEISH (Seymour) — I call on the Minister for Community Services to: one, inform the house of

the status of the Office for Disability within the Department of Human Services; two, ensure that the Office for Disability is not abolished in the DHS restructure, which is currently on the drawing board; and three, ensure that any false information that is in the public arena is corrected.

I was very disturbed recently when I heard on talkback radio the member for Yan Yean claim that the Office for Disability was to be abolished as part of the DHS restructure.

Supporting those with a disability and their families and carers is a key priority for the Baillieu government. In fact in last year's budget an additional $93 million was put towards — —

The SPEAKER — Order! The member should be aware that only one item can be raised, not a number of items. The member should go back to the first item.

Ms McLEISH — That was that the minister inform the house of the status of the Office for Disability within DHS. I note further that the Office for Disability plays an important role as a whole-of-government policy office and helps drive our agenda. I recently spoke of this degree of support — both financial support and the support of the coalition — at a forum where there were a number of workers in the field, plus many carers as well. I spoke very proudly of this and it was received extremely well.

You can imagine my horror when I heard these comments from the member for Yan Yean, which seemed really quite at odds with what I felt our government's position was. I am aware that the member for Yan Yean has a bit of form when it comes to errors of fact, particularly in relation to DHS, for which she has shadow responsibility. In fact this is quite scary. On 7 February she made a speech to Parliament in which there were three inaccuracies. Then on 9 February in her two speeches there were 15 inaccuracies, so I am a bit concerned that some of these inaccuracies may have crept into her comments on talkback radio.

I will elaborate on an example or two here, quoting from the member's speech in *Hansard*:

> … with its cutbacks to budgets in health, education and community services and its claim that the cutbacks will not impact on front-line services, when we are cutting half a billion dollars from health, education, community services and many other —

and there she was interrupted.

The fact is that budget paper 3 summarises that the three departments mentioned have a combined increase of $722 million, not a cut of $500 million. That is a fact. There were other facts in relation to the floods over Christmas and comments about people rotting in their homes when in fact very few were left to — —

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

Hamlyn Banks Primary School: renovations

Mr TREZISE (Geelong) — I raise an issue for action on tonight's adjournment debate for the Minister for Education, and the issue I raise relates to the current building works at Hamlyn Banks Primary School in my electorate of Geelong. Currently the school is experiencing serious delays to the point where all works have stopped on the renovation of six classrooms within the school's main building, leaving the classrooms unusable and having serious effects on the rest of the school. The action I seek from the minister is that he urgently intervene in this matter to ensure that the issues around the completion of the classrooms are resolved immediately, enabling work to recommence as soon as possible.

For the information of the minister, works began on these six classrooms late in 2011 but were soon shut down by Sinclair Knight Mertz when an audit of the works was undertaken by SKM. On 24 January this year the school was informed by the department that there were significant issues with the funds required to complete the proposed works. The school was subsequently asked to 'de-scope' in order to reduce the cost of the buildings I am talking about. No exact dollar amount has been nominated as needing to be cut from the project, but as I understand it a ballpark figure of $100 000 has been indicated to the school council.

As I said, whilst all this is being determined the works to renovate the six classrooms in the main building have been halted. What is of great concern to the entire school community, including the principal and the teaching staff, is that, together with the Building the Education Revolution works that took place over the last couple of years, the school has essentially been in construction mode or on a construction site for over two years. Now there is essentially no end in sight, which is causing disruption to classes and severe stress to the teaching staff. Operationally, four classes are now sharing two classrooms. There has been a severe loss of playground space, and art and music teachers have no appropriate teaching space.

Given these stresses and restrictions, which are to the detriment of Hamlyn Banks students and staff, I implore the minister to intervene directly in this matter to get works under way again and return Hamlyn Banks to being a normal school. Hamlyn Banks is a great school. It is a school that I have enjoyed working with over the last 12 years, and I will get on and do what I can do to make the school — —

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

Respite care: Gippsland East electorate

Mr BULL (Gippsland East) — I raise a matter of importance for the attention of the Minister for Community Services. The action I seek is that the minister consider expanding the respite care options available for people living in my electorate of Gippsland East. The electorate has a clear need for greater access to respite services for families with young children who have a disability, especially during school holiday periods. Looking after a child with a disability can be extremely draining both emotionally and physically for the parent or carer. While school is very important for these children educationally, it quite often also provides a break for carers. It gives parents a chance to recharge their batteries, and this opportunity is not available for parents during school holiday periods, when they become 24-hour carers.

