

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

**LEGISLATIVE ASSEMBLY
FIFTY-SEVENTH PARLIAMENT
FIRST SESSION**

Tuesday, 7 February 2012

(Extract from book 1)

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FIFTY-SEVENTH PARLIAMENT — FIRST SESSION

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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

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Tuesday, 7 February 2012

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

The SPEAKER — Order! I welcome all members back to the Parliament for 2012. I hope members have come back rested, and I hope they had a good time with family and friends over the break.

RESIGNATION OF MEMBER

Member for Niddrie

The SPEAKER — Order! I wish to announce that on 27 January I received the resignation of the member for Niddrie. I advise the house that I intend to issue a writ for a by-election for the electoral district of Niddrie, to be held on 24 March 2012.

SHADOW MINISTRY

Mr ANDREWS (Leader of the Opposition) — I wish to give notice of changes in responsibilities in the parliamentary Labor Party. I am pleased to advise that the member for Monbulk has been elected as the Deputy Leader of the parliamentary Labor Party. The member for Monbulk is also the shadow Minister for Education.

The member for Lara is the shadow Minister for Sport and Recreation and the shadow minister for volunteers. The member for Bendigo East is the manager of opposition business, the shadow Minister for Regional and Rural Development, the shadow Minister for Bushfire Response and the shadow Minister for Police and Emergency Services. The member for Narre Warren North is the shadow Minister for Roads and the shadow minister for road safety and the TAC. The member for Tarneit is the shadow minister for employment, the shadow minister for industrial relations, the shadow minister for major projects and infrastructure, the shadow Minister for Ports and the shadow minister for freight and logistics. The member for Yan Yean is the shadow minister for child safety, the shadow minister for women, the shadow minister for disability services and the shadow minister for health promotion.

Ms Jenny Mikakos, a member for the Northern Metropolitan Region in the other place, is the shadow minister with responsibility for children and young adults and also keeps her existing portfolios of seniors and ageing, and youth justice. All other opposition responsibilities remain as previously advised.

I also advise the house that the members for Bundoora, Ivanhoe, Albert Park, Narre Warren South, Keilor, Broadmeadows, Melton, Williamstown, Cranbourne and Brunswick, along with Ms Pulford and Ms Tierney, members for Western Victoria Region in the other place, have been appointed as parliamentary secretaries to shadow ministers in the following portfolios respectively: education; local government and suburbs; environment and planning; Leader of the Opposition; public transport; scrutiny of government; Leader of the Opposition; health; multicultural affairs; police and emergency services; regional and rural development, and agriculture; and employment.

BUSHFIRES: BLACK SATURDAY ANNIVERSARY

The SPEAKER — Order! I remind the house that 7 February 2012 marks the third anniversary of the devastating 2009 bushfires. As a result of those fires 173 people lost their lives and townships across the state were affected. We will take a moment to think of those communities that are holding observances today and that have held them over the past weekend. While people continue to recover at their own pace, enormous progress has been made in the recovery effort over the last three years. Today we encourage all Victorians to continue to support those affected and their resilient communities. I invite all members to stand in their places and join me in a minute's silence.

Honourable members stood in their places.

CONDOLENCES

Samuel John Everett Loxton, OBE

Mr BAILLIEU (Premier) — I move:

That this house expresses its sincere sorrow at the death, on 3 December 2011, of Samuel John Everett Loxton, OBE, and places on record its acknowledgement of the valuable services rendered by him to the Parliament and the people of Victoria as member of the Legislative Assembly for the electoral district of Prahran from 1955 to 1979 and as Government Whip from 1961 to 1979.

Sam Loxton was a larger-than-life Australian. He was an Invincible in every way. Sam Loxton was many things: a soldier, a footballer, a world-class cricketer, a community worker, a family man and, as we acknowledge today, a long-serving member of this house. His 24 years as the member for Prahran and 18 years as Government Whip are extraordinary records in anyone's terms.

Sam Loxton was born in Albert Park on 29 March 1921. He attended Armadale Public School and then Wesley College and first revealed his sporting prowess on that college's sporting fields in both Australian Rules and cricket. He started playing cricket competitively at the age of 11 for the Prahran Cricket Club and was playing with the Victorian Cricket Association Colts from just 16. He moved on to play for Victoria in the Sheffield Shield. On his shield debut in Queensland he made 232 not out and shared a record sixth-wicket partnership of 289, which is something any cricketer would be very proud of.

A natural sportsman, Sam was a golfer and also a talented footballer, playing full forward for St Kilda. He played from 1942 to 1946, kicking 114 goals in 14 games and often swapping with Keith Miller on the forward line, which saw the beginning of a lifelong friendship. One of Loxton's opponents later said that colliding with Sam on the field was like running into a goalpost. It is, however, for his first-class career in cricket that Sam Loxton is best known.

After serving mainly in Queensland with the 13th Armoured Division of the 2nd Australian Imperial Force in World War II, it was in 1947, while working as a crew commander, that Sam was selected for the Australian test team. In total he played 12 tests for Australia between 1948 and 1951, scoring 554 runs at an average of 36. He took eight wickets.

Sam Loxton was a member of the legendary Invincibles side that Don Bradman took to England in 1948, which went through the tour undefeated in every match — a feat that has never been equalled. In fact he was one of the last three survivors of that team of golden cricketers; only Neil Harvey and Alf Morris now survive Sam Loxton, and Sam was the last of the Victorians. It was with Harvey that Sam Loxton played what he regarded as his best innings at the fourth test in Leeds in 1948. He blasted an amazing 93, including five sixes and eight fours. The great cricket commentator John Arlott commented at the time that 'eleven Loxtons would defeat the world — at anything'.

Sam Loxton joined the Armadale branch of the Liberal Party in 1950 and was active in branch affairs whilst maintaining a busy cricketing career. He played 140 Sheffield Shield matches for Victoria and captained the side in 1955. For some it is hard to think of someone playing that many shield games. In that same year the Liberal leader, Henry Bolte, persuaded him to stand for the seat of Prahran, saying, 'You won't win, but we would like you to fly the flag'. He flew the flag for 24 years.

As it happened, Loxton campaigned tenaciously in a seat that was comfortably held by the Labor Party and achieved a modest 36 per cent of the vote. With Democratic Labor Party preferences, he defeated the sitting member by 14 votes and helped deliver the majority which saw the election of the very first Bolte government. He was subsequently returned at each election that he contested and retired — or, as Loxton himself put it, declared his innings — before the 1979 election.

One interesting electoral contest he faced was at the 1967 election, when he fought off a determined challenge from the legendary Captain Blood, Tiger Jack Dyer, who was the Labor candidate. That Sam Loxton was well liked by his colleagues is attested to by the fact that he held the position of Government Whip for an astonishing 18 years, from 1961 until his retirement from the house — an aspiration I am sure other whips carry today.

He also continued for a short time to play first-class cricket while a member of Parliament and was perhaps the only MP to score a first-class century when he made 111 not out against South Australia in 1956. It is recorded that he would bring constituent correspondence with him and deal with it in the dressing-room or when waiting to bat. And wouldn't we like that to be the case now!

He was a good worker for his constituents and advertised that he was available to anyone on Saturday mornings at the local federal MP's office so that his constituents could see him about local issues — something quite unusual at that time, when state members did not have electorate offices. Again that is something current members might not be aware of.

He had a long personal friendship with Sir Henry Bolte, and they always called each other by the affectionate nicknames of Sambo and Curly. Bolte was also a keen cricketer. I am advised by the clerks that both participated in cross-party matches against the parliamentary staff at a cricket pitch that then existed near the bowling green in the Parliament House gardens. I am told that Sam would normally bowl gently at these friendly games but he would occasionally say to an upcoming batsman, 'I'm going to let one go now; do you want to face it or not?', and the batsman would use his better judgement and retreat!

Sam Loxton was a Victorian cricket selector from 1957 to 1981 and an Australian selector from 1970 to 1981. He was hugely upset at the infamous underarm bowling incident in 1981 and retired from his positions in protest. He later returned to supporting young cricketers

when he retired to the Gold Coast, including serving as an umpire until his sight deteriorated. I saw a reminiscence last month from a young club cricket captain in Queensland who said he wondered who this old umpire was that kept telling him how to place his field!

Away from the cricket pitch Sam Loxton was a diligent representative in Prahran. He was vice-president of the Victorian School for Deaf Children and president of the council of Prahran Technical School and later of the Prahran College of Advanced Education. He was a trustee of the MCG for 20 years from 1962 to 1982.

Sam had two sons. He had a major personal tragedy in the year 2000 when, on the very same day, his wife Jo drowned in the family swimming pool and his son Michael was tragically taken by a shark in Fiji. He is survived by his son Peter, who is a teacher in Brisbane, and several grandchildren. In later life, even though his eyesight had all but failed, Sam still loved to attend local cricket games in Queensland and have the play described to him.

As I said, Sam Loxton was a very significant Australian and a very significant Victorian. Today we mark Sam Loxton's service to the Parliament of Victoria; we celebrate his life and his contribution to our country; and we send our condolences to his family, and his grandchildren in particular.

Mr ANDREWS (Leader of the Opposition) — It is with sorrow that I join with the Premier to extend on behalf of the parliamentary Labor Party our condolences and best wishes to the Loxton family on the passing on 3 December last year of Mr Sam Loxton, OBE.

As the Premier has noted, Sam Loxton was an extraordinary Victorian and an extraordinary Australian — somebody who served his nation, his local community and our state very well indeed. His pursuits on the sporting field, in both cricket and Aussie Rules, are well known to many, but to have given faithful service as a true local member in this place, notwithstanding a long-term appointment as the Government Whip, did him great credit and reflected well upon his priorities, work ethic and the values he brought to bear throughout his life. It was a long and distinguished life in the service of others, and it is with sorrow that we note his passing, but we also take this opportunity to reflect on his esteemed contribution.

I do not want to cover too much of the ground that the Premier has covered, but it is important to again make the point that Sam Loxton was a distinguished

sportsman. He played 12 tests for Australia between 1948 and 1951, and as the Premier noted, he was part of Don Bradman's Invincibles team that went undefeated on the 1948 tour of England. It was well known in cricketing circles that he had a reputation as an aggressive all-rounder and he was held in high esteem by both his team mates and those he played against. A medium-pace bowler himself, he loved facing fast bowlers who dug in the short ball. His clear response to that was, 'If they do, I'll hit 'em over the fence every time'. In the words of the great Australian cricketer Sir Donald Bradman, Loxton 'never shirked the issue' and 'he'd throw himself into it with everything he had'. That obviously endeared him to his captain but also to the broader community, cricketing and otherwise.

As the Premier noted, he was a distinguished cricket selector for both Victoria and the national team for a long period of time. He debuted in 1942 in the then Victorian Football League, playing some 41 games for St Kilda as a forward and kicking 114 goals throughout his time there. To be such a distinguished athlete and sportsman is by any reckoning an absolutely amazing achievement.

He was also somebody who served his nation in the 13th Armoured Division. He enlisted on 31 July 1942 at Oakleigh and was discharged on 7 November 1945 with the rank of sergeant.

The Premier also noted a range of different community roles that Sam Loxton played: as an administrator, a volunteer and a leader in his local community, in addition to his service as the local member of Parliament. These included roles with the Victorian School for Deaf Children, the Prahran Technical School Council, the Prahran College of Advanced Education Council and a number of different charitable and philanthropic organisations committed to public housing, or what we might now term social inclusion — the Deakin Co-operative Housing Society being one among many.

The Premier has detailed Mr Loxton's distinguished service to the Liberal Party and noted his historic election into this place by just 14 votes. We remember that less fondly than perhaps the Premier does. Again, for anybody to serve for that length of time and to be so well regarded by their local constituency is a great measure of that person but also of the approach they take to the great honour that is to sit in this house. To be in the Parliament for that length of time is no small achievement. His hard-earned reputation as a true constituent and community politician, someone who was focused on local issues — sometimes issues that are referred to as little issues — was a big part of why

he was returned to this place with strong support on so many occasions. There were a couple of close-run elections, 1967 being one of them, where he saw off Captain Blood in what would have been an entertaining if not altogether fulfilling contest, at least for Captain Blood. As the Whip, he earned the respect of his colleagues on both sides of the chamber, and again that does him great credit.

There have been many tributes, and they perhaps say it much better than I can — indeed perhaps any of us can. I was struck by one in which the cricket and sports commentator Jim Maxwell was quoted as saying that ‘Sam Loxton was a great character and cricket personality. Invincible for 90 impressive and strongly spoken years’. Our sympathies and condolences go to the Loxton family. We pay tribute to someone who served his community, this Parliament, his state and country, and the sports he loved, with such amazing distinction for so long.

Mr RYAN (Minister for Police and Emergency Services) — I join the Premier and the Leader of the Opposition in supporting this condolence motion for the late Samuel John Everett Loxton, OBE. Mr Loxton was the state member for Prahran from 1955 to 1979; he was the Government Whip from 1961 to 1979; he played for the St Kilda Football Club from 1942 to 1946; he was a member of the Australian test team from 1948 to 1951; and he was Australian test selector from 1970 to 1981. Together with other members of the house, I offer my condolences to the family, friends and colleagues of Mr Loxton.

As both the Premier and the Leader of the Opposition have observed, Mr Loxton’s fame primarily revolves around his role in the Australian cricket team as a member of Don Bradman’s Invincibles. As the Premier has remarked, he was the last surviving Victorian member of that great side. He finally resigned from his position in cricket after the infamous underarm incident in 1981. For all of us who were at the ground on that day, I can say we probably all had a similar response to what eventuated.

He was terribly disenchanted at that point in time by the conduct of players. He expressed that point of view in the strongest possible terms. He was saddened by the way the game had begun to be played, and he felt it was not the sport that he had been a part of for a long, long time. His stepping aside was yet another example of the principles and courage which guided the life of Sam Loxton.

The same sorts of principles and the same courage were apparent in the way he approached his run for the seat

of Prahran in 1955. He was told, as the Premier has observed, that, in essence, it was a hopeless cause but that he should be there to fly the flag. In fact he ultimately won the seat by 14 votes. It was hardly a portent of things to come, because he went on to hold the seat for 24 years. He was very dedicated to the cause of representing the people of Prahran not only in the Parliament but also through his wider community involvement. Even before winning the seat he was well known for his commitment to the community, particularly in terms of his sporting prowess — he played for Prahran, he played in the Sheffield Shield competition and then he played for Australia. He also played for the St Kilda AFL football club.

His maiden speech, which he made on 15 June 1959, is very illustrative of the man. He spoke about abolishing substandard housing, improving the living standards and welfare of people of the electorate he represented and of Victorians broadly. He also spoke about the important steps that needed to be taken to care for the mentally ill. In that sense he was very much a man who was ahead of his time.

He made many reflections on his time in cricket. It is clear that much of what may be learnt in sport can be of equal value in politics. That was a view he held very strongly. He observed in an article published in the *Age* on 26 March 1984:

The one thing we learned was that in cricket you knew how to lose ... there was nothing better than being a generous loser.

He went on to say in another article published in the *Herald Sun* on 25 April 1981:

... it doesn’t matter how much cricket you’ve played, you can always learn more about the game.

When reading that quote, I could not help but ponder how Sam Loxton would feel about T20 Big Bash League cricket and how he would view Dave Warner’s extraordinary physical feat of a few nights ago when he switch hit a ball for six runs across mid-wicket.

There were several remarks made in the *Melbourne Observer* in 1972 about a man who was known for working hard and playing fair on the field and in the parliamentary chamber. The observation made was:

He is not the brash, talkative, promise-making type of MP, but is rather down to earth, honest, sincere and hail fellow well met.

This was a man with the highest ideals, outstanding values, great principles and immense integrity. He lived an extraordinary life of community service, and we pay

tribute today to a soldier, statesman, sportsman and a man who truly was a man of the people.

Mr SCOTT (Preston) — It is indeed an honour to rise as part of this condolence motion for Samuel John Everett ‘Sam’ Loxton, OBE. I will not go over the ground that has been so ably covered by previous speakers, but I will say, as others have touched upon, that Sam Loxton was a person of honour. That is something that should be mentioned in this debate.

I refer to the infamous underarm bowling incident, to which he did not just express his objection but also, as I understand it, broke down in tears in response to what had happened to the game he loved so much. This is a reflection of a life that was not just about winning. It was a life that was not just about what you did in terms of achievement but about the process through which you undertook that achievement. It was a life that was not about winning but about doing, and that is a credit to him. This was a life that contained so much and that in many ways resembled the *Boy’s Own Annual* — he was a person who played sport at the highest levels, who represented his country in cricket, who played football at the highest level possible at that time and who went on to represent his community both in this place and in the very highest levels of the administration of cricket. It was a life made up of achievements that each taken on its own would be a crowning glory of most lives. Sam Loxton was a person who was dedicated to his community, and he served it so well.

As has been mentioned, Mr Loxton was the Government Whip from 1961 until his retirement in 1979. The whip plays a critical and often unheralded role in our system of government. Sadly for our side of politics, during the time that Sam Loxton was a member of this Parliament his side was in government. Any government requires a stable parliamentary majority, and it falls upon the shoulders of the whip — or the whips in the case of the coalition — to round up a group of what can be quite truculent, uncooperative and proud members of Parliament. The line that is used about MPs voting is that sometimes it is like rounding up sheep, but let us be frank: it is more like rounding up stray cats at the best of times. So the whip can play a critical role in ensuring that a government succeeds. The fact that Sam Loxton was able to do this from 1961 until 1979 is a reflection of his ability to cajole, convince and persuade in order to ensure that his colleagues served not only their community but also the party that he loved and served so well. That is an achievement that we should honour here today because it is a significant one that reflects upon him and his character. As I said, he was clearly a person of honour.

In reading his maiden speech I could not help but notice his advocacy for high levels of homeownership through increased lending from government-owned banks. I wonder whether the current member for Prahran would share those sentiments. Something has changed over time.

Sam Loxton’s election and the circumstances under which he won his seat have been commented upon. He saw an opportunity which emerged with the Democratic Labor Party, and he grabbed hold of it. Whatever happens in life, when an opportunity is provided to a person, whether they take that opportunity is a measure of their character. Sam Loxton won every subsequent election, saw off Captain Blood and, in the 1961 elections, frankly, saw off shenanigans that did no service to whoever was opposing him with those particular issues around the how-to-vote card — and they were issues of the most dubious kind. Mr Loxton held on to that seat and served his community, and it is a reflection upon him that when he left the Parliament his party lost that seat. It is a measure of Mr Loxton’s character that he took the opportunity that was provided to him and went on to serve his community. He was loved by his community and was able to remain in the Parliament. When he was gone, the situation changed. That is another reflection on the character of Sam Loxton.

It is an honour to be part of this debate. Like others, I wish to pass on my best to the family and friends of a man who, as I said, lived a life that could have come out of the annals of a *Boy’s Own Annual* but demonstrated at all stages the honour that lived within the man. Vale, Sam Loxton.

Mr DELAHUNTY (Minister for Sport and Recreation) — I also rise to speak in support of the condolence motion for Sam Loxton, OBE, who was a distinguished sportsman and a dedicated representative of his electorate of Prahran for 24 years. I would like to speak about his lifetime commitment to sport. As we know and as has been said here today, Sam Loxton was an inspiration to many budding cricketers and footballers in Victoria. Cricket was an integral part of Loxton’s life from a very early age. He learnt to bat at the former Yarra Park State School and started playing for Prahran at 11 years of age. When he was 16 he was selected for the Victorian Cricket Association’s Colts team, and he played there in the first-grade competition for three seasons.

He also had a brief wartime career in Australian Rules football, playing both at full forward and as a defender for Saint Kilda between 1942 and 1946. In 1944 Sam Loxton topped St Kilda’s goal kicking with 52 goals,

including a six-goal haul against the Premier's team, Geelong, and his five goals in each of the last three matches that season were an inspiration to all. His efforts helped Saint Kilda finish ninth in the 12-team competition — its best result in that decade. His final Victorian Football League season in 1946 included a career-best eight goals and an away win — also against Geelong. He must have had something against Geelong in those days!

After retiring from top-class football, Loxton broke into first-class cricket. In his Victorian debut against Queensland in December 1946 he scored 232 not out, which remains a record debut score in Australian first-class cricket. He finished his first-class season at the top of the Victorian batting average.

It has been said here today that Loxton was involved with the Invincibles. His debut test performance in the fifth and final test against India in 1947 won him a place on the famed Invincibles tour of England, which started in 1948. In the fourth test at Leeds he took three of the last four wickets in England's first innings, in which they scored 496 runs. He scored a hard-hitting 93 runs in the first innings in partnership with his great friend Neil Harvey, who scored 105 runs in 95 minutes, helping to halt England's momentum. That was cricket at its best. On the tour as a whole he scored 973 runs and took 32 wickets.

Sam Loxton scored his first test century on a tour of South Africa in 1949–50, making 101 runs in 150 minutes at the Wanderers stadium in Johannesburg and helping Australia reach a total of 413. He also played three test matches in the 1950–51 Australian cricket season. In the last test he played at the Melbourne Cricket Ground Sam Loxton contributed to the match's highest scoring partnership of 84 runs with Lindsay Hassett.

Sam Loxton played for Victoria from 1951 to 1958, and his career highlights include scoring 169 runs against New South Wales, taking four wickets for 44 runs to dismiss New South Wales and setting a new career-best score of six wickets for 49 against Western Australia in the last match of the 1956–57 season. In 1953–54 he was part of the commonwealth team that toured India during the Australian season, playing 15 first-class matches and 5 unofficial test matches. He scored 123 runs in the second match of the tour against Bombay and took five wickets for 92 runs in the bowling session.

It has been highlighted that Sam Loxton had an enormous impact on cricket, and I would again highlight that he had a 40-year affiliation with the

Prahran Cricket Club. He topped the club's batting averages on five occasions and its bowling averages on six occasions. He scored a total of 6032 runs and took 351 wickets during his first-class career. He also put back into the club. He was Prahran's vice-president and was involved in coaching and selecting teams. His service to the club was honoured with life membership.

Sam Loxton stayed involved in cricket for a long time after his retirement. He was a selector for the Australian test match team from 1970 to 1981 — and we would like to have a few more Victorians in the team today! He was a Victorian state selector from 1957 to the season of 1980–81, a Prahran delegate to the Victorian Cricket Association and, importantly, an MCG trustee from 1962 to 1982.

Sam Loxton was well known for his energetic and aggressive approach to cricket and for his vigorous advocacy of the gentlemanly conduct that existed during his playing days. In his book *Farewell to Cricket* Sir Donald Bradman wrote:

His whole attitude suggests defiance, and when he hits the ball it is the music of a sledgehammer.

He described one of Loxton's shots at Leeds, which went 20 rows back off Ken Cranston, as 'the most glorious six I ever saw hit'.

Later in Sam's life he spoke at a lot of sportsmen's nights, and I was talking to the member for Gippsland East about the time Sam visited Bairnsdale with Keith Miller. The member for Gippsland East told me he still has the cricket bat signed by both cricketers. On that day Sam also gave a coaching letter to a budding young cricketer in the area who it was thought could play for Victoria, and that fellow was Cameron White. Sam had an influence on all those players who are the high-grade players today.

As the Minister for Veterans' Affairs, I finish by noting, as mentioned also by the Premier, Sam's record in the armed services. He enlisted in the Australian Army at Oakleigh on 31 July 1942 and was discharged on 7 November 1945 with the rank of sergeant.

In closing, Robert Coleman wrote in *Seasons in the Sun — The Story of the Victorian Cricket Association* that Sam Loxton was competitive, pugnacious and outspoken, with a dogged loyalty to everyone and everything he served, whether it was his captain, his team, his party, his Premier or his constituents. I honour his memory and offer my condolences to his family.

Mr NEWTON-BROWN (Prahran) — 'In 1948, I served under that genius, Bradman, and then in 1955, I

served under that other genius, Bolte. I am the luckiest character that ever lived'. This short statement from Sam Loxton says so much about him. It demonstrates that he was the ultimate team player who respected his leaders and contributed his efforts for the common good of the team. This statement also highlights that he did not have any sense of entitlement or overblown ego. He considered himself blessed to have been in a position to serve, firstly, his country at an international level in cricket, and then his state under a Liberal government led by Premier Bolte, for an astounding 17 years. Don Bradman once said of Loxton that:

... he'd throw himself into it with everything he had. This is one of the reasons he was a great team man. You could call on him at any stage and he'd give you his very best.

Loxton the politician first came to the fore at his local clubhouse in Prahran. Following a particularly feisty meeting one night, some local Liberals who were members of the club reported his performance to Henry Bolte, and soon after Henry Bolte started courting the young cricketer to join his team. Mr Bolte thought Loxton would put up a respectable fight in Prahran, a seat that for many years had been held by the ALP with an enormous margin. Mr Bolte was quite blunt with Loxton about his chances of success. As others have already observed, he considered it a hopeless task and asked Loxton just to fly the flag. If members think about it, as a young man who had reached incredible heights in cricket, first by being selected to represent his country and then by being part of the Invincibles team, it must have seemed a little patronising to Sam to be asked to merely fly the flag. His polite response to Mr Bolte was, 'Well, I have pretty much always been on the winning side, Sir'.

To kick off the campaign, Loxton tentatively booked the Prahran town hall. This got up the noses of the local Liberal campaign team members, who thought that, for someone as inexperienced as Sam, they should run his campaign. The crowd that turned up could not fit into the town hall, and people spilt onto the surrounding streets. Sam refused to treat his candidacy as a flag-flying exercise, although as the election campaign kicked off he maintained his priorities by playing in the local cricket finals. Loxton took 7 wickets and scored 129 runs, and Prahran claimed victory for the first time in 32 years. The locals in Prahran could not believe it, and no doubt this wave of goodwill helped propel him over the line to win the unwinnable election by 14 votes. To be fair, preferences from the Democratic Labor Party also helped nudge him over the line.

Prior to the 1955 election the Liberals had just 11 seats in this chamber. Ever modest in his achievements, Sam went to his new leader, Henry Bolte, and confessed that

he did not really know too much about politics. Mr Bolte's response was, 'It doesn't matter, son, we'll learn you'.

At just 24 years of age, Sam was the youngest member of Parliament at the time, and he went on to serve in this place for the next 24 years. From the wafer-thin margin of 14 votes he built a formidable base in Prahran. Poor old Bob Pettiona came back three times in subsequent elections to try to reclaim his seat, but Sam knocked him off on each occasion. In 1967 the ALP put up Jack Dyer to contest Prahran. Jack was an iconic Richmond footballer, as others have observed, and is still regarded as one of the toughest players the game has ever seen. Sam knocked him off too. He kept winning elections until in 1979 he decided finally to retire. The ALP's Bob Miller then took the seat for six years until it came back to Don Hayward for the Liberals in 1985, then went to Leonie Burke in 1996 and back to Tony Lupton for the ALP in 2002 until the 2010 poll.

Sam Loxton made a great contribution as a team player in our greatest ever cricketing team and then served for almost a quarter of a century in arguably the state's greatest ever political team. In the words of cricketing writer Robert Coleman, as the Minister for Sport and Recreation has already noted, Loxton was:

... combative, pugnacious and outspoken, with dog-like loyalty to everyone and everything he served whether it was his captain, his team, his party, his Premier or his constituents.

Along with former Liberal members Don Hayward and Leonie Burke, I offer condolences to the Loxton family and pay tribute to a great man whose record as the longest serving member for Prahran still stands.

Ms McLEISH (Seymour) — I remember where I was when I heard on the radio that one of the few surviving members of the Invincibles had passed away, and I listened intently at the time as I wondered whether or not it was Sam. As soon as I could I rang my partner, Jeff, to find out if he had also heard the news, because although I had met Sam only a handful of times, I knew he was very well known to Jeff and was held in extremely high regard and with so much fondness by Jeff and many of his cricketing team mates. Therefore, I am honoured today to speak on this condolence motion.

As a cricketer Sam Loxton, OBE, was test player no. 180. He was a member of the Invincibles and later was a national and state selector. As a state parliamentarian he was for 24 years the member for Prahran in the Legislative Assembly, commencing in 1955 and continuing until he retired in 1979, and for 18 years he was Government Whip. For all those years

he was a strong community advocate. Sam Loxton the personality was a larger-than-life character who was equally emotional. He was an inspiration and mentor to many others, especially younger people. He was straight down the line, was devoted to cricket and was devoted to government and the Liberal Party.

Cricket was indeed an enormous part of Sam's life and shaped much of what was to come. He attended Wesley College in the 1930s. At that time cricket was the most popular sport in the country, and Wesley College excelled at cricket. Andrew Lemon reflects in the school's history that it was at Wesley that Sam learnt the art of cricket, along with several other school mates who also went on to become test cricketers. Lemon mentions that Sam Loxton's name was pronounced at the school in loving tones. He went on to play district cricket with Prahran, to play in the Sheffield Shield competition for Victoria and to obtain the prized baggy green, playing his 12 tests between 1948 and 1951.

Sam became involved in cricket administration, as we have heard, as a selector and team manager, and it was in those roles and particularly that of team manager that my partner, Jeff, got to know him well. What set Sam apart from other team managers was his endless supply of stories and his ability to engage with the team. He could certainly hold an audience. He told many stories about his life as an Invincible, about the trip to and from England and the cricket matches that the team played on the boat. He talked about the test matches over there and the team's all-conquering role, but he also had stories of the legendary Bradman which kept everybody champing at the bit to hear more. Sam's role required him to keep the team organised and to whip them into shape when required, and these were skills that certainly would help Sam as he moved into his role in Parliament. It is amazing to think that at the time of his election he was playing cricket. Those who knew him well thought that the role of Government Whip was one that was completely natural for him to assume.

I first met Sam Loxton a number of years ago at an Invincibles lunch at the Melbourne Cricket Club, where the surviving Australian and English players from that team got together to rekindle old friendships and memories and also to watch the Ashes, which were on at the time. It was at that time that I truly realised Sam Loxton's status and the regard in which he was held by others and how obvious that was.

There are many stories about Sam, and there are a couple that I want to share. Like many of us, Sam was keen to be able to make a dollar here and there. One time on a trip in India he was shown a box of truly magnificent balls. He thought, 'They're a great price. If

I take them back to Australia, I'll be able to sell them off and make a handy little profit'. He ordered about 12 dozen boxes of a dozen balls. When he arrived home and opened the box, they were almost square. It seems Sam was smart enough to be involved in governing the state for a long time but perhaps not smart enough to see through a scam by the Indians!

