PARLIAMENT OF VICTORIA

PARLIAMENTARY DEBATES (HANSARD)

LEGISLATIVE ASSEMBLY

FIFTY-SEVENTH PARLIAMENT

FIRST SESSION

Wednesday, 28 March 2012

(Extract from book 4)

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By authority of the Victorian Government Printer

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The Honourable ALEX CHERNOV, AC, QC

The Lieutenant-Governor

The Honourable Justice MARILYN WARREN, AC

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Minister for Public Transport and Minister for Roads	The Hon. T. W. Mulder, MP
Minister for Ports, Minister for Major Projects, Minister for Regional Cities and Minister for Racing	The Hon. D. V. Napthine, MP
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Assistant Treasurer, Minister for Technology and Minister responsible for the Aviation Industry	The Hon. G. K. Rich-Phillips, MLC
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Minister for Agriculture and Food Security, and Minister for Water	The Hon. P. L. Walsh, MP
Minister for Mental Health, Minister for Women's Affairs and Minister for Community Services	The Hon. M. L. N. Wooldridge, MP
Cabinet Secretary	Mr D. J. Hodgett, MP

Legislative Assembly committees

Privileges Committee — Ms Barker, Mr Clark, Ms Green, Mr McIntosh, Mr Morris, Dr Napthine, Mr Nardella, Mr Pandazopoulos and Mr Walsh.

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

Joint committees

Dispute Resolution Committee — (*Assembly*): Ms Allan, Mr Clark, Ms Hennessy, Mr Holding, Mr McIntosh, Dr Napthine and Mr Walsh. (*Council*): Mr D. Davis, Mr Hall, Mr Lenders, Ms Lovell and Ms Pennicuik.

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

Economic Development and Infrastructure Committee — (*Assembly*): Mr Burgess, Mr Foley, Mr Noonan and Mr Shaw. (*Council*): Mrs Peulich.

Education and Training Committee — (*Assembly*): Mr Crisp, Ms Miller and Mr Southwick. (*Council*): Mr Elasmar and Ms Tierney.

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

Environment and Natural Resources Committee — (*Assembly*): Mr Bull, Ms Duncan, Mr Pandazopoulos and Ms Wreford. (*Council*): Mr Koch.

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

House Committee — (*Assembly*): The Speaker (*ex officio*), Ms Beattie, Ms Campbell, Mrs Fyffe, Ms Graley, Mr Wakeling and Mr Weller. (*Council*): The President (*ex officio*), Mr Drum, Mr Eideh, Mr Finn, Ms Hartland, and Mr P. Davis.

Law Reform Committee — (*Assembly*): Mr Carbines, Ms Garrett, Mr Newton-Brown and Mr Northe. (*Council*): Mrs Petrovich.

Outer Suburban/Interface Services and Development Committee — (*Assembly*): Ms Graley, Ms Hutchins and Ms McLeish. (*Council*): Mrs Kronberg and Mr Ondarchie.

Public Accounts and Estimates Committee — (*Assembly*): Mr Angus, Ms Hennessey, Mr Morris and Mr Scott. (*Council*): Mr P. Davis, Mr O'Brien and Mr Pakula.

Road Safety Committee — (*Assembly*): Mr Languiller, Mr Perera, Mr Tilley and Mr Thompson. (*Council*): Mr Elsbury.

Rural and Regional Committee — (*Assembly*): Mr Howard, Mr Katos, Mr Trezise and Mr Weller. (*Council*): Mr Drum.

Scrutiny of Acts and Regulations Committee — (*Assembly*): Mr Brooks, Ms Campbell, Mr Gidley, Mr Nardella and Mr Watt. (*Council*): Mr O'Brien and Mr O'Donohue.

Heads of parliamentary departments

Assembly — Clerk of the Parliaments and Clerk of the Legislative Assembly: Mr R. W. Purdey

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

Parliamentary Services — Secretary: Mr P. Lochert

MEMBERS OF THE LEGISLATIVE ASSEMBLY

FIFTY-SEVENTH PARLIAMENT — FIRST SESSION

Speaker: The Hon. K. M. SMITH

Deputy Speaker: Mrs C. A. FYFFE

Acting Speakers: Ms Beattie, Mr Blackwood, Mr Burgess, Ms Campbell, Mr Eren, Mr Languiller, Mr Morris, Mr Nardella, Mr Northe, Mr Pandazopoulos, Dr Sykes, Mr Thompson, Mr Tilley, Mrs Victoria and Mr Weller.

Leader of the Parliamentary Liberal Party and Premier:
The Hon. E. N. BAILLIEU

Deputy Leader of the Parliamentary Liberal Party:
The Hon. LOUISE ASHER

Leader of The Nationals and Deputy Premier:
The Hon. P. J. RYAN

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

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

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

Member	District	Party	Member	District	Party
Allan, Ms Jacinta Marie	Bendigo East	ALP	Lim, Mr Muy Hong	Clayton	ALP
Andrews, Mr Daniel Michael	Mulgrave	ALP	McCurdy, Mr Timothy Logan	Murray Valley	Nats
Angus, Mr Neil Andrew Warwick	Forest Hill	LP	McGuire, Mr Frank [4]	Broadmeadows	ALP
Asher, Ms Louise	Brighton	LP	McIntosh, Mr Andrew John	Kew	LP
Baillieu, Mr Edward Norman	Hawthorn	LP	McLeish, Ms Lucinda Gaye	Seymour	LP
Barker, Ms Ann Patricia	Oakleigh	ALP	Madden, Mr Justin Mark	Essendon	ALP
Battin, Mr Bradley William	Gembrook	LP	Merlino, Mr James Anthony	Monbulk	ALP
Bauer, Mrs Donna Jane	Carrum	LP	Miller, Ms Elizabeth Eileen	Bentleigh	LP
Beattie, Ms Elizabeth Jean	Yuroke	ALP	Morris, Mr David Charles	Mornington	LP
Blackwood, Mr Gary John	Narracan	LP	Mulder, Mr Terence Wynn	Polwarth	LP
Brooks, Mr Colin William	Bundoora	ALP	Napthine, Dr Denis Vincent	South-West Coast	LP
Brumby, Mr John Mansfield [1]	Broadmeadows	ALP	Nardella, Mr Donato Antonio	Melton	ALP
Bull, Mr Timothy Owen	Gippsland East	Nats	Neville, Ms Lisa Mary	Bellarine	ALP
Burgess, Mr Neale Ronald	Hastings	LP	Newton-Brown, Mr Clement Arundel	Prahran	LP
Campbell, Ms Christine Mary	Pascoe Vale	ALP	Noonan, Mr Wade Mathew	Williamstown	ALP
Carbines, Mr Anthony Richard	Ivanhoe	ALP	Northe, Mr Russell John	Morwell	Nats
Carroll, Mr Benjamin Alan [2]	Niddrie	ALP	O'Brien, Mr Michael Anthony	Malvern	LP
Clark, Mr Robert William	Box Hill	LP	Pallas, Mr Timothy Hugh	Tarneit	ALP
Crisp, Mr Peter Laurence	Mildura	Nats	Pandazopoulos, Mr John	Dandenong	ALP
D'Ambrosio, Ms Liliana	Mill Park	ALP	Perera, Mr Jude	Cranbourne	ALP
Delahunty, Mr Hugh Francis	Lowan	Nats	Pike, Ms Bronwyn Jane	Melbourne	ALP
Dixon, Mr Martin Francis	Nepean	LP	Powell, Mrs Elizabeth Jeanette	Shepparton	Nats
Donnellan, Mr Luke Anthony	Narre Warren North	ALP	Richardson, Ms Fiona Catherine Alison	Northcote	ALP
Duncan, Ms Joanne Therese	Macedon	ALP	Ryall, Ms Deanne Sharon	Mitcham	LP
Edwards, Ms Janice Maree	Bendigo West	ALP	Ryan, Mr Peter Julian	Gippsland South	Nats
Eren, Mr John Hamdi	Lara	ALP	Scott, Mr Robin David	Preston	ALP
Foley, Mr Martin Peter	Albert Park	ALP	Shaw, Mr Geoffrey Page	Frankston	LP
Fyffe, Mrs Christine Ann	Evelyn	LP	Smith, Mr Kenneth Maurice	Bass	LP
Garrett, Ms Jane Furneaux	Brunswick	ALP	Smith, Mr Ryan	Warrandyte	LP
Gidley, Mr Michael Xavier Charles	Mount Waverley	LP	Southwick, Mr David James	Caulfield	LP
Graley, Ms Judith Ann	Narre Warren South	ALP	Sykes, Dr William Everett	Benalla	Nats
Green, Ms Danielle Louise	Yan Yean	ALP	Thompson, Mr Murray Hamilton Ross	Sandringham	LP
Halfpenny, Ms Bronwyn	Thomastown	ALP	Thomson, Ms Marsha Rose	Footscray	ALP
Helper, Mr Jochen	Ripon	ALP	Tilley, Mr William John	Benambra	LP
Hennessy, Ms Jill	Altona	ALP	Trezise, Mr Ian Douglas	Geelong	ALP
Herbert, Mr Steven Ralph	Eltham	ALP	Victoria, Mrs Heidi	Bayswater	LP
Hodgett, Mr David John	Kilsyth	LP	Wakeling, Mr Nicholas	Ferntree Gully	LP
Holding, Mr Timothy James	Lyndhurst	ALP	Walsh, Mr Peter Lindsay	Swan Hill	Nats
Howard, Mr Geoffrey Kemp	Ballarat East	ALP	Watt, Mr Graham Travis	Burwood	LP
Hulls, Mr Rob Justin [3]	Niddrie	ALP	Weller, Mr Paul	Rodney	Nats
Hutchins, Ms Natalie Maree Sykes	Keilor	ALP	Wells, Mr Kimberley Arthur	Scoresby	LP
Kairouz, Ms Marlene	Kororoit	ALP	Wooldridge, Ms Mary Louise Newling	Doncaster	LP
Katos, Mr Andrew	South Barwon	LP	Wreford, Ms Lorraine Joan	Mordialloc	LP
Knight, Ms Sharon Patricia	Ballarat West	ALP	Wynne, Mr Richard William	Richmond	ALP
Kotsiras, Mr Nicholas	Bulleen	LP			
Languiller, Mr Telmo Ramon	Derrimut	ALP			

[1] Resigned 21 December 2010
[2] Elected 24 March 2012
[3] Resigned 27 January 2012
[4] Elected 19 February 2011

CONTENTS

WEDNESDAY, 28 MARCH 2012

CONTENTS

Wednesday, 28 March 2012

The SPEAKER (Hon. Ken Smith) took the chair at 9.33 a.m. and read the prayer.

BUSINESS OF THE HOUSE

Notices of motion: removal

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

PETITIONS

Following petitions presented to house:

Planning: Brunswick terminal station

To the Legislative Assembly of Victoria:

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

The petitioners note:

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

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

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

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

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

By Ms GARRETT (Brunswick) (764 signatures).

Tabled.

Wallan-Kilmore bypass: route

To the Legislative Assembly of Victoria:

This petition of certain citizens of the state of Victoria draws to the attention of the Legislative Assembly the following totally unsatisfactory situation.

BACKGROUND

In September 2010 the then Liberal-National opposition promised in a media release to build a '$130 million Kilmore-Wallan bypass' to take 'dangerous traffic off the streets of these fast-growing towns'. It was further promised that the bypass would be external to Kilmore and that it would not use existing internal roads. VicRoads, on behalf of the Minister for Public Transport, Terry Mulder, MP, is currently studying three option areas all of which pass within the town boundary, certainly not external of Kilmore. Option C will pass through a sporting, recreational, heritage and conservation area, Monument Hill. These options cause unnecessary and excessive disruption to residential houses and property, and all three pass through a 2010-approved planning overlay — an equine lifestyle precinct.

ACTION

The petitioners, we the undersigned, therefore demand that the Minister for Public Transport immediately withdraw the current VicRoads options A, B and C that are being studied — all three options pass through the township and have enormous impact on residents; sporting and recreation areas; and heritage and conservation precincts.

Provide us with a proper external bypass that does not use internal roads — as promised; bypass means bypass.

By Mr DONNELLAN (Narre Warren North) (1650 signatures).

Tabled.

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

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

COMMUNITY VISITORS

Report 2010–11

Ms WOOLDRIDGE (Minister for Mental Health), by leave, presented government response.

Tabled.

LAW REFORM COMMITTEE

Access by donor-conceived people to information about donors

Mr NEWTON-BROWN (Prahran) presented report, together with appendices and transcripts of evidence.

Tabled.

Ordered that report and appendices be printed.

DOCUMENTS

Tabled by Clerk:

Auditor-General — Access to Public Housing — Ordered to be printed

Crimes (Assumed Identities) Act 2004 — Report 2010–11 under s 31

Ombudsman — *Whistleblowers Protection Act 2001*: Conflict of interest, poor governance and bullying at the City of Glen Eira Council — Ordered to be printed

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

Brimbank — C93, C138

Greater Bendigo — C109, C137

Greater Shepparton — C136 (Part 1)

Moyne — C42

Surf Coast — C72

Statutory Rule under the *Confiscation Act 1997* — SR 20

Surveillance Devices Act 1999:

Report 2010–11 under s 30L

Report of the Special Investigations Monitor under s 30Q.

JOINT SITTING OF PARLIAMENT

Victorian Responsible Gambling Foundation

Message received from Council informing Assembly that they have agreed to joint sitting to elect members to the Victorian Responsible Gambling Foundation board.

LAW REFORM COMMITTEE

Reporting dates

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

That the resolutions of the house of 10 February and 1 September 2011 relating to the Law Reform Committee be amended to extend the reporting dates for:

(1) the inquiry into access to and interaction with the justice system by people with an intellectual disability and their families and carers to no later than 30 November 2012; and

(2) the inquiry into the creating, sharing, sending or posting of sexually explicit messages or images via the internet, mobile phones or other electronic devices by people, especially young people, known as ‘sexting’, to no later than 30 December 2012.

Motion agreed to.

MEMBERS STATEMENTS

Victor Walker

Mr McCURDY (Murray Valley) — Vale Vic Walker, a great man, who for 74 years was an inspiration to his family, colleagues, staff and the wider community. The word ‘resilience’ holds an entirely new meaning when you consider Victor James Walker. The Bayles Fauna Reserve, the Australian scouting movement and the Koo Wee Rup and Bayles communities have lost a great friend, and we have lost a truly special man.

Numurkah District Health Service: urgent care centre

Mr McCURDY — Numurkah District Health Service, currently operating as a temporary urgent care centre from three air-conditioned modular tents nicknamed MASH 3636 which were set up in the hospital car park as a result of the recent floods, received a great review in the coalition government survey into patient satisfaction. This is an absolute credit to chief executive officer Jacque Phillips and the staff.

Margaret Derby and Maddison Walker

Mr McCURDY — Moira Shire Council announced its inaugural Woman of the Year, Margaret Derby of Barmah, and Young Woman of the Year, Maddison Walker of Cobram. Announced on International Women’s Day, the awards recognise Margaret’s work

as a volunteer and Country Fire Authority firefighter and Maddison's contributions as a founding member of Youth Foundations Victoria in Cobram and a Moira shire junior councillor.

Moira Shire Council: flood recovery team

Mr McCURDY — Congratulations to Moira Shire Council's municipal recovery team, which at the height of the flood emergency was running 24 hours a day to coordinate dealing with this event. The floods impacted on 15 of the shire's 23 communities, and the team is now leading the recovery process, which is expected to take 12 to 18 months.

Burramine Gift: 61st anniversary

Mr McCURDY — Runners came from all parts of Australia for the 61st Burramine Gift athletics carnival at Yarrawonga. Frances Connell and Peter Lawless continue to show community leadership in bringing this event together every year.

Climate change: Elwood forum

Mr FOLEY (Albert Park) — On Monday this week I participated in a forum about how the Elwood community could learn from the floods of February 2011 in the expectation that in a time of increasing risks of severe weather events associated with climate change we would have to cope with these demands more often — demands associated with mounting levels of event severity.

The people of Elwood, living as they do on reclaimed swamplands, expect the risk of flooding. What they did not expect was that the state government would ignore their plight in so many ways. They did not expect that Melbourne Water, responsible for the Elwood Canal, the Head Street drain and so much of Elster Creek's catchment, would cancel its participation in the forum at the last minute. They did not expect that the Victorian government would abandon its 2010 position of support for action on climate change and revert to its hard-line ideological position of climate change scepticism by abandoning its responsibilities and commitment to climate change adaptation and mitigation.

What the members of the growing population of Elwood did expect was that the government would engage with them on a serious issue of public policy that directly affects their properties, businesses and indeed their health. Thankfully our local State Emergency Service did show up to provide the valuable leadership so lacking from Melbourne Water and members of the government who were invited but failed to show. When the floods occur again this lack of support will be remembered. Thank you very much to the over 300 members of the Elwood community who took the time to take this issue seriously. It is a pity that the Baillieu Liberal government does not.