Increasing access to support for Victorians with a disability, their families and carers was a key priority of this government. Leading up to the election it was a key election commitment, and it is pleasing to see that we are delivering on that. However, part of that pre-election commitment was to provide $20 million for more respite care services, and part of that was earmarked for better support structures during school holiday periods. My electorate of Gippsland East has some great disability service providers. We have organisations like Noweyung in Bairnsdale, the George Gray Centre in Maffra and the East Gippsland Specialist School, which is a terrific organisation. There are several other agencies that offer terrific support and respite services for parents and carers; however, there is that great overriding need to have better services in school holiday periods.

Carers are clearly the unsung heroes of society, rarely complaining about the situations they are thrust into, often due to family circumstances. They face very challenging circumstances that often involve a lot of stress and anxiety as they go through their day-to-day processes. Respite in school holiday periods is very important. It may be as simple as giving parents or carers a break to go and have a cup of coffee with friends, get their hair cut or just enjoy some time out shopping. I know a number of families in my area are desperate for this sort of service over the school holiday period, when they become 24-hour-a-day, 7-day-a-week carers. I call on the minister to recognise this need in my electorate and give strong consideration to improving services over the holiday period.

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

Monash Medical Centre: funding

Mr LIM (Clayton) — The matter I raise is for the attention of the Minister for Health, and I raise it through the Minister for Environment and Climate Change, who is at the table. The matter concerns funding for Monash Medical Centre, including the Monash Children's centre and the 45 hospital beds at Monash Medical Centre that were closed between 23 December 2011 and 25 January 2012. Bed closures were reported in the *Herald Sun* of 8 February 2012 following an audit by the Victorian branch of the Australian Nursing Federation. The action I seek from the minister is for him to provide adequate funding to Southern Health as a matter of urgency to ensure continuation of the stable and smooth operation of that body.

On 16 January 2012 the *Herald Sun* reported that just 2 of the 19 new beds and cots at Monash Children's new ward have been funded. The 19 new beds and cots were designed to fill the gap until the new $250 million Monash Children's is built. The number of critically ill babies transferred interstate for treatment doubled last year, so it is time to stop dithering. On 8 February on Jon Faine's ABC morning radio program the minister advised that one neonatal bed was about to come on line — only one. In case the minister is not aware of this, the Monash Children's centre caters for young patients from the south-eastern suburbs all the way down to Wonthaggi.

On 14 November 2011, during a period of industrial action by the Australian Nursing Federation, the minister in an interview on 3AW is reported to have said, and I quote:

> Clearly lives are at risk as hundreds of beds are closed.

It is now time that he accepted responsibility for this debacle. There is a lack of funding and a lack of leadership. Hospitals have been forced to close beds to meet the Baillieu government's budget cuts. In the 2011 budget only $8.5 million of the $250 million needed to build the new 230-bed Monash Children's centre was

provided. No wonder the Liberal Party hid its health policies from Victorians at the last election.

The minister must take urgent action to open up these closed beds, provide urgent funding for the 19 new beds and cots at Monash Children's and commit to a time line for the extra promised beds. The people in the south-east, particularly the people of Clayton, want to know what action he is taking to obtain funding for the new Monash Children's hospital to ensure its opening before the end of 2014, as promised by the Premier.

Mr R. Smith — On a point of order, Speaker, the member quoted from a document. Could he table the quote?

The SPEAKER — Order! Was the member for Clayton quoting from a newspaper clipping?

Mr LIM — I am happy to table all the documents.

The SPEAKER — Order! I did not ask the member for Clayton to table the document; I just asked if he could tell us where he is quoting from.

Mr LIM — I do not know which quote the Minister for Environment and Climate Change is referring to. I have all the quotes.

Mr R. Smith — The member said, 'I quote'.

Mr LIM — The quote was from the Minister for Health's interview with Jon Faine on ABC radio. I listened to the program, and it is described here as well.

Mr R. Smith — The member for Clayton said, 'I quote' and I ask him to table the quote.

The SPEAKER — Order! This may be an opportunity for the minister at the table, the Minister for Environment and Climate Change, to take the quote to the minister. If the member for Clayton gives it to the minister, it will make it easier for him.