The next story is perhaps one of my favourites. It was told by Dav Whatmore, who was one of Sam's protégés at Prahran. One day Dav was batting at Prahran when a message came out to him from the runner. The runner said to Dav, 'Listen, I want you to run the bloke at the other end out'. They were not scoring quickly enough for Sam, and the easiest way to increase the run rate was to get the bloke who was not getting the runs out, so he asked Dav to run him out. Dav thought that was a bit unusual, but I think he did as requested.

Finally, it was only a few years ago that he last went to watch his beloved team, Prahran, play in Frankston. The firsts were playing at one oval and the thirds were playing at another. Sam requested that he address the thirds, rather than the firsts, at tea. Tea goes for 20 minutes. After 40 minutes Sam was still addressing the team and disrupting the game, but the umpires were also in the room, holding their breath at the stories and at the inspiration they were drawing from Sam Loxton. As I say, that was only three or four years ago.

As the Premier mentioned earlier, John Arlott, the noted British commentator, once wrote of the wholehearted manner in which Sam played the game, 'Eleven Loxtons would defeat the world — at anything'. No wonder he was so successful in his chosen fields — cricket and Liberal Party politics. The memory of Sam Loxton will be strong for many, and with others I pass my condolences to his son, Peter, and family.

Mr THOMPSON (Sandringham) — At Sam's funeral his son, Peter, noted that the Australian nation had lost one of its great storytellers. If Sam was in the Victorian Parliament today, everyone would have a nickname: it might be Bozo, the Professor, the Boss, Curly or Carrot Top. It was noted earlier on in proceedings that Sam was elected to the Victorian Parliament in 1955 after he had as captain led Prahran to a District Cricket premiership, scoring 127 runs and taking seven wickets — a remarkable performance when most of us start our election campaigns on a local railway station. However, in addition to that accomplishment on behalf of his electorate he was well served by his father, who ran the local electrical store, and his mother, who made the cucumber sandwiches for the Prahran Cricket Club for several decades. It is

that local knowledge and that understanding, at both home and away games, that gave him a good understanding of the issues confronting his electorate.

I would like to continue Sam's tradition as a storyteller, as his cricket record and parliamentary record have already been narrated to the house very well. On one occasion he was at the MCG and speaking to former Prime Minister Bob Menzies. Menzies was interested in what Jim Higgs's vocational background was, to which Loxton replied, 'He's the assistant shire engineer up at Kyabram'. Perhaps as a comment on Higgs's leg spin bowling at the time, Loxton added to Menzies, 'If you're ever up that way, I wouldn't drive over any of his bridges'. On another occasion, when addressing a gathering of the Rotary Club of Huntingdale, Loxton spoke about his passion for life and for sport. He said he would have been happy to have a cricket ball for breakfast and a football for lunch — all he would have needed was a bit of butter on the side to help them make their way down!

On one occasion, whilst on tour in South Africa, light was critical. The nature of the pitch was important, and Loxton made an appeal against the light. The South African umpire ruled it out of order, at which point in time, to a jeering crowd, Loxton put down his bat and walked over to the boundary. The crowd was getting more and more agitated and erupted when he was within about 6 feet of the boundary. In the context of his appeal against the light, he said to the crowd, 'I can hear you, but I still can't see you'. That is perhaps indicative of the emphatic nature of his character. He was square jawed, with the look of a prize-fighter. His batting style was marked by the ferocity of his square cuts, and he was a larger-than-life character.

On another occasion, later in life, as his eyesight was failing and he spent his final days in the care of his son Peter and his daughter-in-law Sally, he thought, 'At last. Now is the time I should take up another vocation'. Lest we forget, he had taken up the vocation of cricket umpiring, and he felt he was well suited to that particular journey. Prior to that venture he had been playing a practice game of cricket. Everyone else wanted to go home, but Loxton was still at the crease, practising his cricketing drills. At one point he drove the ball, and it was caught by the umpire. On such an occasion an umpire would usually declare it a dead ball, but the umpire signalled it out and said, 'We're all going home'.

The 1967 election has been alluded to, which was a titanic struggle between Jack 'Captain Blood' Dyer and Sam Loxton, both of whom were Australians who straddled both the political stage in Victoria and

Australian Rules football. It might also be noted that Loxton was one of a rare breed of Victorian sportsmen who played both Australian Rules football and state cricket, putting him alongside such people as Percy Beames, Allen Aylett and Peter Bedford. Simon O'Donnell might have been the last player to do so. I do not know if the member for Essendon, the former Minister for Planning, ever fulfilled such a role, apart from being the Minister for Sport and Recreation at one time.

The 1967 election was a titanic struggle. When Dyer was playing for Yarra Junction, he once kicked a goal at such an acute angle that the ball got stuck between the goalposts. In his first AFL game, at the age of 17 and with his skinny arms poking out of his jumper, Dyer was addressed by his opponent, a big, burly bloke, who said, 'Sonny, does your mother know you're out here?'. Dyer turned around and said, 'Yes, and she told me to give you this' and whacked him in the jaw! There was a fierce political contest building up in this setting: Loxton versus Dyer. As history has it, Loxton won that contest. He was serving his community, as has been pointed out. He was looking after every sector of his constituency, and he was re-elected.

Later Loxton became the storyteller for the Invincibles. As the memory of the 1948 Bradman tour of England receded with the deaths of the various players, it was Loxton and Harvey who toured the nation, telling the Australian people of the successes of that time. The Deputy Premier doubts whether Loxton would have had a penchant for Twenty20. I take the view and argue that he would have enjoyed that game because during his cricketing career his greatest delight was hooking the short ball out of the ground. He may not have mastered the double-sided play of Warner in being able to do the reverse stroke, but, in focusing on his sport, he had that fierce intensity in what he liked to do.

In closing I convey my condolences to Sam Loxton's family: to his surviving son, Peter — as was noted earlier, Michael was killed by a shark in Fiji in 2000 — to Peter's wife, Sally; and to his grandchildren Rick and Samantha and Michael's son, Nicholas. I note that he made history as a premiership captain for Prahran, he scored a double century for Victoria on debut and a century for Australia, and he served in this place for 24 years. I say farewell, Sambo.

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

ADJOURNMENT

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

That, as a further mark of respect to the memory of the late Samuel John Everett Loxton, OBE, the house now adjourns until 4.00 p.m. today.

Motion agreed to.

House adjourned 3.01 p.m.

The SPEAKER took the chair at 4.04 p.m.

QUESTIONS WITHOUT NOTICE

Public sector: job losses

Mr ANDREWS (Leader of the Opposition) — My question is to the Minister for Community Services. I refer to the government’s freeze on public sector employment and the Premier’s plan to sack some 3600 public servants who are not deemed to be providing or delivering front-line services, and I ask: can the minister confirm that youth justice workers are not considered front-line workers and are therefore not protected from the government’s cutbacks?

Ms WOOLDRIDGE (Minister for Community Services) — I thank the Leader of the Opposition for his question. It is an important question. The government has to make these savings because of the dire financial situation we find ourselves in — one that needs strong action by the government. That action has been taken by the Treasurer. We have heard his very important announcements. We have seen —

Mr Andrews interjected.

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

Ms WOOLDRIDGE — It is important to understand the context in which we need to make these decisions. Just recently we had an Ombudsman’s report which detailed \$1.4 billion worth of overruns in ICT projects and the \$2 million that we have to pay every day because of the desalination plant — a cost that the Victorian community is incurring every day. We are in a very serious financial situation, and we have to make sure we take serious action.

In terms of what is going to happen, voluntary redundancies are going to be put in place. People are not going to be sacked, and there is a commitment that front-line workers are not going to be included in the calculations in relation to this. So there is a clear

indication and message from the government that it is not front-line workers across the board in the community sector, that the savings need to be made and that people will have the opportunity through a voluntary process to put their hand up in relation to who wants to do it. We know these are very serious times, and we have to make hard decisions in relation to them because of the legacy we inherited from a former government that could not manage money.

Mr Andrews — On a point of order, Speaker, I listened to the minister’s answer carefully, but I am not sure whether youth justice workers are front-line workers or not. The minister is not answering the question.

The SPEAKER — Order! That is not a point of order. The minister has a right to answer the question in the way she sees fit.

Bushfires: recovery

Ms McLEISH (Seymour) — My question is to the Premier. Will the Premier outline to the house measures taken to assist Victorian communities in their recovery from the devastating 2009 bushfires?

Mr BAILLIEU (Premier) — Members will recall that this time last year Victoria was contending with devastating floods that endured for some months. Some communities are still struggling through that effort. Three years ago today we were contending with a natural disaster of calamitous proportions. I do not think there is a member in this house who would forget where they were or what they were doing at that time. I can recall myself in the heat of that day, with the roaring winds and with the apprehension, staying glued to the media throughout the day and evening.

I remember many conversations with members of our team, naturally distributed around their electorates, who were expressing their concerns and giving me updates. I remember a particular conversation I had with the Leader of The Nationals in regard to what had occurred in Marysville. He was well informed, and, sadly, I think everyone knows the results there. I can remember the next morning having organised through a number of channels to meet with the Premier and others at Kangaroo Ground. I remember standing on top of the Kangaroo Ground memorial tower in advance of that meeting with a number of other people just looking at the fires burning. I will certainly never forget the look on the Premier’s face. He had arrived fresh, I think, from Whittlesea.

Those fires were simply devastating. As everyone knows, 173 people lost their lives, but so many other people lost so much as well. So many others were deeply affected. So many properties were burnt, so many houses were burnt and so much damage was done. Many people and many communities continue to suffer. It is very important that this house recognise that this battle is not over. We must never forget, we must never let go, and we must be there to support these communities and individuals through these events.

We are here on 7 February, the date now often understandably associated with Black Saturday, but we should also never forget that these events commenced several days prior to that date in Gippsland, with the fires in Boolarra and elsewhere. The devastation that Black Saturday wrought occurred elsewhere across Victoria; so many towns were affected. Obviously Kinglake and Marysville have had a lot of attention, but there were many other towns as well, including Glenburn, Boolarra, Callignee — where the Deputy Premier and I attended a service on Sunday — Castella, Gembrook, Bendigo, Horsham, Yarra Glen, Healesville, Chum Creek, Taggerty and many others.

The 2009 Victorian Bushfires Royal Commission made 67 recommendations. The government is committed to implementing those recommendations, and a lot of work has been done over the last three years. In addition to that, the Powerline Bushfire Safety Taskforce has now reported, and the government has accepted recommendations with a commitment to do the work that is necessary to upgrade those powerlines. It is a very substantial financial commitment. The buyback process is under way, the position of fire services commissioner is in place, an appointment has now been made and many other reforms have taken place.

I want to make one special plea to everyone in this house: whatever your community and whoever you know who was affected, please do not isolate your thoughts to those who were in the fire-affected communities but also think more widely of those who lost family and friends and those whose properties were devastated. We will not forget, and we will not let go.

Public sector: job losses

Mr MERLINO (Monbulk) — My question is to the Minister for Education. I refer to the government's freeze on public sector employment and to the Premier's plan to sack 3600 public sector workers who are not deemed to be delivering front-line services, and I ask: can the minister confirm that student support services officers, including speech pathologists,

guidance officers, social workers and student psychologists, are not considered to be front-line and are therefore not protected from government cuts?

Mr DIXON (Minister for Education) — I thank the Deputy Leader of the Opposition for his question. I also congratulate him on his factional victory recently — it is good to see him there!

As the Minister for Community Services said, the reductions in public service staffing levels will affect back-office public service personnel. They have been brought about by the incredible financial situation we have found ourselves in courtesy of the Labor government in Canberra and also the black holes left by the previous Victorian government.

As I said, the 3600 members of the public service who will be affected are the people in back-office positions; they are not those in front-line positions in any of the portfolios affected. The reductions will be made, and the target will be met through natural attrition. They will be made through voluntary redundancies and also through fixed-term positions and consultancies that come to an end. Those who work in our schools and with our children will be totally exempt from these reductions.

Mr Merlino — On a point of order, Speaker, the minister's answer is not relevant to the question. He has answered that back-room staff are the people who will go.

The SPEAKER — Order!

Mr Merlino — Does that include staff who work with kids?

The SPEAKER — Order! In the position he is in — a leadership position — the member for Monbulk should learn to show some respect for the Chair. When I say 'Order', that is what I want. The member should understand that. The minister's response was relevant to the question that was asked.

Mr DIXON — Not only will there be no front-line reductions in the education portfolio or in our schools but the student support officers the member is referring to will not be affected. Under the previous government a lot of these front-line people who work with our kids, with their parents and with our teachers were caught up in back offices doing administrative tasks. Because of the changes we will make these very important people will be working in our schools, they will be working next to the teachers, they will be working with the children and they will be working on their relationships with those staff and also with the families in an ongoing

way. We will be providing even better front-line services for these school support officers.

Employment: business initiatives

Ms WREFORD (Mordialloc) — My question is to the Premier. Can the Premier outline to the house the challenges facing Victoria and positive news in terms of new jobs for Victorians?

Mr BAILLIEU (Premier) — The Victorian economy does face significant challenges. Those challenges were brought about in part by international economic conditions, whether in Europe, the US or elsewhere, and the national economy is facing similar challenges. I think most members would be aware of the two-speed economy, and indeed commonwealth changes are providing further challenges to the Victorian economy. These are challenges which some people in our state are very quiet about — indeed silent — including changes to the Australian building and construction commission; including changes to occupational health and safety laws, which will take business backwards in Victoria; and including the consequences of the carbon tax.

There are some in Victoria who are keen to talk down this state, some whose idea of job creation schemes includes a desalination plant or an overspend on all sorts of ICT projects and some who have no memories. But we are committed as a government to providing a responsible budget, a AAA rating, a surplus and a capacity to invest in the future; and we are committed to stabilising debt — all of that is important.

Honourable members interjecting.

Mr BAILLIEU — They are still at it! They have no responsibility and no memory, and they are absolutely silent on the key issues. A public holiday before grand final day — that is their solution.

Ms Allan — On a point of order, Speaker, the Premier is not being relevant to the question he was asked. He is using the opportunity to attack the opposition, which is out of order under the standing orders. It is clear that he has had a Nuss injection, and he is required to come back to answering the question.

The SPEAKER — Order! The Premier was being relevant to the question that was asked, which was with regard to jobs.

Mr BAILLIEU — The innocence from the other side is still remarkable — no memory and completely silent on the key issues.

Mr Andrews — On a point of order, Speaker, question time is not an opportunity for the Premier to use confected ranting about the other side. Question time is about the Premier outlining his plan for jobs. In the 1 minute and 41 seconds left to him, why does the Premier not outline how he is going to keep Victorians in work, instead of this Hawthorn amateur players confected outrage.

Dr Napthine — On the point of order, Speaker, clearly opposition members have learnt nothing following the break from Parliament. They are again on an orchestrated campaign to deliberately disrupt question time. The Premier was being very relevant to the question asked. What we are seeing is an orchestrated stunt from the opposition to deliberately disrupt question time, and I ask you to rule the point of order out of order.

The SPEAKER — Order! I do not uphold the point of order. The Premier was being relevant to the question that was asked, which was with regard to jobs.

Mr Andrews — On a further point of order, Speaker, you are entitled to make rulings; it is a difficult job, and you are absolutely entitled to do that, so I am not for a moment questioning your ability and authority to do that — —

The SPEAKER — Order! Thank you.

Mr Andrews — Have I got the call, Speaker? Or is this a modicum of attention?

The SPEAKER — Order! The member has the call. I ask him to get to the point of order.

Mr Andrews — Thank you. I may have misheard, but how can it possibly be in order for the Premier in his answer to be referring almost exclusively to members on this side of the house? How is that a matter of government business? How is that the Premier complying with the standing orders and discussing government business? He is the Premier, we can remind him of that, and he should be talking about what his government is doing, not ranting about the opposition.

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

Mr BAILLIEU — We will continue to provide a responsible budget position, we will continue our focus on productivity, we will continue our focus on economic development and we will continue to support industry. Let me give members a number of examples. Ascent Pharmahealth, some \$20 million, and the

government provided a Competitive Business Fund grant to support it in its additional investment. The government engaged with the leading Chinese IT company, Vance Info Technologies, to convince it that Victoria was the best place to invest, and that is what occurred. Just last week, GlaxoSmithKline, one of the world's leading pharmaceutical companies, announced that it will invest \$60 million to expand its Boronia site, creating more than 50 new jobs in high-value product development.

I quote GSK Boronia's site director, Troy Webb, who said:

With the Victorian government as a key supporter, this investment will build a sustainable manufacturing capability within the local community while driving manufacturing technology.

The government's efforts are all directed to driving this economy, maintaining responsibilities and putting us ahead of other states.

Public sector: job losses

Ms HENNESSY (Altona) — My question is to the Attorney-General. I refer to the government's freeze on public sector employment and to the Premier's plan to sack 3600 public sector workers who are not deemed to be providing front-line services. Can the Attorney-General confirm that while judges and department of public prosecutions staff are deemed to be front-line workers, court reporters are not?

Mr CLARK (Attorney-General) — Opposition members just do not seem to be learning from the responses that have already been given to previous questions directed to my ministerial colleagues. The situation is clear — that it is essential for the government to put our finances and our public sector employment situation on a sustainable basis. The position we inherited was one of rapid growth in the Victorian public service, well above the rate of population growth in this state. It was unsustainable and action needed to be taken. If action were not taken, that would continue to put Victoria's finances, Victoria's economy, Victoria's capacity to invest in infrastructure and Victoria's capacity to deliver essential front-line services at risk. Hence the government announced the measures that the Treasurer detailed in relation to the budget update last year.

What the Treasurer made clear at the time of that announcement was that the reductions in public service numbers were to apply to non-front-line service delivery positions. A number of those positions were made clear at the time of the announcement, and the

remaining positions that are to be treated as front-line service positions are to be determined by departments and by other agencies in giving effect to the government's initiative. That is what is happening in relation to the Department of Justice and the agencies and branches of government associated with the Department of Justice, and that is what is happening in other sectors of government.

Employment: regional and rural Victoria

Mr WELLER (Rodney) — My question is to the Deputy Premier, who is also Minister for Regional and Rural Development. Can the minister update the house on positive news in relation to job announcements for rural and regional Victorian communities?

Mr RYAN (Minister for Regional and Rural Development) — I thank the member for Rodney for his excellent question. As is self-evident to members of this house and to the Victorian public at large, over the last 14 months our government has been actively engaged with employers across regional and rural Victoria.

We appreciate that we have serious challenges with our regional jobs arising from the low growth in the export markets in both Europe and North America, the strong import competition and the historically high Australian dollar. The decision today of the Reserve Bank of Australia to leave the cash interest rate at 4.25 per cent will invariably strengthen the dollar even more and highlights the challenges we face. But for all that the government is investing in regional and rural Victoria through the \$1 billion Regional Growth Fund. We are engaged in a variety of initiatives that will stimulate economic activity, job creation and population growth throughout the regions of our state. Indeed since the coalition government came to office it has facilitated projects valued at approximately \$703 million, resulting in the creation of more than 1000 new jobs in regional Victoria.

Only yesterday the Parliamentary Secretary for Regional Development in another place, Mr Drum, announced \$2 million in government support towards a \$39 million expansion of the processing facility at Hazeldene's, in the beautiful city of Bendigo. I am sure it is welcomed by the local member; I am sure she is delighted to have this announcement made. When completed this will create 105 full-time jobs in addition to the existing 625 jobs at Hazeldene's.

I have clippings from the *Bendigo Advertiser*, and I will briefly refer to them. The paper says:

The money will go towards \$8.7 million in work that includes a 7 kilometre water pipeline, a gas-fired cogeneration plant and an anaerobic sludge digester for waste treatment.

Those are all matters with which opposition members can well align themselves. Mr John Hazeldene is quoted as saying:

We are at the end of the line and it is just one of these things we had to do, and it is great the government got behind us to help this project.

There is more good news — and there is plenty of it.

In addition to this project there have been a number of other initiatives we have supported and a number of key announcements we have made. There are 25 additional jobs for Moira Mac's Poultry and Fine Foods, again in Bendigo; 50 jobs in the Kiewa Valley as a result of the Danone-Murray Goulburn \$40 million plant expansion at Tangambalanga, that well-known and wonderful area up around the Kiewa Valley; 160 jobs through True Foods at Maryborough; 30 jobs from V/Line's new maintenance facility in Ballarat; 100 jobs at Blade Electric Vehicles in Castlemaine; 140 jobs as a result of the expansion of GippsAero, which has been facilitated by a \$1.5 million grant to the Latrobe Regional Airport; and another 40 jobs at RPC Technologies facilitated by a \$2.75 million grant from the Geelong Investment and Innovation Fund. There are also the announcements that have been recently facilitated in part by the Victorian government for Ford at Geelong.

I am very pleased to report to the house that all of this is showing up in the Australian Bureau of Statistics figures. They demonstrate that in the period through to December 2011 Victoria's regional unemployment rate fell from 5.7 per cent to 5 per cent, which is the lowest regional unemployment rate of all the states apart from Western Australia and South Australia. It is great news for regional Victoria.

Public sector: job losses

Mr ANDREWS (Leader of the Opposition) — My question is to the Premier. Given that there seems to be some confusion in relation to the government's position on public sector employment and those services that are front line and not front line, I ask very simply: will the Premier provide to the house and to all Victorians a complete list of those services and employees that he believes are front-line service providers and which are therefore exempt from his cutbacks?

Mr BAILLIEU (Premier) — I thank the Leader of the Opposition for his question. The Victorian public service accrued at an average annual rate of 5.3 per cent between 2006 and 2010 compared with a population growth of just 2 per cent. That was a big factor behind annual expenditure growth averaging a staggering 8 per cent over the last decade. In its interim report, the independent review of state finances quite rightly and understandably concluded that that was unsustainable. It may be an observation that escapes some in this state, but it certainly has not escaped the government.

To strengthen Victoria's finances the coalition government is bringing the Victorian public service to the size it was in 2007–08. The 3600 numbered reduction applies to public service non-service delivery and back-office roles. Front-line service delivery in the broader public sector is not affected and can grow in priority areas consistent with our election commitments. There are automatic exemptions for schools, hospitals, TAFEs, police, allied health workers, clerks of courts, custodial officers, forensic officers, juvenile justice workers, sheriff's officers, child protection workers, community correction officers, disability support workers, housing service officers, school nurses and firefighters. Other exemptions are available at the direction and decision of departments.

This is a planned reduction that will unfold over two years. It will be achieved through attrition, as has been observed in previous answers; a recruitment freeze for non-exempt positions; a lapsing of some fixed-term positions; and voluntary redundancies. The reduction represents 0.1 per cent of the total Victorian workforce. The government is also freezing the annual indexation provided to departments for non-wage expenditure. These are prudent and responsible steps, and they fit in with the government's clear strategy of providing a responsible budget focusing on productivity, focusing on economic growth and focusing on supporting industry, particularly through times of transition.

It is apparent that some in this state do not want to embark on any of that whatsoever. Irresponsibility seems to be their cause. We are not going down that path. We are taking sensible, prudent decisions, and we will continue down that path.

Mr Andrews — On a point of order, Speaker, I hate to interrupt the Premier in his answer, but it was clear to me, and I am sure to other members, that the Premier was reading from a document. I ask that he make that document available to the house.

The SPEAKER — Order! Was the Premier reading from a document?

Mr BAILLIEU — Referring to notes.

The SPEAKER — Order! The Premier was referring to notes.

Exports: food and fibre industry

Mr CRISP (Mildura) — My question is to the Minister for Agriculture and Food Security. Can the minister inform the house of the export performance of the food and fibre industry for 2010–11 and the flow-on benefits to the Victorian economy?

Mr WALSH (Minister for Agriculture and Food Security) — Last week I was pleased to release the Victorian food and fibre export performance report for 2010–11. Victorian food and fibre exports over that period grew by 19 per cent, which was a great outcome for the Victorian economy.

Ms Allan — Amazing what some rain does.

Mr WALSH — It is amazing what some rain does. The value of food and fibre exports out of this state jumped by \$1.3 billion to a little over \$8 billion, which demonstrates the importance of country Victoria and our agricultural industries to the overall Victorian economy — something that was lost on some people in previous governments. Eighty six per cent of the dairy exports out of Australia are from Victoria. The dairy industry is one of the driving forces of the state's agricultural industry. Grains industry exports jumped by nearly half a billion dollars over that period, and the sheepmeat and beef industry exports also increased significantly, as did those of the wool, skins and hides sector. China is a booming market for our animal fibre industry, and that is a great outcome for those industries.

To put these numbers into some context, if you look at the export revenue generated by the education sector, you will see that it is \$4.8 billion, and the tourism industry's export income — not the domestic market but the export income generated out of the tourism industry — is \$4.1 billion. However, agriculture generates in excess of \$8 billion worth of income and is a key driver of our economy.

If you look at some of the developing markets and the future opportunities, you see that we now have access to the Indian market for dairy products — and the Premier is leading a delegation there shortly to grow that market's future. There is a strong export performance from that industry. Many people

underestimated the benefit of the mining boom to the Australian economy, and I think we are on the cusp of a food boom for Victorian industries in terms of how we grow those exports.

If you look at the destinations of those exports, China now takes 20 per cent of Victoria's food and fibre exports. There are great opportunities in the Chinese market in the future. Japan is a major market. One of the markets that is surprising in the context of food and fibre exports out of this state is New Zealand, which is no. 3 in the statistics. New Zealand is a key market for this state, particularly for value-added foods and confectionery. Quite a few of the food manufacturing industries in Victoria view New Zealand as a key market, which is not something that most people would expect, given the debate that is going on at the moment. New Zealand will be a key market for us in the future.

As I said, the key growth has been in dairy and in animal fibres. Yesterday I, along with the member for Rodney, had the pleasure of attending the dairy industry's Gardiner Foundation function. The dairy industry is very up-beat about what it can achieve. It has some constraints. One of those is imposed by the commonwealth government. We need greater trade access to some of our overseas markets, particularly China, where, compared to New Zealand, we face a trade barrier.

If members think back to what we talked about in this house last year in relation to the impact of the carbon tax on some of our industries, they will recall that the dairy industry is one of the major industries that is going to be impacted. At that time I spoke about the fact that the average dairy farmer's income will be reduced by somewhere between \$25 000 and \$30 000 as a result of the carbon tax.

There are great opportunities for the Victorian food and fibre industry. We have to work together to make sure they are achieved, particularly with the dark cloud of the commonwealth government's carbon tax on the horizon.

Emergency alert system: performance

Ms ALLAN (Bendigo East) — My question is to the Deputy Premier and Minister for Bushfire Response. I refer to the extreme weather event that took place on Christmas Day and to a fire that threatened the town of Strathewen last Sunday, and I ask: will the minister now commission an independent examination of the performance of the emergency alert system (EAS) during these incidents and report back to the house and those affected communities?

Mr RYAN (Minister for Bushfire Response) — I thank the member for her question. It touches upon a very important issue in relation to fire prevention and the safety of Victorians when these events inevitably occur. The delivery of the SEWS (standard emergency warning signal) when required is vitally important to people who are under threat and who are affected by fires. I am advised that what occurred on Sunday was a grassfire at Strathewen which was first detected by a Country Fire Authority helicopter. It was then viewed by CFA personnel who attended the scene. The CFA then made decisions to enable the appropriate warning to be posted on its website. The initial work was then done to load the emergency warning signal —

Ms Green — On a point of order, Speaker, the question from the member for Bendigo East pertained to the emergency alert system, not to the SEWS. It was in relation to why the EAS was not used for the families in Strathewen and for the storms on Christmas Day. It was about why the EAS was not working and whether or not the minister will call an inquiry.

Honourable members interjecting.

The SPEAKER — Order! We are not going to debate this across the chamber. The question was asked in regard to a bushfire and the emergency services response. The minister's answer was relevant to the question that was asked.

Mr RYAN — The system had been loaded with a view to distributing the message when it was decided that the fire had been rounded up, and therefore the message was not delivered and nor was the EAS activated. Those who were directly involved accept that in a circumstance where operational decisions were being made what actually happened, thankfully, was that the fire was rounded up and knocked over by the 15 or 20 CFA trucks that attended. That happened in a situation where the EAS message was not actually issued. It is understood that in the short time frame when all this occurred the situation was such that the messaging took place in the circumstances that I have just outlined. It is acknowledged —

Ms Green interjected.

The SPEAKER — Order! I will not warn the member for Yan Yean again.

Mr RYAN — It is acknowledged that some of the folk who were in the immediate vicinity experienced a degree of concern.

Similarly, in the prevailing circumstances on Christmas Day the EAS was not deployed as it was a

circumstance in which the emergency response, by the design of the process, operated in the manner in which it was intended and to everybody's satisfaction. These systems are operational in nature. Decisions are taken by the people who are faced with the prospect of having to deal with the threat represented by fires, floods or whatever might be the conditions of the day. These systems are designed to provide the appropriate warnings where necessary.

I believe that the work that has been undertaken, particularly through the office of the fire services commissioner, is very appropriate to the needs of the different environments in which these matters have arisen, including those that were referred to in the question that was put to me.

I might also say, in answering this question and while dealing with an issue that is very pertinent to the future distribution of these messages, that the fact that the government has now successfully negotiated with Telstra —

Ms Allan — On a point of order, Speaker, I appreciate the information that the minister is providing to the house, but he is now going beyond the remit of the question and therefore not being relevant. He is now going into matters that relate to stage 2 of the system. The question related to the system that is in place now, which is stage 1. He has put the information before the house. Will he now enable that to be verified by an independent examination, which was the basis of the question that was asked? I ask you to bring the minister back to answering the question.

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

Mr RYAN — In circumstances such as those that were referred to by the member in her question, in time to come and as a result of this great initiative that the government has now been able to secure, messages will be able to be delivered on the EAS on a location-based arrangement. That will be of enormous benefit to all Victorians who face the inevitable threat of the sort of situations that arise and that have had to have been contended with in the examples that have been put to me today.

Australian Open Tennis Championships: economic benefits

Ms MILLER (Bentleigh) — My question is to the Minister for Tourism and Major Events. Can the minister update the house on the success and the

benefits to the Victorian economy of the 2012 Australian Open Tennis Championships?