Ashburton Primary School: fair

Mr WATT (Burwood) — On Saturday, 18 February, I had the pleasure of opening the Ashburton Primary School fair. I would like to take the opportunity to thank principal Natalie Nelson, teachers, parents and especially the kids, who put on a wonderful day as always.

Geraldine Dalton

Mr WATT — I would like to take this opportunity to pass on my best wishes to the principal of St Michael's Parish School at Ashburton, Geraldine Dalton, who finishes her tenure on Friday and moves on to a new school at Epping. Geraldine has been part of the St Michael's community for the last seven years and has made an enormous contribution to the school, the parish and the wider Ashburton community. Her contributions were recognised last Sunday, 25 March, and I was thankful to be part of the occasion. I am sure her new students at St Paul's school do not yet understand their great fortune in Geraldine agreeing to take up her new role.

Down Syndrome Victoria: family fun day

Mr WATT — On Sunday, 25 February, I had the honour of attending Down Syndrome Victoria's family fun day, which was held at Ashwood School in my electorate. I would like to take this opportunity to thank Kirsten Deane, who was my escort for the day. I would also like to thank the volunteers, parents and children who made the day such a wonderful success.

It was interesting to have a chat with Kirsten and many of the other parents at the event. They said that Victoria was probably the best state in the country when it comes to looking after people with disabilities. In regard to this, I would like to pay tribute to the efforts of previous governments. One of the concerns that parents had was about the national disability insurance scheme and the fact that to date the federal government has been all talk and no action in regard to this scheme.

Hoon riding: Melton electorate

Mr NARDELLA (Melton) — I call on the Minister for Roads and the Minister for Police and Emergency Services to seriously consider amending the hoon laws

to catch motorcyclists and mini-bike riders who are terrorising people and families in local neighbourhoods. Andria Cozza, a journalist with the *Melton Weekly*, has highlighted the problems, especially the problems for older and disabled people. These motorcycles operate at all hours of the day and night. They are loud and ridden at speed and in a dangerous manner.

These motorcycles and mini-bikes are causing stress and distress to people throughout my electorate, and the police are powerless to deal with them under the present hoon laws. Police should be able to seize these vehicles under the hoon laws. Much of the behaviour of these riders is dangerous and illegal — many ride without helmets, licences or registration. Some of these motorcyclists and mini-bike riders cross freeways and roads and are in danger of being hit by motor vehicles. Last year a motorcyclist was hit by a vehicle and was taken to hospital with life-threatening injuries.

Petitions have been sent to Melton Shire Council about this issue. People have raised with me personally problems in acreages but also within the suburban neighbourhood areas of my electorate, especially around Melton West, where hoon laws should be put in place urgently.

Police: Healesville and Kilmore

Ms McLEISH (Seymour) — Members of Victoria Police are to be acknowledged for their role in law enforcement and community safety. On two occasions now I have had the pleasure of sitting in on a busy Saturday night shift with local police, the first with Healesville station and the second with Kilmore station on the Saturday night just past. What impressed me most was the manner in which officers went about their business. They were totally professional and friendly in all their dealings. Their concern for community safety was evident, as was their versatility and ability to adapt quickly to their varied duties.

Of note, I witnessed the seizure of a vehicle under the hoon legislation from a male in the 18 to 26-year-old age bracket, who was surrounded by amused mates. The overrepresentation and incidence of young men involved in accidents and fatalities continues to be of concern to the government, the police and the community. I am proud that the coalition has toughened antihoon laws by increasing the impoundment period from 48 hours to 30 days. It was pleasing to hear that this was supported very much by police on the ground as a mechanism to improve road safety. Keeping hoons off the road can save not only the lives of the hoons but also of others in the community who use those roads. Overall the police have achieved outstanding enforcement results, with over 1000 cars impounded for the 30-day period within the first three months of operation. The legislation shows that the coalition is serious about road safety.

I would like to thank Sergeant Wayne Williams, Acting Sergeant Peter Brown and the officers at the Healesville and Kilmore police stations with whom I had the pleasure of meeting — —

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

Manor Lakes P–12 College: opening

Mr EREN (Lara) — I recently had the extreme honour of attending the official opening of Manor Lakes P–12 College in my electorate. It was amazing to walk around and see the progress that has been made since the Labor government started the development a few years ago. In fact you almost need a GPS in order not to get lost in this massive development. It is a good example of what can happen with hard work and dedication, which the entire school community has shown.

The development of this magnificent facility has been an enormous task. Any kind of renovations or major construction work put a large strain on all involved, especially in a school environment. I am sure the pressure is even more prevalent in a school community where the student population grew from 426 students in 2009 to 1440 now and is continuing to grow. I would like to congratulate the Manor Lakes P–12 College community for their efforts so far. I say 'so far' because the journey has not finished. Stage 5 needs to be funded in order to accommodate the massive growth taking place in Manor Lakes, which is part of the fastest growing area in the entire nation. It is important to invest in growth corridors, and that is why the previous Labor government invested over $30 million to build this new school.

I am sure that the new state government can see the importance of such a project and will continue to fund the next vital stages of this magnificent facility. Without cooperation at all levels this project would never have been able to get under way or even get to this stage. The strong partnership needs to continue in order for this project to get to the next stage. I want to thank the principal, Jason Smallwood, the school council and staff for the vision and direction they provide and for the encouragement they give students — —

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

Rodney electorate: tourism events

Mr WELLER (Rodney) — The Rodney electorate is a fantastic place to visit these Easter school holidays with many family-friendly events and idyllic locations to choose from for an easy and enjoyable getaway. Following a fantastic summer, which saw excellent tourism numbers with people visiting many festivals and events in our region and enjoying water-based activities and superb holidaying conditions, the Rodney electorate is gearing up for a bumper Easter school holidays.

Visitors to the region can still expect to enjoy many river-based activities this autumn despite above-average rainfall in the region. They can climb aboard a historic paddle steamer and cruise the Murray River. The port of Echuca is again offering cruises every day this Easter with face painting, reptile shows and activities, as well as kids cooking classes and science workshops. The Rodney electorate will offer craft and produce markets at Echuca and Girgarre, harness racing at Echuca and an Easter festival of speedway action at Rushworth. You can also expect an award-winning cellar door experience at Heathcote with some of the country's best shiraz on offer, the Indigenous Australians at War exhibition in Echuca and the usual array of Easter sporting events throughout the region, including tennis, football and netball. Many of our smaller communities shine at this time of year with events such as the Merrigum historical society's annual Heritage Day, now in its seventeenth year.

I encourage people to enjoy the Easter break, however they choose to spend it, and most importantly to travel safely on the roads.

Schools: capital works funding

Mr PALLAS (Tarneit) — I rise to raise concern about the disastrous and continuing deteriorating state of capital works in my electorate of Tarneit. This has been due to a reduced effort by the current government in allocating capital works funding for schools. I note that the Minister for Education has removed over $1 billion from schools capital works in the last budget, and a community such as mine, which has grown by over 8 per cent per annum, needs provision for new schools and refurbishment of existing schools. I note that the previous Labor government built new schools and substantially invested in upgrading schools in my electorate. Wyndham City Council has estimated that over the next five years this community will need 26 new schools to accommodate growth.

I also wish to raise the continuing uncertainty around Galvin Park Secondary College. Due to rain inundation and mould contamination most of the school students are accommodated in makeshift demountable buildings. Galvin Park Secondary College needs a complete rebuild, not a bandaid fix, to assure the community a proper education, and an early commitment from the minister is essential.

Similarly Werribee Secondary College received $12 million from the previous government and was fast-tracked to receive the remaining $6 million to complete works, but despite the fact that a member for Western Metropolitan Region in the Legislative Council indicated to the local media prior to the election that the funds needed to be allocated immediately, we still have not seen any funding allocated.

Schools: Mount Waverley electorate

Mr GIDLEY (Mount Waverley) — Since 1962 state education has been provided at 145 Stephensons Road, Mount Waverley, currently the site of the Mount Waverley Secondary College junior campus. During that time thousands of Waverley students have received both primary and secondary schooling at the site; however much of the infrastructure has remained unchanged over those years. On Tuesday, 20 March, I was proud to be part of a historic day for the school. The Minister for Education and I joined staff and students to complete the rebuild project and officially open the school.

The school rebuilding project encompassed new classrooms, a new library, canteen and administration facilities, and a refurbishment of arts, music, textiles, home economics, drama and science and technology facilities — almost a complete rebuild from the ground up. This $10.5 million rebuild project has now been fully delivered by the coalition and will provide Waverley with first-class learning facilities for generations to come. The minister and I congratulate the school community and look forward to continuing to support Mount Waverley Secondary College in its commitment to education outcomes of a high standard. This rebuild is an important part of the coalition government's comprehensive education capital works program for Waverley. In addition to the Mount Waverley Secondary College rebuild, during this term we will deliver a $7 million primary school in Essex Heights, a new Pinewood Primary School and a $1 million renovation of Mount Waverley North

Primary School in order to fix the Building the Education Revolution mess that the members on the other side left us.

Electric vehicles: CERES charging station

Ms GARRETT (Brunswick) — I was pleased last Thursday, 22 March, to attend the launch of Australia's very first level-2 solar-powered charging station for electric cars, which is located at CERES in Brunswick. This collaborative initiative between Delta Energy Systems, Q-Cells Australia and CERES will enable public access to a solar charging station, with the energy for the electric vehicles (EVs) being generated from the sun, making it a clean and renewable source. All major EVs on the market are able to utilise this charging point.

Acknowledgement and congratulations are to be given to Delta Energy Systems, which donated the solar inverter, and Q-Cells Australia, which donated 12 Q.PRO 235 modules for the project. The involvement of CERES in this initiative once again shows it as being at the forefront of environmental sustainability, education and action. The charging point will add to the suite of offerings that CERES provides in assisting the community to move towards sustainable living. The charging point is now ready for use by the public, and drivers are notified by SMS or email when their vehicles are fully charged or if there is a problem.

Congratulations to all involved — Delta Systems Energy, Q-Cells and the continually hardworking team at CERES led by Cinnamon Evans in bringing sustainability practices to reality and educating for a better society for the future.

It is just such a deep shame that in the week when this initiative was launched, the government has once again taken a huge backward step in environmental protection in this state by slashing the target it agreed to prior to the election and butchering the many programs and initiatives designed to protect Victoria.

Yarra Valley Herb and Chilli Festival

Mrs FYFFE (Evelyn) — Clive and Di Larkman are long-term nursery operators in the Yarra Valley and passionate growers of herbs and chillies. Over the weekend of 17 and 18 March they held the inaugural Herb and Chilli Festival, where visitors learnt about the many uses of their produce. From growing and cooking demonstrations to selling and sampling stalls, the visitors had an array of quality foods to salivate over. Children were well catered for with an animal nursery and pony rides. This was another unique presentation of what the beautiful Yarra Valley has; it was an excellent festival. I look forward to being there next year.

Celebrate Mooroolbark Festival

Mrs FYFFE — On Saturday, 24 March, I spent the day at the Celebrate Mooroolbark Festival. The festival has a lovely village atmosphere, and although the rain was intermittent it did not deter the hundreds of families who came out to support and enjoy the day. There were plenty of activities and displays, with a fantastic street parade that included local schools, scouts and Chinese dragons. Performers on stage throughout the day included Indian dancers, jazz musicians, belly dancers and much, much more. They even had a steam train running between Mitcham and Mooroolbark. The members of the organising committee are to be congratulated on all the tireless hours they put into coordinating an event such as this. Congratulations on a job well done.

Wonga Park Primary School: grandparents day

Mrs FYFFE — One of the delights of my role as the member for Evelyn is visiting my fantastic schools. I was fortunate enough to go to Wonga Park Primary School when the grade 1 and 2 children hosted the Grandparents and Special Persons Day. I was able to have morning tea with them and to watch the joy on the children's faces as they went through the various activities with their grandparents and special persons. Many of the old-fashioned games were brought out, and the children had made their visitors scones.

Roads: truck action plan

Ms THOMSON (Footscray) — In excess of 20 000 trucks move through the inner west of Melbourne every single day, yet this government is giving no priority to fixing the problems that this creates. This number is expected to increase eightfold over the next 10 to 20 years, and we are also seeing a population increase in the inner, middle and outer suburbs of the west, so this traffic problem is only going to get worse.

As the government prepares for its budget, I suggest that it look at fixing the problems that currently exist by implementing the truck action plan and ensuring that WestLink is built. It may look at the eastern link from the Eastern Freeway through to CityLink, but what it needs to be looking at is what is occurring in the west and its link back to Melbourne and the ports. It is crucially important to the people who live in those communities, and I would defy anyone to come out and

try to put up with the amount of truck traffic and truck movements that are occurring in the west, as well as the general car movements in the area, and say that something should not be done. There is a plan. There has been work done on that plan, and this government should implement it and fund it in this budget.

Melbourne Immigration Museum: exhibition

Mrs VICTORIA (Bayswater) — Yet another enlightening exhibition is on at the Melbourne Immigration Museum, where the efforts of community members from Italy, Mauritius and Turkey have resulted in not only a wonderful understanding of the importance of sweets and desserts in all our cultures but also in lifelong friendships between the members who collaborated on the project. Congratulations to Padmini Sebastian and her team.

Wantirna Primary School: centenary

Mrs VICTORIA — It was wonderful to see so many current and former staff and students of Wantirna Primary School come together to celebrate their centenary. I was delighted to see former students as old as 91 years come to celebrate the school. Congratulations to principal Heather Norbury and her organising team on making it a celebration and a recognition of just how wonderful a school can be when it has true community support.

Cultural Diversity Week

Mrs VICTORIA — As always, the Premier's annual multicultural gala dinner was full of surprises and much dancing. Congratulations to Jill Morgan and her team at Multicultural Arts Victoria on coordinating such a spectacular variety of entertainment.

Maroondah Art Gallery: exhibitions

Mrs VICTORIA — The Freeze! exhibition, expertly curated by Wendy Garden, is a beautiful snapshot of contemporary Australian photographers. I encourage all amateur and professional photographers to visit the exhibition over the next couple of months.

Suspended Frame is an extraordinary exhibition of the work of local youth who have worked with professional photographers and, in some cases, with local police members senior sergeants Paul McBride and Andrew Hives, Leading Senior Constable Stuart Sorrell, together with Rozy Mitchell and Jacquie Cousens from Eastern Access Community Health. This is an amazing exhibition coinciding with National Youth Week, which showcases the talents of local youth.

Consumer affairs: building regulations

Ms CAMPBELL (Pascoe Vale) — I wish to raise a matter in relation to building and building regulations in Victoria. If you are unscrupulous and you want to be a millionaire, do not import and sell drugs, do not steal and rebirth cars; instead become an unscrupulous builder in Victoria. Unscrupulous builders do not build homes for consumers from whom they have taken hundreds of thousands of dollars — in some cases over $1 million — to build. The Baillieu government said it was anxious to fix the building regulations in this state. It has not done so. Consumers are anxious to see regulations fixed immediately. The Baillieu government wants to bash unions, but it will not focus on shonky builders.

My family proudly recognises three generations of carpenters. Honest and quality tradesmen need a robust building commission. The Building Commission is not interested in consumers who want to lodge complaints. In the last sitting week I raised with the Minister for Consumer Affairs the fact that calls to the Building Commission eventually end up at Consumer Affairs Victoria where callers get a long-winded voice message. Yesterday I raised the issue of there being no monitoring of asbestos removal, and today I want to raise questions in relation to the Architects Registration Board of Victoria and the fact that when the Building Commission is hearing complaints about a builder it has chosen a builder to be the commissioner's nominated 'consumer' representative. This is a serious problem, and it needs to be fixed.

Emerald Community House: achievements

Mr BATTIN (Gembrook) — I would like to express my thanks to Emerald Community House for its work in the local community to strengthen connections and improve communication. This will provide many benefits to the community in its preparation for natural disasters and assist in crime prevention in the local community.

Berwick Tennis Club

Mr BATTIN — I would like to thank Berwick Tennis Club for inviting me to meet with its members to discuss the future of this great club. The club's many members work extremely hard to maintain the facilities and grow the club to ensure that more people play sport. As the Minister for Sport and Recreation says, it is about 'more people, more active, more often'.

Beaconhills College: achievements

Mr BATTIN — Tony Sheumack, principal of Beaconhills College in Pakenham and Berwick, showed me around one of the college's new buildings recently, and I had the pleasure of being there for the blessing of the Rainbow Room. I was treated to a fantastic day of celebration by children in prep and grades 3 and 4. The staff and board of Beaconhills have built a school based on value and community. I thank them all for their efforts.