Respite care: Mordialloc electorate

Ms WREFORD (Mordialloc) — I wish to raise a matter for the Minister for Community Services. The action I seek is that the minister consider an expansion of respite services for families in the Mordialloc electorate and other electorates for children with disabilities, particularly during school holiday times. Children can be a challenge at the best of times, but particularly during school holidays. Keeping them entertained and safely occupied can be a full-time job. I can only imagine how challenging it must be for parents of children with disabilities, particularly those with complex needs or mental illnesses. Over the last 12 months I have had numerous families of children with disabilities come into my office desperate for respite care.

I am passionate about supporting all families, but particularly those facing such difficult daily challenges. We need to do what we can as a government to make their lives easier. I am aware that this government has promised and budgeted for $41 million to help provide new and innovative accommodation and support services, flexible and innovative disability respite support, and school holiday respite support. That is a great thing. Accommodation, support and respite are vitally important for families of children with disabilities, particularly the higher end disabilities. They are aspects that this government needed to improve after the dark years under Labor.

Appropriate accommodation is ever so important. Lantern, a mental health agency operating in and around my electorate, recently relayed to me that accommodation is the single biggest issue facing people in tough situations. It is about more than just a roof over their heads; it is about security, certainty, consistency and ease of living. Reasonable and timely access to support is equally important. Many carers just need to know someone is available to talk to them. Respite is the third, and is every bit as important as the other parts of our commitment. Every parent has at some stage thought they needed a break or time to complete an important task. I try to imagine how much more difficult it would be if you had a child with a disability. In many cases respite would be an absolute necessity, particularly during school holidays, so I am pleased that our policy and budgeting on this matter are headed in the right direction. I am also pleased that accommodation, support and respite are the priorities. However, I want the minister to consider how these priorities can best be delivered in the Mordialloc electorate. I look forward to her positive response.

Higher education: Sunbury site

Ms DUNCAN (Macedon) — The matter I raise is for the attention of the Minister for Higher Education and Skills. The action I seek from the minister is a commitment from him and from this government to retain the former Victoria University site at Sunbury, which is located on Jacksons Hill, for continuing use as an education and training facility. For some years this was the site of Victoria University's Sunbury campus. The land is currently zoned for educational use. If it were to be sold, it would require rezoning and ministerial approval for any sale to proceed. Under the previous government I had commitments from two former ministers for education that this site would not

be sold and would be retained for ongoing community use as an educational facility. The action I am seeking is for the same commitment to be provided by the new minister.

This site was gifted to Victoria University by the people of Victoria, and in my view this gift strengthens the moral authority for the site to be retained for educational use. Over $10 million was invested in this campus, about $5 million of that by the former government. There are some sensational facilities on the site. I attended the opening of the new music centre there, and I believe that perhaps the member for Melton was also there.

Mr Nardella — I was.

Ms DUNCAN — It is a sensational site, and it should remain in public hands. As I said, under the Victoria University of Technology Act 1990 the sale of any land requires the approval of the minister. I am again asking him, despite repeated letters from me and my having raised this previously, to commit to maintaining this site for educational use. Currently it is the home of the Boilerhouse Theatre Company from Sunbury and also community radio station 3NRG. While we had some promising words from the minister as recently as August last year, when he said, 'Until more fulsome consideration of the educational need of the region is completed the Sunbury campus will not be sold', this is not the commitment the community is looking for. I urge the minister to ensure that this site remains in public hands and is available to the community of Sunbury and the Macedon Ranges region for ongoing educational use.

Melbourne International Comedy Festival: funding

Mr NEWTON-BROWN (Prahran) — My adjournment matter is directed to the Minister for Innovation, Services and Small Business. The action I seek is that she provide funds to the Melbourne International Comedy Festival to assist with marketing and promotion. The festival is the largest comedy festival in Australia and the second largest in the world. It showcases and celebrates the best of Australia's comic artists. It nurtures and develops this talent and presents an international forum for our local comedians. It presents a combination of stand-up, theatre, cabaret, film and visual arts, and it has grown into one of Australia's most-loved and best known annual events. It started in 1987 with just over 50 shows in 33 venues, and it has grown to currently include over 1000 performers across 363 events. This festival occurs in March and April of each year, and in 2012 the festival will be held from 28 March to 22 April.

In 2011 the festival celebrated 25 years as one of Victoria's major events, and it attracted record attendances in excess of 600 000, an increase of 26 per cent since 2007. Ticket revenue was $12.1 million, an increase of 32 per cent since 2007. The festival is very popular with people who live outside Melbourne, with 18 per cent of attendees coming from outside metropolitan Melbourne. There is no doubt that Victorians from metropolitan and country Victoria alike enjoy a good laugh and value the high-quality entertainment that the comedy festival offers. The festival website has also had a significant increase in traffic compared to 2010. The site has received over 800 000 visitors, of which 55 per cent were unique visitors. The use of the iPhone application also grew significantly over the course of the 2011 festival.