Ms ASHER (Minister for Tourism and Major Events) — I thank the member for Bentleigh for her important question about the impact on the Victorian economy of our many major events. The Australian Open has been a permanent fixture of our major events for some time. Melbourne has a very strong sporting calendar, and this year we saw record-breaking crowds, with approximately 686 000 fans attending the tennis over the two weeks. In terms of what this actually means for the Victorian economy, the Australian Open generates approximately 4800 jobs and delivers an economic benefit of approximately \$262 million to the Victorian economy — and of course it raises the tourism profile of Melbourne. This year almost 240 million television viewers watched worldwide — the biggest ever worldwide audience in the history of the tournament. This includes the very important Chinese market thanks in part to the rising popularity of the Chinese tennis player Li Na.

Mr Andrews interjected.

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

Ms ASHER — know the opposition is not interested in the economic benefits of the Australian Open to Victoria, but I am pleased to advise the house that there is a new broadcast rights deal for China. This includes access to an additional 65 million homes, which will further promote Victoria to the Chinese. The Chinese are about to become our biggest market in terms of numbers. New Zealanders are now, but it will soon be the Chinese.

We were able to do a number of things in the run-up to the Australian Open to promote Victoria in the Chinese market. By way of example, in December last year Tourism Victoria, in partnership with Tennis Australia and Tourism Australia, launched an integrated marketing campaign to promote the Australian Open in China. Again we are seeing some very good use of major events to further promote and advertise Victoria.

While I am talking about the economic benefits of the Australian Open, I remind the house that the coalition has secured the Davis Cup for Geelong, and we will see play happening there for the first time over three days from this Friday, 10 February, until Sunday, 12 February. We have our traditional major events that have operated for many years, and the coalition is building on those by securing more events, in this instance for regional Victoria. I am pleased to advise

the house that we are expecting up to 9000 people for the event in Geelong.

There will be further economic development and economic advantages for regional areas, and we are going to work very hard. We have been successful so far in securing more events, which certainly means a good time for people who live in Melbourne and Victoria and also contributes to Victoria's economy and jobs for the state.

ACTING DIRECTOR, POLICE INTEGRITY

The SPEAKER — Order! I wish to advise the house that, on 16 January 2012, I administered to Ronald Bruce Bonighton, the acting director, police integrity, the oath required by section 16 of the Police Integrity Act 2008.

BUILDING 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 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 3 years after the suspension takes effect and for other purposes.

Mr WYNNE (Richmond) — I ask for a brief explanation from the minister in relation to the bill.

Mr CLARK (Attorney-General) — In terms of the motion I have just moved I indicate that the bill will ensure that the Building Practitioners Board has jurisdiction to investigate disciplinary cases in certain circumstances where the registration of a building practitioner has already been suspended.

Motion agreed to.

Read first time.

CARERS RECOGNITION 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 provide for the recognition of people in care relationships and for other purposes.

Ms GREEN (Yan Yean) — I ask the minister for a brief explanation of the bill.

Ms WOOLDRIDGE (Minister for Community Services) — The bill will recognise, promote and value the role of carers and people in care relationships and bring Victoria into line with other states and territories that already have carer recognition legislation.

Motion agreed to.

Read first time.

**CITY OF MELBOURNE AMENDMENT
(ENVIRONMENTAL UPGRADE
AGREEMENTS) BILL 2012**

Introduction and first reading

Mrs POWELL (Minister for Local Government) — I move:

That I have leave to bring in a bill for an act to amend the City of Melbourne Act 2001 to further provide for environmental upgrade agreements and to make other miscellaneous amendments and for other purposes.

Mr WYNNE (Richmond) — Can I get a brief explanation from the minister in relation to this bill?

Mrs POWELL (Minister for Local Government) — The bill will enhance the ability of the Melbourne City Council to expand its 1200 Buildings program by entering into environmental upgrade agreements.

Motion agreed to.

Read first time.

NOTICES OF MOTION

Notices of motion given.

Dr SYKES having given notice of motion:

Mr Wynne — On a point of order, Speaker, I ask that you have a look at this notice of motion, because I think it is certainly not in order. Frankly, from what I have heard, it is quite disgraceful.

The SPEAKER — Order! We are going to look into it.

Further notices of motion given.

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 8.00 p.m. today.

PETITIONS

Following petition presented to house:

School buses: Sale

To the Legislative Assembly of Victoria:

The petition of the residents of Sale draws to the attention of the house that there is a substantially increased need for additional school bus services in the growth areas of Sale and calls upon the Parliament to have the government establish additional school bus services in the area of the Sale-Maffra Road, particularly through the new residential estates being The Glebe, The Boulevard and Woondella estate.

The petitioners therefore request that the Legislative Assembly of Victoria undertake a review of the provision of school bus services in the growth areas of Sale to cover the requirements of residents living in those areas.

By Mr RYAN (Gippsland South) (99 signatures).

Tabled.

**SCRUTINY OF ACTS AND REGULATIONS
COMMITTEE**

Alert Digest No. 1

Ms CAMPBELL (Pascoe Vale) presented *Alert Digest No. 1* of 2012 on:

Associations Incorporation Reform Bill 2011
Australian Consumer Law and Fair Trading Bill 2011

**Control of Weapons and Firearms Acts
Amendment Bill 2011**

Emergency Services Legislation Amendment Bill 2011

**Freedom of Information Amendment (Freedom
of Information Commissioner) Bill 2011**

**Independent Broad-based Anti-corruption
Commission Amendment (Investigative
Functions) Bill 2011**

**Port Management Amendment (Port of
Melbourne Corporation Licence Fee) Bill 2011**

Road Safety Amendment (Drinking while Driving) Act 2011

together with appendices.

Tabled.

Ordered to be printed.

DOCUMENTS

Tabled by Clerk:

Crimes (Controlled Operations) Act 2004 — Reports 2010–11 of the Special Investigations Monitor under s 39 (two documents)

Environment Protection Act 1970 — Sustainability Fund Guidelines under s 70C

Financial Management Act 1994 — Budget Update 2011–12

Interpretation of Legislation Act 1984 — Notices under s 32(3)(a)(iii) in relation to Statutory Rules 128, 134/2011 (*Gazette G51, 22 December 2011*)

Legal Profession Act 2004 — Practitioner Remuneration Order under s 3.4.24

Parliamentary Committees Act 2003 — Government response to the Public Accounts and Estimates Committee's Report on the 2011–12 Budget Estimates Part Two

Parliamentary Contributory Superannuation Fund — Actuarial Investigation as at 30 June 2011

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

Banyule — C79

Bass Coast — C93, C100, C123

Baw Baw — C44 Part 2A, C65

Boroondara — C112, C130, C141

Brimbank — C124

Campaspe — C82 Part 1

Cardinia — C149, C166

Casey — C156

Darebin — C115

East Gippsland — C94, C97, C102

Frankston — C81

Glen Eira — C94, C97

Glenelg — C64

Golden Plains — C40 Part 2, C51

Greater Dandenong — C125, C129, C146

Greater Geelong — C222, C244

Greater Shepparton — C122, C137, C153

Horsham — C51

Kingston — C120

Latrobe — C12, C58

Macedon Ranges — C73, C77

Manningham — C86

Maribymong — C43, C97

Mitchell — C64

Moira — C61, C65

Monash — C109

Moonee Valley — C99 Part 1, C107

Moreland — C112 Part 2, C121, C127

Mornington Peninsula — C91, C100, C109, C126 Part 1, C126 Part 2, C164

Nillumbik — C64

Port Phillip — C72

South Gippsland — C56, C60

Southern Grampians — C18

Stonnington — C117, C118, C127, C142, C159

Strathbogie — C44

Surf Coast — C67, C69

Towong — C19

Wangaratta — C4, C35

Wellington — C64

Whitehorse — C144

Whittlesea — C138, C145

Wodonga — C80, C81, C90

Wyndham — C153

Yarra Ranges — C116

Victoria Planning Provisions — VC88

Racing Act 1958 — Notification of modification to the Constitution of Racing Victoria Ltd under s 3B

Statutory Rules under the following Acts:

Chattel Securities Act 1987 — SR 166/2011

Children, Youth and Families Act 2005 — SR 152/2011

Children's Services Act 1996 — SR 162/2011

County Court Act 1958 — SR 156/2011

Crown Proceedings Act 1958 — SR 151/2011

Education and Care Services National Law Act 2010 — SR 161/2011

Education and Training Reform Act 2006 — SR 165/2011

Essential Services Commission Act 2001 — SR 155/2011

Estate Agents Act 1980 — SR 163/2011

Flora and Fauna Guarantee Act 1988 — SR 147/2011

Infringements Act 2006 — SR 160/2011

Livestock Management Act 2010 — SR 158/2011

Magistrates' Court Act 1989 — SRs 149, 150/2011, 2

Mineral Resources (Sustainable Development) Act 1990 — SR 154/2011

National Parks Act 1975 — SR 148/2011

Offshore Petroleum and Greenhouse Gas Storage Act 2010 — SR 153/2011

Prevention of Cruelty to Animals Act 1986 — SR 157/2011

Residential Tenancies Act 1997 — SR 164/2011

Sentencing Act 1991 — SR 159/2011

Subordinate Legislation Act 1994 — SRs 142, 143, 144/2011

Victims of Crime Assistance Act 1996 — SR 145/2011

Victorian Civil and Administrative Tribunal Act 1998 — SR 1

Victorian Energy Efficiency Target Act 2007 — SR 146/2011

Subordinate Legislation Act 1994:

Documents under s 15 in relation to Statutory Rules 136, 138, 140, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 153, 154, 156, 157, 158, 159, 160, 163, 164, 165/2011, 1, 2

Documents under s 16B in relation to:

2012 Fares Amending Conditions — General under the *Transport (Compliance and Miscellaneous) Act 1983*

2012 Fares Amending Conditions — Myki under the *Transport (Compliance and Miscellaneous) Act 1983*

Declaration of Declared Scheme Capacity Day under the *Electricity Industry Act 2000*

Declaration of Discount Factor under the *Victorian Energy Efficiency Act 2007*

Declaration of variation to the Road Safety (Vehicles) Regulations 2009 under the *Road Safety Act 1986*

Instrument of Revocation of 2009 Ministerial Directions entitled *Divisions About Fees* under the *Education and Training Reform Act 2006*

Instrument of Revocation of Schedule 4 of the Ministerial Directions issued on 16 August 2003 under the *Education and Training Reform Act 2006*

Ministerial Order 514 under the *Education and Training Reform Act 2006*

Notice of Ministerial Determination — Premises not constituting retail premises under the *Retail Leases Act 2003*

Varied Permanent Water Saving Plans under the following Acts:

Water Act 1989:

Barwon Region Water Corporation

Central Gippsland Region Water Corporation

Central Highlands Region Water Corporation

Coliban Region Water Corporation

East Gippsland Region Water Corporation

Goulburn Valley Region Water Corporation

Grampians Wimmera Mallee Water Corporation

Lower Murray Urban and Rural Water Corporation

North East Region Water Corporation

South Gippsland Region Water Corporation

Wannon Region Water Corporation

Western Region Water Corporation

Westernport Region Water Corporation

Water Industry Act 1994:

City West Water Ltd

South East Water Ltd

Yarra Valley Water Ltd.

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

Children's Services Amendment Act 2011 — Remaining provisions — 1 January 2012 (*Gazette S423, 21 December 2011*)

Consumer Affairs Legislation Amendment (Reform) Act 2010 — section 64 — 1 January 2012; Remaining provisions of Part 7 (except s 57(2)) — 1 March 2012 (*Gazette S423, 21 December 2011*)

Domestic Animals Amendment (Puppy Farm Enforcement and Other Matters) Act 2011 — Whole Act — 1 January 2012 (*Gazette S423, 21 December 2011*)

Education and Care Services National Law Act 2010 — Remaining provisions of Part 2 and sections 17 and 19; and the remaining provisions of the National Law set out in the Schedule except ss 70(d), 152, 153(2) to (4), 154 to 159, Division 6 of Part 5, ss 172(d), 266 to 268, and 270(1)(d), (2), (3) and (4) — 1 January 2012 (*Gazette S423, 21 December 2011*)

Electricity Industry Amendment (Transitional Feed-in Tariff Scheme) Act 2011 — Whole Act — 1 January 2012 (*Gazette S407, 13 December 2011*)

Energy Legislation Amendment (Bushfire Mitigation and Other Matters) Act 2011 — Whole Act — 1 January 2012 (*Gazette S407, 13 December 2011*)

Gambling Regulation Amendment (Licensing) Act 2011 — Sections 4 to 7, 9 to 12, 19, 21, 22, 25 to 29, 33 to 37, 39, 40, Part 2 Division 2, and Part 5 — 22 December 2011 (*Gazette S423, 21 December 2011*)

Liquor Control Reform Further Amendment Act 2011 — Part 1 and ss 8, 9(1), 9(2) and 31 — 13 December 2011 (*Gazette S407, 13 December 2011*)

Personal Property Securities (Statute Law Revision and Implementation) Act 2010 — Sections 8, 12, 13 and 14 — 1 January 2012; Remaining provisions — 30 January 2012 (*Gazette S423, 21 December 2011*)

Road Safety Amendment (Hoon Driving and Other Matters) Act 2011 — Sections 11, 13, 14, 15, 16, 17 and 22 — 30 January 2012 (*Gazette S423, 21 December 2011*)

Sentencing Amendment (Community Correction Reform) Act 2011 — Part 2 (other than s 49), s 68, Part 5 (other than ss 96 and 101 to 106), Part 6 and Part 7 and the Schedule — 16 January 2012 (*Gazette S423, 21 December 2011*)

Sentencing Legislation Amendment (Abolition of Home Detention) Act 2011 — Whole Act — 16 January 2012 (*Gazette S423, 21 December 2011*)

Transport Legislation Amendment (Marine Safety and Other Amendments) Act 2011 — Whole Act — 1 January 2012 (*Gazette S423, 21 December 2011*)

Transport Legislation Amendment (Public Transport Development Authority) Act 2011 — Part 2, Part 3 and ss 5(1) to (3), 6 to 8, 10 to 20, 22, 23(5), 24(2) and (3), 25 and 31 — 15 December 2011 (*Gazette S407, 13 December 2011*)

Victorian Commission for Gambling and Liquor Regulation Act 2011 — Whole Act — 6 February 2012 (*Gazette S423, 21 December 2011*).

ROYAL ASSENT

Messages read advising royal assent to:

13 December 2011

City of Melbourne Amendment Bill 2011
Domestic Animals Amendment (Puppy Farm Enforcement and Other Matters) Bill 2011

Education and Training Reform Amendment (Skills) Bill 2011

Road Safety Amendment (Drinking while Driving) Bill 2011

Transport Legislation Amendment (Marine Safety and Other Amendments) Bill 2011

21 December 2011

Business Names (Commonwealth Powers) Bill 2011

Children's Services Amendment Bill 2011

Criminal Procedure Amendment (Double Jeopardy and Other Matters) Bill 2011

Leo Cussen Institute (Registration as a Company) Bill 2011

Serious Sex Offenders (Detention and Supervision) Amendment Bill 2011.

APPROPRIATION MESSAGES

Messages read recommending appropriations for:

Associations Incorporation Reform Bill 2011

Australian Consumer Law and Fair Trading Bill 2011

Emergency Services Legislation Amendment Bill 2011

Freedom of Information Amendment (Freedom of Information Commissioner) Bill 2011

Independent Broad-based Anti-corruption Commission Amendment (Investigative Functions) Bill 2011.

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, 9 February 2012:

Emergency Services Legislation Amendment Bill 2011

Freedom of Information Amendment (Freedom of Information Commissioner) Bill 2011

Independent Broad-based Anti-corruption Commission Amendment (Investigative Functions) Bill 2011

Parks and Crown Land Legislation Amendment Bill 2011

Port Management Amendment (Port of Melbourne Corporation Licence Fee) Bill 2011.

In moving this motion I indicate that, as members can see, there are five bills on the government business program. I will not go into detail, but as a result of a private discussion I have had with the manager of opposition business I do not propose to call on the Emergency Services Legislation Amendment Bill 2011 until Thursday.

Apart from those matters I also want to raise the issue that during the course of government business a motion will be moved to acknowledge the 60 years of service by the Queen of Australia, Queen Elizabeth II. Although it will be a very limited and short debate, I think it is appropriate that it take place. While in London time it is today, the 60-year anniversary was yesterday, 6 February. I note that this is not a novel motion. I understand the federal Parliament is considering debating a similar motion in Canberra today. An appropriate time will be found on Thursday to deal with that motion.

There is only one other matter I want to put on the record, and it is a matter of some deep regret. All members would understand that there is a significant issue being debated at both the state and federal levels: the national disability insurance scheme. Whether it will come about or not, there is currently considerable desire to establish it. The leadership will come through the federal government, but the states will obviously have a role to play in such a scheme. The federal minister has requested all state ministers to come to a meeting on Thursday, and the responsible minister, the Minister for Community Services, has been invited to attend. This measure represents the desire of this side of the house and, I would imagine, that of most people in Victoria — and certainly those people with loved ones, such as children, who have disabilities. This is a very important development. The coalition supports the development of such a measure. The coalition recognises the role the federal government has to take in this, but certainly an important role has to be played by the states.

Regrettably, whilst the provision of a pair was sought to allow the minister to go to Canberra to participate —

An honourable member interjected.

Mr McINTOSH — The most important thing is that pair was denied. It is unfortunate that the pair has not been provided by the opposition on this very important matter. It is extremely disappointing, and all I can say is that the opposition is just playing childish political games.

Ms ALLAN (Bendigo East) — I rise to speak on the motion put forward by the Leader of the House and indicate a few issues the opposition has with the motion and some of the debate and commentary provided by him. There are only five bills on the government business program today, and given the introduction of only three bills earlier today, it is obvious the government has not been too busy over the summer period. Government members have all been snoozing and have not really done the hard yards of putting pen to paper to create new legislation.

Be that as it may, the five bills relate to a number of important issues. I acknowledge the Leader of the House for accommodating the request for the emergency services legislation to be deferred to later in the week and thank him for that. However, other bills also require significant attention. This week the government is moving to introduce a new tax through the Port of Melbourne bill, and that is a piece of legislation that requires significant attention. In the FOI bill the government is proposing a winding back and a restriction of access to FOI. The Independent Broad-based Anti-corruption Commission bill will have a significant impact on all members of this place and on all people who serve in a public office of some kind. That is why we seek maximum speaking time on these pieces of legislation.

Unfortunately it looks as if we are heading into another parliamentary year with no commitment from the government to ensure that second-reading speeches be made at a time outside the time normally made available for debate on bills. We know why that is. We know the tail is wagging the dog in this show. We know it is The Nationals members who call the shots when it comes to setting the government business program. They all want to nick off early, at 4 o'clock on a Thursday and head up the road. That is the only reason we have the second-reading speeches during important debating time. Be that as it may, the opposition does not support that approach, and that is why we are not supporting the government business program that is before the house today.

Honourable members interjecting.

The SPEAKER — Order! Nationals members will come to order!

Ms ALLAN — Hear, hear! Thank you, Speaker.

I wish to comment — and I am sure my colleagues may wish to comment — on the concluding remarks of the Leader of the House, which referred to attendance at a ministerial council meeting by the Minister for

Community Services. I put on the record at the outset that the opposition is very happy for the Minister for Community Services to attend, and there is no impediment in the way of her attending coming from our side. She can attend; we are not stopping her or delaying her. She is absolutely in a position to attend. Indeed, if members do a quick look around the chamber, they will note that there is a vacancy in the seat of the member for Niddrie, which was previously occupied by the former Deputy Leader of the Opposition, Rob Hulls. There is that vacancy at the moment, so there is nothing stopping the Minister for Community Services heading up to Canberra and representing Victoria's case.

We wish her well on the point. It is actually not the federal government the minister needs to lock horns with; it is of course her own federal leader, Tony Abbott, and the members of his mean team in Canberra who stand only for 'no', who do not have a positive agenda and who now want to stop people with a disability getting access to a transformational scheme that would support them and their families into the future. It is Tony Abbott, not the Victorian opposition, the Minister for Community Services needs to speak to. Indeed I put it to members that she probably needs to spend less time arguing the case with the federal government and more time convincing her federal leader, who has a negative and backward-looking agenda on everything and is prepared to apply that approach to the disability sector as well.

That is the real reason she is going to Canberra. That is why she needs half a day to get up to Canberra and march around the halls of the federal Parliament knocking on doors — but not on government doors. To make sure she is representing Victoria adequately she needs to knock on the door of the federal Leader of the Opposition. Anything less than a strong case against the federal opposition on the national disability insurance scheme would be a betrayal of Victoria's people, who are supporting the push for this scheme. We are not stopping the minister from going. We want her to go. Look at the numbers! She can absolutely go if she wants to go.

Mr HODGETT (Kilsyth) — I support the motion moved by the Leader of the House regarding the government business program for this sitting week. We have five bills to get through by the 4.00 p.m. guillotine on Thursday afternoon, namely the Emergency Services Legislation Amendment Bill 2011, the Freedom of Information Amendment (Freedom of Information Commissioner) Bill 2011, the Independent Broad-based Anti-corruption Commission Amendment (Investigative Functions) Bill 2011, the Parks and

Crown Land Legislation Amendment Bill 2011 and the Port Management Amendment (Port of Melbourne Corporation Licence Fee) Bill 2011.

This is a good and sensible program that will allow scrutiny of the five bills that are before the house this week. Looking at the speaking lists on this side of the house, it is clear that we have many members keen to make their contributions to the debates on these five bills, and I commend the motion to the house.

Mr MERLINO (Monbulk) — I rise to support the manager of opposition business in opposing the government business program. This is another week of Parliament in which debate is being curtailed simply to accommodate The Nationals members who want to leave at 4 o'clock. We had the condolence motion for Sam Loxton earlier this afternoon, and we heard about his extraordinarily long career and the long period of time during which he was the Government Whip. We heard that it is an often unheralded and tough position. It is, as the member for Prahran said, like herding cats at times. I feel sorry for the member for Kilsyth, the Government Whip, because when it comes to the Baillieu government, as the manager of opposition business said, the tail wags the dog.

Debate is being curtailed in this place because The Nationals MPs want to hit the road at 4.00 p.m.; they want to get home, and they do not mind constricting debate. We will probably have the second reading of bills on Wednesday night or at some other time during which we would otherwise be debating bills. This practice is particularly objectionable this week because a couple of hours of debating time have been lost to a condolence motion. We should condole for Sam Loxton; that is the right thing to do. He made an extraordinary contribution to Victoria. But the fact remains that 2 hours of debating time has been lost, and we need every precious minute of debating time that remains to enable debate on these important bills.

The second reason this practice is particularly objectionable this week is the nature of the bills that will be debated. The Port Management Amendment (Port of Melbourne Corporation Licence Fee) Bill 2011 will establish an antibusiness tax if it gets through the Parliament. We have the Freedom of Information Amendment (Freedom of Information Commissioner) Bill 2011, which is a complete betrayal of the government's election promise, and debate on this bill is all the more important because the bill briefing for the opposition was cancelled by the government as it felt that there were too many opposition members who indicated that they were interested in getting a bill briefing. It does not matter that in previous parliaments

we had several shadow ministers and members of the opposition attend departmental briefings on a range of bills. We had — God forbid! — 10 members of this Parliament who wanted to be involved in the briefing on the FOI bill, and it was cancelled by the minister. This makes it even more important that we use every minute to debate the FOI bill before us today. The Independent Broad-based Anti-corruption Commission Amendment (Investigative Functions) Bill 2011 is also being debated. We have three absolutely significant bills, two of which are flagship policies of the government, yet debate is being curtailed because The Nationals MPs want to hit the road at 4.00 p.m. on Thursday.

Our job in opposition is to scrutinise and analyse bills on behalf of the Victorian community. The continued practice of going against the conventions of many previous parliaments hampers our role in opposition and the proper conduct of government business in this house.

I will finish by making reference to the contribution of the Leader of the House, who obviously cannot count. The member for Niddrie has resigned; he is not in this place. The Leader of the House does not need a pair. The Minister for Community Services should get on that plane; we want her to get on that plane. We want her to attend the meeting with the federal minister. More importantly, while she is in Canberra we want her to talk to the leader of the federal opposition, Tony Abbott, because he is the only impediment to a national disability insurance scheme. The government does not need a pair, and the minister should get on the plane. I oppose the government business program and urge other members to do so.

Mr CRISP (Mildura) — I congratulate the new Deputy Leader of the Opposition. He seems to have gotten off to a good start, but let us put a couple of issues to bed — starting with the government business program, which The Nationals are of course supporting. We will be very happy to debate the port management bill because in that debate we are going to put to bed the unfair freight infrastructure charge and replace it with a better and fairer charge that is well supported. We are going to have that debate, and we are going to put our case and debunk some of these myths that seem to have magically appeared out of the ether on the other side.

We also have the Parks and Crown Land Legislation Amendment Bill 2011 to come through, and we have speakers on that who are keen to make a contribution. The Emergency Services Legislation Amendment Bill 2011 is also to be debated, as are the two bills that are

based broadly around anticorruption, being the Freedom of Information Amendment (Freedom of Information Commissioner) Bill 2011 and the Independent Broad-based Anti-corruption Commission Amendment (Investigative Functions) Bill 2011. These two bills will be well and truly debated and supported from this side. We on this side of the house are pleased to support the program. Let us get on with it.

Ms GREEN (Yan Yean) — I rise to oppose the government business program in the same manner as the member for Bendigo East and the new Deputy Leader of the Opposition have. We have some incredibly detailed legislation before the house this week and, as other speakers have said, we have lost 2 hours of debating time due to the respectful condolence motion and suspension of the sitting for Sam Loxton, a former member for Prahran.

It is incumbent on us as legislators to pay very close attention to bills with the import of the Emergency Services Legislation Amendment Bill 2011. I would like to place on record my thanks to the Leader of the House for, as a mark of respect, deferring debate on that item until tomorrow. On behalf of my fire-affected community I am very grateful to him for doing that. In saying that, because of those matters, it is very important that we spend a lot of time looking at and debating that very important bill.

As the Deputy Leader of the Opposition said, the Freedom of Information Amendment (Freedom of Information Commissioner) Bill 2011 will also need a great deal of scrutiny. Given that the opposition's briefing was cancelled on not one occasion but two occasions, there is certainly a need to spend a great deal of time on this and likewise on the Independent Broad-based Anti-corruption Commission Amendment (Investigative Functions) Bill 2011.

On the issue of the request for a pair for the Minister for Community Services to attend a meeting of the ministerial council this Thursday evening, I might make the house aware that I have checked the time set down for the beginning of the ministerial council meeting. It will begin at 6.30 on Thursday evening. Last month I flew up to Canberra, where I go quite frequently. Recently I met and had discussions with the Minister for Disability Reform, Jenny Macklin, in Canberra, and I also go up there for family reasons. I can advise the Minister for Community Services that it is really just over an hour's flight to get there, so there certainly is no reason for her to avoid a question time and escape scrutiny by this house for a full Thursday afternoon. As the member for Bendigo East and the Deputy Leader of the Opposition have drawn attention to and as you,

Speaker, advised the house at the beginning of the sitting today, the former member for Niddrie has resigned. Therefore there is in fact an automatic pair.

I also suggest to government members that they should utilise the previous agreement that had been made by the Council of Australian Governments (COAG) that ministerial council meetings would not be held at times that clash with any parliamentary sitting times. Government members should not use the need for their attendance at ministerial council meetings to request pairs as an excuse to avoid scrutiny. They should be standing up for Victoria and saying, 'It is important that I do my duty in the house and expose myself to scrutiny about the important issues that are before the Parliament as well as doing my duty to advance Victoria's interests in important matters such as the national disability insurance scheme'. Government members should be utilising that COAG agreement and lobbying the federal government and asking its members not to schedule ministerial council meetings that clash with Victorian parliamentary sitting dates.

As other speakers have said, the NDIS (national disability insurance scheme) is incredibly important. We know that the federal government is absolutely on board with the NDIS. It is those on the other side of the house who have now started getting wobbly. The Minister for Community Services may need to spend a weekend up there with Tony Abbott, the federal Leader of the Opposition, and tell him that he must back down from his fallback position of saying that the budget must be in surplus before an Abbott government would support an NDIS. People with disabilities have waited too long.

The Minister for Community Services might well want to avoid a question time this week, because members opposite have been using the introduction of an NDIS as an exercise in cost shifting to the federal government, with not one new respite bed and with a freeze on individual support packages. We know that in her child protection responsibilities a very important report is coming down this week — —

The SPEAKER — Order! This is a debate about the motion before the house, not the Minister for Community Services.

Ms GREEN — Others raised the fact that the Minister for Community Services needs to attend that council meeting. She will not need a pair, but she ought to be serious about supporting people with disabilities. The opposition is opposing the government business program.

House divided on motion:

Ayes, 44

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

Noes, 41

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

Motion agreed to.

MEMBERS STATEMENTS

Eddie McGuire, Sr

Mr McGUIRE (Broadmeadows) — In the countdown to Christmas the people of Broadmeadows packed St Dominic's Catholic Church to farewell a man whose life the community long ago officially honoured as an 'inspiring story'. Eddie McGuire, Sr, pioneered Australia's post-war settlement in Broadmeadows, helping a raw fringe evolve into a community that more than half a century later has

developed into one of Victoria's economic engine rooms and the capital of Melbourne's north.

My father was a working man who grew larger than life, because he loved people and loved a laugh, and his commitment to 'have a go' was inspirational even at 94. Generations of families are saddened at his loss but smiling at his memory. Those who celebrated his life ranged from John the barber to parliamentary colleagues, including Labor leaders Daniel Andrews and Rob Hulls, from Bernie the chemist to leaders from government, business, sport, media and the entertainment industries. Everybody who knows how Eddie McGuire, Sr, epitomised the spirit of Broadmeadows will laugh at the fact that he effectively attracted the first state funeral to Broady.

On behalf of my family I would like to thank MPs and staff from all sides of politics for their condolences and the parliamentary officers who recalled my father's fighting spirit when he joined us in this chamber less than a year ago for my inaugural speech. My eulogy recounted his extraordinary life and times and the measure of his devotion. I seek leave to incorporate into *Hansard* the poem *Beyond the Shadow*.