Ben's Shed: annual general meeting

Mr BATTIN — I had the pleasure of attending the annual general meeting of Ben's Shed in Yarra Junction. It was a pleasure to speak to such an energetic group of men who donate their time to the local community. The shed, like all men's sheds across the state, is about not just building blocks but also building community and communication. Many men at these sheds will tell you that their lives have been saved by the connections they have made.

Frank McGuire: 100th birthday

Mr BATTIN — Happy Birthday to Frank McGuire, Sr, who will turn 100 tomorrow. I congratulate him on this wonderful achievement.

University of the Third Age: Berwick

Mr BATTIN — It was a pleasure to meet with the Berwick University of the Third Age last week to discuss current affairs. At that meeting we spoke of the challenges of being an MP and my past life as a police officer. There were many questions about the operations of the government. I thank all who attended and look forward to returning for more tough questions in the future.

Warburton: township committee

Mr BATTIN — Congratulations to the Warburton township committee on its efforts to make Warburton great.

Ivanhoe electorate: early childhood services

Mr CARBINES (Ivanhoe) — I recently attended the opening of the redeveloped Fairy Hills Kindergarten in Ivanhoe, and I want to praise the work and commitment of parents who raised $100 000 for the project. That represents a lot of cake stalls and raffles. Early childhood services like those at Fairy Hills Kindergarten would not be possible without the dedicated efforts of volunteer committees and the parent community of Ivanhoe and Ivanhoe East. Fairy Hills Kindergarten has been supporting local families since 1947.

When I was at Banyule City Council I was pleased to make a contribution to and support the kindergarten's grant application for funding of $130 000. The previous state Labor government allocated $200 000 to the project. The Minister for Early Childhood Development, who is also the Minister for Housing, told parents at the official opening that the government would announce the next round of children's services grants in April.

I note that the fate of the Olympic Village learning hub is in the minister's hands, because she will decide on funding of $1.34 million for that project. Funding of up to $500 000 is available through the neighbourhood renewal program and up to $840 000 is sought through the children's services grants program. She will make the decision about that funding under both programs as they are within her portfolios of housing and early childhood development.

Given the recent fire that destroyed parts of the Olympic Village junior campus of Charles La Trobe College on 14 March, Heidelberg West families could really do with some good news. I implore Minister Lovell to give serious consideration and support to this valuable project. The City of Banyule has already committed $750 000 — a contribution secured during my time on the council.

Heatherdale Reserve, Mitcham: lighting

Ms RYALL (Mitcham) — On Monday, 19 March, I joined the Minister for Sport and Recreation, members of the Heathmont Jets Junior Football Club, St John's Mitcham Football Club and the Heatherdale Cricket Club to announce almost $100 000 worth of state government funding for Heatherdale Reserve, Mitcham. The money to upgrade floodlighting at the Purches Street oval comes from a 2010 election commitment of $50 000 by the coalition and funding from the 2012–13 community facility funding program. The clubs are delighted that their calls for funding over the years have been heard and actioned, and I commend the minister on his dedication to getting more people more active more often.

Employment: government policy

Ms RYALL — I would like to reaffirm the Victorian coalition government's commitment to jobs, job creation and job protection here in Victoria, unlike the Australian Manufacturing Workers Union and the

Victorian Labor Party. If members of these organisations were serious about jobs and job creation, they would tell Prime Minister Gillard and their federal Labor comrades in Canberra to stop sending Victorian manufacturing jobs overseas and to drop the carbon tax that is killing Victorian jobs.

National Ride2School Day

Ms RYALL — On 23 March I was pleased to attend Old Orchard Primary School in Blackburn North to help the children celebrate the sixth annual National Ride2School Day with their afternoon bike parade. I commend all the students for their participation and enthusiasm. With recent figures showing that type 2 diabetes has had an annual increase of 27 per cent in children and adolescents, this day was all about enabling students to be more active, and these students certainly were.

Mrs Peulich (South Eastern Metropolitan): performance

Ms GRALEY (Narre Warren South) — Inga Peulich, a Liberal MP for South Eastern Metropolitan Region in the other place, has proven to the Casey community that she is just not interested in it. This person, who was once an opposition warrior spreading fear and negativity around the south-east on a daily basis, is struggling to fit into her role on the government benches.

Recently she was supposed to be representing the Baillieu government at the opening of the Berwick Springs Park pavilion — a great Labor initiative — but she forgot all about it, so one of the organisers of the event had to take out his phone to give her a wake-up call. She eventually arrived — around an hour late — and lectured members of the community on the demographics of Casey, although she was the only one who needed to learn about the Casey community. They were definitely not amused. Even more recently she did not turn up for a planned tour of Hampton Park with the Hampton Park community renewal group. Mrs Peulich had been appointed chair of the Hampton Park community renewal strategic partnerships group and the tour was to be her first official duty, but she did not even bother to show up.

However, she has been attending the openings of school buildings funded by the federal government for photo opportunities, despite devoting much of her time over the past few years to strident opposition to new facilities for our schools. Mrs Peulich just does not understand the responsibility of government. She is still trying to get over her surprise at not being a minister in this incompetent government.

I say to Mrs Peulich: get a lesson in how to be a good government MP. She could start with delivering the Narre Warren-Cranbourne Road duplication, more beds for Casey Hospital, the reinstatement of funding for Victorian certificate of applied learning coordination and a toilet for Hallam station.

National Ride2School Day

Mr KATOS (South Barwon) — Last Friday, 23 March, I had the pleasure of attending St Therese Catholic Primary School in Torquay for National Ride2School Day. Despite the cool and wet conditions, many students, along with some parents, chose to ride to school. These students had an active start to the day and were rewarded with fresh fruit on arrival. Well done to the students and to the teachers who coordinated this event.

Surf Coast Secondary College: exchange teachers

Mr KATOS — On the same day I also attended a farewell lunch at Surf Coast Secondary College for two visiting teachers on exchange for two weeks from Surabaya, Indonesia. During this time there was a valuable exchange of culture and ideas. Well done to the students who presented the work they had undertaken as part of this project and to languages coordinator Astrid Paape and school principal Scott Diamond.

City of Greater Geelong: councillor comments

Mr KATOS — I have been pleased with the cooperative approach of the City of Greater Geelong, the state government and the federal government in working together to achieve a favourable outcome at Alcoa's Point Henry smelter. However, with mayor John Mitchell away on leave, deputy mayor Cameron Granger took us back to the good old days of the City of Greater Geelong being a Labor-run council. Cr Granger is a former staffer to the member for Lara and sees himself as the next Labor candidate for the seat of Geelong in 2014.

At a recent business breakfast Cr Granger took aim at the Premier and suggested that he is not doing enough around securing jobs at Alcoa. This could not be further from the truth. The Premier and key ministers have been working extremely hard. Rather than doing the bidding of the member for Lara, Cr Granger should stand up for Geelong. He should pick the phone up and

contact his Labor colleagues in Canberra. What he needs to tell them is that the best way to secure jobs in Geelong is to dump the carbon tax.

North Melbourne Primary School: building program

Ms PIKE (Melbourne) — Last week I attended the opening of the BER (Building the Education Revolution) program project at North Melbourne Primary School. At that time I had the opportunity to reflect on the transformation of that school and every single primary school in my electorate over the last 10 years. Ten years ago North Melbourne Primary School's numbers were declining and the buildings were in an appalling condition. Now that school has been absolutely transformed with $10 million from the state government and $3 million from the federal government. The school population has more than doubled and is still growing.

What this shows is that when you invest capital into public education the whole of public education is strengthened and students right across the state get wonderful opportunities to improve their education. People who diminish capital for public education should be condemned, as should those who run around the state dismissing the BER program.

RULINGS BY THE CHAIR

Division bells

The SPEAKER — Order! Yesterday a division was held in regard to the government business program. The results showed that a member of the coalition, the Minister for Public Transport, who is the member for Polwarth, was missing. When we investigated why, it was found that the bells in the area where the minister's office is were not working and he had not heard them. We have since investigated and found that a transformer had blown. It was very unfortunate that the minister was not able to be at that division. The vote shows who was in the chamber but it does not show why the member for Polwarth was missing. I hope that clears the air.

Mr MULDER (Minister for Public Transport) — Speaker, on that issue, we are aware that on 13 March the same thing occurred in relation to the chook house, and it was referred to you at the time by the member for Melton. On that occasion you stated that it was a very serious matter. Also at that time the bells were allowed to ring for a further minute to allow members to make their way to the chamber. What I would ask, Speaker, is that you hand down some sort of ruling. I ask that this matter be investigated thoroughly so that we can get a clear indication as to what is going to happen into the future. In this case only the government business program was involved, but some very serious legislation could be affected going forward. Given that we have now had two instances where this has occurred, I believe the chamber needs a ruling from the Speaker as to what will happen in the future if such an incident occurs again.

The SPEAKER — Order! It is something I think we will have to judge on a case-by-case basis, because it is hard to make a ruling. The bells were working there at 2 o'clock yesterday to summon people to the house. When the bells rang for the division it was about 3 o'clock in the afternoon. They were not working in the member's quarters, but they were working everywhere else. If the problem is reported to us quickly, we can do something about it. We will look at this issue on a case-by-case basis. It is very difficult to make some sort of ruling on that.

GRIEVANCES

The SPEAKER — Order! The question is:

That grievances be noted.

Minister for Police and Emergency Services: conduct

Mr MERLINO (Monbulk) — Today I rise to grieve for Victoria Police. I grieve that they continue to be led by a minister who was complicit in the undermining and forced removal of the former Chief Commissioner of Police, Simon Overland. The independence of police command was shattered and public confidence in our force was impacted as a result. Despite growing evidence as to the role and knowledge of the minister in this most disgraceful period, he continues to pretend to run the show, as we saw with his ridiculous New York trip stunt on the same day as there were damaging new revelations.

I concluded my previous grievance item on this shameful period with the words of Ken Lay, the then acting chief commissioner and now chief commissioner, who was quoted as having said:

> 'If I go back to that time, I know Simon said publicly on a number of occasions that we were staying focused but my recollection was, it was … enormously difficult … as a member of police command …
>
> 'I felt under siege, I thought Simon was under siege.

> 'It was as hard a time as I can ever remember for a chief commissioner.
>
> 'This was a very big part of Simon's decision to resign, I believe'.

I begin this contribution with the words of retiring Deputy Commissioner Kieran Walshe, who said on 14 February:

> Hardest part for me was the resignation of Simon Overland. Simon was really committed to policing, committed to delivering for the Victorian community, he certainly was putting the organisation on the path to achieve that … I've got a lot of respect for Simon and to see him leave in those circumstances was really difficult.

Two of Simon Overland's closest colleagues have confirmed what we all know: he is a good, honourable, decent man who was hounded out of office following a cowardly and unrelenting campaign against him. The Office of Police Integrity (OPI) report *Crossing the Line* confirms that the campaign was run directly out of the office of the Minister for Police and Emergency Services. What we do not know yet is the true extent of the involvement of the minister himself. As the OPI made clear in its report, it does not have the jurisdiction to investigate the behaviour of the minister or his chief of staff. The minister is desperate — desperate — to keep his true role secret.

In a double page spread an article in the *Herald Sun* of 23 March says:

> Mr Ryan is not keen to revisit the Overland/Weston/Tilley/Sir Ken saga, saying he has moved on —

'saying he has moved on'. It also reports the minister as saying:

> You try to put a Chinese Wall between it all.

That is an interesting turn of phrase. If you look at the definition of the term 'Chinese Wall' you find this: a barrier, especially one that seriously hinders communication or understanding; a barrier, or obstacle, as to understanding; and an insurmountable barrier, especially to the passage of information. Was the use of that term a Freudian slip, perhaps? The minister for police is desperate for us all to move on. He does not want any more questions.

It is ultimately a futile exercise. Try as he might with his Chinese Wall, he cannot avoid the inevitable. In the end the truth always comes out. Simon Overland has gone, Sir Ken Jones has gone, and Liberals have been thrown under the bus to protect the Leader of The Nationals — and I speak of Tristan Weston, the minister's senior police adviser, and of the former Parliamentary Secretary for Police and Emergency Services, the member for Benambra. They have all gone, but the minister remains. Yet the minister is now beginning to understand the painful reality of the phrase 'you reap what you sow'. There are those who are not happy about others being made scapegoats for the minister. This poisonous saga will not end until the full story is revealed and the complicit behaviour of the minister is exposed.

Government leaking and undermining destroyed the career of a good and honest Chief Commissioner of Police. This unrelenting and remorseless campaign that was once targeted at Simon Overland is now squarely and ironically focused on the minister for police. The minister's entire defence, as fanciful and laughable as it is, is centred on this single premise: he knew nothing. We are asked to believe that Tristan Weston, his hand-picked senior police adviser, was a Walter Mitty character, that he was delusional and that he was on a frolic of his own. You reap what you sow, I say to the minister. Tristan Weston was not delusional, and he did not act on his own.

I refer to the revelation in the *Australian* of 23 March of the existence of an internal political memo provided by Tristan Weston to the minister. The very existence of this memo, the first time it has ever come to light, is devastating, because it exposes the lie that the minister and his chief of staff were not aware of what was going on. We know there is more evidence to come. This political memo discusses the possible circumstances in which Sir Ken Jones could withdraw his resignation as deputy commissioner. It canvasses a deal with the Police Association, involving a number of undertakings; it provides political advice on the options available to the minister, including a possible role for Sir Ken Jones with the establishment of the Independent Broad-based Anti-corruption Commission (IBAC); it provides media lines; and it provides a commentary on the likely outcomes of each of those options. This is a comprehensive political memo to the minister.

Members should understand the significance of the emergence of this document. In the past the minister vigorously denied it even existed. I refer to the OPI report and quote from page 43:

> In the course of giving evidence, Mr Weston said he provided a written report to the minister … OPI investigators have been told that this document cannot be located.

I then go to page 52 of that report, where it states:

> Minister Ryan denied knowledge of any 'deal' involving the Police Association and a withdrawal by Sir Ken Jones of his resignation. He described the notion of such a 'deal' as

> 'highly offensive' and 'the creation of Tristan Weston' and 'fanciful nonsense'.
>
> Minister Ryan said he has no recollection of seeing a briefing note of the kind described by Mr Weston. He said he certainly did not see a briefing note setting out any 'deal' involving the Police Association, which Minister Ryan described as 'fiction'.

He said it to the Parliament as well, under questioning by the Leader of the Opposition, who asked:

> … how is it that the Deputy Premier can continue to deny all knowledge of a so-called deal regarding the withdrawal of Sir Ken Jones's resignation when Mr Weston, his former senior adviser, said he briefed both the Deputy Premier and the Deputy Premier's chief of staff on this matter?

This was a question that the Leader of the Opposition asked on 27 October last year. The minister, in response, said this:

> … on the face of the report it is apparent that no documentation has been produced to the OPI or otherwise that is reflective of the so-called briefing that Mr Weston is purported to have provided to me or indeed to anybody else.

He went on to say:

> As I was saying, the simple fact is that the purported briefing note was never provided to me. It has never been produced to the OPI.

He said this because his fragile and unlikely self-defence demanded that he do so. If the minister admits to the existence of this document, his whole defence is in tatters. It means that he misled Parliament, he misled the OPI and he misled the people of Victoria. The minister's first act was to dismiss the document's credibility. He was quoted as having said:

> It is not dated, it is not signed, there is no attribution on the document as to by whom it was prepared …

For goodness sake! This document is not a ministerial brief prepared and cross-checked with departmental processes, dates and the like. This was a political memo provided to the minister by his senior police adviser. Ministerial advisers provide political advice. It can be verbal advice, it can be typed or it can be in a handwritten note. There is not a document template for political advice. To discredit the document on that basis is absurd. The next line of defence is equally absurd. To quote the minister again:

> Nothing proposed within the document ever actually happened.

Again this is patently wrong. It was reported that this document was provided to the minister on the evening of 10 May or the morning of 11 May. It is all about how the government could manoeuvre for the withdrawal of Sir Ken Jones's resignation. Days later, on 14 May, the member for Benambra and Tristan Weston met with Sir Ken to achieve exactly that. The purpose of the meeting with Sir Ken Jones was to get him to withdraw his resignation. Page 47 of the OPI report says about the member for Benambra's evidence:

> Mr Tilley said in evidence that Sir Ken could not be persuaded to withdraw his resignation.

That was what the meeting was all about. The memo outlines that Sir Ken Jones received legal advice on the status of the resignation. The memo states:

> Jones is also in receipt of advice that the Police Regulation Act 1958 … provides that any resignation of a deputy commissioner must be accepted by the Governor in Council prior to becoming effective.

I go from the memo back to page 40 of the OPI report, which says:

> Mr Weston gave evidence that, on or prior to 9 May, he asked Sir Ken Jones to consider withdrawing his resignation. According to Mr Weston, there was discussion between Sir Ken and Mr Davies, and separately between Sir Ken and Mr Weston, as to whether the resignation had legal effect. Mr Davies researched the issue and proffered advice to Sir Ken and to Mr Weston that the original resignation had no legal effect because it had not been accepted by the executive council.