This festival has boosted the profile of Australia's comedians and the local comedy scene and has launched the careers of many of our finest artistic talents and personalities. Names such as Dave Hughes, Fiona O'Loughlin, Corinne Grant, Wil Anderson, Charlie Pickering and Josh Thomas are a few of the home-grown comics who started at the comedy festival before developing their international careers. The comedy festival provides a unique launching pad. This funding will assist with the interstate promotion of the festival and will help to increase visitation by people from interstate. The festival will continue to deliver and promote high-quality comedy shows for local and interstate performers and attract the best comedy performance from across the world. I urge the minister to take this action.

Fishermans Wharf¸ Queenscliff: redevelopment

Ms NEVILLE (Bellarine) — The matter I raise is for the Minister for Environment and Climate Change in relation to the unexplained delay in the redevelopment of Fishermans Wharf in Queenscliff. I ask the minister to meet urgently with representatives of the Borough of Queenscliffe and other stakeholders about the future of this redevelopment and to assure them that the $1.8 million the Labor government allocated for the project is still available.

Fishermans Wharf is currently in an unusable condition; however, it has great potential. The former government and the Borough of Queenscliffe undertook quite extensive preparatory work for the rebuilding of it to benefit the local community and the surrounding region — —

An honourable member interjected.

Ms NEVILLE — That is not what they say, thank you, Minister; they spoke to me today. The Labor government committed $1.8 million to the project. The community was consulted and a proposal was developed but nothing has happened since the election. The Borough of Queenscliffe was granted an appointment with the minister in September last year, but unfortunately the minister was unavailable on the day and the mayor and other representatives made a presentation to a member of the minister's staff. Nothing further was heard from the minister's office, and a telephone inquiry three or four weeks later revealed that the staff member was on leave for a significant period and therefore unavailable. Eventually, in November last year, the borough received a letter advising that a meeting would be called to discuss future outcomes for the wharf. As well as representatives of the council, the meeting was to include representatives from the community, Queenscliff Harbour and Parks Victoria. But the meeting never eventuated. Despite two follow-up letters from the borough, most recently in January this year, nothing further has been heard.

This has now become a serious issue that the minister should not continue to ignore. The wharf is falling apart, and despite some works done by Parks Victoria the problem has not been properly fixed. The community wants to know what has happened to the $1.8 million committed to this project. As well as the proposal for the future of the wharf, arrangements had already been made for the future use of a building and the project looked set to go ahead and fulfil its obvious potential. There are important opportunities to be provided in terms of community access and use, including use by the coast guard as well as by commercial ventures. The appropriate redevelopment of the wharf will provide a boost to tourism and business, and create job opportunities. It will also return a much-loved Queenscliff landmark to the local community, holiday-makers and the increasing number of visitors to the region.

The minister must take this project seriously and assure residents, the Borough of Queenscliffe and business proprietors in the area that the $1.8 million is still available to fund the Fishermans Wharf redevelopment and make this a priority to ensure that the opportunities presented by the redevelopment of the wharf are not lost.

Bayswater Primary School: preschool lease

Mrs VICTORIA (Bayswater) — I rise to ask the Minister for Education to recommend that the Department of Education and Early Childhood Development negotiate the longest possible lease term between Bayswater Primary School and Knox City Council for the co-location of a preschool on the site of the primary school. Knox wants to sell its existing preschool asset in Church Street, Bayswater, which is home to the Koolyangarra preschool. There has been a study done and the council has decided that what it would actually like is to house the preschool service at Bayswater Primary School. This would require quite a substantial investment in the fit-out of the building at Bayswater, which is why it is seeking a long-term lease. Obviously the ratepayers of Knox would need to see the justification for this investment, and that would occur over a long period of time.

Koolyangarra attendance numbers have fluctuated over the last few years, and there has not been a consistent kinder program in operation for five years; in some years it has operated while in other years it has not. Bayswater has experienced a great change in demographics, with more children requiring access to preschool facilities. In fact when I moved into the neighbourhood quite some years ago there were very few children there and now I am surrounded by beautiful young families who all need access to preschool facilities. I would like to note that the granting of the lease will ensure that the families of Bayswater continue to have access to early years education for our young children. Knox City Council is requesting finalisation of the co-location agreement as soon as is practicable so that notification can be made to the parents of Bayswater about where their children will be attending preschool.