Leave granted; poem as follows:

Beyond the Shadow

You taught me the strength of a handshake
To look royals and rogues straight in the eye
When a hip and shoulder was required
Without sentiment you gave permission to cry

By deed you showed the measure of a man
Is to stand tall, be proud and keep hope alive
Savour the glint in the eye
Fight till you die

Between the conception

And the creation

Between the emotion

And the response

Falls the Shadow

II

Born during the war to end all wars
At 14 you led the pit-pony

Two miles below
Your hometown of Hamilton
To keep the Great Depression's
Wolves from the door

Scottish soldier, you fired .303 rounds
At the Battle of Britain
Into a blitzkrieg that blocked the sky
Helped shell-shocked families
Survive the mayhem
Yet spoke nothing of war

Fate smiled with emerald eyes
Bridie Brennan stole your soul
With shared imagination and courage
You dreamt of a better future for your family
On that once fatal shore

A new world beckoned
Beyond the rancour of the march
And the nightmare of the dark
Where all the dogs of Europe bark

When the last streamer snapped
And the ship slipped
The mother country's embrace
You relinquished the certainty
Of kith, kin and place

Between the idea

And the reality

Between the motion and the act

Falls the Shadow

III

Australia wooed with the promise
Of life's dream made real
Regular work
Home of one's own
Sun on your back
Despite snow-white skin in a sunburnt country

Broadmeadows proved a demanding muse
Raw fringe where Mum's muddy shoes
Stood alongside the boots of other job seekers
On a platform at the end of the line

Thistles so thick you joked
You could never be homesick
Until Hogmanay and single-malt whisky
Induced Auld Lang Syne

You recognised education as the path to enlightenment
The opportunity time and place had denied
You demanded your children be book smart and street smart
To defy that miser fate

Curled on your lap
In boyhood's endless summer
You taught me of mice and men
I peeled the skin from your ears
A hard hat exposed to the blistering sun

We hosed the concrete walls of the family home
Until sweet dreams rose
Into the black, breathless night

IV

You felt footy's pulse
In the meaning of Melbourne life
From a foreign code
To kick-to-kick in bib-and-brace
Silhouette in the rain
In gabardine coat and hat
On the boundary of far-flung fields

Run straight and hard
 Was always your creed
 You roared for justice swift and sweet
 Captain Blood would have cheered

From the backyard in Broady
 To the tribal homes
 Windy Hill and Victoria Park
 To the meat pie mouth of the MCG
 You implored your sons to study the greats

Jezza and The Doc chased like dogs
 McKenna's kick, Hudson's guile,
 Grace through generations
 Jack Clarke and James Hird
 Bob Rose and Bucks epitomised style

That wild colonial boy Dermot Brereton
 Played like your rebel songs
 Michael Long's jinking run
 Evoked memories of Jimmy Johnston
 Lisbon Lion, Celtic's favourite son

The cabinet groaned with championship cups
 From devoted children
 Sporting triumphs not yet done
 Till the Pies and Ed ultimately won

*Life is having a go
 Come what may
 Staunch in faith
 Laughing all the way
 Ouch aye, ouch aye*

V

The catastrophes that ravaged the 20th century
 Couldn't wound you to envy, resentment or hate
 Your wisdom was greater than your life's witness
 A legacy that resonates

From the rasp of stubble
 Against the soles of your babies' feet
 To the piggyback to bed
 Humming Scotland the Brave to ward off the dark

From the Dean Martin crooner's charm
 And scotch-on-the-rocks cool
 To lessons in life to be nobody's fool

From the reassuring voice in troubled times
 Calloused hands, tender touch
 To grace under pressure
 Unconditional love

Your affection for family and friends
 Evoked a community to nurture you in its embrace
 Six decades of marriage and you declared to Bridie:
 'You are my life'.

*Between the potency and the existence
 Between the essence
 And the descent
 Falls the Shadow*

VI

Life demanded much, Eddie McGuire Senior gave all
 Comets may blaze forth the death of princes
 Today a lone piper laments a lightning-strong force
 Inspiration to all

Scottish soldier who wandered far away
 Australian patriot who kept the faith
 Valiant father and grandfather
 Who did not taste of death but once

After celebrating Christmas early
 You slipped away elegantly on a balmy night
 You'd told the family you loved us
 Wished us luck and shook your fist
 Demanding we fight the good fight
 Ushering everyone away
 To the last, you did it your way

Let us not grieve nor cry
 Let us laugh and smile
 Let us sing to the spirit of your undying love
 And celebrate your long, sweet life

*Up the Yarra
 Along the Clyde
 Beyond the Shadow
 Farewell, our father*

Bushfires: Black Saturday anniversary

Mrs FYFFE (Evelyn) — Today marks the third anniversary of the Black Saturday bushfires, and we remember with sadness the devastating loss of 173 Victorians, the loss of homes, businesses, domestic and native animals and beautiful gardens, and the destruction of vast tracts of forest. Three years seems a long time, and people can be forgiven for seeing the fresh green growth as a signal that the fires have been and gone and the pain is now over. For many that is true; they have begun new lives, rebuilt homes and begun planting out gardens. Children are back in schools with new and old friends.

However, for some the pain has not gone away, and as we pause to remember the 173 lost three years ago today I ask that all members in this place and in the broader community also remember those who believed they could not carry the burden any longer and have taken their lives. To the ones who are left behind, to all the survivors and their families and friends I say: we have not forgotten you. The Baillieu government will stand by you no matter how long it takes. I give my heartfelt thanks to all the brave emergency workers who went above and beyond the call of duty on Black Saturday and the days that followed. We know that what you experienced and what you saw will stay with you for the rest of your lives. If anyone in the community needs help, the help is there for them, and we ask them to turn to their friends.

Bushfires: Black Saturday anniversary

Ms ALLAN (Bendigo East) — On this, the third anniversary of the Black Saturday fires, I rise to pay my respects to the people and communities affected by this tragedy. Three years on we know how much work there is to do on both the recovery and the rebuilding process, and that continues day by day. Today and over the weekend just gone those communities and the entire state had the opportunity to come together for a moment, to pause, reflect and remember collectively what was lost, the events that transpired on that terrible day and also of course the ongoing effects of the aftermath.

We know 173 lives were lost, including the life of Mick Kane, who was caught in the unprecedented fire that tore through suburbs in the Bendigo community. I pay my respects to Mick and all those who lost their lives as a result of these fires. Redesdale and district is another community in my local area that also experienced the wrath of fires from Black Saturday. In remembering and paying respect I also pay tribute to the tremendous work of the volunteers who responded to the emergency and who have since assisted with the rebuilding. I extend my deepest condolences to all on this third anniversary of Black Saturday as we all must continue to work and support those affected.

Bushfires: Black Saturday anniversary

Ms McLEISH (Seymour) — Today marks the third anniversary of the devastating 2009 bushfires which saw an enormous loss of life, homes, businesses and community facilities. As I speak I remember and pay tribute to those who lost loved ones and who have suffered greatly. As much as two-thirds of my electorate was devastated by the Kilmore East and Murrindindi fires. The physical, financial and emotional toll was great and it still lingers. I am proud of the progress the communities have made. It has been a difficult journey and for some people is one that remains difficult. Communities and people have moved at different paces; everyone has a different history and experiences, so it is normal that some people will move on the path to recovery more quickly than others. Our government recognises this and will continue to support all communities, including some of the lesser known ones such as Steels Creek, Strathewen and Reedy Creek.

It was only several months ago that I noticed the people in Marysville had begun to have a bit more of a spring in their step and more smiles. I am mindful that not every day is like that, but there are more and more days like that. Equally, teachers across the Kinglake Ranges

reported that last year the children had begun laughing again: small steps in a positive direction. There have been many wonderful projects that have helped communities on their journeys. Much has been penned in books, essays and songs. Examples include *From Kinglake to Kabul* and *Black Saturday was My Dad's Birthday*, and cookbooks. Art projects such as the portals at Middle Kinglake Primary School, the commemorative wall at Whittlesea Secondary College, the music of Pans on Fire and the CD *Blue Skies and Beautiful People* are terrific reminders.

Bushfires: Black Saturday anniversary

Ms GREEN (Yan Yean) — Today I rise to honour the 173 people who lost their lives three years ago as a result of the Black Saturday fires. Like many other members of my community, I know today is a pretty ordinary day. I just happened to look at my watch at 11.54 this morning and I remembered the time three years ago when I got the first pager message and heard on the radio that fire had broken out in Saunders Road, Kilmore East. That fire then ripped through communities and people's lives were lost in communities that I represent in Whittlesea, Kinglake West, Humevale, Arthurs Creek, Strathewen and St Andrews — fortunately not Christmas Hills, but homes were lost.

It is a huge journey for all of us. I am sorry I am shedding tears in the house. I have spoken many times in this house before, but I have not actually shed tears. I would rather not be here today; I would rather be with the members of my beautiful community, who are still suffering so much. On Sunday I saw it at close hand when there was a fire again at Strathewen. I urge everyone to understand that recovery takes many, many years. These communities deserve our support.

I want to thank my colleagues and my family for the way they have looked after me, and I want to thank the wonderful people who have worked so hard in the community.

Bushfires: Black Saturday anniversary

Mr NORTHE (Morwell) — Forever etched in the minds of many Victorians, including those residing in the Morwell electorate, is 7 February. Today is the third anniversary of the catastrophic Black Saturday bushfires, and it is a time for reflection as we remember the 173 lives lost along with the many other Victorians who were impacted by that terrible event.

Prior to Black Saturday, Gippsland experienced the Delburn complex of fires in late January 2009 that

destroyed many homes and assets in and around the Boolarra and Yinnar district. Those communities are also in our thoughts today. On Black Saturday many communities across the Latrobe Valley were devastated, with 11 fatalities and countless numbers of assets, stock and wildlife lost. One cannot underestimate the role of our various emergency service personnel and recovery agencies, service clubs, local businesses and respective community recovery committees that have played such an integral part in the response and recovery phase.

On Sunday I was pleased to join the Premier and Deputy Premier to launch the Callignee memorial project, which contains the contributions of many local community members of all ages who have been able to convey their own personal stories by using artistic tiles. It is a credit to all involved, but particularly to Leanne Crowe and the Callignee memorial group for their tireless efforts. These attributes are reflective and typical of the leadership displayed across all our bushfire-affected communities. On the third anniversary of the Black Saturday fires, we salute those who have played a key role as our communities have recovered, while we also remember those who lost their lives and the families and communities who endured this terrible tragedy.

Employment: government performance

Ms KNIGHT (Ballarat West) — There are few things more important to a community, a family and an individual than having meaningful, secure and safe employment. The economic, structural and emotional stability of a community is based on those who are able to work and who have a job. As the number of job losses rises — 9000 more Victorians have become unemployed since this government took office — I once again call on the Baillieu government to deliver a jobs plan. As teachers grapple with cuts to education, including cuts to the Victorian certificate of applied learning, I call on the Baillieu government to honour its election commitment to make our teachers the highest paid teachers in the country.

As the mainly female workforce of social and community workers hangs in limbo — everyone but the Baillieu government acknowledges that their work is worth a lot more than they are currently paid — I call on the Baillieu government to stop actively discriminating against women and to pay these workers what they are worth. As the number of patients requiring complex care rises, I once again call on the Baillieu government to support the nurses and midwives who care for these patients, to respect their work, to retain the current nurse-patient ratio and to pay

these tertiary educated professionals a wage that recognises the complexity of their work. In manufacturing, where competing areas have the capacity to provide work, I call on the government to favour the area of highest unemployment, because our regional communities depend on it.

Bushfires: Black Saturday anniversary

Mr BLACKWOOD (Narracan) — Today is the third anniversary of Black Saturday — a day that changed the lives of so many Victorians. The devastation of that day will never be forgotten by those impacted, those who witnessed the tragedy unfold and those who have had to live with the tragic loss of a loved one. Today it is vitally important that we remember the loss of life and property and the debilitating impact that the Black Saturday fires had on so many families and individuals. It is equally important that we remember and celebrate the amazing resilience of Victorians as we undertake the long road to recovery.

In my area the Bunyip Ridge fire caused widespread damage but thankfully no loss of life. As I have said before in this place, the fact that our communities had warning and had time to prepare played a huge part in the survival of so many who were exposed to the frightening fireball. The courageous efforts of our emergency services also enabled many who could have been caught out by the ferocity and unpredictability of the fire to be shepherded to safety. The road to recovery has been long and hard for most families and individuals who were impacted by the Bunyip Ridge fire. This tragedy affected people in many different ways. For some, asset replacement has been enough to enable them to move on. For others, this process has been slow for many reasons; some people are just not ready to rebuild. Sadly many are still battling with emotional trauma and tragically some are struggling with personal issues that are a direct consequence of the personal cost inflicted on families and individuals by this heartbreaking event. We must maintain support and care for those who are still recovering.

Australia Day: Brunswick electorate

Ms GARRETT (Brunswick) — It is a pleasure to acknowledge some local recipients of Australia Day awards in my electorate of Brunswick. Marita Cheng, a Brunswick East resident who is an inspiration to her peers and to young people, particularly young women, has been named 2012 Young Australian of the Year. Her passion is to encourage other young women into her field of engineering. To that end she founded Robogals in 2008, which is a global organisation that

has conducted robotic workshops for 3000 girls across Australia. A leader in her field, Marita is an inspirational example of the application of vision, study and hard work. She is most deserving of this high accolade.

Joe Caputo, who has received an Order of Australia medal, has been acknowledged for his service to the Italian community in Australia, the Victorian Multicultural Commission (VMC) and local government. He has founded, led and served many organisations for Italian and ethnic communities. Specifically he was a commissioner for the VMC from 2001 to 2011. His service in local government spans 26 years; he has been both a councillor and mayor.

By receiving an Officer of the Order of Australia award, Professor Stuart Macintyre has been acknowledged for distinguished service to the social sciences and humanities as a leading academic in the areas of 19th and 20th century Australian history. Professor Macintyre is currently a laureate professor at the University of Melbourne. He has authored a range of publications and journals and is a regular commentator in the media. Congratulations to these Brunswick residents on the acknowledgement of their hard work, community service and expertise.

Bushfires: Black Saturday anniversary

Dr SYKES (Benalla) — Today I join with all Victorians in acknowledging the ongoing grief and suffering of those who lost loved ones in the Black Saturday bushfires. I extend my deepest sympathy to individuals and communities who are still coming to grips with the tragedy of three years ago, but I also take encouragement from the strength and resilience shown by our communities and by nature. Recently on a visit to Marysville I was exhilarated by the luxurious new growth on the blackened eucalypts and beautiful tree ferns. Equally I got a buzz when I drove into Marysville and saw all of the new infrastructure and busy activity. Importantly, I sensed a return of a soul to the community. Similarly I have observed the strength and resilience in the Ovens and Kiewa valleys of the residents of Mudgegonga, Rosewhite, Kancoona, Running Creek and the surrounding areas.

Out of the tragic Black Saturday fires has come a sense of a renewed community. A new branch of the Country Women's Association of Australia in Rosewhite and an upgrade of community halls at Mudgegonga, Rosewhite and Running Creek provide a focus for renewed community activity. There are many individuals who deserve the title of 'local hero' for their efforts during and after the fires. I cannot mention them

all, but I particularly wish to acknowledge Lyn Gunter, who gave and gave of herself to help people who had been devastated by the fires in every possible way. On behalf of many people I say, 'Thank you, Lyn. You are a truly generous and wonderful person'.

Sri Lanka: Lessons Learnt and Reconciliation Commission

Mr LANGUILLER (Derrimut) — The final report of the Lessons Learnt and Reconciliation Commission (LLRC) sets the framework for practical reconciliation in Sri Lanka. I briefly visited Sri Lanka to look into the situation on the ground following the war. In December 2011 in Colombo I welcomed both the LLRC report and the government's response to it, stating that these provide a very good opportunity for Sri Lanka to build a peaceful country. I observed that the report covers all the relevant issues and includes comments from all the relevant parties. The report is a very good step in the right direction.

Referring to the statement made by the Leader of the House when the report was tabled in the Sri Lankan Parliament, I commended the government's willingness and readiness to carry out independent investigations into human rights issues. I encourage the Australian government and my parliamentary colleagues to continue to work positively with the authorities in Sri Lanka and its people and to support the government's endeavour to rebuild post-war Sri Lanka.

There was significant progress in the construction of roads, bridges, houses, hospitals and schools in the places I visited, especially Jaffna. The improvement of infrastructure in the country will help to attract more investment. Speaking about the challenges that lie before Sri Lanka, I observed that its government should sort out the human rights allegations that have been levelled against it before the next session of the Human Rights Council, which is to be held in Geneva in March. Working towards both a practical reconciliation and a political solution to this national issue that are acceptable to all communities, while achieving economic development, should be given high priority.

In my meetings with high-ranking officials in Sri Lanka, particularly the army personnel in the north, I was convinced that the armed forces would not be stationed in those regions permanently and that they were willing to move on as soon as possible.

Bushfires: preparedness

Mr TILLEY (Benambra) — Whilst we solemnly remember the tragic events of Black Saturday on

7 February 2009, I take this opportunity to discuss an event held in Barnawartha last week at which members of that community reflected upon the effects of fire. The event was organised by the local Country Fire Authority brigade and commemorated the Barnawartha fire of 1952, which burnt through 40 000 hectares extending over an area of 50 kilometres, took three lives, destroyed two of the three stores in Barnawartha, a boarding house, a church, homes and countless farm buildings, and threatened the then much smaller township of Wodonga.

The firefighting equipment of the day included wet bags, beaters and branches. If you were well off, you would have had a state-of-the-art 20-litre metal knapsack. The area that was burnt 60 years ago is now the heavily developed and populated area of West Wodonga. The fact that the western areas of Wodonga were stockholding paddocks and were heavily grazed is what saved Wodonga from burning at that time.

What have we learnt from our history? What notice do we take of the older residents who are still able to recount their past experiences of fire? We need to learn from the past and plan for the future. We must never naively say, as others in this place have said, that we can never let these types of events occur again, because we are certain to fail. The fact remains that Victoria is bushfire prone, and we will continue to see bushfire events occur. It is how we manage and respond to these events and whether they — —

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

Craigieburn: community renewal program

Ms BEATTIE (Yuroke) — I rise today somewhat confused about a letter sent to me by the honourable Mary Wooldridge, Minister for Community Services, confirming the continuation of the Craigieburn community renewal program. Members will be aware that this initiative, which was established by the Labor government, has been highly successful in bringing local communities together and creating good projects. The minister writes: 'I would like to thank you for your commitment to Laverton community renewal over the past four years'. This left me puzzled. I am sure that if Laverton were in my electorate, I would be a great supporter of the project. Given that Laverton is 30 kilometres south-west of any part of my electorate, I ask why the minister is thanking me for the good work done by the member for Altona.

I would like to take this opportunity to invite the minister to meet the good folk of Yuroke. As she

travels out from Doncaster there is a fair chance she may take a wrong turn or two and end up in Laverton, so I have taken the liberty of bringing in a GPS navigational device that I am happy to lend the minister for her safe and timely travels.

This is yet another example of a lazy government that cannot even be bothered checking the facts and is entirely clueless about the aspirations and hopes of the Yuroke electorate.

Bruce Ruxton

Mr DELAHUNTY (Minister for Veterans' Affairs) — Today I reflect on the life of Mr Bruce Carlyle Ruxton, who passed away on 23 December 2011, aged 85. Bruce grew up in Melbourne and was educated at Kew Primary School and Melbourne High School. He enlisted with the 2nd Australian Imperial Force 11 days after his 18th birthday in February 1944. He saw active service in Borneo and as part of the British commonwealth occupation forces in Japan at the end of World War II. He was discharged in January 1949.

Bruce joined the Beaumaris RSL in 1946, where he remained an active member until his retirement to Queensland in 2002. He was first elected to the state executive of the RSL in 1964. Bruce held many RSL positions, including state president and deputy national president, and he held membership of the national executive. In recognition of his service, Bruce was awarded life membership of the RSL in 1966, life membership with a gold badge in 1977 and subsequently the RSL's highest honour, the meritorious service medal, in 1995. In recognition of his service to the veteran and ex-service community, Bruce was awarded a Member of the Order of the British Empire medal in 1975, an Officer of the British Empire medal in 1981 and a Member of the Order of Australia medal in 1997.

These achievements do not compare with other things Bruce did. He was the honorary secretary of the 2/25th Battalion Association for 54 years, and he made sure that he looked after his mates from that battalion. In fact he looked after all veterans and their families, and he worked tirelessly to ensure that their rights and welfare matters were addressed. He never shied away from anything. In his words, 'It is better to live one day as a lion than 100 years as a sheep'.

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

Bendigo West electorate: community awards

Ms EDWARDS (Bendigo West) — I take this opportunity to congratulate the citizens and young citizens of the year in my electorate. The citizen of the year in Bendigo is Mr Robert ‘Cookie’ Cook. Mr Cook founded Bendigo’s Horizon House, an organisation that helps young homeless people. He is the current chairman of Horizon House and is involved in fundraising, community engagement and mentoring. Mr Cook personally serves breakfast to high school students every week from the Horizon House mobile youth canteen.

Bendigo’s young citizen of the year is Mr Patrick Clark, who completed his Victorian certificate of education (VCE) at Bendigo Senior Secondary College last year. Patrick has a very impressive list of achievements. He was winner of the Victorian Curriculum Assessment Authority’s VCE achiever award for leadership qualities and commitment to community service. In 2001 he received an Australian Centenary Medal in recognition of his community service.

In Castlemaine the citizen of the year is Dr Elaine Murphy, AM, of Barfold. Dr Murphy has made an enormous contribution to her community over many years, including, among many other efforts and accolades, coordinating a massive volunteer effort following the Black Saturday bushfires after fighting to save her own home and property. The young citizen of the year in Castlemaine is Stella Barta-Wong, who has taken on a central role in, among other things, coordinating live music events in Castlemaine and fundraising for the FReeZA program.

Maldon’s citizen of the year is Mr Peter Thompson, who is Maldon’s no. 1 volunteer. He is actively involved with the Taste of Gold festival, Carols by Candlelight, the Easter fair, the Maldon Folk Festival, Anzac Day and Australia Day, and he is a member of the Maldon Brass Band and the Maldon Museum and Archives Association. He is also the captain of the Maldon fire brigade.

I congratulate all the individuals — —

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

Bushfires: Black Saturday anniversary

Mr MORRIS (Mornington) — Today we mark the third anniversary of Black Saturday, undoubtedly one of the worst natural disasters to afflict our state in modern memory. Every person who lived through that

day will carry it with them forever. The statistics tell their own tale: 173 deaths; 2000 houses destroyed, more than 1500 of those family homes; 3500 structures burnt, among them community halls, shops, factories, farm buildings and schools; and 430 000 hectares of land affected, a large part of that public land.

All Victorians shared the pain and devastation of those directly affected by the fires, and so many opened their hearts, their hands and their wallets to assist. In that regard I especially want to recall the contribution of the local government community, which performed incredibly well throughout the whole period.

We should remember, too, that many of those hit by the fires found, and continue to find, the recovery process particularly challenging, sometimes more so than the cataclysmic events of the day itself. They deserve the ongoing support of the government, the Parliament and the community as they strive to restore order to their lives.

In that context I note last week’s recovery report and the new initiatives and expanded programs of the past year. Many lessons remain from that awful day, and as we remember those whose lives were lost or so dramatically affected we should all commit to doing everything necessary to prevent such a catastrophe ever occurring again.

Skills training: government performance

Mr NOONAN (Williamstown) — In June last year I first raised my concerns in this place about the decline in the manufacturing sector in Melbourne’s west, and I urged the Baillieu government to provide funding to support workers to upgrade their skills and address an identified skills gap in the region. Last month, over the course of just one week, both Toyota and O-I in Spotswood announced significant job losses totalling more than 400 workers. Understandably these announcements have devastated local workers, their families and our local communities.

In the aftermath of those announcements the Baillieu government has been roundly condemned for its inaction on jobs and the economy, and it has been accused by many of being caught with its engines idling on this issue. It was not that long ago that the Victorian economy was being hailed as the nation’s economic engine room. It generated more than 100 000 new jobs in just one year during the global financial crisis due to the Brumby Labor government’s leadership.

Rather than blaming everyone else for the state’s current woes, the Premier and his government should

look to where the opportunities lie. This may come as a surprise, but Melbourne's west can lay claim to the fastest growing workforce in Melbourne, as industries such as construction, transport, retail, accommodation, education and training, health care and food services continue to grow. With the decline in manufacturing jobs in our region, the Baillieu government should invest in upgrading the skills of workers to better meet the needs of emerging industries and to address the skills gap which I identified in the Parliament just last year.

Bushfires: preparedness

Mr BATTIN (Gembrook) — It is a sad day for Victoria as we remember the victims of that one day in our history, and as we all stop to think of that horrific day we refer to as Black Saturday. I would like to place on record my condolences to the victims who lost their lives, to the families and friends left behind and to the members of the communities who, with their own will and strength, rebuilt their lives. The challenge to rebuild or to face that which was lost is at times unbearable, and my thoughts are with those who took their own lives after the events they had to live through or face. There are still many in regions across Victoria who face uphill battles each and every day just to get by, and I remind them that all Victorians have them in their thoughts and prayers.

It is from events the size of Black Saturday that Victoria must learn so it can act and prepare for another natural disaster in the future. A local youth organisation in Emerald understands all too well the ongoing effects the bushfires have had on our youth. As part of the state government community safety grants, ECHO Youth Services in Emerald is preparing a plan to use local young people to assist in getting the message to other young people in high-risk areas. The plan is targeted at getting young people to communicate to other young people the importance of being fire ready. When the weather is hot, dry and windy, sitting inside with the air conditioner going and the curtains closed playing Xbox is not going to keep you up to date with the dangers that may be approaching. I congratulate Wayne Collins and his team at ECHO on putting young people first and encouraging them to think for themselves and be prepared.

I also congratulate the Emerald community house on its great organisation of the Go List, which can be found at www.thegolist.org.au. I encourage members to use it.

Frankston Hospital: upgrade

Mr PERERA (Cranbourne) — The former Bracks and Brumby Labor governments invested heavily in modernising the Frankston Hospital, which services the health needs of residents of the Frankston area and its surrounds. This was a strong Labor government investment of well over \$60 million.

It is with regret that I note that this government is simply not interested in the health and wellbeing of our local community. The Baillieu government first said it would match the \$50 million funding promise made by the previous government to further upgrade Frankston Hospital, but it has failed to commit to upgrading the much-needed emergency department.

Mr Shaw interjected.

The SPEAKER — Order! The member for Frankston! That is enough.

Mr PERERA — This government promised to deliver better health care, and yet — —

Mr Watt interjected.

The SPEAKER — Order! The member for Burwood!

Mr PERERA — needy local residents are still waiting too long in emergency departments and local concession card holders are still waiting too long for dental care. Even Frankston City Council has taken a swipe at the conservative government —

Honourable members interjecting.

The SPEAKER — Order! Bay 13, that is enough.

Mr PERERA — for its hands-off approach to the health and wellbeing of the residents of Frankston and its surrounds.

On 24 January this year a story appeared in the *Frankston Weekly* that contained a scathing attack on this do-nothing government.

Mr Shaw interjected.

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

Mr PERERA — It states:

The issue was raised by Cr Kris Bolam, partly in response to well-publicised comments by the Australian Medical Association's Victorian branch president Harry Hemley, who

urged people to avoid the hospital — which he termed ‘a basket case’ — during the busy holiday season.

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

Economy: government initiatives

Mr HODGETT (Kilsyth) — The Victorian coalition government is implementing a responsible fiscal and economic strategy to strengthen Victoria’s finances, generate new jobs, improve service delivery, invest in vital infrastructure and grow Victoria’s economy.

Victoria’s economy remains strong despite external challenges. Global economic uncertainty is persisting, with significant concerns about sovereign debt and economic growth in Europe. Compounding this is the challenge presented by the previous government presiding over government expenses growth outstripping revenue growth over the 10 years to 2010–11.

The coalition government is taking responsible steps in times of global uncertainty to put Victoria’s finances onto a more sustainable path by addressing both external challenges and challenges inherited from the previous Labor government. Victorian state final demand — consumption and investment spending — increased by 1.8 per cent over the year to the September quarter of 2011. The main contributors to growth were household consumption and private investment.

Victoria has been the fastest growing non-resource state over the past year. Its unemployment rate fell by 0.3 percentage points to 5.2 per cent in December 2011, which is equal to the Australian average and lower than all states except Western Australia. Victoria’s regional unemployment rate was 4.7 per cent in December — the lowest of any state, with the exception of Western Australia. Over the past year employment in regional Victoria increased by 11 800 persons.

The coalition government is committed to implementing a responsible fiscal and economic reform agenda to generate jobs, increase business investment, grow trade exports and undo the damage caused by the reckless financial mismanagement of the previous Labor government.

The SPEAKER — Order! Fortunately the member’s time has expired. The time for making members statements has also ended.

PARKS AND CROWN LAND LEGISLATION AMENDMENT BILL 2011

Second reading

Debate resumed from 27 October 2011; motion of Mr R. SMITH (Minister for Environment and Climate Change).

Ms NEVILLE (Bellarine) — I rise today to speak on the Parks and Crown Land Legislation Amendment Bill 2011. It is good for the house to finally have a chance to debate the bill, given that the government kept delaying the debate at the end of last year. To begin, I would like to thank the officers of the Department of Sustainability and Environment and also the office of the Minister for Environment and Climate Change for providing the opposition with a briefing on this bill. Unfortunately the numerous requests I have made for a briefing more generally on the department and, most recently, on the Environment Protection Authority have been rejected by the minister. In fact I think I made requests for a briefing on the department throughout 2011.

In the minister’s second-reading speech he asserts the view that this bill highlights the government’s commitment to protecting and enhancing the state’s parks and reservations system. And, yes, the bill creates some new parks and extends some others; however, any ticks that might have been given for these improvements are cancelled out by the inclusion of clause 13 in the bill, a provision that one can only say sets back national park protections in this state. Not only has this government attempted to undermine national park protections in its so-called trial of grazing cows in the Alpine National Park, but in this bill it has now sought to extend what was a short-term provision, a transitional provision only, to allow collection of firewood in the recently created Barmah and Gunbower national parks.

In some ways maybe the minister in his second-reading speech is right: it highlights the government’s commitment. It is a commitment to undo Victoria’s strong record in establishing and protecting national parks. The Labor opposition strongly opposes clause 13, and I therefore propose simple but important amendments to the bill and request that they be circulated.

Opposition amendments circulated by Ms NEVILLE (Bellarine) pursuant to standing orders.