Mr Davies confirmed this. The report states on page 49:

> Mr Davies … proffered the view that the resignation apparently tendered in October 2010 would not be effective until it was considered by the executive council.

The dates fit. The dates fit between the memo and the OPI report. The memo flags the involvement of Sir Ken Jones in the establishment of the IBAC. Three times in the Tristan Weston memo it talks about Sir Ken being involved in the establishment of the IBAC. There is no doubt that the government did pursue this course of action. If you go to page 34 of the OPI report, it discusses the evidence of the Minister for Crime Prevention confirming that there were discussions between him and Sir Ken about Sir Ken having an involvement in the IBAC. At page 43 Tristan Weston is quoted as having said in his evidence:

> … it was a proposal that I put to the minister and it ultimately, given that Sir Ken didn't withdraw his resignation, it ultimately wasn't taken up.

In his memo to the minister, what did Tristan Weston say would occur in the case where Jones's employment separation was proceeded with? What he said was that leaks against the Chief Commissioner of Police would continue. And after the date of the memo the *Herald Sun* on 18 May, the *Age* on 17 and 18 May, the

Weekend Australian on 21 May, the *Herald Sun* on 24 May and the *Herald Sun* on 9 June all contained leaks by Tristan Weston against the Chief Commissioner of Police because Sir Ken Jones did not withdraw his resignation. If the government could not get Jones over the line, it sure as hell was not going to continue with Simon Overland.

Another consequence was that the government was accused of indecision, and if you go to the outburst of the member for Benambra, that is exactly what he accused the government of. It is interesting also that the minister went from denying the memo's very existence in evidence to the OPI and in Parliament to saying, according to the report in the *Saturday Age*, that he did not dispute its authenticity. Even more damaging is the report published in the *Weekend Australian*, which says:

> Mr Ryan declined to say whether Mr Hindmarsh had previously seen the document. Mr Hindmarsh declined to answer a series of questions put to him by the *Australian* about the document and his discussions with Mr Weston.

Is Mr Hindmarsh the next one to be thrown under a bus to protect this desperate minister? Under sustained questioning last year the minister said there was no conspiracy, yet this damning evidence to the contrary keeps piling up. The minister for police is up to his neck in involvement in the removal of and the campaign against the former chief commissioner. A double-page spread on the minister on 23 March — the whole point of which was apparently a trip to New York — is headed, 'Peter Ryan is ready for a new mission'. He had better be ready, because it will be out of this Parliament.

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

Transport: former government performance

Mr WAKELING (Ferntree Gully) — I rise in this house to grieve for the status of the transport system this state was left with by the members opposite. After 11 long, dark years in office, those opposite left a transport system that was in tatters. This was a former government that did not understand the basic tenet of running an effective public transport system. This was a former government that did not understand what it meant to scope projects — to identify what was needed when designing and delivering a project. The results were a mishmash that delivered substandard services. It was left to this government to stand up and fix the mess left by those opposite. I am afforded only 15 minutes, and I could talk about a range of projects in relation to this important issue, but there is none I would like to talk about more than the regional rail program.

The regional rail program was seen by those opposite as the vehicle that was going to provide better patronage to people in the western suburbs of Melbourne and beyond into regional Victoria. But as with so many projects they dealt with, they just did not know how to run the project properly. Firstly they underestimated the cost involved in running the project. They had no idea of how to scope the project, but more importantly they forgot to add significant pieces of infrastructure that actually go with the project. To see that one need look only at the most important piece of machinery that goes with a train line — that is, the carriages. They were building a train line, but they forgot to scope for putting the trains on the line. Who in their right mind when scoping this project would forget about putting the V/Locity rail cars on the track? It is unbelievable.

Mr Helper — If you are building a road, do you buy the cars?

Mr WAKELING — I take up the interjection from the former minister opposite, because he sat around the cabinet table. He was sitting at the cabinet table, and if he had understood what was involved, he had the opportunity to stand up and say, 'Minister, Premier, we've got a problem here. We're ticking off a project for a new train line, but we have forgotten to include the carriages that go on the track'.

That is just one example of the way in which those opposite mismanaged infrastructure projects in this state. Now I will look at one that affects my own area: the M1 upgrade that goes from the West Gate Freeway to the Monash Freeway. Clearly that is an improvement and nobody is complaining about an upgrade to the infrastructure, but you just need to look at the cost blow-out. I could understand a 10 per cent cost increase, but we are talking about significant cost increases of upwards of hundreds of millions of dollars. Those opposite just do not understand. They just ticked a project without actually knowing what the delivery cost of the project was.

Ms Duncan interjected.

Mr WAKELING — I am happy to take up the interjections of those opposite who say this is rubbish.

The DEPUTY SPEAKER — Order! I advise the member not to take up the interjections.

Mr WAKELING — Thank you very much, Deputy Speaker, but I am more than happy to hear the contributions of those on the other side as they sit there

in opposition and try to mould the facts. The reality is that if you look at the projects that they were in charge of, you know — and Victorians know — that when they were in power they did not have the capacity to properly manage those projects. One only need look at the desalination plant — a cost of $2 million per day every day for 30 years. I sat in this house, Deputy Speaker, as you did also, when the then Premier, the former member for Williamstown, Steve Bracks, stood here and said, 'I have the solution. I have been up in the red helicopter, and the solution is that we are going to build the largest desalination plant in the Southern Hemisphere'. He did not stand in this house and say, 'After I make this announcement, it will cost Victorians $2 million per day every day for 30 years'. Of course he did not do that, because he did not know what it would cost, because he did not actually do the hard work that is expected in delivering a project.

In terms of other infrastructure, you only need to look at the cost blow-outs and the mismanagement in the strengthening of the West Gate Bridge. There is a litany of such projects undertaken by the members opposite. One was the digital train radio project, which was a program designed to improve the way Metro Trains Melbourne train controllers communicate with train drivers. That is sensible, significant and important, and again you would think that the former government could get the project right, but it is just another illustration of the fact that the former government did not understand how to run the transport system.

If we look at cost blow-outs, it is obvious that every commuter in Melbourne is paying for the way those opposite administered the myki ticketing system. There are ticketing systems in use around the world — I have used ticketing systems in Hong Kong, London and Japan — but we could not use any of them; we had to design our own system. Unfortunately the former government forgot that it had to be designed for country Victoria. Members of that government thought people in country Victoria did not use the Met system. They said, 'Okay, we need to expand the scope — and by the way, we forgot it needs to cover buses'. The former government expanded the scope again and again.

Honourable members interjecting.

Mr WAKELING — Those opposite are shaking their heads and saying, 'You don't understand; you have no idea what you are talking about'. If I have no idea what I am talking about, let me ask this: why did the former government not deliver the project for the cost it said it would deliver it for? Deputy Speaker, if you want to understand why members of the former government cannot understand why they lost government, just listen to their interjections. They just do not get it. If you say you are going to do something, then do it. If you say you are going to deliver something, then deliver it for what you said you were going to deliver it for. Those opposite know that they bungled the system badly, and they only have themselves to blame for the outcome.

We need only to look at the Cardinia Road railway station, which was opened this week. It is a fantastic outcome and important for a growth area — no-one is going to complain about that — but those opposite forgot that you need to run electricity to the station. Trains run on electricity, but they forgot to provide the power to run the station. You have to shake your head. It is comical. If this were happening in another state, you would be laughing, but the problem is it is happening here in our backyard, in this state, and it is affecting Victorians. Those opposite might think that it is a joke, that it is funny and might not care about the situation, but they should go out and talk to the people in Pakenham and Officer and tell them it is a joke. Those opposite should tell those people they think it is funny, because I know that the people in that area do not think it is funny. They cannot believe that a government would build a train station and not provide the electricity to enable trains to stop at the station. What is going to happen? This government will again fix the mess, pick up the pieces and put together a train system that was left in tatters by those opposite. We in government will have to fix that problem.

When talking about mismanagement, members should not just listen to what I have to say or to what the government has to say. Let us look at what the Ombudsman has had to say. The Ombudsman has made his own investigations. Members of the house will recall that on his own motion the Ombudsman investigated information and communications technology-enabled projects and identified cost blow-outs in 10 of the 10 projects investigated. Congratulations! The cost of the blow-outs to taxpayers was at least $1.44 billion — $1.44 billion wasted, down the drain and in the pockets of those contracted to deliver ICT projects. What could we have got for that $1.44 billion? We could have had more police, more schools, more child protection workers, or we could have built two Bendigo hospitals — not one, but two. It was money wasted just on ICT alone, forgetting the infrastructure projects. That is the way those opposite treated our money — and it was no-one else's money, it was our money. They just wasted and squandered that money.

I turn to transport. I am reading from a document, a plan. It states that the former government's public

transport plan for the outer east will establish the requirements to:

> address the fixed infrastructure requirements for the —

eastern —

> region and in particular identify a preferred train route to Rowville via Glen Waverley or Huntingdale.

That is great! It is very important to people who live out in the east, very important to the people of Knox and very important to the people I represent. Who delivered that plan? It was the Labor Party, those opposite. When did they deliver this plan? Was it in 2006? No. Was it in 2010? No. It was in 1999; this was their election manifesto. They said, 'Vote for us, and this is what we will deliver'.

Those opposite had 11 years in government — 11 years in charge of the purse strings of this state. What did they do on delivering on their own document? Of course they did nothing. They turned their backs on our community. They ignored the needs of Knox residents. They ignored the needs of people who live in Melbourne's east. They took the view that the people in the east do not care. They said, 'We are happy to take their vote, and we are happy to ask for their vote on the back of documents and glossy brochures we put out that tell people what we are going to deliver', but when in government Labor members are asked to deliver on their commitments, their backs are turned. They do not care.

What have members of the Baillieu government done since the coalition has been in government? We identified there was a problem and a need out there. In opposition we said that we would do a rail study and, funnily enough, within 100 days we started the study. That study is a two-stage process. It is under way, and a draft report on stage 1 of that study has already been released by consultants Sinclair Knight Merz, who are doing the work for the government. That report is out for community consultation.

Members of my community are rightly upset. They say, 'We had the opposition's plan in 1999, so why are we still talking about a plan?'. I look at them and say, 'I completely agree'. Just imagine if those opposite had delivered on what they promised. Just imagine if they had started the study in 1999. Just imagine if they had spent four years in their first term conducting the study, and imagine if they had started to provide some funding for the project. The rail line to Rowville may have already been commenced and — heaven help us! — it may have been completed. But no! What we are doing today is catching up on what opposition members should have done in the last century. Members should not take it from me, because it was those opposite when they were last in opposition who said they would do this. They said they would do it, but, as with so many things in this state, they said one thing and they did another.

I am very pleased to hear there is silence from those opposite, because they know they cannot defend this situation. They sit in this place, and they whine and carp, but when you look at the facts, the facts are plain. Theirs was a government that failed. Their government could not manage projects and failed to deliver on important key election commitments. I stand in this house proud of the fact that we now have a government that is willing to do something, including simple things such as maintaining our train system. We have increased maintenance of rail infrastructure by up to $900 million a year. We know what needs to be done, and we are getting on with the job.

Geelong and Bellarine electorates: government performance

Ms NEVILLE (Bellarine) — I rise to grieve for the Baillieu government's lack of investment in services, infrastructure and jobs in Bellarine and Geelong. A front-page story in the *Bellarine Times* of 10 May 2011 is entitled 'Waiting game'. Just $453 000 has been allocated to the Bellarine electorate in the state budget as communities are told to wait. The article states:

> The Bellarine will have to wait another 12 months before it sees any state government money following the release of the state budget.

This was one of the lowest funding allocations for Bellarine for many years, and Geelong's allocation was similarly its lowest. Although the government on the day of the 2011–12 budget dressed up a whole lot of initiatives announced for Geelong, if anyone went back to look at the 2008–09 or 2009–10 budgets, they would have seen that 98 per cent of those projects announced were in fact projects that had been funded by the former government.

Unfortunately none of that has changed. Over the almost 12 months since that budget Geelong and Bellarine residents are still being told to wait. They are still waiting for this upcoming state budget in the hope that the government will actually keep faith with them and deliver on some key services and infrastructure. Unfortunately I have significant concerns about whether this is going to happen. Take last week, for example, when we had the Premier, the Deputy Premier and a number of ministers visit Geelong, maybe because there were some concerns about the fact that

massive job losses are about to confront the Geelong community. The Premier and Deputy Premier came along to open the redeveloped Courthouse ARTS. This is a great arts and cultural facility for young people in the Geelong area and also home to the world-renowned Back to Back Theatre. This project was funded by the former government, and I was very pleased to be part of the push for this funding for what is a great heritage building. I recognise that during the opening the Premier acknowledged the funding of the former government and my involvement in that, and I thank him for that.

No-one was quite sure why the Deputy Premier was there, but it turned out it was to try to mislead the community of Geelong about a new project and about government members being in Geelong getting on with the job of supporting the Geelong community. In fact he was there to announce $15 million funding for Geelong City Library and Geelong Heritage Centre. This is a fantastic project, and one for which the previous government made a commitment in the last election. Yes, it is new funding, but the funny thing about it, and what shocked people in the room as well as the *Geelong Advertiser*, is that this money had already been announced almost 12 months ago by the Minister for Regional Cities. Twelve months ago the minister came to Geelong and announced $15 million funding. But, lo and behold, last week the Deputy Premier came along to reannounce it — unless I have it wrong and there is actually now $30 million for the library and the heritage centre. The *Geelong Advertiser* was particularly cynical about this reannouncement, as were the audience and the community. The government is hoodwinking the community that it is doing something. It has to do that because in fact nothing else is being done in Geelong.

The Deputy Premier and the Premier like to list the things they are doing in Geelong. We heard this at last week's visit when they talked about funding for Geelong Football Club. Guess what? We announced this funding in July 2010. It was in the budget. It was already there! We funded this project; it is not new. What about the next stage of the Geelong Ring Road? Well, apparently, that is new. No, it was in the budget; it was in the forward estimates. It was funded by our government, as was the next stage of the ring-road. But, no, this government claims that as well, apparently.

On the same day the Deputy Premier also announced — and I read about this in the *Geelong Advertiser* — the establishment of the multidisciplinary centre to respond to victims of sexual assault. This is a great service and model which brings police, child protection workers and sexual assault workers together. I know it is a great project because when I was the Minister for Community Services I provided the money for the Frankston, Mildura and Geelong services in the May 2010 budget. If anyone goes back to look at the budget papers of the day, they will see that is right. This is not new money. It is an absolutely great service, and that is why we funded it. The real question here is: how on earth did it take this long for that service to get up and running? This government is at a standstill in delivering on those services. These were services that we funded but that this government has only just got up and running.

Given the issues that are currently confronting Geelong in terms of the potential loss of thousands of jobs at Alcoa and at Qantas at Avalon, one would have thought that the Premier on this visit would have made it a priority to sit down with these organisations. One would have thought he would have visited Alcoa, gone out to Avalon Airport to talk with Qantas, Justin Gittings and key business and community leaders and worked out a plan to save these jobs. It might come as a surprise to everyone that in fact the Premier did not do that on the day. Instead he attended a fundraiser for the member for South Barwon. The Premier was interested in saving the job of one person, the member for South Barwon, but clearly not interested in saving the thousands of jobs that are on the line at Alcoa and Avalon.

Of course the Premier could say 'Well, there were businesspeople there', and I know some did go along. However, this was a pay-for-access event so that those businesspeople could talk to the Premier about some major and crucial issues — the biggest issues that Geelong has had to face in the last 15 years. To say that a fundraiser equates to sitting down and working intensively with key business and community leaders to devise a plan and a solution to save these jobs and create new ones is just appalling.

The headline of the *Geelong Advertiser* editorial of 22 March is 'Come on, Ted, not just words'. The editorial states:

> … all Geelong seems to be receiving from its leaders is talk, talk and more talk.

It goes further:

> Premier Ted Baillieu, in town yesterday, might have thought he was talking up support for these industries to stay. It didn't sound like that to us.
>
> 'We have made a very strong case', he says of his petition to Qantas. 'Discussions are still continuing and we're not wishing to raise expectations', he says of talks with Alcoa.

The *Geelong Advertiser*, speaking for the Geelong community, goes on to state:

> Not good enough, Premier. You can be sure Queensland is offering hard cash incentives to Qantas. You can be sure Alcoa is watching its bottom line. They, like Geelong, need actions — not words.

I say to the Premier that talk is not good enough. Manufacturing continues to be the biggest component of the Geelong economy — 43 per cent of Geelong's economy is based on manufacturing — and the sector is the biggest employer in the Geelong area. Alcoa is Victoria's biggest exporter and a major contributor to the Victorian economy. The Premier cannot just say that this is out of his hands and that somehow it is only about the Australian dollar. We know things can be done to save Alcoa, including investment in the plant's technology and an upgrade of the plant. In my discussions and meetings with Alcoa over the last few weeks I have learnt that an investment could be made to secure the long-term future of the plant. Maybe something needs to be done in relation to electricity subsidies, but that is not really the main game.