Again I ask that the Minister for Education assist in the establishment of a new co-located preschool at Bayswater Primary School by enabling the Department of Education and Early Childhood Development to negotiate the longest possible lease with the Knox City Council, which will be the operator and service provider.

Responses

Ms ASHER (Minister for Innovation, Services and Small Business) — The member for Prahran talked about the success of the 2011 Melbourne International Comedy Festival and asked for funding for that festival. It has celebrated its 25th year and broken previous attendance records. The 2012 festival will run from 28 March to 22 April, with the majority of venues in

the Melbourne CBD. A number of events will be held in the electorate of Prahran, and the member for Prahran is obviously well aware of those.

I am delighted to advise the member for Prahran that the coalition government, through Tourism Victoria's events program, has allocated $75 000 to assist with intrastate and interstate promotion of the 2012 festival to increase visitation and event-related economic yield. This is on top of the $1.7 million in funding for the comedy festival through Arts Victoria. Tourism Victoria is delighted and the government is delighted to provide additional funding to market the event because no matter how good an event is, it needs marketing.

The comedy festival has a core audience aged between 18 and 34, and most visiting patrons stay in Melbourne for one to three days. The economic impact of the festival includes significant expenditure directed at the hospitality industry, namely the many bars and dining and shopping precincts in and around the city and of course in the electorate of Prahran, which is renowned for its nightlife. The festival organisers will promote activities and accommodation near the festival on its website to enhance visitors' experiences and encourage an increased length of stay and therefore yield. This will include the promotion of bar and dining packages, Melbourne precinct and attraction offers and other general information.

The funding will be directed to online advertising on the websites of the *Sydney Morning Herald* and the *Brisbane Times*. It will also be directed to print advertising in publications such as the Youth Hostels Association guide, *Who* magazine and the Destination Melbourne publications. There will be a television commercial on the Channel 10 network and the Foxtel comedy channel as well as radio advertising in regional Victoria. This is a complete marketing package, which is precisely what the member for Prahran called for.

The funding will also provide the opportunity to promote the festival alongside other attractions and events happening in autumn, such as the Melbourne Food and Wine Festival, the L'Oréal Melbourne Fashion Festival, the Australian Formula One Grand Prix and the Melbourne International Flower and Garden Show. March is events month in Melbourne, and all of these events are particularly important.

I also wish to take the opportunity to comment generally on the importance of targeted funding such as this funding for marketing an important tourism event. It is very important that taxpayers achieve value for money from these events, and I again emphasise that front-line staff will not be cut as part of the government's sustainable government initiatives.

In reviewing my *Hansard* greens I noted that the text that Hansard has produced is inconsistent with the tenor of my answer during question time today. I have obviously made a slip of the tongue where the word 'not' was left out, and anyone who reads my answer can see that the tenor of what Hansard has produced is not consistent with what I said. Rather than change *Hansard*, as a gesture of goodwill I would like to make it very clear that front-line staff are not going to be cut and that clearly my department is going to be subject to some form of voluntary redundancies, which is what I advised the house during question time. However, I wish to assure the member for Prahran and the house that funding for the type of activity that he has just asked me for, such as support for major events, will not be impacted on by the sustainable government desires or budgeting by the government.

Mr O'BRIEN (Minister for Consumer Affairs) — I rise to respond to the matter raised by the member for Mill Park concerning the Applewood retirement village in Doncaster. To place that matter in context, the coalition's election policy said that more needs to be done to improve the levels of disclosure before people enter retirement villages.

One of the best ways in which we as a government can help people to avoid getting into situations where they do not understand their rights and responsibilities when they take that very important step of deciding to enter a retirement village is to ensure that they get the best disclosure possible before they sign on the dotted line. There is no point giving people a Yellow Pages worth of legal contracts and asking them to sign. They need to have relevant information so they can compare different villages, and they need to have it in a form they can understand. The more we have people understanding what they are signing themselves up for before they sign up for it, the greater the chance we have of minimising disputes once people move into a retirement village. The government thinks that is very important, and to that end I and my department released a discussion paper on 19 October last year on improving pre-entry disclosure to prospective residents of retirement villages. I am happy to say that that has received a very significant level of response in terms of submissions.