Ms NEVILLE — The amendment to clause 13 that I have circulated will see the original intentions of the act that established the Barmah and Gunbower national parks retained. We will support the other provisions contained in the bill and we hope the Liberal Party, which claims to care strongly about national parks, will stand up on this issue and support the amendment I have circulated today. I will review the other changes in the bill and then I will come back and address the changes relevant to this amendment.

Overall the bill amends a number of acts including the National Parks Act 1975, the Crown Land (Reserves) Act 1978, the Forests Act 1958 and the Water Industry Act 1994. The bill provides firstly for some new park and reserve areas with the creation of Lake Tyers State Park and the Gippsland Lakes Reserve (Raymond Island). It fulfils commitments and negotiations undertaken by the former government between the state of Victoria and the Gunaikurnai Land and Waters Aboriginal Corporation. The agreement will see the park and reserve jointly managed by the state and the indigenous community. The opposition is pleased that the government has met the commitments we made in 2010, and it also reflects a longstanding recommendation of the Land Conservation Council.

The bill adds about 1300 hectares to 12 existing parks, including the Alpine, Macedon regional, Otway forest and Kinglake parks. It is very important to acknowledge, as in the second-reading speech, that this is as a result of the generous donation of 27 hectares by the late Ms Karma Hastwell. Ms Hastwell lost her life in the Black Saturday fires and this donation reflects her strong commitment to the Kinglake National Park and to the local community.

The bills changes the name of St Arnaud Range National Park to the Kara Kara National Park, reflecting community sentiment and the history and Aboriginal heritage of the area. The bill also reclassifies the Frankston Natural Features Reserve as a nature conservation reserve. This change is not without its issues in the local community. Prior to the election in 2010 there had been extensive consultation, and discussion had occurred in the local community about the future of the park. There was and remains a strong view in the community — and this appeared at the time to be the outcome, a position supported by Parks Victoria — that this reserve needed to be an open, accessible and active recreation area. The decision to classify it as a nature conservation reserve — and there were candidates who live around the reserve area who ran on this issue in the election and supported the current member for Frankston — was strongly supported, but there are others in the community who

had different and strong views. As a nature conservation reserve it will mean that a whole range of recreational activities will be curtailed. For example, walking your dog through the nature conservation reserve will be an issue. I am sure there are people in the Frankston community who will have concerns about this.

Although in the second-reading speech the minister says that opportunities for recreation will be provided consistent with the status of the reserve, the minister needs to clarify for the community what this really means: that it is a passive recreation reserve. Further, given the financial straits of Parks Victoria, the minister also needs to outline what resources will be spent to meet this commitment to provide an opportunity for recreational activities. Although we are not proposing an amendment to this section or opposing it, we remain concerned about the fact that many in the local Frankston community do not support this decision.

Other changes contained in this bill include enabling a maximum 50-year lease, up from 20, for the Arthurs Seat chairlift; an approvals process for fire prevention works on certain Crown land; how to enable regulations and management and use of reservoir parks; and other minor and technical amendments. As I said earlier, the area about which the opposition has serious concerns is dealt with in clause 13 of the bill. When the former Labor government established the Barmah and Gunbower national parks it allowed for a small opportunity to continue to collect firewood from specified areas under specified conditions. This right expired on 30 June 2011. The reason it was a very small and transitional period was that we recognised the impact collecting firewood had on endangered species and wildlife that live in those national parks. That is why it was allowed for a very short period of time. As I said, that expired on 30 June 2011.

Of course, during that transition period any person who wished to collect firewood was also required to obtain a permit. Pursuant to some claim that due to floods people have not been able to collect the firewood, the bill proposes to reinstate that right and enable collection until June 2015. In addition the bill also removes specific conditions — things like where and when firewood can be collected — and those conditions will now be set by the secretary, and certainly in the briefing no guarantee was given that the pre-June 2011 conditions would continue or that the conditions that would be set by the secretary would be at least as strong as those set pre-June 2011. The other overlay of all of this is that in August last year the government announced the scrapping of the requirements for permits to collect firewood on public land. That

decision occurred with no consultation, and it reversed a longstanding policy of governments — and I reiterate ‘governments’, plural — to require permits. As I understand it permits were first introduced in 1958.

The question is: will the government monitor the collection of firewood in the Barmah and Gunbower national parks? Certainly at the briefing no-one could answer the question of whether they would be monitored and how that would occur. Given that no-one will even know who is and who is not allowed to collect the firewood, as they do not need a permit, this makes it even more important that there be a monitoring process. How will the department ensure that anyone collecting firewood will even be aware of the conditions that have been imposed by the secretary, whatever those conditions are? This is made worse by the fact that we know Parks Victoria is under substantial financial pressure and that its capacity to monitor this decision will also be curtailed. The question that is also raised by the government’s announcement of the sacking of public servants in this state is whether Parks Victoria will also be affected, given that overall its staff are basically front-line workers. This decision is another example of this government going backwards when it comes to environmental protection.

For decades in Victoria governments of all persuasions have extended national parks and their protections. For the first time we have a government that is willing to undermine national park protections. This change proposed in the bill by the government is also absolutely unnecessary, given that the adjoining Gunbower State Forest, which is 11 000 hectares in size, was retained at the time of the establishment of the national parks for firewood and commercial timber production. The Victorian National Parks Association has been critical of this inclusion of clause 13. Nick Roberts of the VNPA said in a media release on 27 October 2011:

The decision to allow a firewood free-for-all in Victoria’s red gum parks adds to a growing list of backward steps taken by the Baillieu government on the environment.

But it was not just the VNPA that made critical comments in relation to the inclusion of clause 13 and also the removal of the requirement for permits. Such radical organisations as the Northern United Farm Forestry Group also commented, with spokesperson James Williams reported in the *Riverine Herald* of 9 November 2011 as saying:

Allowing people to take firewood without permits and without paying was unfair competition in the firewood market.

So the government is anti-environment and anticompetitive. Is that what the Liberal Party in Victoria now stands for? Given that it had no environment policy before the last election we all had a sense that the environment was low down on its priorities, but everyone is surprised by how low down it is. In fact it is so low down that the environment minister daily seems to be losing his powers, with a range of responsibilities consistently being moved to the Minister for Agriculture.

In December, we had a new set of orders quietly introduced which again saw the Minister for Environment and Climate Change lose a range of responsibilities in relation to logging and hunting and saw those responsibilities also go to the Minister for Agriculture. I suppose that is indicative of where the environment sits in this government’s priority list. It is also indicative of how this environment minister is seen within his own government. Not only is the environment low down on the pecking order but the level of respect for the environment minister and his decisions about the environment are also very low down.

Of course clause 13 of this bill is not the only backward step this government is taking with regard to the protection of national parks. I am sure most members of this house, and certainly most Victorians, are aware of the farce of the so-called trial of returning cows to the Alpine National Park. It was the Bracks government that removed cattle from the high country following extensive consultation and research, which clearly showed that cattle do not assist in the reduction of fire risk. In fact the research showed very clearly that they can contribute to increasing it, and of course clearly showed they were doing long-term damage to this unique environment. If the environment minister were to have a look at the review that took place following the Grampians and Alpine National Park fires he would see clearly that putting cattle in alpine national parks is absolutely contrary to the evidence which shows that cattle in the high country damage the environment and do nothing to reduce fire risk in those areas.

Again what we are seeing is a bowing to sectional interests and to The Nationals and an ignoring of national requirements by allowing cattle to trample again through those areas. In doing so the government is failing to comply with requirements under national legislation. It basically broke the law, because it knew it could never comply with those requirements, and last week the federal Minister for Sustainability, Environment, Water, Population and Communities said, ‘No go. You have failed the test under the national legislation’. After being caught out, the environment

minister eventually submitted a request to the commonwealth minister, agreeing that there was a need to do so under national legislation and agreeing that acting illegally was probably not the best way to go. Despite the minister's claims that he might go to the High Court, I am pretty sure that sense will prevail and that the minister will not waste taxpayers money by continuing to pursue what has been a farce of a trial.

Of course the government also knew clearly that the trial was a farce. In information that was obtained by the *Herald Sun* through a freedom of information request — and I know it might come as a surprise to many Victorians that an FOI was actually approved, but there was one — it is clear in those documents and in the correspondence between Melbourne University, various scientists and the department that there is not a need to do more research on the role that cattle play in reducing fire risk. All the correspondence clearly shows that the scientific community knows the trial plays no role, and despite the threats by certain people — and you can see it in some of those documents — towards some of those in the scientific community to not speak out, this fact has not changed. The overwhelming evidence is that cattle do damage and do not play a role in reducing fire risk. But of course the government was never interested in the facts or the science.

The Deputy Premier, in an interview on WIN News on 15 March last year, said people were wasting their time worrying about 400 cattle in the high country. People were not wasting their time. As I said, as it turned out this action was illegal and would have had an impact on the environment.

It does not end there — there is more. Firstly, we currently have a proposal by this government that would undermine the Flora and Fauna Guarantee Act 1988 and enable more logging of our native forests, again trying to bypass the act to enable and promote commercial interests over the interests of native forests. We have also seen the Minister for Environment and Climate Change and the Premier walk away from a legislative requirement to reduce greenhouse emissions by 20 per cent. Apparently figures in legislation are now only aspirations and not legislative requirements. I wonder how other Victorians feel about that. When they do not comply with legislation, they are charged with crimes. This is a legislative requirement that this government has walked away from, calling it an aspiration.

We have seen substantial areas of Victoria no longer able to be considered for wind power, which in effect has largely undermined any growth in the wind energy industry. We currently have a review of Sustainability

Victoria, and goodness knows what this will result in. We certainly know we have seen the dropping of funding that was provided for the Climate Communities program — —

Mr R. Smith — On a point of order, Speaker, the member is straying a little from the bill. It is not about Sustainability Victoria nor about wind power.

The SPEAKER — Order! The minister is correct, but this is one of those debates where the opposition does get an opportunity to raise issues. I do not uphold the point of order.

Ms NEVILLE — The minister is obviously concerned about seeing a list of the failures of this government to protect the environment. As I was saying, in the second-reading speech the minister makes a big claim about how this bill shows the government has a commitment to national park protection. We can review some of the things I have gone through. Clause 13 is about enabling firewood collection to 2015. It is unnecessary to extend the period. It is interesting if you look back; the right to collect firewood lapsed eight months ago, and here we are eight months on and the government wants to extend the period. We have seen the removal of the permits to collect firewood. Who knows what will happen in relation to the collection of the firewood? We do not know what the conditions will be or who will be able to collect firewood. Will people be collecting from a specified area? Will they be collecting a particular type of firewood? These are questions that remain unanswered by the government, and that is why we will be moving an amendment to clause 13 of the bill.

I was reviewing, for the benefit of the house, the range of other failures in the protection of the environment here in Victoria, and I mentioned a number of things. For example, we also have the review of the Climate Change Act 2010. Again we can guess what this will lead to, given that the trigger in the Climate Change Act 2010, as far as I can read it, is certainly not met and a review is not yet required under the legislation. The list goes on. I will not go through all of it, but I will say that we have a Minister for Environment and Climate Change who has no environment policy. The government has still not released an environment policy, so it is hard to see where this bill fits in terms of a broader policy position on the environment in Victoria.

We also have an environment minister who is missing in action — who is not meeting with the environment groups, the key stakeholders in the area. In fact I think the first major round table consultation was actually

held by the Minister for Agriculture and Food Security, and I acknowledge that he did that. The minister for the environment has not had regular meetings with the key environment groups. Some have not met him at all. He refuses to go to public meetings because he is concerned for his safety. I have been to many public meetings, and most MPs do. That is what you do. People get angry and express their views. Our role is to listen to people's views. The minister refuses to go to public meetings.

He is a minister who continually loses power. I am not sure what he is responsible for anymore. It is a bit unclear. Every time something about the environment comes up I have to check that the Minister for Environment and Climate Change is responsible for that area. Nine times out of 10 it ends up being the Minister for Agriculture and Food Security who has the responsibility, so we know what that means for the future of the environment in Victoria.

When the minister in his second-reading speech on this bill says the Victorian government has a commitment to national parks, what he really means is it has a commitment to winding back those protections in the interests of small sectional groups. I urge members to support the amendment to ensure that the Gunbower and Barmah national parks are properly protected, as was the intent of this Parliament previously. I urge those opposite to show some commitment to the environment by supporting this amendment. Victoria has a proud history over many governments and decades of building and strengthening our national parks. Unfortunately we have a minister who is happy to throw out that tradition. As Environment Victoria said, 'Backwards under Baillieu'.

Mr DIXON (Minister for Education) — It is a pleasure to join the debate. Today I wish to speak about the provisions regarding Arthurs Seat. However, before I do, I would like to compliment the work done by the Minister for Environment and Climate Change. He has been a very active minister for the environment. There are a number of environmental issues in my electorate, and he has been very well engaged with the various environmental groups and interests in my electorate and has shown an incredible amount of interest and knowledge. He is well and truly on top of his portfolio, and I have seen that in action down my electorate. I will leave it at that.

The provisions regarding the Arthurs Seat chairlift are of great interest to me because the Arthurs Seat chairlift, which has not been operating for nearly five years now, was one of the great tourist icons, not only of the Mornington Peninsula but also of Victoria. When

one thinks of the Mornington Peninsula, one thinks of Arthurs Seat and of the chairlift. A lot of the postcards of the chairlift are still out there, and Dromana Primary School's logo is the chairlift, so it is a very important part of the tourism industry, which is the largest industry in my electorate.

The chairlift was not only an attraction in itself but attractions at the top and bottom of the mountain thrived because of its presence. We certainly miss it. It was also one of those attractions on the Mornington Peninsula that attracted a lot of overseas and interstate visitors as well as locals, so it was a very important part of the tourism industry and the fabric of the Mornington Peninsula.

Following a number of accidents the chairlift is not operating at the moment. There have been a number of issues with WorkCover over the operation of the chairlift, and in the past there have also been a number of issues to do with the lease of the current chairlift. Expressions of interest were called for under the previous government, and a successful consortium has been selected and approved to provide a brand-new chairlift, which will be a wonderful addition and a great supplement to the existing chairlift. Obviously the provisions in this bill allow for a 50-year lease in certain circumstances regarding Crown land, and this is certainly one of those circumstances because this will be a major capital investment. Certainty needs to be given to those investors to enable them to start construction. A lot of the planning has been done but they need that certainty so they can sign their contract with Parks Victoria and start construction of the chairlift so it can be operational probably not in time for next summer but certainly in time for the summer after.

The plans for the new chairlift are magnificent. It will be a slightly longer ride. It will use all-new equipment from the foundations up, and at both the bottom and the top of the mountain there will be tremendous visitor facilities and undercover areas where people can access the chairlift. As well as the open chairs that were a feature of the previous chairlift, there will be gondolas available for inclement weather and for use by the elderly, because the gondolas will be easier to access. The new chairlift will make for an even better and more productive tourism asset, so it is going to be an excellent addition to our tourism infrastructure.

Certainty is very important, because we have been without a chairlift for five years, and that has certainly affected a number of tourism operators on the Mornington Peninsula. The certainty that this bill provides will be of great comfort to the consortium that will build the chairlift. It will give it the confidence to

go ahead with the next steps in the process so that leases can be signed. I look forward to that happening.

Obviously there are still some issues regarding the previous operator of the chairlift, Richard Hudson. I have had a briefing from Parks Victoria. I say to the minister that I have very proactive Parks Victoria personnel in my electorate who brief me every couple of months on the issues, and we talked about this on Friday. Those issues regarding the previous operator of the chairlift are well and truly under consideration, and I hope and expect that they will all be settled amicably and to the satisfaction of both parties so that we can move on to this new and very exciting chapter in tourism for Victoria.

One other issue is the old tower at the top of the chairlift's run. That tower is the second lookout tower that has been at the summit of Arthurs Seat. It is in the way of where the new chairlift will finish, and my understanding is that it is not safe; in fact it has been fenced off so people cannot access it. Some sort of heritage interpretation of the history of the towers would be very important, so before it is demolished and if it is demolished, we need photographs and historical records of it and also the wooden tower that preceded it. Then we can move on to the next tower. In saying that and in giving members that potted history of Arthurs Seat and the Arthurs Seat chairlift, I commend the bill to the house, especially the provisions relating to the Arthurs Seat chairlift.

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

Ms KAIROUZ (Kororoit) — I welcome the opportunity to speak on the Parks and Crown Land Legislation Amendment Bill 2011, a bill that includes the creation of Lake Tyers State Park under the National Parks Act 1975 and the Gippsland Lakes Reserve (Raymond Island) under the Crown Land (Reserves) Act 1978. These actions bring to fruition the longstanding recommendations of the former Land Conservation Council in relation to the management of these lands and give life to the agreement between the former Brumby Labor government and the Gunai Kurnai people of Gippsland that was designed to deliver land justice to the traditional owners.

Both the Lake Tyers State Park of approximately 8600 hectares and the Gippsland Lakes Reserve (Raymond Island) of 215 hectares are culturally significant to the Gunai Kurnai people. Founded as one of six Aboriginal reserves in 1863, Lake Tyers has a unique place in the history of Aboriginal Victoria. By 1917 it was the only government-run reserve remaining in Victoria. Throughout the 1920s Aboriginal people

from Coranderrk, Ebenezer and Lake Condah reserves were moved to Lake Tyers while these former reserve lands were carved up as soldier settler blocks for returned servicemen. Regrettably history shows that at the same time applications for soldier settlement blocks by Aboriginal servicemen were rejected.

Given its relative isolation and the movement of Aboriginal people from other reserves, Lake Tyers became home to indigenous Victorians from across Victoria and, as such, concern grew that Lake Tyers should not go the way of the other reserves and instead should remain in Aboriginal control. In 1948 the Australian Aborigines League told the Victorian government:

Land titles of Lake Tyers must be transferred with due precaution in the matter of safeguard to prevent any attempted dispossession of the Aborigines and mixed bloods by any person.

A few years later Laurie Moffatt, a spokesman for Lake Tyers residents, was reported in the *Argus* newspaper as saying:

We do not want to see Lake Tyers finally sold to the white man in the same way as Ramahyuck, Condah, Ebenezer Mission and Coranderrk reserves have been sold. All these have been hostels for the Aborigines in my lifetime and have been sold to the white man to cultivate.

In 1970, after the Governor of Victoria Sir Rohan Delacombe presented the title deeds to Lake Tyers to the people, then Pastor Doug Nicholls, later to become Sir Douglas Nicholls, Governor of South Australia, said:

This is the biggest thing in the history of the Aboriginal people in Australia ... It will have a big impact on the other states. We have fought for this with bitter experience but the winds of change are blowing. Now we have the chance to prove ourselves by working for our own destiny. We are forgetting the past and beginning the future — and the future lies with you.

The creation of Lake Tyers State Park and Gippsland Lakes Reserve (Raymond Island) will be seen as equally important in both the history and future of the Gunai Kurnai people of Gippsland. I note that this bill proposes an amendment to the National Parks Act 1975 to enable recreational hunters to be authorised to carry firearms in the Lake Tyers State Park, subject to conditions. I would hope that monitoring of this particular aspect of the bill occurs to ensure minimal impact on the values of the park and on other park visitors. Another aspect of the bill I would like to note is the proposal to add some 1300 hectares of land to 12 existing national parks. We on this side of the house support increases to our treasured national parks rather than an effort to diminish them.

In particular, and before closing, I would like to acknowledge the legacy of the late Ms Karma Hastwell, who lost her life in the tragic Black Saturday bushfires of 2009 and who bequeathed to the people of Victoria almost 27 hectares of land to be included in the Kinglake National Park. This is a significant legacy and one which all of us in the house should commend on behalf of the good people of Victoria, particularly as the third anniversary of the Black Saturday bushfires falls today. This is a significant contribution by one member of the community, and it will certainly have a huge impact on many members of the Kinglake community. The opposition does not oppose this bill, and I wish it a speedy passage.

Mr SHAW (Frankston) — It is a real pleasure to be able to speak on the Parks and Crown Land Legislation Amendment Bill 2011. May I say, Acting Speaker, I see that down your way the Arthurs Seat chairlift is going to be reopened. It is fantastic to see that tourism in this state is absolutely great. For the record, my grandfather set up the first chairlift on the Gold Coast at the old Magic Mountain, so I am very attracted to that proposal.

Mr Weller interjected.

Mr SHAW — No, it is not there. The one I really want to focus on is the amendment to the Frankston reservoir, which will be classified as a conservation reserve instead of a feature reserve. I would like to touch on that matter for the remainder of my time. From what the member for Bellarine, who spoke at the start, was saying it sounds as if she must travel down to Frankston quite regularly, as she thinks she knows the process and what is happening down there. She does not at all; I have never seen her down there. She said, 'Let's have a look at the record', and 'There should be extra activity in the reservoir area', but in the next breath she said that we are devaluing and decreasing our environmental values everywhere else.

The member for Benalla is quite happy for Frankston to be trampled on, as opposition members did with the central activities areas when they were in government for all those years. Out of the six of them, Frankston got only \$12.5 million from that mob over there, and Dandenong got \$250 million — \$250 million compared to \$12.5 million. They have trampled on Frankston, and they do not just want to trample on us financially; they want to trample on our environmental credentials as well. That is why we are turning Frankston Reservoir into a conservation reserve — there are six different types of vegetation of statewide significance.

I turn back to the environmental credentials and what the member for Bellarine said earlier. The Auditor-General's report *Facilitating Renewable Energy Development* says:

In 2002, the then government — through its 'Sustainable State' election statement — committed to:

increase the share of Victoria's electricity consumption from renewable sources from 4 per cent to 10 per cent by 2010 ...

Let us have a look at the former government's credentials. At the time the former government said Victoria's share of electricity generated from renewable resources was 4 per cent when it was really 3.6 per cent. In 2009 it went to 3.9 per cent. It had not even made its first target of 4 per cent, which the government set in 2002, and it was well off the 10 per cent target. The report says that the statement also committed to — and this also goes to the former government's environmental credentials, which the member for Bellarine talked about before:

facilitate the development and construction of up to 1000 megawatts ... of wind energy facilities in environmentally acceptable locations throughout Victoria by 2006.

How many of the 1000 megawatts did the former government achieve? One hundred and four — well done in terms of Labor's environmental credentials! I do not think the member for Bellarine can come to Frankston and tell the people of Frankston and me what to do with our environment. An extensive survey was conducted in Frankston by a number of groups. Parks Victoria was part of the working group, as was the Department of Sustainability and Environment, the Friends of Frankston Reservoir and some other notable residents. We set up a plan for the reservoir by asking what we wanted for Frankston. We received an award for the friendliest and cleanest beach in 2011, and we have Peninsula Link going through Frankston — a terrific road — but we want another asset for Frankston. Not only did we provide 75 extra police officers because law and order was so pathetic and we were trampled on by that mob last time but we also have a conservation reserve in Frankston —

Mr Wynne — On a point of order, Acting Speaker, which is self-evident, the member is straying fairly far and wide in his contribution here this evening. We are debating the Parks and Crown Lands Legislation Amendment Bill 2011. We are not talking about the number of police on the beat in Frankston, although the member does have some experience with police on the beat in Frankston!

The ACTING SPEAKER (Mr Morris) — Order! I uphold the point of order and ask the member to return to the bill.

Mr SHAW — ‘The conservation reserve’ were the last words that came out of my mouth. That working group conducted an extensive survey. I thank the working group, especially the person who facilitated it from the start, the Minister for Environment and Climate Change. He has been a great stalwart for Frankston and the environment in general. I especially appreciate his efforts in nominating Frankston for the cleanest beach award and through his involvement in this group. In the election campaign I was involved in the people of Frankston substantially took up the plan and held it dear, which the survey results show. We sent out more than 2000 ‘Have your say’ surveys and had open days at the reservoir. My officers would drop in there, as they would to the Frankston library, and people would also give their opinions at the Sunday market. People were also invited to a night event in Frankston to have a look at the plan. The area was also doorknocked.

An honourable member interjected.

Mr SHAW — Not by me. Of the 796 respondents to the survey, 91.9 per cent either agreed or strongly agreed with the draft master plan that the group had put together. There was a substantial and clear response from the community, saying, ‘Hey, we like the ideas you have put on this draft master plan. We like Frankston not being trampled on as it was when the Labor government was in power. We would like a place to be proud of, one where we can say, “We have a conservation reserve in Frankston”’.

Not only are there, as I was saying before, those six types of vegetation that have statewide significance but there are also the animals in there. There are a couple of koalas, the famous growling frog and all the other frogs. It is a fantastic — —

Mr Southwick interjected.

Mr SHAW — A number! Endangered as well!

We have a number of terrific assets. As to the history of the Frankston Reservoir, it was our water source for a number of years. It has been locked up for 90 years; it was opened somewhere around 1920. For 90 years it has been closed to the public. Melbourne Water was there until about 1998 when it moved into its current premises. The land where the offices were was closed and sold off, but the reservoir and bushland were kept. There are about 90 hectares which we have said we

want protected as a conservation reserve, where people can walk, take photos and jog.

Members opposite have said, ‘Oh, you can’t take your dogs’. That is coming from people who do not live in the area and who do not know that there are 35 dog walking places in Frankston that people can take their dogs to plus a huge park that abuts the Frankston Reservoir. For the benefit of these people who come in, such as the member for Bellarine, and refer to dog walking and whatever else, there are 35 places in Frankston where you can walk your dog. Guess how many conservation reserves there are? There is now going to be one. There will be 35 dog walking areas and one conservation reserve. I would like to take that one conservation reserve, which 91.9 per cent of people agreed or strongly agreed they wanted.

Ms Graley interjected.

Mr SHAW — ‘I don’t believe it’ comes from the other side. It was an independent survey, but the response is, ‘I don’t believe it’. The member for Mount Martha does not believe the people of Frankston. She thinks she knows best. She lives in deep Narre Warren South — —

Honourable members interjecting.

Mr SHAW — In deep Narre Warren South, also called Mount Martha! And she thinks she knows what is best for the people of Frankston. But guess what? Ninety-one point nine per cent of the people of Frankston agree with us about this. I put forward relevant matters to the minister, and I thank him so much for the terrific result and the terrific efforts he has made on behalf of Frankston in putting this forward. He has not been like the former government. He did not say, ‘We’re going to make this a features reserve and have no consultation’. We had extensive consultation open to the public. We invited members of the public to a round table — it was an oval table, actually. They came to the oval table and put their points forward. We came up with a plan which 91.9 per cent of the population agreed with. Out of the 796 respondents 91.9 per cent agreed or strongly agreed, and that is a tremendous result. I commend the minister, and I commend this bill. Our environmental credentials are there. Never again will we allow the opposition to trample on Frankston.

Mr BROOKS (Bundoora) — It is a pleasure to join the debate on the Parks and Crown Land Legislation Amendment Bill 2011. It is fortuitous to be following the member for Frankston in making a contribution, because I wish to make some remarks on the proposed

Frankston nature conservation reserve, and I will come to those towards the end of my contribution. At the outset I want to restate the position put very articulately by the shadow Minister for Environment and Climate Change: that we will not be opposing this bill but will be supporting the amendment to be put forward by the shadow minister which deals with the proposal, contained in this legislation, to permit further collection of firewood in the Barmah and Gunbower national parks until 2015 without the need for a permit.

The shadow minister clearly articulated the concerns that a range of people in the Victorian community have with the continuation of the non-permitted collection of firewood in those forests until 2015. It would seem that this was never the intention of the original legislation, despite what is contained in the minister's second-reading speech.

There are parts of this bill that I think are worthy of support, as other speakers have mentioned. The creation of the Lake Tyers State Park is one that is welcomed by this side of the house. The renaming of the St Arnaud Range National Park to Kara Kara National Park is something that is supported, given the strong support from our indigenous people for recognition of their ties to that particular piece of land. The St Arnaud Range National Park was part of the original National Parks (Box-Ironbark and Other Parks) Bill 2002, a watershed piece of legislation that came through this Parliament. I am proud to say it was introduced into this place by my predecessor, the then member for Bundoora and Minister for Environment and Conservation, Sherryl Garbutt, who along with other environment ministers in the previous Bracks and Brumby governments set the benchmark for progressive environmental reforms in this state, particularly in relation to protecting parts of this state for future generations to enjoy.

The National Parks (Marine National Parks and Marine Sanctuaries) Act 2002, which was also introduced by Ms Garbutt, was a particularly important piece of legislation for our people. The St Arnaud Range National Park, which contains 13 526 hectares of box ironbark forest out past Avoca, and a range of other national parks were part of that bill. There was the Chiltern-Mount Pilot National Park, the Greater Bendigo National Park and a range of others. This was great legislation from the previous government. As the shadow minister pointed out, that record is now being wound back by this government.

The member for Frankston put forward a very strong case for the creation of a nature conservation reserve in Frankston at the site he talked about. The shadow minister highlighted that there may well be other people

in the community who have a different view. That is for people in the local area to determine; I am not one to question the different views that have been put forward. But one thing I can inform the member for Frankston of is that in my electorate there are three nature conservation reserves around the Gresswell area: the Gresswell Hill Nature Conservation Reserve, the Gresswell Forest Nature Conservation Reserve and the Gresswell Habitat Link Nature Conservation Reserve. There is a very sorry tale here of poor performance by this government in protecting those nature conservation reserves. My warning to the member for Frankston is that changing the name and the classification of a piece of land, particularly under this government and this minister, does not necessarily mean there will be any improvement. In fact what my residents have experienced is a deterioration in the level of management and protection of that land.

In December 2010 La Trobe University, which had managed those three reserves as a committee of management — it was Crown land — wrote to the minister advising that it did not wish to continue as a committee of management and that it was handing the land back to the state. Unfortunately what has happened is that despite Latrobe University writing to the minister in December 2010, despite me raising my concerns about the ongoing management of those reserves in an adjournment item in March, some months after the university had handed that land back, asking the minister to ensure the proper management of those sites — not just for the protection of the environmental assets in those reserves, where volunteer groups have worked for many years alongside rangers to ensure that those areas were improved and that the biodiversity in those areas was protected but also so that fire risk could be mitigated to ensure that these reserves, which border onto suburban parts of Bundoora, Watsonia and Macleod, do not pose a risk to neighbouring properties — despite me raising the issue again in a members statement, despite volunteer groups such as the Friends of the Wildlife Reserves writing to the minister and the department and despite articles appearing in the local paper, there is still no management in place for those particular reserves.