Earlier I heard the member for South Barwon talking about how the carbon price is the main game. That is not the main game; Alcoa has made that clear. The main game is about how Alcoa can ensure its competitiveness in the context of international conditions. As Alcoa has said, the Point Henry facility is a very old plant and an upgrade of its technology would make it sustainable in the long term. When will we see discussions between this government and Alcoa about those factors? Those are the sorts of discussions, those are the sorts of plans and that is the sort of constructive investment that governments can make to save these jobs.

As Geelong's deputy mayor, an elected representative in the community, is reported to have said in a speech to business leaders:

> Mr Premier, we can't wait …
>
> Devise a plan to assist and get on a plane to New York …

Perhaps the Premier could join the Deputy Premier, who is going to New York to look at that city's zero tolerance program, which no longer runs as I understand it. The Premier could jump on the same plane and actually do something constructive. He could sit down with Alcoa and start to devise a real plan. This is not a time for fundraisers. This is a time to focus on saving jobs. The Premier cannot come to the table at the last minute as we saw happen with Holden. This government cannot sit around when it comes to a matter of $10 million. Luckily the commonwealth and South Australian governments put in by far the lion's share of the investment in Holden. The Victorian government cannot come to the table at the last minute in negotiations with Alcoa, because I can tell the house now that we cannot wait on Alcoa, just as we cannot wait on Qantas, because other people will jump in and save those jobs at Qantas, like the Queensland government.

We have seen no guarantee from the Premier of jobs at the Transport Accident Commission or public sector jobs in Geelong. On top of what we are already facing — the thousands of jobs that could be lost, not just the direct but also the indirect jobs from Alcoa and Avalon — what we also see is that the Premier is putting in question other jobs like those at the TAC and public sector jobs. Geelong is going to be in for a hard time unless this Premier and this government stand up and actually do something. They cannot just attend fundraisers and try to raise money to save the member for South Barwon.

It is not enough for the Premier and Deputy Premier to come in and do a dance. That is what they actually did on the day — they tried to do a dance, tried to be jolly and they said, 'We love Geelong! It is beautiful! It is fantastic!'. I love Geelong, but what I want to see and what the residents of Geelong and Bellarine want to see is real action, real investment in infrastructure and services, a real plan, money to save jobs that are under threat and money to build new jobs for the future. They do not want to see misleading plans, such as the government's election commitment of a car plan. The coalition made claims about thousands of new jobs for Geelong when in reality it knew when it was in opposition that this plan would never come to fruition. The government needs to be honest with the Geelong community and say, 'Okay, we are not going to deliver on that, but here is our plan for the future and for new jobs in the Geelong region'.

I want to quickly touch on other issues as we lead into the state budget, the sort of issues that are absolutely critical to Bellarine and Geelong and that need to be delivered in this state budget. As I said, people are sick of waiting. We have waited for 12 months since the last budget. Now it is time to invest in critical infrastructure projects in my electorate — things like Portarlington Primary School, which is the last school in Bellarine waiting on an upgrade. It was that school's turn. The Minister for Education has said to me in response to a question on notice that this school is a regional priority for upgrade. That school is not asking for more than what it deserves. It is a no. 1 priority for the region. The government should fund that upgrade. What about Geelong High School? The member for Geelong has

spoken about that on numerous occasions. That school is another regional priority. It needs assistance to complete its upgrade.

What about the sporting infrastructure that I have raised on numerous occasions? We have growing communities in Clifton Springs, Drysdale and Ocean Grove with new developments. We absolutely need the Shell Road development and the $5 million that the former government committed to it. The commonwealth has put its money in and the council will be putting its money in. We need to invest in that, and, as I have raised with the minister a number of times, this must be a priority in this budget. Similarly, in Drysdale a new sporting precinct is required. In Leopold an application has been made for the funding of a library and a kindergarten. Those areas absolutely need funding that is available in the current funding round. There is also the issue of the streetscape in Murradoc Road that I have raised with the Minister for Roads.

There are issues in regard to new transport services and new trains. We have committed to half-hourly services. Geelong is a major regional city — it is bigger in population than the Northern Territory and bigger than Hobart — and hourly services are no longer sustainable. These must be priorities to ensure the future of Geelong, to ensure that the residents of Bellarine have the quality of life, services and infrastructure they need to support their families.

Australian Labor Party: performance

Mr SOUTHWICK (Caulfield) — Ben Chifley once said:

> I try to think of the labour movement, not as putting an extra sixpence into somebody's pocket, or making somebody Prime Minister or Premier, but as a movement bringing something better to the people, better standards of living, greater happiness to the mass of the people.

The modern Labor Party of 2012 is only interested in lining its pockets with that extra sixpence and making political apparatchiks and militant unionists parliamentarians. I grieve for Ben Chifley and the working class, for people who once looked to the Labor Party to represent them but who now see only self-interested political operatives who seek to retain power at all costs, or as Graham Richardson said, 'Whatever it takes'.

At the federal level we have seen the Labor Party getting into bed with Bob Brown. We have also seen it getting into bed with big business, charging $1500 a head for its Progressive Business lunches that give businesspeople access to former ministers. I grieve for members of the working class and their families, who have been abandoned by the Labor Party, the very party that claims to represent them.

The Australian Labor Party once sought to represent the working class, but unfortunately it is now seen to perpetuate the political class. It is a party that has been bogged down in the past, captive to a shrinking trade union base and poll-driven apparatchiks whose priorities are overwhelmingly all about holding onto power. In regard to the loss of governments, if you look at the situation four years ago, the Labor Party held government in every state and federally. We have now seen four states go and the federal Labor Party is hanging on by a thin green wedge.

Since it lost its parliamentary majority federally, it has also lost government in the two most populous states as well as the two states central to the mining boom, which I will discuss shortly. The fact of the matter is that the Labor brand has not only been tarnished but it has been wrecked. Labor governments now stand for mismanagement, protecting elite interests and increasing the cost of living for working families, which they once championed. Numbers do not lie. When Labor came into power federally it was in office in every state and territory; it held 351 seats, which was nearly 60 per cent of the state, territory and federal seats on offer. Labor now holds only 223 seats, or 37 per cent of the vote. If you have a look at it, that is nearly half of the vote.

Prime Minister Julia Gillard will continue doing what she can to hold onto her primary vote, but we saw today that her primary vote has stooped to a low of 28 per cent. The last two state Newspolls for 2011 put federal Labor's Queensland primary vote down to 29 and 26 per cent respectively, which is close to the 26.9 per cent primary vote Queensland Labor received on Saturday. Federal Labor lower house representation in Queensland was reduced to just eight seats at the 2010 federal election, but on these figures those remaining MPs will not hold their seats. We are talking about the likes of a former Prime Minister, Kevin Rudd, and the current Treasurer, Wayne Swan, who are in danger of losing their seats.

If we look around the states, we see it all started with Western Australia, followed by Victoria, then New South Wales and now the largest loss of all in Queensland, where Labor now holds as many seats as would fit into a seven-seater car. This is something that will go to the heart of the party, and its members certainly need to have a good, long, hard look at themselves. Unfortunately members opposite still have

not come to terms with this, but they need to realise that they need a rethink and a look at a new vision. Labor has lost its way. Over the past 10 years it has progressively left behind its base and gone very much away from the rights of workers, and it has lost the moral focus that in the past has been the cause of its electoral success.

Ms Pike interjected.

The DEPUTY SPEAKER — Order! The member for Melbourne will cease interjecting. It is disorderly, and she is out of her place.

Mr SOUTHWICK — They should absolutely be ashamed of themselves. The former education minister, who interjects from the other side, should be the most embarrassed of all in terms of what she left behind in the education mess that we are in the process of cleaning up. The Labor Party is focused on things such as refugee policy, climate change and the Office of the Australian Building and Construction Commissioner, but it has unfortunately alienated many parts of its base and many feel that they have been left behind and ignored. As I said, numbers do not lie. You only have to look at what the voters have said and what they are saying. Labor has completely lost its way.

It all started in 2004 when then Prime Minister John Howard stood shoulder to shoulder with Tasmanian timber workers and injected $50 million into that state to save jobs. He knew how important it was; he stood up for workers and he ensured that those jobs were safe. Now we have the federal Labor Party installing a carbon tax, which is the very opposite and shows the fact that it is doing everything to take away jobs.

It is quite interesting and appalling that state Labor Party members continue to talk about jobs when they know their federal mates in Canberra are installing a carbon tax which will affect jobs right here in Victoria. If they had any understanding or any feeling about what they actually stood for in terms of workers, they would stand up for their workers, they would stand up against the federal Labor Party and speak out against the carbon tax. But all we hear when it comes to the carbon tax is absolute silence. And why? As I have said in this grievance debate, it is all about protecting their own jobs. It is all about looking after themselves; it has nothing to do with looking after other people they are here to represent.

Why has the Victorian Labor Party lost its way? Why is the Victorian Labor Party symbolic of every other Labor Party across the states and federally? I want to look at the numbers in the Victorian Labor Party. The ALP has 59 members in the two houses in the state Parliament, and if you look at those 59 members, 37 list their former work as either electorate officer or ministerial adviser — that is, 63 per cent of Labor Party members in Victoria list their former job as either electorate officer or ministerial adviser. Contrast that with the coalition, which has 8 such members out of 66, which is 12 per cent. Sixty-three per cent of Labor Party members have never really worked a day in their lives. They have never worked a real job in their lives and they have never worked a real day in their lives. How can we expect the state Labor Party to stand up for workers, for jobs and for people when its members do not know what it is like to actually work a real day in their lives?

What we would like to see is people who have actually worked on a building site or in retail or in manufacturing. It is very easy for members of the Labor Party to stand up and talk about jobs and a jobs plan when they do not know what it is like to work. They do not know what it is like to really feel a hard day's work or to bring in a real salary that they have sweated day in and day out for. When you go to university and you graduate into a political staffer role, you work as a member of Parliament but unfortunately you have never seen what it is really like. That is why they have lost touch with reality, with their voters and with the working class, and that is why the working class has deserted them in droves.

The interesting thing about all of this is that the Labor Party members have absolutely no idea how to manage money or to manage major projects. We have seen it time and again. We are fixing the messes that they left behind, one by one. If ever any evidence were needed of the Labor Party's absolute philosophical difference to what it is all about — managing people, managing money and responsibility — we saw it in a newspaper article in today's *Herald Sun* titled 'Your bill, Minister'. The article deals with the actual money that is being spent by our ministers during the weeks when they are working and are in meetings and then it compares it to what Labor Party members spent when they were in government having their own meetings. That is fine. The article notes that coalition members spent more than Labor Party members did when they were having their meetings — maybe we have more expensive tastes in our food preferences. However, it says that the people who pay for those meals when we are in government are in fact the ministers.

When the Labor Party was in government the people who paid for those meals were the taxpayers. The taxpayers paid because the Labor Party expects them to pay. When Labor members come into government, they

come in for a free lunch, a free meal, a free load. That is what it is, a free load. They expect philosophically that because they have been elected to this house, they deserve a free ride. That is the philosophical difference between Labor and the government. It is all about a freebie, a free ride, because that is what Labor members look to in this house. They expect that because they have been elected, they should receive freebies. It is not about freebies; it is about working. It is about taking responsibility for your action.

The Labor Party has left us with huge cost overruns and black holes. We have heard about myki, the $2 million a day on a desalination plant, cost overruns and $1.4 billion in major project cost overruns. The Ombudsman reported that 10 out of 10 projects had major cost overruns. The desalination plant, $23 billion — —

Ms Pike — Deputy Speaker. I draw your attention to the state of the house.

Quorum formed.

Mr SOUTHWICK — The member for Melbourne cannot handle the truth, and the truth is that as Minister for Education she left schools in this state in absolute decay. We have heard a number of opposition members standing up and wanting money for their schools, which their government left in absolute disarray. They had every opportunity to do something over 11 years, and they did absolutely nothing.

Labor members have not been able to manage money. They have no idea how to manage money, and let me say, along the lines of the Lady Gaga song, the reason Labor members cannot manage money and have no idea how to manage projects is 'Baby, you were born this way'. That is exactly where it is, and that is where it stands. The Labor Party is an absolute disgrace. Its members ought to be accountable for their actions, and they should all hang their heads in shame.

Seniors: human rights convention

Mr LANGUILLER (Derrimut) — I grieve today for the absence of an international convention to protect the human rights of older people. The basic notion of human rights is the recognition of the need to protect people's individual dignity. Human rights are important to ensure every person feels included and respected by others, by the community and by governments. They consist of the basic rights that every person should enjoy regardless of where they live, their sex, their age and their choice of lifestyle.

The modern human rights system originated following the atrocities of the Second World War, when the international community recognised the vital importance of protections. Since that time we have seen the adoption of many important conventions that set out the human rights of certain vulnerable groups. Children, indigenous communities, migrant workers, racial minorities and people with disabilities, amongst other groups, are the subjects of human rights instruments that fully recognise their very specific rights and signal that special protections are required for their particular conditions. I grieve today that this is unfortunately not a reality for older people.

Population ageing is an international phenomenon that is occurring across most developed nations and many developing nations, primarily a result of sustained lower fertility rates and advances in medical technology that lead to increased life expectancy. It is a staggering statistic, but the reality is that in Australia by 2025 the number of people aged 65 years and over is expected to exceed the number of children aged 0–14 years. This also means that in less than 20 years, close to a quarter of the Australian population will be over 65 years of age. Older people represent 11 per cent of the global population. However, perhaps this is not surprising when we consider that in countries such as Japan, Italy, Greece and Sweden and in Hong Kong the number of people aged 65 years and over already exceeds the number aged 0–14.

Just as the percentage of the world's population made up of older people is increasing quickly, so too are age discrimination, violence and abuse of older persons, workplace and social exclusion of older persons and inadequate access to or limitations on access to services such as health, transport, housing and long-term care services are increasing quickly. Barely a week goes by in which we do not open the newspaper to find a story about a violent attack on or theft from an elderly person or about an older person being the victim of fraud or even having had their life savings dissipated by a family member.

It is an irrefutable fact that older people represent a vulnerable group that requires specific recognition of their human rights. It is argued that existing human rights instruments do not provide adequate legal protection of the rights of older people and that the time has come for a special convention on the rights of older people. A new convention would clarify governments' responsibilities towards older women and men, improve accountability and provide a framework for policy and decision making.

We cannot allow one of our largest and growing groups to become a forgotten group. Our ageing community members are to be cherished; they are the pioneers of our society and contribute enormously to the community. It is the older generation that have much to teach the youth. They set the standard for volunteer work and care for grandchildren so their children can work. It is important that we cease taking older people for granted.

It is true that the human rights of older people are protected in Australia using a range of legal and policy instruments available at both commonwealth and state government levels. I will name some of the instruments at the commonwealth level: the Age Discrimination Act 2004, the Aged Care Act 1997, the National Aged Care Advocacy Program and the Charter of Residents Rights and Responsibilities. In Victoria, largely due to former Labor governments, we have the Equal Opportunity Act 2010, the Charter of Human Rights and Responsibilities Act 2006, the Health Services Act 1988, the Residential Tenancies Act 1997, the Retirement Villages Act 1986, Seniors Rights Victoria, the Victorian Government Elder Abuse Prevention Strategy and Seniors Information Victoria.

However, just because we have a decent record in Australia of embracing protections for older people does not in itself remove the need for an international convention to protect the rights of older people. International instruments are not designed to substitute for national laws; they aim to establish some basic norms that supplement national legislation and serve the purpose of reinforcing and articulating national protections. Developing nations look to countries such as Australia to take a stand, to lead by example and to push for important reforms such as the recognition and protection of the human rights of vulnerable people.

Arguments of duplication, cost and excessiveness were also used in the case against the 2006 Convention on the Rights of Persons with Disabilities. Disability, just like age, was not expressly referred to in the primary human rights instruments. However, a clear international consensus emerged among disability advocates that a specific convention on disability and human rights was required. After approximately 17 years the Convention on the Rights of Persons with Disabilities was born. The disability convention states that parties will take into account the protection and promotion of the human rights of persons with disabilities in all policies and programs. It provides a much clearer framework for social change that will help ensure that human rights for people with a disability are protected.

I am pleased to inform the house that Australia was one of the first countries to sign the convention when it was opened for signature on 30 March 2007. It ratified the convention on 17 July 2008.

In December 2010 the United Nations General Assembly established an open-ended working group for the purpose of strengthening the protection of the human rights of older persons. A number of member states, particularly from Latin America and Africa, had been pushing for a discussion at the UN on older people's rights and the possibility of a human rights mechanism to ensure the rights of older people. It is my opinion that the attention paid to older people's rights by governments, those working on human rights and non-government organisations has been woefully inadequate. I am therefore encouraged by the establishment of the open-ended working group. It is the first time a process has been set up for UN member states to examine and explore how to better protect older people's rights.