I attended a forum held by Consumer Affairs Victoria just last week which was attended by retirement village owners and managers, including representatives from Residents of Retirement Villages Victoria, the Consumer Action Law Centre, the Law Institute of

Victoria and the Housing for the Aged Action Group along with a number of other stakeholders. It was a very constructive and productive meeting. I raise that to demonstrate that this government is serious about improving the law when it comes to disclosure in relation to retirement villages.

On the specific issue of the Applewood retirement village, I note and acknowledge the member for Mill Park's interest in this matter. However, I have to say that she has come to this issue behind other members of this house. In particular, the member for Doncaster, in whose electorate this retirement village exists, has been very active and has spoken with me about this issue on a number of occasions in the past. The member for Doncaster has been very effective as a local member, she has been diligent, she has pursued the interests of those residents and she has done an outstanding job. It is a shame that the member for Mill Park has not taken the same sort of diligent attitude as the member for Doncaster has, and I pay tribute to the member for Doncaster and her work.

I think I heard the member for Mill Park say that she was passing on some of the complaints from some of the residents with whom she had met, but I caution the member for Mill Park about making statements in this place impugning either the integrity or the professionalism of Consumer Affairs Victoria, because as minister for that department I am very proud of the department and I know that those people work very hard to help residents and village owners to resolve disputes. They do not deserve to have their undoubted professionalism brought into question by cheapjack politics from members opposite who use that as an excuse for not having a policy.

Honourable members interjecting.

The SPEAKER — Order! Has the member concluded his response?

Mr O'BRIEN — Almost.

The SPEAKER — Order! The member should return to responding to the matter and not attacking the member.

Mr O'BRIEN — My office — —

Honourable members interjecting.

Mr O'BRIEN — Can I have some protection — —

The SPEAKER — Order! The member for Mill Park, that is enough; the minister should conclude his answer.

Mr O'BRIEN — My office has met with the residents of Applewood retirement village; CAV has also met with the residents of the village and the operators. This is a complex issue, and they have worked with both the residents and the managers. They will continue to work with the residents and the managers. They will present options to try to resolve these disputes, but ultimately Consumer Affairs Victoria cannot make decisions for the residents. The residents have a number of options open to them. They have been taken through those options. My department and my office will continue to work with the residents. Ultimately the residents of that retirement village have options open to them, but it is a matter for them as to which option they pursue.

Mr DIXON (Minister for Education) — I am responding to an issue raised by the member for Geelong regarding the Hamlyn Banks Primary School and the delay in capital works. I am not sure whether these were Building the Education Revolution or state-funded works, but I think they are state-funded works. That issue has been raised with my office today, and it has been the subject of some discussion. We have also raised it with the department and requested some clarification regarding the status of those works and the reason for the delays. Delays in building works are very disruptive to schools, especially when there have been ongoing building works over a couple of years. We are already investigating that, and I will get back to the member with a response to his query.

The member for Bayswater also raised the issue regarding the Knox City Council and Bayswater Primary School and the need for a preschool to be located on the primary school site with a lease for as long as possible to enable the investment on that site to be made. I am a great fan of those sorts of co-locations, and in fact any community use of education department land and Crown land is a great use for that land. It is good to use our schools as 24-hour facilities if we possibly can.

Preschools on a primary school site, when both parties are happy with that, is a perfect marriage, and it helps the students with the transition from preschool to primary school. After all, preschools are actually part of the same department, and we need to do as much as possible to make that transition a smooth one for the students. One way of doing that is to have that physical presence on site. It certainly helps with the smooth transition of the students and with the teachers from both facilities working closely together. I will take that up with my department and exhort it to look at a lease for as long as possible for that preschool, obviously as

long as that is in the best interests of the Victorian taxpayer.

Ms WOOLDRIDGE (Minister for Community Services) — There are a number of adjournment contributions tonight that I will respond to. I start by responding to both the members for Gippsland East and Mordialloc in relation to the need for further respite services in their communities, particularly focusing on the issue of school holiday respite. The government is very aware of the pressures that people with disabilities, their carers and their families face in the day-to-day challenges of managing those demands. Respite is a critical part of that in order to have some relief from those caring responsibilities. Sometimes it is just for the simplest of tasks, sometimes it is for a break, but it means that family members and carers can continue with the task that is so highly valued and so much appreciated in our community.

The Baillieu government has recognised that and made a commitment in the budget of $41 million overall, which includes supported accommodation as well as respite, both general respite and school holiday respite, and it has called for submissions for school holiday and respite services. One of the things we want to focus on is innovation, because there are some very standard models but we are looking for innovation and creativity in how that respite is provided to meet the needs of local communities. We have had an overwhelming response in terms of service providers seeking to fill that need in their own community with lots of innovative ideas.