I say in all sincerity to the member for Frankston that he needs to make sure — he needs to seek an assurance from the minister that the Frankston nature conservation reserve will be properly managed. I would ask him to ensure that this issue is not just addressed in his electorate but that he ask the minister to govern properly for all the state so that all the nature conservation reserves across Victoria are properly managed.

Honourable members interjecting.

Mr BROOKS — People are laughing on the other side of the house. It is not a laughing matter for a constituent of mine, Mrs Bell — I will not mention her full name — who wrote to me about 5-foot-high grass at her back fence in late December. I was concerned about the fire hazard and had to write to the minister. It was not until after that action that the grass was slashed.

Honourable members interjecting.

Mr BROOKS — It is a big joke for the Liberal Party members on the other side of the house — fire safety is a big joke. But the people whose properties back onto this land are very concerned about the risk of fire from unmaintained grassland right at their back fences. I simply say to the member for Frankston that it is one thing to rename and reclassify a parcel of land, but if he gets the same level of management that the residents of my electorate have received from this minister and this government, he will be very disappointed. I commend the bill to the house.

Debate adjourned on motion of Mrs BAUER (Carrum).

Debate adjourned until later this day.

FREEDOM OF INFORMATION AMENDMENT (FREEDOM OF INFORMATION COMMISSIONER) BILL 2011

Second reading

Debate resumed from 8 December 2011; motion of Mr McINTOSH (Minister responsible for the establishment of an anti-corruption commission).

Ms HENNESSY (Altona) — It is my great pleasure to rise to speak on the Freedom of Information Amendment (Freedom of Information Commissioner) Bill 2011. At the outset I wish to put forward Victorian Labor's position on this bill. We do not oppose the second reading of this bill in the Assembly, and we do not oppose the second reading of this bill in the Council. However, I wish to advise the chamber that we intend to move a series of amendments when this matter is considered in the Legislative Council, and should those amendments not be accepted by the government, we intend to oppose the bill.

This is a bill that merely parades as an attempt at significant reform of freedom of information laws. What we see in this bill is the coalition returning to

historical form when it comes to its attitude towards freedom of information. Those of us who remember the tawdriness of the Kennett government will indeed remember what the Kennett government did to freedom of information. The last time the coalition was in government it attempted to narrow the operation of the Freedom of Information Act 1982 and it created an incredible number of obstacles for applicants through the imposition of new fees and the restriction of the right of Victorians to access government documents. At one stage the Kennett government even threatened to scrap freedom of information altogether. We will address the issue of the Ombudsman's report concerning that.

When Labor came to office one of the first and very important things it did when it came to freedom of information reform was to seek to introduce amendments that narrowed the exemption for cabinet documents and the exemptions around commercial confidentiality. It removed the \$170 appeal fee at the Victorian Civil and Administrative Tribunal for deemed refusals, it compelled ministers to explain the reasons for appealing a VCAT decision to release documents and it removed the changes to the act that prevented access to documents that identified any person — including public servants — named in those documents.

Those reforms were designed to restore the Freedom of Information Act 1982 and make it capable of actually delivering on its purpose and reason for being. Under the previous coalition government we saw all sorts of tactics used to prevent the release of information and documents to the public, press and members of Parliament. The tactic, a well-used one, was to attach documents to cabinet submissions. This was routinely used in a bid to shroud documents in secrecy and to keep them hidden from the clutches of the Freedom of Information Act 1982.

Commercial-in-confidence exemptions were famous under the Kennett government. Given the activities of the Kennett government, its use of commercial in confidence was significant and it restricted access to those documents. The Kennett government also introduced large fees to appeal to VCAT. This presented a significant block in terms of people's ability to file appeals, but it did seem to work and it achieved the Kennett government's goal. There is a reason that that government was known as one that privileged secrecy over transparency. These were all very cynical measures designed to propagate and support that culture of secrecy. When we fast forward a few years we see the coalition's true colours revealed once again.

After Labor came to government it sought, in 2007, to introduce a raft of new measures to contemporise and try to further democratise the freedom of information regime. What the Labor government sought to do was abolish application fees, which had been introduced by the Kennett government. Labor really worked hard to try to put back the 'free' in freedom of information. It sought to implement recommendations made by the Ombudsman in his report on the review of the Freedom of Information Act 1982 and to implement some additional reforms to improve the process. The bill would have required agencies to provide documents that are publicly available to people or advise them where they could obtain copies of those documents outside the formal processes of FOI.

This is a challenge that is not going to leave us. As the world becomes more reliant upon electronic documentation one of the great challenges for all governments is to try to provide genuine accessibility of information — not just information about the processes of government but information about governments themselves and about agencies.

The Public Records Act 1973 regulates the use and storage of, and in fact the requirement to produce, public records of how government makes decisions. However, the concept of freedom of information has been used and abused by different governments in an attempt to make it very difficult for people to access what in fact is, and ought be, publicly available information.

The bill that was introduced by the previous government also sought to abolish the \$23.90 application fee, which was introduced by the Kennett government and of course resulted in a big reduction in the number of applications. The bill sought to provide discretion to agencies to waive access charges of less than one fee unit that are used to cover the costs of processing applications. It sought to limit the use of certificates issued by the Secretary of the Department of Premier and Cabinet stating that documents were subject to the cabinet exemption under the FOI act. If a certificate is issued under that provision, the ability of VCAT to review decisions is potentially restricted. The bill sought to remove the capacity to issue those certificates and instead provide VCAT with the capacity to review decisions in those circumstances. It should be noted that the previous government did not seek to use this provision but sought through this bill to remove the capacity for future governments to rely upon the issuing of the certificates in an attempt to avoid openness and accountability.

There were a range of other amendments contained in that bill, one of which addressed the issue of vexatious applications. Again, trying to strike a balance in these sorts of provisions is always very difficult, but these were sensible amendments to the freedom of information act. They were supported by the Ombudsman's review of the freedom of information act, which was tabled in the Parliament in 2006.

Sensible as the amendments were, it is interesting to reflect upon what the coalition's position was. We all remember the tossing and turning, the toing and froing, and the flipping and backflipping, because the coalition did not oppose the bill in the Assembly but when it reached the Council the coalition flipped again and voted to defeat the bill and those very important reforms. We attribute no credibility to the coalition when members opposite talk about freedom of information. They had a prime opportunity to try to modernise and democratise and improve the accessibility of government documents and they rejected it. They flat out rejected it, yet they come into this house and try to purport that this bill is some kind of significant reform. That is an absolute furphy, and coalition members come with dirty hands on this topic.

If I could just briefly turn to the 2011 bill, we recall the current Premier before the last election promising us a spin-free government. He promised us openness and accountability, and Victorians were led to believe that these would be the traits, that these would be hallmarks in the way that this government operated. Fifteen months in, it is hard to find an example of where that promise has actually been borne out.

Let us consider a couple of instances that significantly call into question the openness and transparency of the Baillieu government. I see that responses to a range of questions on notice have finally been filed in the Parliament today, but there is a significant number of questions on notice that the government has failed to answer. It is a sign of a government that does not want to be open and transparent when members of Parliament have sought answers to pretty simple questions and have not had them.

A code of conduct for MPs and ministers was promised and that is nowhere to be seen, the Independent Broad-based Anti-corruption Commission is seven months late, and we have a so-called fundraising code of conduct that has more holes in it than a sieve. Recently we learnt that this year, despite undertaking to do so, the government will not be releasing 30-year-old cabinet documents that would perhaps reveal decisions made in the years of a coalition government. Whenever government members are given the opportunity to

make good on a promise, they absolutely squib it, and they are doing it yet again.

What have been experienced in the past 15 months have been delays, political interference in the operations of the process of freedom of information across government, both within the public service and inside the ministers' offices, and a failure to respond to requests and adhere to the obligations set out under the existing act. We in the opposition know these things very well, as many of our FOI requests sit there idly, not responded to. This issue is known to a broader group of people. Indeed members of the media have become quite passionate commentators on it.

I will speak briefly about my own experience. I have had what could only be described as a pretty consistent history of having my freedom of information applications to the Department of Justice relentlessly ignored, so much so that references have been made to the Ombudsman. I understand also that the Auditor-General is undertaking an investigation into the processing of the freedom of information system. It is quite extraordinary that today I received a letter from the Secretary of the Department of Justice in which the secretary says to me that, after conversations with the Ombudsman, they have decided that it is time to apologise to me for the lengthy delays that have been experienced in relation to my freedom of information requests. I wonder what the Department of Justice may have done but for the intervention of the Ombudsman.

The applications made under the Freedom of Information Act 1982 were not vexatious applications about unimportant matters. Examples of some of my freedom of information applications that members of this government have failed to process include applications relating to the serious sex offenders register and security in Victoria's prison system.

In her letter of apology to me Ms Armytage says that she understands that responses to seven of my FOI requests have been the subject of inordinate delay and that another seven are still the subject of inordinate delay. She says also:

A number of reasons have contributed to the responses being substantially overdue: the number of applications received in September 2011 —

that is how long I have been waiting for responses under an act that currently prescribes a 30-day processing time —

FOI staff leave and training, and the need to respond promptly to the FOI audit being undertaken by the Victorian Auditor-General's Office.

The statutory rights set out under the existing act are, by Ms Armytage's own concession, not being adhered to because the FOI staff are overwhelmed, they are receiving training and the government is too much engaged in the process of the Auditor-General's review of freedom of information for the staff to do their jobs.

One of the questions that struck me when I received this letter today was: are the FOI staff in the Department of Justice front-line service staff or are they backroom staff who will indeed be subject to the government's sacking regime in respect of the 3600 public sector workers who will go? I simply wonder if there is a deeper or darker story as to why such incompetence is being displayed and why there is no action until the Ombudsman intervenes. But it is not just me who thinks this.

The freedom of information regime in Victoria has been so severely compromised by the government that I was very interested to read an article by Peter Rolfe in the *Sunday Herald Sun* of 4 December last year in which he says:

Serious concerns have been raised about the intervention of Premier Ted Baillieu's private staff in Victoria's freedom of information process.

Ministers and departmental staff have told the *Sunday Herald Sun* that senior FOI adviser Don Coulson has been intervening in the process, which is supposed to give the public fair access to documents held by ministers and government agencies.

They say Mr Coulson is part of a new era of stonewalling.

That is a significant line in the sand when the media, which usually has a reasonably critical view of all governments of whatever political configuration and their capacity to respond to issues and requests for information, in the form of the *Sunday Herald Sun*, calls this a new era and identifies the spectre and evidence of political interference. The article went on to say:

... under the Baillieu government, requests are often taken out of the hands of ministers and departmental heads and handled by Mr Coulson and Mr Baillieu's own FOI unit.

Concerns have also been raised about independent FOI officers having to meet, email or phone Mr Coulson before releasing information to the public or media.

As the article goes on it does not get any better. These examples are just the tip of the iceberg, and they represent the incredible hypocrisy of the spin that the government has put around this bill. They also demonstrate the new lows to which the processing of FOI requests has sunk under this government.

It also makes me reflect upon my own experience and the frustration I have experienced with the Department of Justice and its apparent inability to process an FOI application. It makes me wonder if it, too, has been the subject of political interference by Mr Coulson. There seems to be a particularly consistent pattern of behaviour that has emerged, and I say to members that this bill does not fix any of it — not one jot, not one component of this government's behaviour in respect of FOI. It does nothing; it does none of that.

The question is: how committed is this government to improving these shonky processes? It is one thing to bring in a bill that substantially breaks significant election promises; it is another to try to then attempt to perhaps improperly interfere with the departmental processing of freedom of information applications. None of the reforms put forward in 2007 have been taken up by this government in the legislation. None of the reforms that were supported and prompted by the Ombudsman's review are reflected in the bill that we are debating in the house. We see in this bill tinkering parading as reform, but that tinkering is actually a form of dangerous regression.

The minister's second-reading speech purported that this bill:

... represents the greatest change to Victoria's freedom of information laws since their introduction almost 30 years ago.

With that I agree, but not in a good way. While the bill establishes a freedom of information commissioner — and that was an election promise of the coalition — and an accountability and oversight committee of the Parliament and while it has some other amendments that relate to the commissioner's functions, it is substantially a bit of a fraud on the Victorian people. It is a broken election promise for the reasons I will outline. I also note that there is no role for the parliamentary committee in the appointment process for the FOI commissioner, so there is no semblance of trying to seek bipartisan support for this body. The fact of the matter is that this will make accessing information under the freedom of information act harder, not easier.

This bill seeks to entrench delaying tactics into the process; it extends the length of time that agencies have to respond to requests and the time in which reviews may be conducted. The regime is designed to entrench delay, frustration and inertia. I can only speak to my own frustration with my experience of the government's processing of my freedom of information applications, and the spectre of this getting worse does not bode well for good public administration in this state. This bill seeks to enshrine an FOI commissioner

who risks being a toothless tiger, unable under this bill to even make copies of documents which have been claimed to be exempt from release under sections 28 or 29A of the act — that is, cabinet documents or documents affecting national security, defence or international relations.

As I said, within the context of freedom of information applications, often a balance needs to be struck. No-one is making the argument that all documents should be made publicly available all of the time. There are issues that relate to national security. Commercial certainty is an important public policy imperative, but this bill gets it wrong and it seeks to use these defences as a way of entrenching a lack of accessibility. More pertinently, what it says is, 'We're setting up an FOI commissioner, but we're not ever going to let them test the defences that we base our denials on'. It shows that this government has scant respect for even the concept of an independent FOI commissioner; it renders their powers almost negligible.

The question is: what is this FOI commissioner going to do? They are not given any independent powers to contest governments which seek to hide behind cabinet-in-confidence, national security or commercial-in-confidence defences — which may or may not be appropriate. But the point of having an independent FOI commissioner, or so I thought, was that they would be able to test such things, that there would be an independent person who would be able to circuit break the 'We say, you say' debate that fundamentally undermines credibility in a government's decision-making processes around what documents are going to be released. Furthermore, the commissioner must report on any efforts by agencies or ministers to administer and implement the spirit and intention of the act, rather than, as you would expect, commenting in their report on practices seeking to frustrate or hinder the process. The government has tried to circumscribe what this FOI commissioner is going to be capable of saying in the public domain about government FOI practices.

There is also a clause in the bill that prescribes how the commissioner must report on a minister's response to a complaint, ensuring that the minister's comments are included fully and accurately. New section 49A(3) inserted in the principal act by clause 13 of the bill provides that an application for the FOI commissioner to review a decision of a minister or principal of an agency cannot be made. So rather than improving the current situation in regard to the review of decisions, which is currently done through the Victorian Civil and Administrative Tribunal, this retrograde step will take the process backwards. It will mean that ministers and

departmental secretaries can claim anything is an exempt document, safe in the knowledge that their claim cannot be tested.

In making these criticisms I in no way intend to impugn the integrity of people. I make the point that the system the coalition promised is not the system it delivered. We have now had 15 months of seeing how this government has politicised freedom of information applications and how that has been centralised within the Premier's office. Now we see that its promise to introduce an all-powerful FOI commissioner who would be able to attempt to test the perhaps mendacious use of some of these issues as grounds for denial was in fact self-defeating to begin with. It undermines the credibility of this coalition government's so-called commitment to accountability and transparency, and it sets up an expensive office but gives it none of the powers that it absolutely needs to ensure that the system is administered effectively.

Again, I am not the only one of this view. I would like to briefly reflect upon the editorial which appeared in the *Sunday Herald Sun* of Sunday, 11 December. It is scathing about these issues. It says:

Last week, the Baillieu government finally introduced legislation to create the position of a freedom of information commissioner — a move the government said would honour its pre-election commitment of openness and transparency.

This is where it gets good, Acting Speaker, so hang on to your seat:

What a joke the legislation has turned out to be.

The commissioner will have no jurisdiction over ministers or their officers. Given that Premier Ted Baillieu has installed in his office a freedom of information adviser, Don Coulson, who personally drags in requests that could be embarrassing, this means the government will actually be less transparent, not more. The new commissioner will also be unable to review refusals to provide access to cabinet documents. And departmental secretaries will also be safe from the commissioner's powers.

This means independent public servants can be scrutinised by the commissioner, but high-level bureaucrats, ministers and political advisers cannot — despite their access to taxpayer funds and decisions that affect everyday Victorians.

The editorial finishes with a rather insightful assertion, and it is:

The government should be ashamed of this disgraceful legislation.

It is really not a positive assessment of the government's freedom of information reforms, to see it in its most positive light, and it is for this reason that this legislation requires serious amendment.

Our amendments will deliver an FOI commissioner with powers in line with what the coalition promised when it was in opposition prior to the last election. It will increase the proposed commissioner's jurisdiction, seek to minimise delay in the process and enhance the commissioner's independence. On the issue of the commissioner's jurisdiction, our amendments will seek to provide the commissioner with the necessary power to undertake all first-stage FOI reviews, and that is what the government's pre-election policy committed it to. We would provide the commissioner with jurisdiction over decisions by ministers and agency heads as well as the jurisdiction to make decisions about documents that are claimed to be cabinet in confidence or to relate to national security.

In relation to cutting the delays and stalling tactics that this bill seeks to entrench, our amendments will wind back the time the FOI commissioner has to review an agency's decision from 30 days to 14 days. That is the same time frame that exists under the current system, yet again further illuminating evidence as to why this bill makes FOI worse, not better.

We will move to reduce the time an agency has to consider a decision of the FOI commissioner to release documents from 60 to 28 days. In terms of dealing with the independence of the independent FOI commissioner, our amendments will have the effect of ensuring that the commissioner is appointed for at least five years, not up to five years as in the current bill. We believe that goes some way to ensuring and entrenching greater independence in the commissioner. Our amendments will also ensure that the commissioner is not limited to commenting but has the right to comment on bad FOI practices as well as those which reflect on ministers and departments.

This is very poor legislation which again proves that the coalition cannot be trusted on freedom of information issues because its natural inclination is not to try to build an effective yet fair public policy system that administers freedom of information. This government is remorselessly obsessed with freedom from information. The bill stands condemned. As I said, we do not oppose the second reading in this house and will not oppose the second reading in the Legislative Council, but should those amendments not be acceptable to the government, we will vote this bill down.

Mrs FYFFE (Evelyn) — I am pleased to speak on the Freedom of Information Amendment (Freedom of Information Commissioner) Bill 2011. This bill will establish a freedom of information commissioner and deliver one of the coalition's key election promises.

This bill represents the biggest reform to FOI in Victoria for 30 years. It is refreshing to see that the current government takes FOI seriously and remains committed to openness and transparency, in complete contrast to the former government.

By introducing this bill and creating a commissioner to oversee the operation of FOI procedures in Victoria, the coalition government is bringing the state in line with many other Australian jurisdictions, including New South Wales, Queensland, Western Australia and the Northern Territory, as well as the commonwealth.

Under the former government FOI was an unmitigated mess. Year after year the Ombudsman tabled reports slamming the former Labor government and its complete mismanagement of FOI in Victoria. In the 11 years Labor was in government secrecy and stonewalling became deeply entrenched in the FOI process across the public service.

In his 2009 annual report the Ombudsman was scathing of Labor's bungling of FOI in Victoria. The Ombudsman detailed his belief that the entire culture surrounding FOI was misguided and one in which agencies acted against the intention of the FOI act by restricting rather than facilitating the release of information. He said Labor was applying the act in a manner more consistent with protecting documents from release.

Currently if a request to a department for information is denied, then the requester has to appeal to the department — that is, the same department that rejected the request in the first place. Unsurprisingly every year from 2007 to 2011 over 70 per cent of intradepartmental reviews upheld the original decision. The member for Altona talked about delays in processing FOI requests in the first year of this government, but the 2007 period perfectly illustrates the problem with the previous government's FOI system. A total of 297 FOI requests were internally reviewed by departments during 2007, with 78.1 per cent of reviews upholding original decisions. However, of the 117 appeals lodged with the Victorian Civil and Administrative Tribunal (VCAT), 18.6 per cent of decisions were varied and 25.6 per cent of decisions were completely overturned. This means that in relation to the rejected internal reviews that were appealed to VCAT, the departments were wrong almost half of the time.

This bill will bring some common sense to the FOI process by establishing an FOI commissioner to handle all requests for FOI appeals. The commissioner will be independent of government and will be appointed by

the Governor in Council, answerable to the Parliament and overseen by the new accountability and oversight committee, which will be a joint committee of Parliament.

Under the provisions in this bill, the commissioner will conduct all reviews of the department's FOI decisions. Reviews relating to cabinet or national security can be appealed at VCAT. This means that FOI request reviews of the departments' decisions will be now be done by an independent office that has no connection to the original decision. If the commissioner's findings concur with a department's view, the party making the request then has the right to appeal to VCAT, which is consistent with the old process. The new process ensures that VCAT will continue to play a crucial role in the FOI process.

The intention of this bill in establishing the commissioner is to take pressure off VCAT. When Labor lost office at the last election over 300 FOI appeals were backlogged at VCAT. Further to introducing the new review process, this bill makes the commissioner responsible for the complaints process, which is a task formerly handled by the Ombudsman. The complaints process will empower the commissioner to formally review the FOI processes within departments to ensure that they are in compliance with the Freedom of Information Act 1982. Examples of complaints the commissioner will be able to deal with include unreasonable delays in processing requests, misleading advice in relation to requests for information and the misuse of exemptions regarding information.

Under the amendments in this bill, the complaints process revolving around FOI procedures is intended to be resolved amicably. The intention is that the commissioner will be able to informally discuss problems with the relevant secretary. However, if this approach fails to rectify problems with a department's FOI procedures, the commissioner is obligated to use a more formal conciliatory approach and, when appropriate, issue the department with formal recommendations.

The coalition government has committed \$7.9 million over the next four years to allow for the creation and continuing operation of the office of the commissioner. This funding marks an investment in good government.

This bill also confers discretion on the commissioner to dismiss any vexatious or frivolous applications so that the commissioner's time and resources are not wasted on reviews that are ill intentioned. This bill represents common sense and practicality and is being introduced

by a government that is committed to openness and accountability in relation to the Victorian public. This bill is the most significant development in the FOI process in Victoria since the Freedom of Information Act was introduced in 1982.

It is interesting to note that during 11 years of being in government, Labor members failed to reform FOI in Victoria, yet now in opposition they have had an epiphany. They have seen the light and are suddenly committed to reforming FOI by moving amendments to this bill. These are amendments that will not be tabled in this house but will be tabled in the Council. We in this house do not have an opportunity at this time to see these amendments and debate them, which is a disappointment because this bill was introduced back in December.

The member for Altona quoted from an editorial — I think she said it was in the *Herald Sun* — that talked about the bill being introduced into Parliament. This means that Labor members have had since the second week of December to draft these amendments and bring them into the house. Perhaps the sun, the surf and the beach took away the time and they just have not got around to doing it. We would have liked the opportunity to debate those amendments; it would have been good to have seen what it is they are actually doing.

I understand that there are several other members who want to speak on this important legislation, and I will finish my contribution now. I totally and wholeheartedly support this bill and wish it a speedy passage.

Mr LIM (Clayton) — I rise to speak on the Freedom of Information Amendment (Freedom of Information Commissioner) Bill 2011. In little more than a year the Liberal Party has chalked up a litany of broken promises. They fall into three categories: firstly, promises it could never keep, such as implementing lock, stock and barrel the recommendations of the bushfires royal commission; secondly, promises it never intended to keep, such as making Victorian teachers the best paid in the land; and thirdly, promises made while in opposition that now, from the perspective of government, it does not want to keep. The promises in the third category, which the Liberal Party in opposition referred to as demonstrating openness and transparency, go to the very heart of accountable government, and they include the IBAC (Independent Broad-based Anti-corruption Commission) and FOI. From the perspective of government they no longer look like such a great idea.

The solution is to say with a straight face and without blushing that you are implementing them while doing the exact opposite. The result is that accountability mechanisms are being hobbled to ensure that they will not come back to bite the government on the proverbial backside. As far as broken promises go, this bill is breathtakingly cynical. The modus operandi of the Liberal Party is becoming clear: tell people you are implementing your election promises while doing the exact opposite and say it loudly and often enough in the hope that the public will swallow it. But people are just not as gullible as that.

This is what the *Herald Sun* had to say about the bill in its editorial of 11 December 2011 — not that long ago, as the member for Altona said. Unfortunately I note that the member for Altona quoted extensively as well, but I suppose repetition will do no harm in this case. The editorial says:

What a joke the legislation has turned out to be.

The commissioner will have no jurisdiction over ministers or their officers. Given that Premier Ted Baillieu has installed in his office a freedom of information adviser, Don Coulson, who personally drags in requests that could be embarrassing, this means the government will actually be less transparent, not more. The new commissioner will also be unable to review refusals to provide access to cabinet documents. And departmental secretaries will also be safe from the commissioner's powers.

This means independent public servants can be scrutinised by the commissioner, but high-level bureaucrats, ministers and political advisers cannot — despite their access to taxpayer funds and decisions that affect everyday Victorians.

The government should be ashamed of this disgraceful legislation.

That is what the *Herald Sun* said on 11 December last year. Its editorial went to the heart of the issue.

The Liberal Party's 2010 election promises on FOI are contained in a document entitled *The Liberal Nationals Coalition Plan for Freedom of Information*. On page 4 of that document the Liberal Party promises:

The Liberal-Nationals coalition plan will provide structural reforms that will change the network of FOI decision-makers, from the top to the bottom, and remove them from the political process.

On page 5 the Liberal Party specifically promises to:

Ensure that the FOI commissioner and the FOI commissioner's office will be independent of government and responsible for monitoring all FOI requests.

However, this bill will do exactly the opposite of that. The FOI commissioner will have no power to scrutinise decisions made by a minister, a minister's office or the

principal officer of an agency. Rather than taking political control out of FOI, this bill will enshrine it. It is the watchdog that will be taken out of the process, not the politicians. The watchdog will become a lap-dog. This is after the Liberal Party promised, also on page 5 of its plan, to legislate to give the FOI commissioner responsibility for all first-stage or internal reviews of FOI requests that are currently conducted by departmental staff. That just would not happen. With contentious or sensitive requests, either the principal officer of the agency would make the determination or the Premier's office would call them in, thereby placing them beyond the reach of the FOI commissioner. And don't I know it! That was the outcome of two requests I made. I cannot say they were recent requests because, although the responses were dated 20 January 2012, they were both made by me on 9 September 2011. That was four months ago. In the 1970s you could have sent a ship to London to request something, and it would have come back in time, but here it takes four months. So much for the Liberal Party's complaint on page 3 of its policy document that:

There are excessive and unreasonable delays in processing requests made under freedom of information.

How cynical that is.

My requests — and they go to the core of what is wrong with this bill — sought documents on two of the Premier's advisers, Nitin Gupta, special advisory to the Premier for the Indian community, and Gladys Liu, special advisory to the Premier for the Chinese community. The requests were largely refused, clearly on a political level, by Don Coulson in the Premier's office. These two officers are on the public payroll, and their duties should be open to public scrutiny. Victorian taxpayers are entitled to be assured that these advisers are working for the state of Victoria and not the Liberal Party or the Premier's faction. The Liberal Party's promise in regard to FOI in 2010 is not just a broken promise; it is a big fat lie. Victorians deserve much better. The *Herald Sun* was correct: this bill is a joke and a disgrace.

Mr NEWTON-BROWN (Pahran) — This bill will amend the Freedom of Information Act 1982 to establish the role of a freedom of information commissioner who will conduct first-stage reviews of FOI decisions, monitor compliance with professional standards and handle complaints. The FOI commissioner will be appointed by the Governor in Council and will report to a new joint committee of Parliament.

The member for Altona suggested that this significant reform is merely tinkering at the edges. For the

coalition government to introduce an FOI commissioner is in fact a revolution in FOI accountability in this state. The FOI commissioner will have several key functions, primarily to review the decisions of public sector agencies in the first instance, in essence replacing the first-stage reviews that are conducted internally, which in many cases is an unsatisfactory first form of review. The commissioner will also monitor compliance with professional standards, provide advice, education and guidance, handle complaints about the administration of the act and report to Parliament annually.

It is almost laughable that the member for Altona claimed that Labor's record on FOI is somehow superior to the record of the Liberal Party. The member delved back into the last century to support the proposition. Indeed she spent about 12 minutes of her allotted time talking about the Liberal government of the 1990s.

I am not going to waste time getting into any rebuttal of those arguments, but it is significant to note that the member for Altona conveniently overlooked the Ombudsman's report of 2006 entitled *Review of the Freedom of Information Act*. In essence it is a report card on the Labor government of the time. It is a damning report which details the complaints of delays in processing requests, including delays in the release of documents for political reasons; unreasonable claims that requests were unclear or voluminous; a lack of assistance to applicants in trying to reformulate requests; and the misuse of exemptions to deny access to sensitive documents.

In summary, Labor failed when it had the chance to reform Victoria's freedom of information system. Under Labor Victorians experienced a culture of secrecy, stonewalling and inaction, which was evidenced by that report and other Ombudsman's reports during the time of the Labor government in Victoria. These reforms which the Liberal-Nationals coalition has introduced to the house represent the most significant reforms to the Victorian FOI law in the last 30 years. It is evidence of the coalition's commitment to increasing transparency and accountability through the FOI process.

In considering this bill it is relevant for the house to compare the approach that this government is taking in relation to FOI with the approach that the former Labor government took. The member for Box Hill, who is now the Attorney-General and who is in the house at the moment, spoke eloquently in the house about the appalling record of the former Labor government when he talked on an FOI amendment bill which was

presented to the house on 5 February 2008. The bill had been introduced in response to that damning Ombudsman's report. You would have expected that Labor would respond to such a scathing report by throwing open the doors for FOI applications and revolutionising the way the FOI regime was handled in the state of Victoria. Instead it batted down the hatches and gave itself even more power to restrict what was able to be accessed by the public.

In his speech at the time the member for Box Hill said:

In relation to freedom of information, as in so many other areas, the government has adopted an *Animal Farm* approach. That classic novel by George Orwell is yet again typified and characterised by the Bracks and Brumby governments. Having abused the previous government for alleged misuse of freedom of information, and after coming to office and promising what government members claimed would be a new era of reform and enlightenment, they then proceeded to abuse freedom of information legislation outrageously to suppress rather than to release information and to manipulate public debate.

It is not just opposition members of Parliament who are saying that now. We had the recent report of the Ombudsman of June 2006 ...