The main purpose of the open-ended working group is to strengthen the protection of the human rights of older people. Not all member states agree that there is a mandate for a new convention, so the working group has been given a wider role than just discussing a convention. It will examine the existing international framework in relation to the human rights of older people and identify possible gaps and how best to address them, including the possibility of a new human rights instrument.

The resolution that set up the working group encourages civil society organisations to contribute. Civil society has a critical role to play in informing the work of the open-ended working group and advocating for it to address the issues that older people say are critical to them. Too often the voices of older women and men go unheard in debates on issues that directly affect them.

I was fortunate to attend the second session of the United Nations Open-ended Working Group on Ageing in August last year as a delegate of the International Federation on Ageing. The session was attended by delegations and representatives from civil society organisations and focused on five topics; namely, discrimination and multiple discrimination, the right to enjoyment of the highest attainable standard of physical and mental health, violence and abuse, social protection and the right to social security, and age and social exclusion. Delegates and delegations recognised that the open-ended working group offered a much-needed opportunity for raising the profile of older persons rights in the international human rights agenda.

Although it was often noted that older persons face different situations depending on their country of residence, their vulnerability to human rights violations was acknowledged, as was the need to put in place measures to ensure that they can exercise their rights.

Delegations and representatives from civil society organisations and networks also recognised the existence of gaps in the international protection system, and many were supportive of a UN convention on the rights of older people which would provide a binding recognition of older people's rights at the international level as well as act as a powerful advocacy tool which could be used to seek improvements at a national level.

I am passionate about the protection of older people, and I am equally passionate about hearing their views on this topic. Empowerment of older persons to claim their rights and participate in the debate around policy at state, national and international levels is important. That is why I am a strong advocate for a new convention for the ageing population. I am committed to engaging with local senior citizens organisations; I have ongoing contact with the Council on the Ageing and the International Federation on Ageing, whose work I commend.

I will continue to campaign on this issue and will be writing to the federal Minister for Mental Health and Ageing, upon whom I call to support the establishment of a convention to protect the human rights of older people, about the need for Australia to take a leading role on this issue. I will also be working with senior community groups to ensure that their views are heard, starting with a petition calling on the federal government to support the call for a convention for the purpose of protecting the human rights of older people.

Australian Labor Party: performance

Ms RYALL (Mitcham) — I rise to grieve for Victorians who have been short-changed by the Labor Party, which took them for granted when in government and which continues to treat them with contempt in opposition. I grieve for a Labor Party that no longer stands for anything but resorts to mean and nasty comments as its mode of operation. I think we should call it the Nasty Party. In Victoria we have a Labor opposition that will say anything in an attempt to pull the wool over the eyes of Victorians. But what the opposition cannot see is that Victorians, and increasingly more and more people across Australia, are seeing the true make-up, the true character and the inherent qualities of a political party that many years ago lost its focus, its purpose and its sense of what it really stands for.

The Labor Party has become so much about itself that it has forgotten about the real people who are important in this state — that is, every Victorian — and about what goes on in the real world. I am talking about cheap, opportunistic, political point-scoring. Labor members come into this chamber every day and reminisce about what they did when they were in government and had power and the precious resources of every person in this great state at their disposal. It is a party that has not moved on and has not acknowledged the will of the people. It clearly does not recognise or acknowledge the failures that happened under its watch — the failures of due diligence, process and project management, responsibilities that are required of any government.

Victorians will not quickly forget the failures and the damage that the Labor Party refuses to acknowledge. They will not forget the desalination plant. Just in the time that will be spent on this grievances debate, Victorian taxpayers will have spent $300 000 on the desalination plant. For every hour of every day for the next 30 years the desalination plant will cost Victorian taxpayers $75 000. Every hour they are awake and every hour they are asleep $75 000 more will click over. What could that $75 000 an hour have been spent on?

An honourable member — Health.

Ms RYALL — It could have been spent on health, on hospitals.

Mr Hodgett — You only have 11 minutes.

Ms RYALL — I do have only 11 minutes left.

An honourable member — Education.

Ms RYALL — It could have been spent on education or on just about anything that anybody from the opposition stands up and asks for in this chamber. It could pay for protective services officers (PSOs) at railway stations. The member for Monbulk recently called for Kananook station and other stations to have protective services officers. Members of the opposition talk about what they want — —

An honourable member interjected.

Ms RYALL — Does he want them or not? I am not sure, but I think he has changed his mind. Members opposite stand in this chamber and demand money be spent on schools in their electorates, on PSOs, on roads and on hospitals. They spent this money, and it is still being spent as a legacy of the former Labor government — $75 000 an hour for the next 30 years.

It is not just the desalination plant that they dare not refer to; there were also the blow-outs in ICT projects. Under the stewardship of the former member for Mitcham and the oversight of many who still sit in this chamber, including the Leader of the Opposition himself, the former government lost over $3 billion in gaming licences. Do not forget the $1 billion in advertising, including the blitz of advertisements saying, 'The next train is coming'. They treated Victorians and their money with contempt.

Mr R. Smith — Their train has gone now.

Ms RYALL — Their train has gone now, as the Minister for Environment and Climate Change said. Quite frankly, they can stay there, reliving their past lives, continuing to be self-absorbed, pointing the finger at everyone else but themselves and never discovering why they exist — to reach an understanding of their purpose and what lies at their core.

Every time something happens that impacts the great people of Victoria, members opposite rub their hands in glee. They look forward to being able to say, 'It is the government's fault', but that shows that they have no understanding of economics. They jump on social media and tweet about employment figures and their interpretation of them, but they do not understand microeconomics and macroeconomics. They do not understand the true impact of the Australian dollar, they do not understand consumer confidence and they do not understand global financial instability. They do not understand what happens when consumer spending decreases or when there are impacts on the Victorian housing market. If they did, they would not rub their hands in glee and point the finger when something happens in this state. It was the money they blew, the money they wasted — —

An honourable member — Squandered.

Ms RYALL — The money squandered time and again under their watch could have been set aside for tough times such as these, when we have a high Australian dollar, global economic impacts and a number of other factors impacting upon the Victorian economy. They should not point the finger because they should know they spent the money that could have helped protect the state in times of need. It is called prudent money management.

I come to the Mitcham Road, Mitcham, level crossing raised in the adjournment debate on 1 March by the member for Narre Warren North, the shadow Minister for Roads, who said that the removal of the Mitcham Road and Rooks Road level crossings seemed unlikely to go ahead and that the project was very much like the dead parrot in the Monty Python sketch. I describe Labor members as the Black Knights of Ni. They have lost their limbs, and they are still saying it is just a flesh wound.

This is what the member for Narre Warren North said in that recent adjournment debate:

> We have community consultation in relation to the grade separations — that is, asking people in the community whether they would like the grade separations, which seems a bit ridiculous.

A bit ridiculous? Consulting the community on grade separation is a bit ridiculous? Consultation would have seemed a bit ridiculous to the Labor Party because it was not something it was accustomed to — act now, consult later.

Does anyone remember the Buckley Street, Footscray, debacle? Residents were given no notification by the government that their homes were about to be bulldozed. How did they find out? Through the media. The media told these people that their homes, their castles, were going to be bulldozed. The member for Narre Warren North and shadow Minister for Roads talks about consultation. There was none — act first, talk later. All they needed to do was walk up to the door of these houses, knock and let the owners know. But, no, the former Premier and the member for Tarneit, the former Minister for Roads and Ports, said, 'We tried in all instances to contact them'. But the media walked up and knocked on the door. That is what you have got to do; you have got to go and find the people and consult with them. The residents found out via the media.

It is interesting that members opposite talk about how long ago it was they failed to consult. Let us talk about other failures to consult. There was TAB TV, allowing home betting directly via pay TV. There was no community consultation and no discussion about the consequences. The former government did not even talk to its own Responsible Gambling Ministerial Advisory Council. There was no consultation. It signed a deal allowing Crown Casino to have an extra 150 gaming tables, with no consultation, not even with RGMAC.

The consultation of all consultations was the sham of the Windsor Hotel. We all remember the debacle that was the Windsor consultation. The list goes on. Those opposite might talk about how long ago it was. The people of Victoria do not care how long ago it was; the fact is that the former government failed to consult them time and again. We have the shadow Minister for Roads making allegations about the consultation

process on the level crossings in the Mitcham electorate. Given his government's history in the consultation stakes, that is laughable.

The shadow Minister for Roads claims that Labor is the only party to undertake grade separations, including at Springvale Road, Nunawading. Let us look at the history of the Springvale Road grade separation. In the early 2000s the council put up the funds for a preliminary engineering study into the removal of the Springvale Road, Nunawading, level crossing. The Howard government and the council committed funds for a feasibility study. The Victorian government at the time, a Labor government, under former Premier Bracks and including the former member for Mitcham, would not contribute. There was no contribution; they were against it. Prior to the 2007 federal election the Howard government provided funding for the removal of the level crossing, and still there was nothing from the Bracks government.

There was silence from the former member for Mitcham, who ended up saying the state government would not be a part of the removal. Here we have the current shadow Minister for Roads claiming victory in regard to the level crossing at Springvale Road, Nunawading, when his government had nothing to do with it. Two weeks prior to the 2007 federal election, federal Labor said 'We will fund it'. Finally, after being embarrassed into action by federal Labor, the former state government was dragged kicking and screaming to put some dollars into the Springvale Road level crossing, but it never contributed a cent to all the work and the feasibility study in the lead-up. I suggest that the member for Narre Warren North on his daily trip from where he lives in Fitzroy somewhere to his electorate in Narre Warren North should perhaps stop by the Mitcham electorate — —

An honourable member interjected.

Ms RYALL — We are making an assumption he goes there. The member for Narre Warren North should visit the Mitcham electorate, talk to the people about this and do some consulting himself.

In her adjournment matter last night the member for Thomastown asked the Minister for Manufacturing, Exports and Trade about working with the Australian Manufacturing Workers Union on jobs. I would like to point out that Labor and the AMWU have been absolutely silent in relation to the federal government's failure to award contracts to defence manufacturing contractors in Williamstown and Bendigo and its decision to send them overseas. It is interesting to see the hypocrisy of Labor and the unions. On the one hand they want jobs, but on the other hand they do not stand up to their mates and comrades in Canberra and say, 'What are you doing? Why are you sending work overseas and affecting our jobs?'. There are also the changes to the Australian building and construction commissioner, which is more about Labor than about the consumers of Victoria. When it comes to the true heart of the Labor Party and what its members stand for — —

An honourable member — They haven't got a heart.

Ms RYALL — They have not got a heart. There is a lack thereof. What do we see when it comes to their true character? They do not stand up for the people they purport to stand up for, the people they say they stand up for. There is nothing from them on jobs and nothing when the federal government gives contracts away to overseas companies. There is nothing on policy. All we hear are slimy, vicious, personal attacks, which is what we teach our children not to engage in. We saw that from the member for Lyndhurst and also in the Queensland election against now Premier Campbell Newman. It was a case of, 'Don't worry about the truth. Get it out. Taint people, and worry about it later'. I grieve for all Victorians being taken for granted by the Labor Party, which has lost its way.

Technical education: funding

Mr HERBERT (Eltham) — I grieve for our great TAFE institutions, which are staggering from the impact of the Liberal-Nationals government assault on their sector in this state. I do so because this is a government whose members have absolutely no commitment to education and training and have done absolutely nothing but mouth platitudes and spin whilst they slash funding from vital education and training institutions. It is absolutely clear now after 16 months that they have absolutely no commitment to equality of opportunity through education.

We heard the member for Caulfield, who left the chamber after his contribution, sum up the Liberal coalition government's viewpoint on this matter when he said 'Baby, you were born this way'. When it comes to divine right, government members believe you get what you are born into. But we on this side of the chamber have a simple viewpoint: we say that no matter what opportunities you are born with and no matter what circumstances you are born into, you have a right to better yourself and the state has a role in supporting you to better yourself through better education and training. That is what we believe in. We do not believe in, 'Baby, you were born this way'; we

say, 'Baby, you can make yourself better through education and training'.

Unfortunately this government has a completely different view, and it showed that is the case virtually from day one. It walked into office in this state and slashed $481 million from education. That is $481 million cut from vital programs which affect the most disadvantaged kids in this state. We have heard members opposite go on about capital works after having halved the capital budget for the rebuilding of schools in this state. I am the first to admit that under successive governments, Liberal and Labor, there was nowhere near enough spending on school infrastructure. Our schools were in a shocking state and needed rebuilding, but a massive program under Labor was simply stopped halfway through by this government when it halved that budget.

Let me talk about the Victorian certificate of applied learning. An amount of $48 million was slashed from a growing and vital program that gave kids who simply did not want to take an academic path an opportunity to stay at school to year 12, get a job and better themselves. It gets worse. The government turned its attention to the training sector and slashed $250 million from the budgets of TAFE and other training providers last year. It was done late last year, I might say, after the TAFE institutions had already established their 2012 budgets. These training cutbacks — they are denied by the minister, and I will say a bit more about that later — have resulted in job losses at TAFEs, put severe pressure on TAFE budgets and impacted on student delivery and on student fees. There has been an impact on the whole gamut of opportunities that TAFEs get to offer young people and older people in this state. It is a sorry tale, and it is one that everyone in this place should grieve about — that is, anyone who has a commitment to future skills and training in Victoria and who cares about the development of skills that are needed for future jobs and the future prosperity in this state. Everyone on this side grieves for that, because we believe in supporting education and training and giving opportunities to people, not snatching them away from them.

What is plainly obvious to anyone who goes out into our TAFE institutions is denied by the minister. He seems to think that mouthing platitudes about supporting skills and training — as he did in the media just a short while ago about gaining new skills vital to Victoria's future — is exactly the same as slashing funding from TAFE budgets and raising fees for apprenticeships. It is the direct opposite of it. On 14 March in a media release he is reported as saying that TAFEs play a critical role in our training system and would continue to be supported by the coalition. But how superficial is that? He is skating so lightly over the facts of the budget cuts so lightly that he could rival Torvill and Dean in terms of skating around this issue.

The facts are simple. I do not blame the minister; I would like to be absolutely clear on that. I believe the Minister for Higher Education and Skills came into the job with high aspirations and high hopes. He is a decent person. But the truth is: he is not running the show in terms of training in this state. The member for Scoresby, the Treasurer, is doing that, and his Treasury mandarins, who simply look at the dollar bottom line without looking at the quality of the provision of training and the support that is needed for our training institutions are doing that. They are not interested in supporting quality training. They are not interested in supporting the employment hopes and needs of generations of Victorians. They do not care about the great TAFE institutions we have in this state. All they care about is their bottom line, and they will leave the wreckage of a TAFE system for others to clean up. It is simply not good enough. I believe the minister has good intentions, but he needs to stand up to others in the government and demand a fair take for training in this state. It really is that simple.

Training is important not just because of the opportunities it gives people. We all know that in Victoria we are battling with the two-speed Australian economy. We are seeing evidence of manufacturing job losses and the closure of manufacturing operations in Victoria. We know more needs to be done on this front by the state government. One of those things is not to hide behind the federal government and blame it for its own inaction. It needs to have a plan to rebuild manufacturing and position our economy for a future competitive environment. It needs to do that by building on skills by training and skilling the people who will be in the industries that are needed to bring prosperity to this state. You cannot do that if you are slashing funding to training providers and making it harder and harder for them to deliver the quality that is needed for future generations. That simply does not cut the mustard. The truth is that if we want highly skilled workers in this state, we have to have high-quality training. We cannot have poor-quality training and cut-price provision and expect to get really competitive, skilled tradespeople out there competing internationally in the future.

I have said that the savage cuts have impacted severely on the TAFE sector. Let me be clear on what those impacts are. We saw $250 million cut from the VET (vocational education and training) sector late last year; we have seen more than 300 permanent jobs lost from

TAFEs, along with hundreds and hundreds more sessional and casual jobs; and we have seen a major increase in apprenticeship fees, in some cases a doubling of fees. All of us here would have received letters from worried parents or apprentices saying, 'Whoa, suddenly my son has been asked to pay twice the amount he had to pay last year. What's going on?'. Fees are pretty hard for a young apprentice to pay because their wages are simply not that high. That is one of the problems with the system we have, so when you double the fees and cut apprentices' hours, of course they are aggrieved.

Talking about hours, like a number of people I have been out to TAFE institutions around this state. Just the other week I was out at the Chisholm TAFE in Frankston, where I joined the TAFE 4 All campaign and spoke to teachers and students. These are really decent teachers in, for example, the plumbing and electrical fields. These are people who could earn a lot more money out in their sectors doing their jobs on the tools but who choose to work in the TAFE sector and train the next generation of people in the jobs and the industry they love.