In terms of the matter raised by the member for Gippsland East, the recognition of those needs in Gippsland was characterised by the way that he communicated his adjournment matter tonight. The member has been an incredibly strong advocate for family members and carers of people with a disability. He has had a longstanding interest in this issue as a current council member of the East Gippsland Specialist School and has had some personal experience in relation to that, as well as being a strong advocate in his community in a number of forums in relation to the needs of people with disabilities, their families and carers. I really appreciate his advocacy on behalf of his community, both directly and in this Parliament tonight.

Similarly the member for Mordialloc has had a longstanding interest in the issues of people with disabilities, their families and their carers. In fact I understand that for four to five years prior to being elected the member was a board member of Options Victoria, taking a very strong role and a leadership role in her community in relation to the needs of people with disabilities. She has also advocated in relation to her community about the need for additional respite services, particularly respite during the school holidays, which put incredible pressure on families. She has also been a strong advocate on a number of individual cases for the needs of people in her electorate. I am therefore very pleased to have the opportunity to take on board their advocacy. I welcome that. I welcome the strong representation that they make on behalf of their communities.

As I have said, we have had a very strong response in relation to the call for applications. They will all be judged on their merit, but strong advocacy is great to highlight those gaps in the community that had not been filled over so many years under the previous government. I look forward hopefully to being in a position to provide some direct feedback to them and their communities shortly in relation to those applications, and I thank them for their advocacy.

The member for Seymour raised with me the alleged abolition of the Office for Disability. As I have just been saying in relation to respite options, disability is a key focus for this government, and I am pleased that the restructure announced last week will enable us to be better placed to care for the needs of vulnerable and disadvantaged Victorians, including people with a disability. It is a very significant restructure. It will fundamentally change the way DHS (Department of Human Services) delivers services so they are much more strengthened at the local community level and are much more focused in terms of providing a coordinated and comprehensive response to the needs of the range of people that we support who are the vulnerable people in our community. The Office for Disability has a very important and longstanding role, as the former minister would understand, in providing a profile in relation to the broader community about the needs of people with a disability and issues of accessibility, and of course one of the important issues that the Office for Disability is developing is the state disability plan. It is a very significant plan — the next stage of that state disability strategy and how that will be delivered — and the Office for Disability is taking the lead on that.

As the member for Seymour suspected, the allegation from the member for Yan Yean that the Office for Disability is being disbanded is absolutely wrong. It sends a message that is incorrect about the important role the Office for Disability plays and its leadership role in the whole community. I think it is part of a scare campaign we are seeing about the implications of these losses in relation to what are really very difficult and challenging issues for people we work with across

DHS. I do think it is important, because I am very concerned that there is a pattern in relation to the facts of the issues. There is a pattern, and there are a number of issues about which I would like to correct the record.

Honourable members interjecting.

The SPEAKER — Order! I do not want to have to warn the member for Melton at this hour of the night.

Ms WOOLDRIDGE — There are a number of issues that need to be corrected so that we have an accurate representation of what is happening in relation to the services. They are very consistent with this issue of the claim that the Office for Disability is being disbanded. For example, the same member has claimed, and I heard it repeated then, that there is not one extra respite bed. I have just explained that $21 million for respite was funded in the May budget.

Ms Green interjected.

Ms WOOLDRIDGE — That will make a real difference in relation to people right across the state, in terms of delivering to that. We are also in the process of delivering four more new facility-based respites.

Ms Green — Where?

Ms WOOLDRIDGE — One of which is located in the member for Yan Yean's electorate. That will be delivered in addition to the $21 million that we have already funded. There was also a claim made on the same day that there has been a freeze on individual support packages.

Ms Green — On a point of order, Speaker. I understand that in your earlier ruling, when the member for Seymour sought three actions, that she was ruled out of order and was asked to clarify her adjournment matter so that she requested only one action — the Office for Disability. The minister is now straying from that, and I can clarify for the house that in fact I did make an error at 6.00 a.m. when I spoke a couple of days ago on 3AW.

The SPEAKER — Order!

Ms Green — It was not the Office for Disability; it was the disability services division that is being shut by this minister.

The SPEAKER — Order! The member will sit down. When I call for order, the member will give me silence and show some respect for the Chair.