When it had the chance in government the Labor solution to the issues of accountability and transparency was to further centralise powers. The member for Box Hill noted that the Attorney-General of the time was, without scrutiny and without independent check or safeguard, going to give himself total power to decide what could be published under the regime for publication of information under part 2 of that bill. The member for Box Hill said:

We will be making very clear to Victorians that yet again this government is being shifty, duplicitous and secretive, and I think the public of Victoria have had enough ...

Indeed the results of the 2010 election are evidence that the Victorian public had had enough.

Now I turn to the bill before the Parliament, and what a contrast that is between what the Liberal-Nationals coalition has put before the Parliament and what the Labor government did or did not do when it had the chance. When Labor was in government it used its privileged role to further tighten access to scrutiny of government agencies, whereas the Liberal government is by this legislative framework opening up the workings of the FOI regime to the scrutiny of an independent FOI commissioner. In the absence of an FOI commissioner the ALP abused the process of appeals to string out the release of information.

Several times before elections the Brumby government held up FOI requests by appealing against decisions of

the Victorian Civil and Administrative Tribunal to the Supreme Court. One example I can cite is when the now Deputy Premier highlighted this issue in his request for documents detailing water savings in the food bowl modernisation project. VCAT was in favour of releasing the documents — and this was just before the election. What did Labor do? It tied up the documents in a Supreme Court appeal in an attempt to prevent disclosure of damaging documents before the election.

Another example of this abuse of process relates to when the now Minister for Tourism and Major Events made a request to the Labor government for information in relation to the original cost estimates for the desalination plant. The Auditor-General's report of April 2008 highlighted that Labor had in fact fudged the figures. The Auditor-General said:

... the desalination plant costs were based on a significant body of technical work on the project costs and risks. However, the decision was made to publish a lower probability figure (i.e. a lower estimate) when a higher probability figure was available.

In other words, the member for Lyndhurst as Minister for Water hid behind the FOI laws to prevent the release of information that would have established what he knew about the original cost estimates of the desalination plant. I suppose he rightly figured that the figure — which equated to \$2 million per day, every day for 30 years — may have been somewhat unpalatable to the Victorian public, and it certainly may have been a career-limiting decision for himself. If that is what he figured, then I think he probably figured right.

Another example of the abuse of process under the previous government involves a request by Channel 7 journalist Louise Milligan in early 2010 to get a copy of a report on the Safe Streets Taskforce. She had a tip-off that the report had been buried due to unfavourable content. Victoria Police refused to release it under FOI laws on the basis that it was cabinet in confidence and an internal working document, and an appeal was made to the Victoria Police legal department. Under the legislation currently before the Parliament such a request would be reviewed by the commissioner and we would be more likely to get an expeditious result.

Under the old system an appeal was made to VCAT and the police kept fighting the release until six months later, when the police lawyer said the report would be released almost in full but — and this is the week before the election — not until the week after the election, on 27 November. Channel 7 ran a story on the decision to withhold the report until after the election,

and there was no comment from the government to explain the reason for the hold-up. Perhaps there was no good reason.

The reason I cite these examples is to highlight that if there were an independent FOI commissioner involved in the early stages, then a request could be resolved in a timely manner, without the consideration of political expediency that we saw practised by the previous government.

And so this is our solution: under the bill before the house an independent, well-respected FOI commissioner should be able to speed up the release of appropriate information and also, through the authority of the office, reduce the number of appeals to VCAT and the Supreme Court. Through this bill the Liberal Party in coalition is delivering on its commitment to more openness and transparency in government. After a little over a year the Liberal-Nationals coalition is doing what the former Labor government could not do in 11 years in office. The member for Altona suggested that the bill was merely tinkering; in actual fact it is a revolution — it is a revolution of the FOI processes in this state. I commend the bill to the house.

Mr PALLAS (Tarneit) — It gives me great pleasure but also a great deal of sadness to rise to speak on this bill, because I think this is a piece of legislation that falls far short of the rhetoric that actually accommodates and accompanies it. This is a bill that falls far short of the aspirations and the expectations that were contained in the second-reading speech and indeed in the policies that underpin it, which were put forward by the now government when in opposition. It is not a toothless tiger. It is, I would say, in many ways a bill that is quite cynically drafted and aimed at ensuring that there is the outward veneer of respectability and accountability; however, there is a malevolent and, as the member for Altona has said, a mendacious effort by this government to ensure that freedom of information becomes freedom from information.

The freedom of information proposed under this regime will fall far short of the somewhat idealistic views expressed in this place on 7 December 1999 by the then new member for Hawthorn. He said:

People need to conduct themselves in good faith, with trust and with common sense. Freedom of information should be a matter of saying, 'Ask and you shall receive'. Freedom of information has a long way to evolve on matters of timeliness, comprehensiveness, mandatory publication and even internet publication.

Those were the words of a wide-eyed idealist, a man who clearly had not realised that one day he would

become Premier of the state and his ideals would be tested in the most bitter of all crucibles — the exercise of power. What happened to that idealism? What happened to the coalition which said it believed in freedom of information as an ideal to aspire to, something the community deserved as a right? What we saw was a Machiavellian manipulation of legislation.

This is a rancid bill, hiding the arrogant and rotten culture of born-to-rule belligerence in the government. There is no doe-eyed idealism in the bill. It simply enables a government to say, 'We will take any document that the public inquires after and hide it in a ministerial office, a private office. We can put a stamp on it'. The Attorney-General likes to stamp his press releases 'Policy delivered' as if they are in some way papal writ, as if the stamp and the ink deliver real benefit to the people of Victoria. These are just words from a government that believes in nothing more than language subsuming action and right being subsumed by movement, a government that has no conception of its own moral compass when it comes to implementing its policies.

The doe-eyed idealist, upon first walking into Parliament in 1999, said that it should simply be a question of 'ask and you shall receive'. If that were the case, we would not have this nonsense. We would not have a process whereby the freedom of information commissioner will not be appointed by the Governor in Council but effectively by the Parliament, and not on a tenured appointment but for a set period of time with the capacity for reappointment.

Ministerial officers can pull documents requested under freedom of information into ministerial offices — it is not just ministers or ministerial advisers; it can be the office. Those opposite railed mercilessly against the idea of the unelected swill in ministerial offices — those hundreds of ministerial advisers unaccountable to anybody — but now they are employing them in large and growing numbers, the same people — —

Mr Clark interjected.

Mr PALLAS — No, we will see. We hear from the Attorney-General — —

The ACTING SPEAKER (Mr Weller) — Order! The member for Tarneit knows that it is improper to respond to interjections.

Mr PALLAS — I am sorry, Acting Speaker. I love to incorporate the language of the Attorney-General into the record sometimes so the community can see what a sham and a fraud this government has become.

Members of the government shroud themselves in the respectability of language, saying they genuinely believe in freedom of information. They rail against the imagined atrocities of the past and they use them as justification in their own minds. It is the respectability they clothe themselves in at night when they rationalise away what is nothing short of rancid hypocrisy in this legislation — a bill aimed at avoiding scrutiny and denying the community's right to know. The government has turned this into an art form, but it will be held accountable because people are not stupid.

Despite the fact that this government has been in power for less than 14 months, despite the fact that the government has continued to outwardly extol a belief in freedom of information and transparency — no matter how cynical it may appear in terms of the way it describes it — everything it does behind the scenes, every measure it puts in place, is malevolent, mendacious and Machiavellian. It is about avoiding scrutiny. We need to be aware that this is a bitter and small-minded government that is putting in place a piece of legislation that demeans this Parliament. Government members cannot shroud themselves in respectability through the language that is contained in the second-reading speech or indeed their own government's policy.

I am the first to acknowledge that all governments fall short of their aspirations in terms of what should be delivered to the community. We all should fall short, because if one does not aim high, one will invariably shoot low. Governments should aim high. But this government is not aiming high. This government is just telling people that it aims high, that it aspires to lift us out of the mire to look towards the stars of a community that can seek the opportunity to see and acquire information, where community members are given a real appreciation of what goes on within government and what rights they have as individuals to scrutinise information and engage in a public debate. Once we are in control of the executive arm of government we all recognise the obligations of those executive responsibilities, but we should never give way to our basest sentiments and our fear of the right of the public to scrutinise government. If we do, every time we do we relinquish a little bit more of our own integrity and, ultimately, a little bit more of the community's right to genuinely scrutinise us.

This is a government that has effectively fallen short of its language and its aspirations. I do not know whether this is a purely Machiavellian undertaking or whether this is a government that genuinely does not appreciate the practical consequences of what it is doing. Unfortunately I think it is the former not the latter. The

government has put in place a system under which it has a centralised ministerial adviser, a man whose name, Don Colson, has been mentioned in this place a number of times. He brings FOI requests in from all departments, scrutinises them, delays the process and ultimately puts down the right of the community to know. The integrity of a legislative scheme becomes increasingly opaque as it is controlled within the hands and the confines of the unelected and the non-scrutinisable.

This piece of proposed legislation is a joke. It is a joke because while it aspires to one thing in its language, it delivers entirely the opposite. People have a right to access material from government, they have a right to be angry with government and they also have a right to recognise that governments sometimes do not live up to their expectations. We have all seen that. But Labor has a proud history of introducing freedom of information and of reforming freedom of information, and any time that we fell short of the mark it was because we aimed higher and higher every time. Those opposite who believe that we fell short should not seek to do better by aiming lower.

Mr SOUTHWICK (Caulfield) — It is my pleasure to rise to speak on the Freedom of Information Amendment (Freedom of Information Commissioner) Bill 2011. This is a very important bill which aims to restore accountability, transparency and integrity to government — something that unfortunately was sadly missing in the 11 years under Labor. This bill delivers on our election commitment, and these reforms represent some of the most significant reforms to Victorian freedom of information law in 30 years.

Firstly I want to focus on our election commitment and the coalition agenda to restore integrity to government. This bill is part of a comprehensive reform agenda of the coalition to restore integrity to government. We have already introduced a number of bills, and we are already moving forward to ensure that the public has its confidence restored in the government of the day. The package so far has included legislation to introduce the Independent Broad-based Anti-corruption Commission, which the previous Labor government stonewalled despite years of debate and the obvious need.

We have also established the Public Interest Monitor, which is independent of government, to ensure that the community is protected from inappropriate incursions into civil rights and liberties. We have released a tough fundraising code which ends Labor's cash-for-access fundraising in Victoria. These are sweeping reforms of practices that apply to government MPs and senior staff.

We have also reformed the lobbyist code of conduct to include tough new guidelines for former ministers, parliamentary secretaries and former staff of lobbyists in similar positions. We have tightened the rules of Parliament to ensure that we keep up the standards of integrity in this house that the Victorian public expect so we can get on with the job and focus on the business of the day. We are continuing the job with a comprehensive suite of reform agendas to restore this integrity by introducing the Freedom of Information Amendment (Freedom of Information Commissioner) Bill 2011 that we have in front of us today.

The bill will establish an independent commissioner who will be appointed by the Governor in Council and report to a new joint committee of Parliament to ensure accountability and oversight. The commissioner will be an independent executive arm of government, supported by an independent office. The commissioner will have a number of key functions, which include reviewing decisions of Victorian public sector agencies and replacing substantially the first-stage reviews currently conducted by internal agencies. This is really important because the current practice means that you potentially have one person looking at an FOI request and not allowing it to proceed and an appeal taking place where the person sitting right beside them, superior to them, is looking at the same FOI request and also rejecting it.

This allows an independent umpire to examine the FOI request and ensure that the proper information is provided and the proper process takes its course. It also allows compliance with professional standards, education guidelines and most importantly reporting annually to Parliament about the administration of the FOI act. The commissioner will provide significant structural reform. This will become the key oversight for Victoria's FOI system and ensure responsibility for the Ombudsman's jurisdiction in FOI.

I have got to say that we have heard a lot of drivel tonight from the opposition, and if we can call something stretching the truth, we have certainly heard some stretching of the truth tonight in the opposition's comments. When the now opposition left office it had an appalling record on FOI. There were more than 300 FOI cases in the courts, which was the largest number in the history of Victoria. That is because under Labor hundreds of FOI requests were blocked, rejected or never answered.

I refer the opposition to one of its colleagues in the federal Parliament, the Minister for School Education, Early Childhood and Youth, Peter Garrett, whose band Midnight Oil released a song in 1983 called *Short*

Memory. He was certainly right on the mark with that song because over in the opposition trenches we have lots of short memories about the lack of transparency and accountability by the former government, whose members are now sitting very kindly and nicely in the opposition trenches.

I would like to comment in particular about the stunning turnaround from the member for Altona tonight. For 11 years Labor did nothing to improve the FOI regime in this state. Now apparently it is time to act, but only off the back of this government's move to introduce greater openness and transparency. Labor had 11 years to do something about FOI, but for 11 years it blocked, it ducked, it weaved and it did absolutely nothing. Suddenly Victorians are meant to trust that the opposition has changed its ways and is standing up for Victorians.

We know that Victorians know better, that the current government is the one to deliver significant reform and that Labor is the party of secrecy and doing nothing — hide, duck, weave, and certainly not deliver when it comes to transparency and accountability. It was a wonder that the member for Altona could keep a straight face while delivering that laundry list of absolute lies and drivel about this bill, especially since her only research seems to have been a couple of newspaper articles that were certainly drawn from her own press releases, so you have got to wonder where the information is coming from.

So far the debate from the opposition has been irrelevant, incorrect and a potted history lesson about past practice. Again the member for Altona unashamedly absolved her own party of all blame for trashing the FOI regime. Worse than that, on the one hand the opposition purports to be the great defender of public servants in Victoria and on the other the member for Altona walks in here and smears hardworking public servants from the Department of Justice, implying that they are not working hard enough to do her bidding. On the one hand she says that some commercial arrangements must remain confidential and on the other she objects to matters being deemed commercial in confidence, but that is okay. Clearly the member would prefer Victoria to just shut up shop. Clearly she would prefer it if Victoria simply failed to adhere to the standard commercial practice in use in the other states. The member for Altona had the absolute nerve and audacity to come in here and say that the establishment of the office of FOI commissioner does not go far enough, that this government is not delivering and that government members are not working to ensure that we deliver accountability and

transparency. Her party had the opportunity, but it missed the boat.

The Labor Party is the party that brought us the usual and expected accusation of FOI subversion, and now we see its members' ludicrous attempts to paint their party as the party of transparency and accountability, but we know that is not the case. This government has a clear agenda to deliver a government, a process and a system so that people feel safe and believe the government they have elected is accountable and transparent. That is the platform on which this government went to the election. We went to the election with a clear commitment to do that, and that is what we are delivering on.

This legislation is very clear. It delivers a whole range of broad and sweeping reforms. As I said earlier, the bill is part of an overall suite of election reforms to ensure that integrity is restored to government. Government members are working hard to deliver for Victorians, to fix the mess that we were left with after 11 years of Labor and to ensure that the Victorian public once again has confidence in the government it elected. We will ensure that we will get on and deliver, and we will ensure that the state of Victoria is the greatest state in Australia — a state that we can be proud to live in. We will ensure that Victoria has a great government that believes in integrity, accountability and responsible government. I commend this bill to the house.

Mr NOONAN (Williamstown) — I rise to make a contribution to the debate on the Freedom of Information Amendment (Freedom of Information Commissioner) Bill 2011, which will establish the office of freedom of information commissioner. It has been suggested in the minister's —

Mr Watt interjected.

Mr NOONAN — I think the member for Burwood is getting a little excited. I have just started, so I ask the member to bear with me. It is suggested in the second-reading speech that this bill is the most far-reaching change to freedom of information laws in this state since the original legislation was introduced back in 1982. The minister also remarked that this bill delivers on the Baillieu government's commitment to turn the tide on the so-called secrecy in this state, which he asserted occurred under the previous government. It is interesting that government MPs are quite happy to talk about how this bill improves transparency and accountability, and I suspect very strongly that they are the lines that sit very comfortably within the bill books

that government members have been given to assist them in this debate tonight.

If the government was genuine in its commitment to openness and transparency, let me pose the following question right from the outset. Why on earth would the Baillieu government very deliberately postpone or cancel two preset departmental briefings for opposition members about this bill? Does the government not see the irony in this? Here is a bill dealing with freedom of information, and the Baillieu government deliberately fiddled with a process to deliver opposition members an opportunity to access information about this bill not once but twice. What was the government thinking? But it is not just the cancellation and postponement of briefing sessions about a freedom of information bill that causes concern, because the Baillieu government has quickly established a track record of secrecy that would turn heads even in our finest intelligence agencies. I do not want to labour this point, but there are two recent examples that illustrate this fact and are appropriate to mention to give some context to this debate tonight.

The first example relates to Labor's attempts to access advice under FOI that the Minister for Energy and Resources used during his deliberate attempts to colour the impacts of the carbon tax here in Victoria. The minister went out hard and said that the Victorian government's economic modelling revealed that Victoria would be hit 'first and hardest' and that Canberra would take up to \$450 from the pockets of each Victorian. Given the significance of this issue, you would expect that the economic modelling the minister used would be made available to the community without the need for an FOI request. Labor was forced to make a request for the economic modelling under FOI but, remarkably, was knocked back. Labor then pushed harder and made a second FOI request but again was denied.

The department revealed as part of its letter in response to that request that the minister had ignored his department's economic modelling and had in fact gone with his own calculations. This was a remarkable revelation and it confirmed that the Minister for Energy and Resources had no credible evidence to support his claim that Victorians would be hit first and hardest by a carbon tax. Despite multiple attempts to view this so-called modelling under FOI, Labor was advised that this information was not in the public interest and represented 'opinion, advice or recommendation'. What an extraordinary response from the coalition, which had pledged to be, in its own words, 'open and transparent' if it came to government!

The second example looks even worse for the Baillieu government. It was revealed in a piece written by Reid Sexton of the *Age* on 13 January this year, under the headline 'Premier in hot water on secrecy', that Labor's Martin Pakula had waited more than eight months to get a response to an FOI request. The piece also revealed that the Baillieu government was spending taxpayer dollars on expensive external lawyers to stop basic information being released under FOI. That situation was echoed in another piece on 30 January this year by the *Age*'s Melissa Fyfe, when it was also revealed that the Baillieu government had engaged an expensive legal team, headed by QC Peter Hanks, to stop the *Age*'s FOI request to access the so-called blue books.

Let me remind this house that it was the Liberal Party and The Nationals that said while in opposition:

It's time to end the era of politicians pressuring public servants to deny FOI requests ...

What a difference government makes, which leads me to this bill. This is classically one of those bills where the devil can be found in the detail. The government says that the new FOI commissioner will be responsible for a range of activities, including conducting reviews of agencies' decisions, handling complaints about the administration of the FOI act, monitoring agencies' compliance with professional standards and educating agencies about the FOI act.

This all sounds good in theory, and I can see why government members would convince themselves that all of this will deliver better and more open and transparent government. However, it is when you come to understand the commissioner's powers, or lack thereof, that you start to realise why many people are labelling the FOI watchdog a toothless tiger. The commissioner will not have the power to force agencies to release cabinet-in-confidence documents, which we all — myself included — know from experience is one of the main reasons that requests are refused. They will have no power where there is a national security exemption claim or where an application is knocked back by a minister or a minister's office. Worse still, the commissioner will have no power where an application is knocked back by the principal officer of an agency. The commissioner will also have no power to conduct own-motion investigations.

All of this leads me to the conclusion that the Premier's own hand-picked FOI blocker, Don Coulson, will be kept very busy finding ways to assist ministers' offices to knock back one FOI request after another. Given what I said earlier in my contribution about the Baillieu government's determination to suppress information

requests under FOI by using lawyers and high-priced QCs, it is easy to conclude that Mr Coulson will become the new FOI commissioner's greatest foil.

Rather than persisting with these endless self-congratulations which we have heard from the members for Prahran and Caulfield recently in this debate and which I am sure we will hear from other government members, who have very quickly got into this self-indulgent mode of patting themselves on the back, they should be asking themselves whether this bill in any way makes the government more transparent and accountable. Let us not forget the Premier's pledge of 'no hidden agenda, no spin and no secrecy'.

With that in mind, this is how the Sunday papers have reviewed this particular bill. Firstly, the *Sunday Age* of 1 January this year says:

If the government is serious about being more open, it would give its new watchdog some real teeth.

The *Sunday Herald Sun* of 11 December 2011 says:

Given that Premier Ted Baillieu has installed in his office a freedom of information adviser, Don Coulson, who personally drags in requests that could be embarrassing, this means the government will actually be less transparent, not more.

If that is not blunt enough — and I think this was mentioned by the member for Altona — it then goes on to say:

The government should be ashamed of this disgraceful legislation.

Clearly the members on the other side are not reading the editorials and pieces that the members of the opposition are reading. I will finish with this quote from an editorial in the *Age* on 16 January. I think it really nails the issue at stake in this debate when it says 'it's a cynical ploy if the ideals trumpeted while in opposition are quickly dropped once power is attained'.

While the government might claim that this legislation will transform FOI laws, observers are viewing it differently, even suggesting that this bill has backflipped and exposed them. It has backfired so much that many in the community are having serious doubts about whether Ted Baillieu and members of his government were ever serious when they pledged to be a transparent government. That is not a positive for a government that has barely entered its second year in office. But then again, perhaps it is a window into the future. Whatever happens, the Premier's assertions that this government would be transparent and spin free are already in tatters, and that is because we all know that actions speak much louder than words.

Mr BATTIN (Gembrook) — I rise today to support the Freedom of Information Amendment (Freedom of Information Commissioner) Bill 2011. I am pleased to rise to support this bill as one of the most significant reforms in Victoria's freedom of information laws in the past 30 years.

The first point I will focus on was raised in the last member's contribution in relation to the opposition briefings offered. We would like to clarify this and get it on the record: the government offered a bill briefing for the shadow minister and adviser, which is as per the conventions over many years. The former shadow Attorney-General, who is now the Attorney-General and who is sitting at the table, used to get those briefings and take them back to the party room. Using his own mind and his own words he would then explain to his party room what the bill entailed and how it all worked, rather than needing 13 people — and I will just clarify that, 13 people — to come in with him to get the information and pass it on. He could use his own mind, work through the bill himself and take it back and explain it to his party room.

It was the opposition that had the audacity to refuse the names of those who would attend this particular meeting when they were requested. While it is no surprise that everyone in the Labor Party needs to learn a thing or two about reforms of freedom of information, given their woeful record while in office, departmental staff are not there to brief the shadow cabinet or the opposition party room. It says an awful lot about the shadow Attorney-General and his need to bring so many of his mates to try to explain the bill to him.

This government is committed to turning the tide on 11 years of secrecy that prevailed under the former regime, at the end of which Labor was turfed out of office with more than 300 freedom of information appeals backed up at the Victorian Civil and Administrative Tribunal (VCAT). The opposition approached the office of the Minister responsible for the establishment of an anti-corruption commission in December 2011 to arrange the briefing on the freedom of information bill. A briefing was originally scheduled to occur in December; however, key departmental staff were unavailable and it had to be rescheduled. In the process of rescheduling for January 2012 the opposition advised that it intended to bring the 13 people. The government advised the opposition that this was not appropriate and that the January briefing would not proceed as it was not the responsibility of the government nor the department to brief the shadow minister's entire party room. I am sure the shadow minister and his adviser should have been able to do that.

This is another commitment from the coalition government to improving the integrity of government. While those opposite criticise this bill for not incorporating ministers, they continue to insult the current processes of VCAT. If they feel VCAT is not qualified or independent enough for this process, they should come out and say publicly that they do not support the tribunal and that they think it is not an appropriate body to deal with the current FOI applications that go through. The previous government had 11 years to review the freedom of information regime and increase its integrity. Under the previous government there was a culture of secrecy, stonewalling and inaction.

This bill will amend the Freedom of Information Act 1982 to establish a freedom of information commissioner. The new commissioner will be independent of the executive arm of government and supported by an independent office. The commissioner will have a number of key functions, including reviewing the decisions of Victorian public sector agencies, which will substantially replace the first-stage reviews currently conducted by internal agencies. As has been outlined a few times by members on this side, a quick example of a first-stage review would be when a freedom of information application comes in and is declined by an agency and then the appeal is heard by that same agency. As has been pointed out by some on this side, the person knocking it back again could be someone sitting next to the original decision-maker but someone who is a little more senior. About 70 per cent of those appeals are again declined.

The commissioner will also have the duties of monitoring compliance with professional standards; providing advice, education and guidance to agencies and the public; handling complaints about the administration of the FOI act by agencies and, in appropriate circumstances, ministers; and reporting to Parliament annually about the administration of the FOI act.

Over 11 years Labor not only failed to improve Victoria's freedom of information regime, it did everything possible to subvert it. As I said before, when Labor was ejected from office there were more than 300 freedom of information appeals backed up at VCAT. Now Labor would have us believe it is finally ready to try to improve the system by moving amendments from the opposition benches. The Victorian coalition government's introduction of a freedom of information commissioner is the most sweeping change to the freedom of information regime since its inception 30 years ago. For the first time, first-stage reviews will be made by an independent

umpire, who will also be able to receive complaints about the handling of freedom of information applications. Decisions made by ministerial officers or heads of agencies are currently not subject to internal review. In those circumstances, appeals are made directly to VCAT, and this will not change. We support the fact that VCAT is independent and will make decisions based on the evidence it gets.

I will go through the review of the Freedom of Information Act 1982 made by the Ombudsman in 2006. This is something members of the opposition try not to bring up too often in their speeches; I do not think anyone from that side of the house has brought it up. Some of the concerns that came out of that report include complaints about the delay in processing freedom of information requests, including delay in the release of documents for political reasons; unreasonable claims that requests were unclear and voluminous; a lack of assistance for applicants in trying to formulate a request; inadequate or misleading advice; misuse of exemptions to deny access to sensitive documents; and the use of internal review and VCAT as mechanisms for delay, with documents released on the eve of a VCAT hearing.

In relation to the noting process by Labor ministerial officers, the report says:

There were also instances where indications that members of the executive or of the minister's staff had suggested changes to the proposed decision. This is not consistent with the purpose of the noting process and could lend support to the allegation of some journalists and politicians that the decision-making process is open to manipulation.

The changes to the FOI act are intended to further our commitment to improving the integrity of government. That is something we on this side stand by to ensure that when we are speaking to the public or are questioned, we can stand up openly and say that we are members of a government that is delivering on its commitments with honesty and integrity. In addition, we are delivering on the Independent Broad-based Anti-corruption Commission in this sitting of Parliament to ensure that we also have commissioners out there to ensure that everybody, whether they be in the public service or in this house, is in a position to be questioned.

It is important to highlight that the opposition briefings offered also remained open at all times but not for the whole opposition party room; it was open for the shadow minister and his adviser. It is important to relay that message and to put on record that at no stage was the briefing closed; it was cancelled because of the 13 people the shadow minister intended to bring to the

briefing. We believe the shadow minister and his adviser should have been able to relay that information to the party room, as it is not our job in government to brief the entire opposition party room. It just proves that the members opposite are as lazy in opposition as they were in government. I commend the bill to the house.

Ms KAIROUZ (Kororoit) — I welcome the opportunity to speak on the Freedom of Information Amendment (Freedom of Information Commissioner) Bill 2011. Bills such as this one bring home to me the range of freedoms we enjoy in this country that citizens of many other nations can only dream of. The principles underpinning this bill and the existing legislation, here and across other Australian jurisdictions, are at the heart of our democracy.

We on this side of the house are committed to a strong and open democracy and whilst in government delivered a raft of reforms which supported these principles, so it was somewhat disappointing to sit in this place during the minister's second-reading speech on this bill and hear his closing remarks, in which he found it necessary to attack the previous government on matters of secrecy. This attack was particularly disappointing when according to various newspaper reports we have the Premier's own office vetting FOI requests and his department is being slammed for stonewalling FOI requests. This is the height of both arrogance and hypocrisy. It is a clear marker that this government was prepared to do and say anything to gain office and that it does not have a clue now that it finds itself in charge.

I also note that this bill aims to satisfy an election promise. As with many of its election promises the government has followed the lead of other Australian jurisdictions, including the commonwealth, in developing this legislation, but like the dim-witted plagiarist who copies all, including the spelling mistakes, this government has done little to improve the existing legislation. In its purposes clause the bill suggests it will improve the existing act, but according to an FOI expert quoted in an article published in the *Herald Sun* of 12 December 2011 the bill is 'a patchwork job on an existing dodgy framework legislated in the early 1980s on 1960s principles'. He also described it as 'a further step backwards and a further authorisation of management and top-level executives in the decision-making process'.

Despite the bill's deficiencies I hope the appointment of Victoria's first freedom of information commissioner is a successful exercise and that once the bill is passed into legislation the commissioner will assist the smooth passage of information rather than impede it. I also

hope this government will accede to an earlier request from the Leader of the Opposition for input into the appointment of the commissioner, if only to ensure that the person who is selected has more commitment to the principles embodied in the role than the Premier has shown to the issue thus far.

My colleagues have eloquently outlined the opposition's views on this bill. Freedom of information is something that the opposition does not take for granted, and I believe that while we were in government we did a very good job of sharing information with the community. Hopefully today's government will have a look at what past Labor governments did, follow our lead and try to do what is best for the community and for Victorians. The opposition does not oppose this bill.

Business interrupted pursuant to sessional orders.

ADJOURNMENT

The DEPUTY SPEAKER — Order! The question is:

That the house now adjourns.

Police: Sebastopol station

Ms KNIGHT (Ballarat West) — I wish to raise a matter for the attention of the Minister for Police and Emergency Services. The action I seek from the minister is for him to meet with Divisional Superintendent Andrew Allen regarding the needs of the Ballarat West community with regard to an additional police station in the Ballarat West growth zone. I further request that the minister publicly commit to the people of Sebastopol to build a police station in Albert Street, Sebastopol. I raise this issue on behalf — —

The DEPUTY SPEAKER — Order! The member may request only one action from the minister.

Ms KNIGHT — Okay. I raise this issue on behalf of the people of Sebastopol who, on 24 November 2010, were promised that a police station would be built in Albert Street. This election commitment was confirmed in a response to a question on notice from the Minister for Police and Emergency Services, who stated that the government had committed to invest \$2.5 million to upgrade police facilities at North Ballarat and Sebastopol to enable them to function fully as police stations. It seems now that this election commitment is in jeopardy and that the people of Sebastopol may not get the police station that was promised to them.