One of the things that has resulted from the cuts which is not seen in the newspapers and is not readily identified is the slashing of hours and slashing of weeks of training. We know that these professions have skill shortages, and we know they are crucial for our environment. Suddenly nine-week courses are being slashed to eight weeks. Teachers, who are genuine and hardworking, have to somehow cram in the same level of training and skills in eight weeks as they previously did in nine weeks because of the funding cuts to the institutions that were impacted upon last year. That is quite serious. It will mean it will be harder for young people to get their licence from the plumbing board or electrical board because their training will have been contracted. No-one wants that. I can tell members that as much as any issue, that issue is causing great angst amongst TAFE teachers — and they are worried it will get worse. They are not just worried for their jobs; they are worried for the young people they look after and hope to bring into the profession.

What does the minister say to that? He denies it. He is reported as saying:

> … the union's statement that 300 TAFE jobs had been lost as a result of changes recommended by the Essential Services Commission were unsubstantiated and lacked any credibility.

I am quoting from a media release by the Premier of Victoria which reports the minister as also saying:

> To say that 300 jobs have been lost as a result of the government's changes is untrue.

Well, what spin that is. By October or November the TAFEs — these are $100 million-plus institutions in many cases — had done their budgets, set their courses and were going out there to the next group of young people and older workers, to the marketplace, when suddenly they were hit, as if by a bomb, with millions of dollars of cuts. It is $3 million, $4 million or $5 million for some of the bigger ones, and some of the country TAFEs have suffered half a million dollars to $1.2 million in cutbacks.

When you suddenly get that, after your budget for the next year has been done, what do you do? You have a few choices. You can cut your staff. You can cut your unprofitable courses, no matter how vital they are to a region. You can cut your smaller courses because the numbers do not stack up in terms of people there. You can cut back on the hours of delivery, or you can raid the surpluses that you are trying to save for building projects or a whole range of other projects for your communities, or you can do all five, and that is what is happening now. That is where those 300 job cuts have come from.

The numbers would be a lot higher if all the casual and sessional staff were counted; about 40 per cent of TAFE staff — 37 per cent — I am told. Casual staff were cut back over Christmas to save money. Those job losses would have been even more devastating if there had not been time cut from classes and a doubling of apprenticeship fees. I cannot see how you can in any way match the spin that we see in the media releases with the reality when you have a look at what actually happened in TAFEs last year.

It gets even worse when we look at Gippsland. Let us have a look at one tiny example of what happened at GippsTAFE, which is a great TAFE; I think it is doing a fantastic job. GippsTAFE used to offer an Auslan signing course for the region. There are something like 200 deaf people in the region, and GippsTAFE was the provider in the Gippsland region for training in Auslan signing. That course was slashed as part of the budget cuts. What was the comment from the minister? He said, 'We'll give them another option. They can go to Kangan Institute in Richmond'. So if you are deaf and you live in Moe or Morwell or Sale or Traralgon or Yarragon or any of those towns out there, you can go to Kangan Institute in Richmond, in central Melbourne, and do your Auslan course.

There are many issues here. In the time remaining I will not talk about the cuts that were made last year but about the other recommendations in the Essential

Services Commission review that the government has to make a decision on. There were 43 recommendations in the ESC's vocational education and training fees and funding review. That may not sound like much to those who do not know much about the industry, but for those who know about the training industry this is a bombshell. Those 43 recommendations will substantially change the nature of training in this state. If implemented, they will substantially impact on the viability of TAFEs right across the state. They will impact on opportunities for young people to better themselves through training in Victoria. The ESC review is the big one in terms of what the next step might be in Victoria following the $230 million funding cut last year.

How has the government handled the report? It sat on it for weeks. It dropped it quietly under cover of the Queen's visit. It announced it would have two weeks of formal consultation — two weeks on issues that impact a billion-dollar industry — then within days, before the consultation had even started, the government announced it was going to impact some of the TAFEs and cut $250 million. So at a time when the TAFEs and the training sector were trying to get their heads around what the ESC's 43 recommendations would mean for their complex businesses, suddenly they had to rejig their entire budgets in time for the next year's student intake.

It was farcical, but it gets worse. The expert panel did its report after its two weeks of consultation on this massive change and submitted that review. Surprise, surprise! What did the expert panel headed by Professor Gerald Burke and Peter Veenker say? It said institutions and people were struggling with the details of the review and the funding cuts and needed more time. Training in this state is in a very parlous state. If these recommendations are implemented, we are all in trouble.

Floods: Murray Valley electorate

Mr McCURDY (Murray Valley) — Today I rise to grieve for my community, which has suffered so much as a result of the recent floods in the Murray Valley. I want to talk about this event, which really was a once-in-a-lifetime event for many people in my community. It has gone beyond all previous proportions. We have had floods before. In 1993 there were floods, and certainly in 1974 there were floods, but everybody reacts differently when a crisis comes around. What I learnt in the recent floods is that the way people react is not based on their debt level; it is not based on whether they are rural or townspeople. It is about their own make-up and ability to cope.

I remember standing on a dairy farm of about 500 cows, after it had taken me five or six days to get there because it had been isolated. Of the property's 1000 acres, only about 20 acres was out of the water, and the owners' biggest concern was for the people of Numurkah who had had water go through their homes. They were more concerned about others than they were their own wellbeing. I grieve for their suffering and admire their ability to get back on their feet and start producing again.

Picture thousands upon thousands of acres of flat land — in our community an anthill is recorded on a contour map because the land is so flat — and picture intertwined in amongst that irrigation channels that supply much-needed water to this flat, dry land. Then picture drainage systems that were put in place to take away the equivalent of 2-inch rainfall events — 50 millimetres — over a period of two days, and now picture what happens when 10 to 12 inches falls on this area in a period of three or four days. This is countryside that is used to 17 inches of annual rainfall and has had 10 to 12 inches in a period of a couple of days.

As with most crises it is a combination of impacts. There is the beginning of the main event, the adrenaline rush, the leaks, the holes, the gaps, the washouts and everything that goes on when the main event is on and then miraculously a couple of days later the sun begins to shine. Those who were hit hardest when the rain fell begin counting the cost, but that is only 20 per cent of the people in the community, because the other 80 per cent are waiting for that water to meander down to reach their area, and that is going to happen in the next few weeks. That is what happens after the main event.

Obviously with no gullies and ridges the water begins that painfully slow meander to the west to towns like Tungamah, with a population of 350 people, and proud communities like Katamatite, which has 200-odd people. They begin their period of isolation, and although there is a small window of opportunity for these people to evacuate, others choose to stay and sandbag, work together and bunker down for the next seven days of isolation, when nobody comes in and nobody leaves.

The mayor of Moira Shire Council, Alex Monk, is one such local, and her leadership in Katamatite and the whole Moira shire was exemplary. Along with the Country Fire Authority (CFA) captain at Katamatite, John Parnell, they displayed unbelievable leadership. They embraced their communities and continue to do so even weeks after the event. I was talking before about people who react differently, and one such case is

when a benchmark is reached. The 1974 flood is marked on a post in the local community park; we all know where the water got to in 1974. When it reaches that mark and goes beyond, we are in uncharted waters — if you will pardon the pun — and very few people know how to handle that situation when they get into that zone.

Another great leader in our community is Peter Chisnall in the Tungamah township. When the battlelines were drawn he pulled a group together.

Mr Wynne — A great footballer.

Mr Weller — For North Melbourne.

Mr McCURDY — He was a great footballer for North Melbourne Football Club and a great coach as well. He continued to show those leadership skills he demonstrated on the football field in communities like Tungamah when the battlelines were drawn. Further downstream where the Boosey Creek meets the Broken River and on to the vibrant town of Numurkah 93 homes were inundated. They were hit extremely hard, and thousands of acres were flooded. Dairy cows were moved, and in our country we call that 'cow parking'. That is not just to neighbours' properties, because they would get wet there as well. Sometimes they have gone to complete strangers who are 20, 30 and 50 kilometres away. Of course you cannot change the permanent plantings of fruit trees. Stone fruit trees, such as peaches, nectarines and apricots, can only handle 48 hours under water. The worst part is that once they have been under water for more than 48 hours it may take 12 months to find out whether they will ever bear fruit again, so the waiting game continues for the orchards as well.

One of the many things that continues to impress and inspire me during this crisis is the way that people help each other. The volunteers have been magnificent — not only the State Emergency Service and the CFA but also the mums, dads, kids, footy clubs and tennis clubs. They have all banded together for sandbagging, setting up pumps and standing all-night vigils to make sure that each of their communities and each of their neighbours, the elderly, the young and everyone in between, is looked after.

I remember one particular day we were out sandbagging and could only access some places in CFA four-wheel-drive trucks. The only building in Naringaningalook, or Naring for short, is a community centre. It is a fire shed, and a lone pump hidden behind there amongst all the sandbags with smoke billowing out would pump out any excess water that made it into the waist-high sandbags. The community maintained shifts around the clock for three days and three nights but eventually lost that battle, and the community centre got wet. Nobody got hurt, but again it was that community spirit that shone through.

The staff of Moira Shire did not sign on for a crisis like this when they signed on as and they have handled the battle extremely well. CEO Gary Arnold worked day and night with his troops, and I also want to mention Kaye Thompson, Rick Devlin, Aaron Drenovski and David Booth. These senior people in the Moira shire were absolutely outstanding in the way they rallied the troops and gave everybody an opportunity to be heard. We will not forget the work of the ambulance staff and the doctors and nurses at Numurkah hospital as we relocated over 30 patients to various hospitals. I grieve for those communities and pray that their resilience, which shone like a beacon during this time, will continue, because we are not finished yet. We have a long way to go.

While we grieve for these communities, I ask myself what we have done to assist them and how we have supported these communities. The feedback has been quite solid, and I am pleased to say the government did act quickly and decisively. It appals me to hear some of the rubbish that comes from the members on the other side at times — that we are too slow, we need to do more and we need to act more quickly. If you come to the Murray Valley and you come to Moira shire, you will see that people are proudly saying, 'Thank you for supporting us when we needed help, and thank you for the personal hardship assistance program', which was up to $1200 per family to relocate people as floodwaters rose.

People have also expressed thanks for the rollout of the Department of Primary Industries rural recovery effort, which happened at lightning speed. Farmers have told me that within 36 hours of water entering their farms they were receiving calls from the Tatura flood recovery centre assessing the damage and trying to understand the short-term and long-term demands and needs that these farms were going to have over the next few days. They built a database on financial wellbeing and fodder but most importantly on the mental state of some of these people.

That was a terrific rollout of resources, and when I toured that recovery centre with the Minister for Agriculture and Food Security one thing I was impressed with — and as a rural and regional member the Acting Speaker will understand this — was an important key element. When you are phoning farmers and trying to understand their plight, these people must

have a rapport with farmers. They must understand agriculture, and that was the one non-negotiable feature — that is, that these telephonists, for want of a better word, could help these people through the processes and were of genuine assistance. Nobody likes it when somebody on the other end of the phone just does not understand what you are talking about.

As the waters dissipate farmers, small business and not-for-profit organisations are very pleased with the rollout of clean-up and restoration grants of up to $25 000. They will help to restore fences, get pumps going — because there is still plenty of water around — and re-establish pasture. There are myriad other needs for which this grant can provide support. But it is not just the farmers. The milk companies played an enormous part in this whole crisis. Murray Goulburn did so in particular, but so also did Tatura Milk, Fonterra and others which have farmer suppliers. Murray Goulburn managing director Gary Helou has been very favourable in his remarks. He said:

> … MG Field Services would continue to discuss any other individual needs of our shareholders and work with other agencies in ensuring the recovery from this event is as swift as possible.
>
> We also welcome the $25 000 clean-up and restoration grants provided by the Victorian government.

Next Monday and Tuesday I begin community visits throughout all the flood-affected areas, including Katunga, Naring, Rutherglen and Tungamah. In all those communities I have no doubt I will hear what went right, but I will also hear what went wrong. Everybody has a story to tell, and we are very keen to listen to everybody and make sure that they are heard. Sometimes as a result of that you end up being the human punching bag, but it is important that people vent and express their views about what went right and certainly about what went wrong or what we did not do. I will meet a group of concerned citizens from Numurkah late next week to talk about some of the failures they have seen, because not everything was done well, as I have mentioned.

As I grieve for our communities, I give heartfelt thanks to the ministers who have been to our region to offer support and assess the damage. The Premier and Deputy Premier were very quick to respond and act by coming to our region, and they were there when we needed them. They visited the incident control centre and people who were devastated and needed support and understanding of their feelings. When you are up to your armpits in water, it is nice to know somebody cares; your spirits are lifted. The Minister for Agriculture and Food Security also came to the region very quickly and visited the farmers, and we are very grateful for that.

As many will know, the Numurkah hospital took an awful pounding, and the Minister for Health, David Davis, like the Deputy Premier, has visited twice — first to get a full understanding of the Numurkah hospital and second to launch the primary field care centre, which offers urgent care for our communities so people do not go without.

Most recently the Minister for Roads has visited the region to assess our roads and bridges and provide confidence for our local councils, because cashflow can be a big issue in these situations when roads are being repaired and particularly when people are waiting for a cheque in the mail. Some of our local government authorities cannot sustain this wait. The current process is that half the money is paid up-front once a project has been agreed on, then a council can get on and fix a road, bridge or whatever and the balance is paid afterwards. It is a terrific opportunity to see that the councils are not out of pocket for long.

On the subject of roads, I have seen a hole in the road near Lake Rowan that it would take 20 trucks and dogs to fill. Some of the damage that has been done is amazing, but we have been well supported to ensure that repairs happen. Even the Minister for Sport and Recreation was up our way. He chipped in with the announcement of a new building for Katamatite Recreation Reserve. Not for a moment am I suggesting that was flood related, but at the moment a community like Katamatite certainly needs a good news story, and the timing is impeccable.

We are far from finished. I anticipate it will be 12 months or longer before we are back to our best, and we are still getting further offers of support. I am very grateful to clubs such as the Wangaratta 4x4 Club, the members of which have put their hands up, among other community groups, and said, ‘We’ll be there to repair fences and assist homeowners. We’ll be general rouseabouts. Just tell us what we need, and we’ll come and support’.

There is also the magnificent partnership that exists between the Rotary clubs in the of shire of Moira and the city of Boroondara in Melbourne. Boroondara supported us through the droughts and now the floods. That is another example of this great city-country partnership. For all the sadness and failings that are sometimes in the world, it is great to see this community spirit, because it is not a commodity you can buy online and it cannot be bought in Kmart. When

the time comes, you turn around and hope it is there, and it certainly was in our communities.

As I mentioned, we have an enormous way to go; I accept that and so do the people within our communities. It is about managing those people to see that their expectations are met and that they receive the appropriate assistance at the appropriate time. Although I grieve for the communities, I also congratulate these people and encourage them to keep up the fight, because we have got a long way to go. As mayor of Moira Shire Council, Alex Monk has been a true leader and true inspiration. She has been a champion for our communities, and they are very proud of her.

Question agreed to.

STATEMENTS ON REPORTS

Law Reform Committee: access by donor-conceived people to information about donors

Mr NEWTON-BROWN (Prahran) — I rise to comment on the Law Reform Committee inquiry into access by donor-conceived people to information about their donors. If you are a child conceived using donor sperm in Victoria, your right to access information about your biological father depends on when you were born. Current laws prevent anonymity, but if you were conceived before 1988, then you have no right to know who your biological father is. Your only avenue is to put yourself on a voluntary register and hope your biological father does the same.

Before 1988 most donors were young university students acting altruistically. The deal was that donors would be anonymous forever and there was no way that any offspring or donors could contact one another. The problem is that the innocent parties — or non-parties — to this deal are the children, who are the ones most impacted upon. They had no say in whether they were happy to be conceived by somebody they could never know anything about. These children are now young adults, and many of them desperately yearn for that fundamental piece of information about themselves.

The key questions that emerged in the inquiry were: should all donor-conceived people have the right of equal access to information about their background; should donor-conceived people have these rights in spite of the anonymity agreements of the donors; and what role, if any, should the state play in facilitating access between donors and their offspring?

The effect of anonymity on children is enormous. They experience considerable distress and anguish, as the committee heard. They are denied information about their identity, which is a right that most of us take for granted. Their ability to access information is constrained as a result of decisions made by people other than themselves — the doctors, their parents and the donors — before they were even conceived. On the other hand, the donors were acting altruistically in making their donations and were promised anonymity. All of the donors who made submissions to the committee empathised with the children's concerns about not being able to know their background. Some of the donors opposed the release of identifying information, although most were supportive of it — that is, of the nine who made submissions. Some were opposed on the basis that they had not told their existing families, and they were concerned about the turmoil that would bring to their lives. That was certainly a real consideration for the committee.