Ms WOOLDRIDGE — What we have just experienced is a characterisation of that, because the interview that the member did was actually at 3 o'clock in the afternoon and not at 6.00 a.m. I will move on. The freeze on individual support packages was another claim made by the member, when in fact there were 391 individual support packages funded in the last budget.

Ms Green interjected.

The SPEAKER — Order! The member for Yan Yean will be out in a moment, if she opens her mouth once more.

Ms WOOLDRIDGE — Two days later in a debate in relation to the storms on Christmas Day, a very difficult issue for people in this state, the member was quoted as saying, 'In regard to the people in the west, the DHS had nothing on its website for four days'. In fact we posted initial advice immediately, and complete information was provided by 27 December.

Ms Green interjected.

Debate interrupted.

SUSPENSION OF MEMBER

Member for Yan Yean

The SPEAKER — Order! Under standing order 124, the member for Yan Yean can leave the chamber for half an hour — and that will run into tomorrow morning as well.

Honourable member for Yan Yean withdrew from chamber.

ADJOURNMENT

Responses

Debate resumed.

Ms WOOLDRIDGE (Minister for Mental Health) — In addition, in that same debate the member for Yan Yean said there was no support from this government. I do not want to disadvantage another member, but I actually had a personal letter from — —

Mr Nardella — On a point of order, Speaker, the minister is now just attacking the opposition.

An honourable member interjected.

Mr Nardella — That is right. It is true, and in a ruling on page 8 of *Rulings from the Chair*, Deputy

Speaker McGrath said, 'The adjournment debate is not simply an opportunity for a minister to attack the opposition'. I ask that the minister be brought back to responding to the action that the honourable member for Seymour raised with her, rather than going down this path of continually attacking the opposition.

Mr Hodgett — On the point of order, Speaker, the minister is clearly not attacking all members of the opposition; she is using the adjournment debate to correct the record and state the facts. I ask you to rule the point of order out of order.

The SPEAKER — Order! I do not uphold the point of order. The minister was going over all the issues raised by the member for Seymour. She was explaining each of the accusations that have been made by the member for Seymour in regard to the issue that she raised.

Ms WOOLDRIDGE — On the last point, in relation to some commentary by the member for Yan Yean that the government provided no support regarding the Christmas Day storms, in fact Department of Human Services workers were at the State Emergency Service control centre on Christmas Day. The department had over 50 staff working in affected areas for two weeks from Boxing Day, and three staff are still providing ongoing assistance. Some 481 assistance grants have been provided, totalling $424 000.

It is interesting that some members approach the work the government does for vulnerable Victorians in one way, and some approach it another way. I received a letter from the member for Keilor in relation to those Christmas Day storms.

She wrote:

> I would like to take the opportunity to acknowledge the good work done by the emergency management unit of the north-west region from the Department of Human Services in the early days following the storm.

The issue at hand is that we all have a responsibility to be accurate in the work we do. These are difficult issues for vulnerable people across the state. We deal with difficult challenges, and being loose with the truth does not help us to do the work we need to do for the vulnerable in our community.

I am happy to correct the record for the member for Seymour, and I thank her for the opportunity to do so, because running scare campaigns and making inaccurate statements does not help us make the positive difference we want to make for vulnerable Victorians.

Mr R. SMITH (Minister for Environment and Climate Change) — I am happy to rise to respond to the member for Bellarine, and I thank her for clearing up some of the issues across the table. The member asked me to meet with the mayor of the Borough of Queenscliffe and the relevant Fishermans Wharf stakeholders. Earlier last year I met and discussed this issue with the mayor, Bob Merriman, at the office of my colleague David Koch, a member for Western Victoria Region in the other place. The member told me across the table that there seems to have been some misunderstanding in regard to subsequent meetings. I thank her for raising this issue so that we can clear this up.

I can inform the member and the house that I met with some of the stakeholders last Thursday when I went to Fishermans Wharf to discuss many of the issues the member raised. It is inappropriate for me to cover off that conversation in the house, but many of the issues the member raised have been brought to my attention, and I — along with my department — am dealing with them and will progressively deal with them as we go forward. I thank the member very much for raising these issues.

The member for Macedon raised an issue for the Minister for Higher Education and Skills with regard to retaining a site at Jacksons Hill, Sunbury, for educational use. I will pass that on to the minister.

The member for Clayton raised an issue for the Minister for Health regarding funding for Monash Medical Centre, and I will pass that on to the minister.

The SPEAKER — Order! The house now stands adjourned.

House adjourned 10.56 p.m.