The *Courier* revealed on 30 November 2011 that the police station promised to Sebastopol may in fact go to the Ballarat West growth zone. There has been further speculation in the media recently that the police station may not be located in Sebastopol. The minister has done nothing and said nothing to alleviate the concerns of those residents of Sebastopol who now wonder whether they will see their police station in Albert Street. These residents are feeling a lot of anxiety and some anger about the prospect of not getting what they were promised. If the minister is not intending to build a police station in Sebastopol, then he should just come out and say that. He should be honest with the people of Sebastopol and just say, 'I am going back on my election commitment. I am not going to build a police station in your suburb'. I say to the minister that he should have the courage to stand by his decision to renege on an election commitment rather than leave the many people of Sebastopol in limbo.

In relation to the speculation that the police station promised to Sebastopol may now go to the Ballarat West growth zone, my response is: I agree that the growth zone may need a police station in the future, but not at the expense of Sebastopol. I reiterate what I said in my members statement of 6 December 2011 and say loudly and clearly to the Minister for Police and Emergency Services that the people of Sebastopol are very unhappy that the police station promised to them may end up in what is currently an empty paddock in the west. I would also say to the Minister for Police and Emergency Services that the people of Sebastopol will not allow their police station, the police station they were promised and the police station they expect to receive, to go to the west without a fight. I call once again on the Minister for Police and Emergency Services to get on with the job of establishing a fully functioning police station in Sebastopol and to allocate funds — —

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

Retail sector: Mitcham electorate

Ms RYALL (Mitcham) — I wish to raise a matter for the attention of the Minister for Innovation, Services and Small Business. My request is for the minister to inform retailers in the electorate of Mitcham of assistance that may be available to those who are doing it tough in the current economic environment. To compete in today's market many retailers are currently in need of assistance to build their skills base, particularly in areas including customer service, financial management, marketing and visual presentation. Retailers are an important source of local

employment, income and cultural and economic identity.

As a small business owner for 15 years I understand how tough it is to survive and just keep the doors open. I am always mindful of the importance of our local small business retailers and have seen many come and go as they battle to make a living. I have recently watched a local butcher shop which sold fabulous meats close, and I am concerned about the impact on our small retailers when I see the large corporations fighting to win even greater market shares than they have already. We have seen the price of milk reduced in the big supermarkets and now there is talk of big reductions in the price of fruit and vegetables.

In times such as these the small retailer comes under enormous pressure, and with a number of greengrocers in the Mitcham electorate I am deeply concerned about their ongoing viability. I am concerned for their families and their employees. When you are a local retailer you do not have an accounts department to manage finance, you do not have a HR (human resources) department to manage employees and you do not have a sales and marketing department to generate sales. Small business retailers are it: they are finance, they are HR, they are sales and marketing, and they are customer service every day.

Our small business retailers recruit local people and provide an important source of local employment. When margins are slim and overheads are high, creativity and knowledge of the crucial aspects of running a small business, small business management and marketing become absolutely vital to them. When external shocks hit small businesses, as they will with the upcoming federal Labor government's carbon tax, they need to advance their skills to maintain their viability.

Mr Nardella interjected.

Ms RYALL — The member opposite may laugh, but it shows absolute contempt for small businesses and the shocks and impacts they will face. To make every dollar go further, small businesses need to support themselves and their staff. I ask the minister whether the Baillieu government can help retailers in the Mitcham electorate with these challenges.

Water safety: personal watercraft

Ms NEVILLE (Bellarine) — The matter I raise is for the Minister for Environment and Climate Change. I ask the minister to commit to consultation with the communities along the Bellarine Peninsula on the best

way to manage the use of personal watercraft (PWC), to achieve safety for swimmers and to ensure appropriate enforcement of the current legislation. Recently constituents have raised with me and, as the minister is aware, the *Geelong Advertiser* their grave concerns about a series of incidents involving PWCs at St Leonards beach during the Christmas-New Year holiday period and over the Australia Day weekend. These incidents have included speeding, driving dangerously close to groups of swimmers and one incident of targeting and threatening swimmers.

St Leonards beach is popular with holiday-makers and tourists and particularly with local residents and young families. Lots of children enjoy the safe, generally calm swimming conditions. It is also popular with local retirees and older people visiting the region. The St Leonards Progress Association is concerned and has received support from many local residents as well as the community associations in both Portarlington and Indented Head. Bob Hynes, the president of the St Leonards Progress Association, has said that many residents have reported adverse experiences with PWCs and their riders. The association is meeting tomorrow and is expected to call on Parks Victoria to take some action in response to local concerns. It is likely that it will call for a complete ban of all PWCs from the St Leonards pier to the Levens Road boat ramp jetty and within 200 metres offshore. This ban will cover about 1 kilometre along the coastline, taking in the town's two main beaches.

The president of the Port Phillip Conservation Council, Mr Len Warfe, has been quoted in the local media as fully supporting the association. He is quoted as saying that PWCs have become 'a serious nuisance on our beaches'. There was a similar review of PWCs along the Mornington Peninsula by Parks Victoria about four years ago. Similar work should be done for the Bellarine Peninsula and around the Victorian coastline where PWCs are used.

Some people want PWCs banned all together; however, others say that PWC users are welcome and an important part of the local tourism industry. It is often only a few irresponsible people using PWCs who are threatening the safe enjoyment of local beaches, and it is important to point out there are no problems being reported in relation to the many boaters who cruise, sail or fish off the St Leonards beach.

Proposals to separate PWCs from swimmers need to be investigated fully to ensure the safety of swimmers while still enabling responsible PWC users to enjoy their recreation. A spokesperson for the minister made some comments about looking into this, and I seek the

minister's commitment today to undertake that consultation — —

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

Wangaratta Turf Club: funding

Mr McCURDY (Murray Valley) — I raise a matter for the Minister for Racing. The action I seek is that the minister support the Wangaratta Turf Club by providing some funds to promote the upcoming Wangaratta Cup on Sunday, 4 March. The Wangaratta Turf Club has a long and proud history. It first commenced racing in 1845, and over many years the Wangaratta Turf Club has seen the highs and lows of racing. The Wangaratta Cup was first held in 1904, and the tradition has continued ever since. In 1985 the Wangaratta Turf Club was one of the first Victorian country clubs to be invited to race on Melbourne Cup Day, which has proven to be a resounding success. Furthermore, the coalition's pledge to bring harness racing back to our communities has been widely applauded, and I am proud to say we will see harness racing back in Wangaratta on 11 March.

With the Wangaratta Turf Club gallops and the return of a one-off harness club meeting, it is fair to say that the coalition cares about country racing and will support our regions wherever possible. Currently 10 meetings a year are held at this turf club. As the Wangaratta Cup approaches it is important that our entire region be well aware of the racing event, and I ask the minister to consider financial support via the coalition government's race day attraction program.

Our communities have seen difficult times and have stood up to the challenge. Especially over the last 8 to 10 years, small and large businesses have found it tough going. With Mother Nature seemingly back in our corner we can begin to blossom and grow yet again. The Wangaratta Turf Club is a very professional and competitive club, operating under the wonderful supervision of Paul Hoysted. The flow-on effects from successful race days benefit many of the businesses in our town and enhance the outstanding culture that exists in the north-east of Victoria. Our reputation in the Murray Valley for having fine wine, fine food and copious quantities of fun will be self-evident at the cup day meeting. I ask the minister to consider the Wangaratta Turf Club under this program.

Community services: Gladstone Park residence

Ms BEATTIE (Yuroke) — I seek urgent intervention by the Minister for Community Services in

a situation that is occurring at 236 Carrick Drive, Gladstone Park. The minister has received a letter and acknowledges the problems, but the response is hardly satisfactory. Three groups of constituents came into my office: Mr and Mrs Grima, Mr and Mrs Dawson and the Zifa family, who all live nearby. A house at 236 Carrick Drive has for many years been run by the Department of Human Services. Recently Yooralla has taken over the house.

All the named constituents have lived in their houses for over 20 years and have never had cause for complaint at all, even though the house concerned has had tenants who have complex problems. As I said, Yooralla now runs the house, and the neighbours are complaining that they have had countless balls, rubbish, food packages, plugs, bottles of water, brooms, doonas and cutlery thrown over the fences. One client was observed on the trampoline at midnight wearing pyjamas in the cold, and there are allegations that the two young men there are running down the streets naked. Obviously this is very stressful for these residents, and they are asking the minister for her intervention.

When the minister wrote back she acknowledged that the young men there have complex disabilities, but she declined to do anything about the problems. She advised that the department and Yooralla are looking at ways to reduce the late night and very early morning noise that the constituents have experienced. The minister has therefore acknowledged that there are problems yet does not seem to want to do anything about them. The action I am seeking is for the minister to look again at the file, to read it and to use her office to intervene to resolve this dispute. Whether that means getting extra attention for these young men or whether the young men need to be somewhere else, this situation is certainly affecting the neighbours.

Sandringham electorate: coastal management

Mr THOMPSON (Sandringham) — I wish to raise a matter for the attention of the minister at the table, the Minister for Environment and Climate Change. I request that the minister or a member of his staff program a visit to the Sandringham electorate to examine a number of contemporary coastal management issues, in particular a matter of cliff stability. The minister has taken a great interest in the Sandringham electorate since he was appointed, and there have been a number of great accomplishments. At Mentone, through Parks Victoria, there was a program to install some marker buoys to delineate the swimming area from the area for windboarding, windsurfing and kiteboarding activities and also for the use of personal

watercraft, which were mentioned in this chamber earlier by a member on the other side of the house. There are a number of key issues there to promote community safety, and I am very grateful for the support of the minister and Parks Victoria in providing an interim solution until ports funding came through, enabling the placement of some fixed pylons approximate to the Mentone Life Saving Club.

There was also the important issue of Half Moon Bay and of sand replenishment. The minister was decisive in his actions in relation to that matter, and the local community remains indebted to him for his fortitude and foresight in dealing with that issue. There have also been issues in relation to coastal management in the Sandringham area. In 2005 the former government sought to concrete the foreshore in Sandringham. However, the Department of Sustainability and Environment wisely intervened in those proposals.

I also note that the Sandringham electorate has a marine sanctuary, following the adoption of a proposal of the former Environment Conservation Council a decade or so ago which established a number of marine parks and marine sanctuaries in Victoria. Interestingly the then Labor government left two of the recommendations of the ECC out of the process. One is Cape Howe in the member for Gippsland East's electorate, which was relabelled by the Liberal Party 'Cape Why', as in why did the Labor Party leave this important park out of the recommended reserves? The other one is the Ricketts Point Marine Sanctuary, which the Labor Party also left out of its collection of recommended parks. After the Liberal Party put this scheme back on the agenda, the Labor Party, in launching its marine parks policy in the lead-up to the 2002 state election, had the wisdom to reinstate the Ricketts Point Marine Sanctuary.

There are a lot of issues in the Sandringham electorate, one of which is the question of coastal management. That is the specific issue on which I seek the visit of the minister or a member of his staff.

Caledonian Caravan Park, Ballan: future

Mr HOWARD (Ballarat East) — I wish to raise a matter for the attention of the Minister for Environment and Climate Change. The action I wish the minister to take relates to the Caledonian Caravan Park in Ballan. I ask the minister to agree to meet with the mayor of Moorabool shire, Pat Griffin, and relevant business members of the Ballan community to discuss options which would allow the Caledonian Caravan Park in Ballan to remain open. This park is the only caravan park remaining in Ballan. In recent weeks officers from the Department of Sustainability and Environment

(DSE) have visited the caravan park and announced to the people who have made the caravan park their home that it is to be closed in the next six months. Therefore they have given them effective notice to move out and find somewhere else to live. This caravan park has been home to a number of people over many years. Some have been residents there for as long as 10 years now; others have come more recently. In general these people are low-income earners who have found this park to be an attractive place. Having long-term residents has enabled the park to bring in an ongoing income and be reasonably viable.

In recent times it has become evident that the park needs some money spent on its operation. The park has also had difficulty hiring an ongoing manager. I understand why DSE has therefore taken the initial decision to close the park. However, businesspeople in the Ballan community have talked with the Moorabool Shire Council about the possibility of supporting the park so that it can continue. As the park is on Crown land it would require the government to commit some funding to support the park's infrastructure to see if there is a viable and sustainable future for it.

If the park is to close, people will need to be relocated. It would be unfortunate for those people and for Ballan to lose this caravan park, which provides accommodation for visitors as well as for those who have made it their place of residence. The caravan park is very attractive, as it is situated close to the town of Ballan. I believe further efforts need to be taken to ensure the future of this caravan park.

Mordialloc electorate: ministerial visit

Ms WREFORD (Mordialloc) — I wish to raise a matter for the Minister for Multicultural Affairs and Citizenship. The action I seek is for the minister to come and visit groups in my electorate. The Mordialloc electorate is quite diverse and has a wide range of residents. Much of its residential housing was built in the 1940s and 1950s, although places like Dingley grew most rapidly in the 1970s and 1980s and Waterways has grown in recent years.

Given migration patterns over the years it is no great surprise that a significant proportion of Mordialloc electorate families are of Greek heritage. There are also significant numbers of families with Indian, Italian, Sri Lankan, Chinese, Vietnamese, Philippine or Cambodian heritage. The Mordialloc electorate is home to the magnificent temples on Springvale Road in Springvale South. Given the population boom in the 1940s and 1950s and the large Greek community, it is no surprise that one of the largest social groups in the

region is the Australian Greek Elderly Citizens Club of Mentone and Districts. This is an active group that is involved in many activities around the region. It provides a strong support and social network which does wonderful things. It is, however, just one of many such groups.

The opening of last year's Kingston Seniors Festival featured entertaining performances by the Russian Senior Choir of Kingston and an impromptu piano show by the Filipino Australian Senior Citizens of Victoria. It was a memorable day enjoyed by all.

These groups and many others make a gigantic difference to the Mordialloc electorate. They provide people with strong friendships, support networks, reasons to be involved and more. Even simply giving residents the opportunity to interact with friends in a language they have spoken since childhood is valuable. These groups enrich the whole community by providing insight into the music, dance, cuisine, art, language, history and culture of various parts of the world. We are fortunate to have all of this in our community.

Our multicultural groups are important, and this government prides itself on listening to everyone in the community. After 11 dark years of Labor it is good to be part of a government that takes the time to listen. I hope the minister can take the time to meet some of these groups based in the Mordialloc electorate, and I look forward to a positive response.

Housing: rent increases

Mr CARBINES (Ivanhoe) — The matter I raise is for the attention of the Minister for Housing, Wendy Lovell. The action I seek of the minister is that she review her government's decision to increase public housing rent for Heidelberg West pensioners. There needs to be a reinstatement of the quarantining provisions. Heidelberg West pensioners and pensioners in public housing across Victoria have had their pension increases from the federal government taken from them. Letters sent to them recently by the Liberal government indicate that there will be public housing rent increases that will take back those pension increases.

I have had people queuing at the door of my electorate office in Heidelberg West with the letters they have received from the department giving them just two weeks notice of the requirement to pay increased rents on their public housing properties and also informing them that they will have a further rental review — and likely increase — in August 2012. Many of the

pensioners in my community of Heidelberg West are public housing tenants who pay their rent on time, manage their accounts and bills and are good citizens who have made significant contributions to this community over many years. They have become confused and upset by this government's determination to take from them the rightfully earned pension increases they have received from the federal government.

Why is the Baillieu government choosing, after one year of maintaining the quarantine provided by the previous Labor government, to change its mind and put its hand into the pockets of West Heidelberg pensioners and pensioners in public housing across this state? It is totally unacceptable and unexplained by this government. We need an explanation as to why Heidelberg West pensioners, who are working hard in the community, are now having to pay this government extra fees and charges in their public housing rent for no reason and with very little notice.

Why is it that some 38 000 pensioners living in Victoria will now have to pay an extra \$10 in public housing rent? Why is that acceptable to this government? Why does it want to take money from people in West Heidelberg — pensioners in our community who have worked hard, who have paid their taxes and who have made strong contributions to the community? Why is it right that without any notice they get a letter in the mail from this government wanting to take more of their disposable income and put them under greater cost of living pressure in this community? That is totally unacceptable.

There are more people like Danielle Reading in Ebony Parade in West Heidelberg who are going to be homeless this week because this government has refused to invest in public housing in West Heidelberg. It wants to sell off the vacant blocks of land instead of investing in public housing and to swipe funds from pensioners and put up their public housing rent. It is — —

The DEPUTY SPEAKER — Order! Time!

Respite care: Forest Hill electorate

Mr ANGUS (Forest Hill) — 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 within the electorate of Forest Hill. The issue of the provision of respite care is a very important one for the electorate of Forest Hill. There are many families that are caring for a family member with either an intellectual disability or a mental illness. This role presents many challenges for those

charged with that responsibility, and obtaining respite care to allow the primary carer a break is very important.

I remember speaking to a single mother in the electorate who had an intellectually disabled child who was constantly active. She would end each day totally exhausted and face the same circumstances again the next day and every day following that. For her to be able to access some additional respite care services would be a very significant breakthrough in her circumstances.

I am very pleased to note that in the 2011–12 state budget some \$92.7 million was allocated to improve access to services for people living with a disability, their families and carers. Of these funds, approximately \$20 million was allocated for temporary respite services. This very significant financial commitment reflects the clear attitude of this government towards Victorians facing challenges in these areas — that is, one of support and assistance. The coalition government has a very clear plan for people living with a disability and their families which is bringing benefits to the broader community.

I note that within the electorate of Forest Hill there are two special developmental schools and a school that specialises in early intervention and education for deaf and deaf-blind children. These schools draw students and families from a wide range of locations and provide many diverse opportunities for these students. I am always delighted to visit the schools and see the great work that is being undertaken by the many dedicated staff, parents and other volunteers. There are also other organisations providing very valuable and much-needed services to families facing these challenges within the electorate of Forest Hill and beyond. However, accessing respite care often remains an issue for families and carers.

I would welcome the minister's consideration of this request. I know the need in the community is immense, and those impacted by their challenging circumstances would be grateful for such consideration.

Responses

Ms ASHER (Minister for Innovation, Services and Small Business) — The member for Mitcham has raised a very important issue with me. She has asked for help for retail businesses in the Mitcham electorate. The member for Mitcham has of course been a small business owner and is attuned to the needs of small business because she has been there herself. She has been an advocate for local businesses both in her

parliamentary career and prior to her parliamentary career. I am pleased to advise her that the state government and the Australian Retailers Association are going to pilot free retail excellence workshops, and one of the areas in which they will be piloted is the city of Whitehorse.

Dr Napthine interjected.

Ms ASHER — As the Minister for Ports is well aware, Warrnambool is another. There is very strong support from local members for these retail seminars.

Small businesses will be invited to attend. In the case of the city of Whitehorse there will be four evening workshops which will be held at the Nunawading civic centre from 6.00 p.m. until 9.00 p.m. The first one will be held on 28 February. There will also be seminars on 13 March, 20 March and 27 March, and they will cover a whole range of issues, including visual merchandising, engagement with superior customer service, financial control and strategic marketing. Each workshop will cater for up to 35 participants, and I have every confidence that the member for Mitcham will make sure that her retailers are well aware of this opportunity, which will be available to them free of charge. It is being co-sponsored by the state government and the Australian Retailers Association. I thank the retailers association for suggesting this program to the government, and I look forward to hearing the results of it.

The idea of the workshops is to deal with a business skills gap for some retail owners and managers, particularly in the High Street precincts which are drawcards for shoppers right across Melbourne. The idea, as I said, is to engage clusters of retail businesses to offer innovative products and services and to provide those businesses with a skills upgrade. In the past there has been a range of programs to assist the retail sector. We will trial the three pilot workshops. At the moment the retail industry is facing many challenges. Some of them relate to online shopping and some to where people are shopping — shopping centres and the like. We think that receiving a face-to-face 3-hour session will present an opportunity. As I said, after the pilot the workshops will be evaluated.

As you, Deputy Speaker, are aware, retail is a major element of the state's dynamic small business sector and, as we are all aware, it is a key economic driver. The retail sector employs around 311 000 Victorians. As I did earlier, I thank the retailers association for its willingness to be involved in this program in partnership with the government. I also thank the

member for Mitcham for her support of this important initiative.

Dr NAPHTHINE (Minister for Racing) — I would like to thank the member for Murray Valley for his representations tonight and his ongoing support for the racing industry in his electorate. He understands that the racing industry and the breeding industry associated with the three racing codes are not only part of an exciting sport but are also providers of many jobs and much economic benefit to the regions.

I can advise the member for Murray Valley that country racing is attracting terrific crowds across all three codes throughout the length and breadth of Victoria. For example, there were 6500 people at the Australia Day picnic race meeting at Balnarring and more than 5000 at the Hanging Rock Cup meeting. That meeting had to be relocated from Hanging Rock to Kyneton, but it still attracted that great crowd. There were 4500 people at the Ballarat Pacing Cup meeting; only recently there was a massive crowd at Moonee Valley to welcome that superstar, Black Caviar; and last Saturday there was a record crowd at the A. G. Hunter Cup night meeting at Tabcorp Park in Melton. Most importantly, it was pleasing to note that there were more than 2000 people at Ouyen for the return of harness racing there with the Ouyen Pacing Cup meeting. That meeting was taken away from the community of Ouyen by the Labor Party back in 2006, and it was returned by the coalition government to a great crowd at Ouyen.

I am pleased that the member for Murray Valley has raised concerns about the Wangaratta Turf Club, which is a great club with a terrific history. Its members have 10 meetings a year. Not only is the club a great race centre but it is also a significant training centre. Recently the local member announced the Baillieu government's contribution to the \$125 000 upgrade to the sand track at the training centre at Wangaratta, which is jointly funded by the government with Country Racing Victoria and Racing Victoria.

This year's Wangaratta Cup meeting is the issue that the member for Murray Valley has raised. It will be conducted on Sunday, 4 March, and this year is being marketed as part of the Wangaratta Cup festival weekend. I believe it will bring people to the north-east generally, and Wangaratta in particular, to experience the enormous delights of the north-east — the wineries, the food and the beautiful scenery and also to have the opportunity to attend what will be a fantastic cup meeting.

The member sought, on behalf of the Wangaratta Turf Club and the community of Wangaratta, support from

the coalition government to help promote the event through the very popular and exceedingly effective race day attraction program which has been introduced by this government. I am pleased to advise the member that I have been able to allocate \$32 000 from the race day attraction program, which will be matched by the club and Country Racing Victoria to give a pool of \$64 000 for the club to promote its cup festival weekend and the cup day itself. I think this will be used positively by the turf club and the community to make sure that people, whether they be locals or visitors, come to Wangaratta to enjoy the festival weekend and have a great day's racing at the Wangaratta Turf Club.

I know that Labor members opposite hate country racing. All they wanted to do when they were in government was close down country racetracks and take away training centres. They did not understand the importance of racing to the economies and jobs in regional and rural Victoria. So I am pleased — I am absolutely thrilled — that not only are we providing money to promote the Wangaratta Turf Club and the Wangaratta Cup but also this money will assist a week later in promoting the Wangaratta Pacing Cup on Sunday, 11 March.

This is another harness race meeting that has been returned to country Victoria by the coalition government through the work of the member for Murray Valley and many other country members. When the Labor Party was in office it closed down six country harness racing tracks, including Ouyen and Wangaratta; we are returning harness racing to those communities. I will be pleased to be in Wangaratta on 11 March to see the return of harness racing and to see the crowds return to Wangaratta. Labor does not care about country racing, it does not care about country jobs, it does not care about country communities. But we are fortunate that we have members like the member for Murray Valley, who will stand up for Murray Valley and for Wangaratta.

I am pleased that the coalition government is not only returning harness racing to Wangaratta but also providing money through the race day attraction program to help to attract crowds to the Wangaratta Cup festival and the Wangaratta Cup itself. This is going to be a great fortnight of racing in Wangaratta, both at the turf club and at the harness racing club. The people of Wangaratta will appreciate the investment the coalition government is making in racing, tourism and fashion in their community and creating jobs through this great racing industry.

Ms WOOLDRIDGE (Minister for Community Services) — I am pleased to be able to speak on these

important issues tonight in responding to the member for Yuroke and the member for Forest Hill. In relation to the issue raised by the member for Yuroke about accommodation provided at Gladstone Park, there are three young people residing in this facility who have a range of very complex needs, and they are in an interim placement. I can assure the member that the department is working very closely with the service provider, Yooralla, on some solutions for longer term placements in appropriate accommodation for this group of young people. Working with clients to meet their needs is a very complex area.

One of the challenges has been that we have a very set model of accommodation in terms of the way it has been provided in disability services. The community residential unit has been a very standardised model that has not had the flexibility to respond to the range of complex needs that people often have. That is one reason I am very proud that a coalition government has committed \$20 million to providing innovative accommodation options for people with a disability. Applications have been called for. We have some very innovative ideas about how we will provide accommodation that is flexible enough to respond to the range of needs rather than having the cookie cutter-type approach of the past.

As I have said, I can assure the member that those processes are being worked through. This is not a case where there are hundreds of places waiting for people in these situations. We inherited long waiting lists that have to be worked through because of demands in the system and the lack of supported accommodation to meet these demands, particularly for people with complex needs. However, work is happening. We understand it can be very difficult for neighbours and communities, and we will be looking for sustainable, long-term options that will be successful in the long term for people with disabilities and a range of complex needs, but it is actively happening.

I thank the member for Forest Hill for his advocacy for carers and for people with disabilities and mental illness who need access to respite. In terms of the issue raised by the member for Yuroke, this is linked with the demand for respite accommodation and support, and the services provided are nowhere meeting the demands in the system. Back in 2008 the Auditor-General highlighted the crisis that had developed in respite. We are working through that process to try to provide more innovative, creative and flexible options for carers and families so that they can access the respite they need, particularly in Forest Hill — and the local member has been an advocate. However, services are provided

across the outer east, and there is great demand for them.

The government has committed \$21 million for innovative respite options and also for school holiday respite to try to meet some of those demands in the system that can help carers and families in their caring role to continue with the really important job they do. In terms of the needs of his area, I am pleased to have the advocacy from the member for Forest Hill to make sure that the applications received that would provide services to carers and families in Forest Hill are given due consideration as we work through how best to manage the demand, respond to the need and try to fix the crisis in respite services that we inherited. They are very important issues, and I thank the member for Forest Hill for his continued advocacy for people who are vulnerable in his community and for carers and their families.

Mr KOTSIRAS (Minister for Multicultural Affairs and Citizenship) — I pay tribute to the member for Mordialloc, who has invited me to visit her electorate. She is highly committed, engages with the community and goes out and meets the people and groups to find out what the issues are. It was my pleasure to visit her electorate to find out firsthand about the needs of the various groups. As the member said, 25.7 per cent of the people living in Mordialloc were born overseas, 5.8 per cent were born in southern or eastern Europe and 17.3 per cent come from a country where English is not the first language.

The member mentioned a few of the clubs in her electorate, which I know quite well, and which the Victorian Multicultural Commission (VMC) has supported in the past. The issue here is that as the residents are getting older they are reverting to their native languages, and given their dietary needs it is important that the government put policies and programs in place to meet their individual needs. It is vital that we find out firsthand what the issues are, and I look forward to visiting the electorate and meeting with all the relevant organisations.

I take this opportunity to remind members that the Premier's gala dinner will be held on 17 March. As members would know, in previous years tickets sold out in about 10 days. They were put on the web three days ago and 500 tickets have already been sold. I encourage members on both sides of the house to attend the Premier's gala dinner, and if they wish to do so they should fill in a form from the VMC web page and submit it with their cheque. I have asked the VMC to set aside a few tables for members of Parliament, because last year some members complained to me that

they were not invited. Unfortunately you have to pay \$160, but it goes to a worthy cause, and I look forward to seeing many members of this house at the gala ball this year.

Mr R. SMITH (Minister for Environment and Climate Change) — In response to the member for Sandringham, it is true that Victoria's coastline is a varied and valued part of Victoria's estate. As the honourable member said, I visited the electorate of Sandringham with him last year to have a look at some of the issues on the coastline in his electorate. Certainly it is fair to say that the member is a mine of information about the coastline and the community history around that coastline, so I will be very happy to facilitate a visit to his electorate to look at some of the coastal erosion issues that he raised.

The member for Bellarine raised the issue of irresponsible use of PWC (personal watercraft) in the St Leonards area. My department and I are aware that some PWC users are irresponsible when it comes to the operation of their craft, and I completely support the appropriate enforcement of the law and the regulations around their use. I can assure the member that the level of enforcement that exists now is no different from what it was under the previous government, and I am certainly happy to address the specific concerns that any of her community groups might like to raise with me in that regard.

The member for Ballarat East raised an issue around Caledonian Caravan Park, and it is an issue that I am well aware of. Caledonian Caravan Park is located on Crown land within the township of Ballan. The decision to close this caravan park was based on a number of concerns. Firstly, the provisions of the Crown Land (Reserves) Act 1978 prevent users of public land developing an expectation of long-term property rights, and there was that issue to address. The facilities are also substandard and have been for a number of years and do not meet the requirements of the Residential Tenancies Act. Following the resignation of previous park managers, the Department of Sustainability and Environment (DSE) advertised leasing opportunities and caretaker positions, attempted to find other relevant managers and advertised vacancies on the committee of management. There was no success in that.

The member mentioned that Moorabool Shire Council might like to talk about taking over the management of that car park. Previously it was offered the management of the park and it declined to take that offer up, so if the council wishes to re-engage on that matter we would be open to talk to it, but it was made pretty clear in the past

that the council did not want to manage the caravan park at all. I can assure the house that DSE is working very closely with the Department of Human Services and other local support agencies in the area and we are looking to assist those tenants who are there at the moment to find alternative accommodation.

I am pleased to report to the house that of the 23 residents who were there, as I have been informed, 13 have already either moved into new accommodation or indicated that they are able to make alternative arrangements, and the remaining 10 tenants have been provided with opportunities to meet with support agency staff who will assist them in finding alternative accommodation. Certainly there will be about a six-month period before the caravan park closes, and my department and I commit to continuing to facilitate a smooth transition for those people.

The member for Ballarat West requested that the Minister for Police and Emergency Services meet with senior police in her area regarding an additional police station. I will pass that on to the minister.

The member for Ivanhoe raised an issue for the Minister for Housing to intervene and reverse a decision to increase public housing rent for pensioners in his electorate. I will ensure that that gets passed on.

The DEPUTY SPEAKER — Order! The house stands adjourned.

House adjourned 10.48 p.m.