At the start of the inquiry I think it is fair to say all members were inclined to the view that the anonymity agreements should be preserved, but by the end of the inquiry the unanimous view of committee members was that, on balance, the rights of the children should take precedence. We received evidence from all the stakeholders in the process — doctors, parents, medical people, counsellors, academics, department representatives — and the committee unanimously concluded that the state has a responsibility to provide all donor-conceived people with equal opportunity to access information about their background.

It is a groundbreaking recommendation without precedent. However, safeguards are proposed in the report, the most significant one being a contact veto which prevents any donor-conceived child from contacting a donor if the donor does not wish that contact to occur. The recommendation of this committee is consistent with the first guiding principle found in the Victorian legislation, which is that the welfare and interests of the children are paramount. It is also consistent with the United Nations Convention on the Rights of the Child and with Victoria's own charter of human rights. And it is not such a radical idea. Anonymity surrounding adoption was reversed back in the 1980s and contact vetoes were put in place as a safeguard, and that has worked well.

In conclusion, what swayed the committee was the humanity in the passionate and cohesive arguments of the children. Sure, we can argue in favour of donors not being embarrassed and the turmoil that that could cause in their lives, but these children were never thought of in terms of their needs and the burning desires they

would eventually have as adults. I make this statement not to lay blame at anyone's feet. This was one big social and medical experiment. The donors, doctors and parents did not or could not foresee the impact of their actions. Several decades on we have the results of this experiment, and many of them are here today in the gallery. They are young adults who were not properly considered by our society and whose rights should be paramount. The committee believes we as a society made a mistake 30-odd years ago and now it is time to correct it.

Law Reform Committee: access by donor-conceived people to information about donors

Ms GARRETT (Brunswick) — It has been a privilege to serve on the Law Reform Committee during its inquiry into access by donor-conceived people to information about donors. This is a sensitive and difficult issue. It involves balancing the sometimes competing rights and responsibilities of many decent individuals whose lives have been dramatically affected by choices made decades ago.

It involves an exploration and critique of the prevailing practices and wisdoms of a different time, practices that were governed by good intentions and widespread support — namely, that donors should remain forever anonymous and children should never be told of the truth of their biological heritage — but which have led to what appear to be unforeseen and in some cases devastating consequences. It has required an assessment of whether that most rarely used tool of power should be employed — retrospectivity — to address a clear need of members of our community who are suffering.

To this end the committee has been so nobly assisted by many witnesses who gave their time and their hearts and souls to share their journeys; first and foremost, the children who were conceived using donor gametes that were provided in the era of anonymity, many of whom are in the gallery today, and I welcome them. These now young adults spoke to us with a frankness, a composure and a resoluteness that was exceptional. Some of them have been campaigning tirelessly for many years for change — change that will give them and others the right to know the identity of their biological fathers. Myfanwy Cummerford gave the following testimony:

> To find out that I was donor-conceived at age 20 was absolutely devastating … it's a process of grieving, what I knew to be who I thought I was, and then redeveloping a sense of identity with this new information that I had.

Another witness, Narelle Grech, is an extraordinarily courageous young woman who has been desperate to know the identity of her father since she found out as a teenager she was donor-conceived. Her brave evidence included this:

> Not only do I not have access to my records, earlier this year in May I was diagnosed with stage 4 bowel cancer following an emergency surgery … The first thing the doctors … asked me was: is there any history of cancer in your family? You can imagine how upsetting it was to not only be told of this diagnosis but to then have to wonder whether I've inherited this from my paternal family.

The committee also heard from mothers of donor-conceived children, who told of the burden they had felt carrying the secret about their children's parentage, a burden that has been made more difficult because they knew the information about the donor would remain secret. Lauren Burns's mother told us:

> When I was thinking about telling I was aware that Jane and Lauren were not legally entitled to any information about their donor. It seemed almost a sick joke to have to admit to my children that they were conceived by a stranger whom they would never know anything about.

It was clear to me and other members of the committee that many donor-conceived children suffer profoundly and grapple with fundamental issues of identity upon becoming aware of their biological parentage. This situation is compounded by being denied access to information that they know exists about their donor fathers.

It was also clear through the testimony of medical professionals who had been involved at the time that donor anonymity was the norm and from the evidence of donors that donors gave their gametes on the understanding that they would remain anonymous and that they would never be contacted by any offspring that may result from their donation.

The committee recognises that disturbing this belief through retrospective change is a most serious step, and it did not make this recommendation lightly, not least because it is a fact that these donors may have a number of children of whom they are completely unaware and to be contacted later in life could be exceptionally disruptive for them and their families. However, we were assisted in this regard by a number of donors who gave very strong evidence about their views on balancing the rights of children with their own. For example, Ian Smith stated:

> One thing is very clear for me. That is that the interests and wellbeing of the children — all of them — are paramount. Regardless of what the legal framework was at the time of my being a sperm donor …

There is no doubt that this is a complicated matter, but we must accept where we are; we must heed the call of those affected and respond.

There is a group of people who were born through the assistance of generous and well-meaning donors into the arms of loving parents who desperately wanted them. These parents were assisted by doctors who pioneered practices that gave otherwise childless couples the precious opportunity to start families. Everyone thought at the time that the best approach was to keep the donor's identity a secret and never tell the children. We do not question the altruism of these motives, but the journey of the children born from these times and practices — the journeys of which we have heard so much during this inquiry — demonstrate that it was the wrong approach. People have a right to know their heritage and identity. This is the overwhelming right that must be respected and enforced.

Law Reform Committee: access by donor-conceived people to information about donors

Mr NORTHE (Morwell) — I also wish to comment on the Law Reform Committee's inquiry into access by donor-conceived people to information about donors. As previous members have recounted so well, this was a very emotional, interesting and complex inquiry that took us all on an emotional rollercoaster over the period of the inquiry itself.

Effectively there are three different sets of circumstances that apply depending on when one donated sperm or gametes, but there are different outcomes affecting donor-conceived people throughout the process depending on when one was conceived. The first example is that a person who was conceived from gametes before 1 July 1988 basically has no direct rights to information about their donor. The second example is that donor-conceived persons conceived from 1 July 1988 through to 31 December 1997 can access identifying information if the donor agrees, but if they do not, can receive non-identifying information. The third example covers those donor-conceived people conceived from 1 January 1998. They have unconditional access to identifying information about their donor once they are 18 years of age.

As the member for Prahran indicated, the committee really had to strike a balance in understanding the rights of the donor-conceived person, the donor themselves, the medical profession, the families that are attached to all of the above and the community in general. We made 30 recommendations. Recommendation 1 is quite compelling. It recommends that the Victorian government introduce legislation to allow all donor-conceived people to obtain identifying information about their donors. Those donor-conceived persons conceived before 1988 and from 1988 to 1997 are covered under recommendation 1. This is historic in its nature, it is a world first and it is the right recommendation.

The bill also has regard for donors. We cannot forget those donors who acted, I believe, in an honourable fashion in wanting to assist families to have children at that particular point of time. There is no doubt about that. Recommendation 4 goes to the heart of that, making sure there are provisions through the issuing of contact vetoes that can be applied by the donors at that point in time. Having that balance is very important.

The conclusions and recommendations we have come up with have been difficult and may cause some angst. As both members who have spoken before me today have said, this is right; it is not just about the emotional aspect of it. The testimony we had from many people throughout the course of the inquiry was very emotional and touching. However, the facts are there that children need to have further rights in this matter. I personally sleep very comfortably with the 30 recommendations in the report. We have all been elected to Parliament, because we want to make a difference and do the right thing, and it is true that we want to do that in regard to our own electorates. Through the vehicle of parliamentary committees we are also able to make some significant recommendations. It is with great pride that I join with my fellow members in presenting these recommendations to the Parliament knowing that they are right, that they are just and, as a consequence, that they have the best regard for those donor-conceived children.

I say well done to the chair, the member for Prahran, who has led the committee in a very professional manner. Obviously it is his first stint in the job, and he did a marvellous job in handling a difficult inquiry. The deputy chair, the member for Brunswick, also did a fantastic job. Donna Petrovich, a member for the Northern Victoria Region in the other place, and the member for Ivanhoe, who is in the house today, both did a marvellous job. The committee had great regard and respect for all witnesses, and it handled the inquiry in a professional manner. I also thank the executive, including Vaughn Koops, the executive officer, and his fellow officers Amie, Helen and Vathani, for the work they have done. As I have said, this is a historic moment for the Victorian Parliament, and I am proud to have served on the committee. I wish all donor-conceived persons all the best in the future.

Law Reform Committee: access by donor-conceived people to information about donors

Mr CARBINES (Ivanhoe) — When I came to this place nearly 18 months ago I said I was elected to fight for people's rights, that I would do so with integrity and decency and that fundamentally for me politics was about people. I believe these fundamental principles are reflected in the unanimous decision of members of the Law Reform Committee, who have tabled a report in the Parliament that makes the case for delivering justice for Victorians who are donor conceived.

The report, aptly entitled *Inquiry into Access by Donor-conceived People to Information about Donors*, outlines a way ahead for this Parliament to resolve inconsistencies in the law that have caused anguish and distress to donor-conceived people. Let us be clear about some of the inconsistencies that have been perpetuated by past legislators as the system has changed. In particular, before 1988 there were no rights to information for those who had been donor conceived, such as information about who their donor was, and there was no requirement to keep records. That changed between 1988 and 1997, and in 1998 Victoria moved to a situation where a donor-conceived person had unrestricted rights to information once they turned 18 and the requirement was established that those records were to be retained.

The decisions that have been made by the Law Reform Committee in this instance have been consistent with the guiding principles in Victorian legislation regarding donor conception, and in those decisions the welfare and interests of children have been paramount. The committee's decisions have been consistent with the United Nations Convention on the Rights of the Child and Victoria's Charter of Human Rights and Responsibilities.

As the chair said in the foreword to the report:

> … the committee unanimously reached the conclusion that the state has a responsibility to provide all donor-conceived people with an opportunity to access information, including identifying information, about their donors.

Recommendation 1, that the Victorian government introduce legislation to allow all donor-conceived people to obtain identifying information about their donors, is really the crux of what we have come to a decision about, and recommendation 3, which is about counselling, is also particularly pertinent.

At page 75, the report states:

> The distress experienced by donor-conceived people, by contrast, flows from decisions that were made by other people, through no fault, and by no agreement, of their own.

Previous changes in adoption legislation provide a framework for us as legislators to redress past wrongs. Contact vetoes would be available — similar practices are followed with the adoption legislation — and would provide a way forward for donors who do not want interaction with their offspring to prevent their donor-conceived children from contacting them.

We heard from donor-conceived people like Myfanwy Cummerford, who said:

> I felt really disempowered and disenfranchised and I felt like a second-class citizen because I knew that that information was sitting in a filing cabinet and I wasn't entitled to access it. That made me incredibly angry, and still makes me angry today to hear from counsellors that they've got this information and it's on the computer and that my friend Narelle [Grech], who is associated with that clinic, isn't allowed to do anything with that information.

She was referring to information about the identity of her father.

We heard from Ian Smith, a donor, who said:

> One thing is very clear for me. That is that the interest and wellbeing of the children — all of them — are paramount. Regardless of what the legal framework was at the time of my being a sperm donor, I believe that I do have responsibilities to the children born as a result of my sperm donations. At the least, these children have a right to know what my part of their genetic heritage is — more if they want more.

Some medical professionals will cite doctor-patient confidentiality. However, we have also noted as a committee that the offspring who are not party to these contracts have rights too. Today they are successful and articulate adults, and they have eloquently, passionately and respectfully put their views to our committee time and again.

I thank the committee secretariat, led by Vaughn Koops. I commend the leadership of our chair, the member for Prahran and my fellow committee members, the member for Brunswick, the member for Morwell and Mrs Petrovich, a member for Northern Victoria Region in the other place. I suggest that the work does not stop here. It is incumbent on all of us to ensure that our fellow parliamentarians understand and embrace the recommendations we have made, and that we encourage them and the government to seriously consider bringing to this house the legislation required to give effect to our recommendations. In particular that is about providing justice to those who were party to

actions over which they had no say and who have been living with the consequences of those laws to this day. I believe that these people have the fundamental human right as citizens to know who their families are, where they came from and who they are. I commend the report to the house.

Scrutiny of Acts and Regulations Committee: review of Charter of Human Rights and Responsibilities Act 2006

Mr GIDLEY (Mount Waverley) — I rise to make a contribution on the report of the Scrutiny of Acts and Regulations Committee on the review of the Charter of Human Rights and Responsibilities Act 2006. I build upon my contribution of last sitting week in relation to this report. I will just recap the highlights of that previous contribution. I will focus on the existing protections that are provided to individuals in this state by our system of government and system of law, which have lasted for the first 150 years of responsible government in Victoria and continue to apply in all other states in Australia and in the Northern Territory. I refer to the human rights protections under common law, statutory interpretation, judicial review, statute law, the constitution and our system of responsible government.

As I have remarked previously, common law is one of the important protections of human rights in our state. It has developed over a long period of time — since the Magna Carta period. One of the benefits of common law is that it has evolved to suit the laws and values of the day. That has been true over time, and it has certainly been the case in the development of common law in Australia and Victoria. The second aspect I wish to touch on is the protection of statutory interpretation under our existing system, which ensures that when the Parliament makes a law there is a set of principles the courts can apply to ensure that the intent behind the legislation put forward is upheld. This is a good system. It has stood the test of time, and it is a system that has ensured that the will of the people through the Parliament is upheld in the courts. It also reduces the risk of judicial activism, which can undermine parliamentary sovereignty.

The next area I will touch on is judicial review, which I have talked about previously as being a fundamental protection of human rights under the system of common law we have developed. Victorians and indeed Australians have the option of ensuring that the actions of the executive are reviewable through our courts, and our courts have the ability to quash or put aside decisions that are deemed to be unlawful by the executive. Again it is a mechanism of checks and balances and of ensuring that human rights in Victoria are upheld and that the power of the executive is not inappropriately utilised. There are a couple of other key areas where our systems of government and law provide some strong protections of human rights, and most notable is the statute law. A few examples of legislation which has protected human rights and where that protection has stood the test of time are the Equal Opportunity Act 2010, the Information Privacy Act 2000, the Health Records Act 2001 and the Ombudsman Act 1973. These are good examples of the ability of the Parliament to legislate a defined area of human rights and protections for Victorians which should be upheld they ensure that the will of the Parliament and the safeguards which exist through the development of common law, judicial review and statutory interpretation are maintained. It is another check and balance.

Finally, I touch on, in my view, one of the greatest protections for the human rights of Victorians, and that is our constitutional law, which enshrines in our state constitution the bicameral structure of Parliament and the way it is elected, the existence and the tenure of councils and the existence, tenure and jurisdiction of the Supreme Court of Victoria. As I have noted, common law has certainly provided rights for those who want to appeal to federal courts outside of Victorian courts. What that constitutional protection provides is that the people, through their representatives here in the Parliament, will have a say on human rights and the opportunity to legislate to protect and uphold human rights. For those in the mainstream — the silent majority — who expect us to speak on their behalf, there is a comprehensive package which protects and upholds their human rights and has done so for 150 years.

Public Accounts and Estimates Committee: budget estimates 2011–12 (part 1)

Mr PALLAS (Tarneit) — I wish to refer to the Public Accounts and Estimates Committee report on the 2011–12 budget estimates, part 1, section 12.4.3, page 116, which discusses the freight access charge into the port of Melbourne. The Premier has made comment in this place, subsequent to the passage of the port licence fee legislation through this Parliament, that it would be a disaster if anybody opposed what is supported by industry. Unfortunately that is far from the case, and industry is quite outspoken in terms of its opposition to this charge. Shipping Australia has told Lloyd's List that all the port licence fee has done is exchange one industry opponent, the trucking industry, for another, the maritime industry. Shipping Australia

has written to the Port of Melbourne Corporation and said it remains:

> … totally opposed to an imposition of this tax because raising taxes in relation to the supply chain is a much more costly way than the use of funds raised elsewhere by normal state government taxation to fund infrastructure projects.
>
> There is no link between the proposed licence fee and any incentive to increase productivity in the port. We believe that the fee should be restructured so that the implementation of this tax can drive change and promote efficiency.
>
> … our strong recommendation [is] that the tax should be withdrawn …

The Australian Bulk Alliance has joined the chorus and indicated that it too opposes this tax. The Victorian Farmers Federation has described this tax as a tax on trade and has attacked the Minister for Agriculture and Food Security for 'not backing agriculture'. We have also seen the *Weekly Times* report that the Australian Bulk Alliance chief executive, Simon McNair, has warned that the charge would add another 80 cents to a dollar per tonne to the cost of exporting grain, which is 15 to 20 per cent of the traders' profits. Other industry groups have also joined the chorus. In a *Weekly Times* article of 14 March, Murray Goulburn Co-operative indicated the $2 per tonne port levy would cost that company $600 000 a year. Shipping Australia chairman Ken Fitzpatrick has described this port licence fee as the 'nail in the coffin', and chief executive Llew Russell has described it as a tax on trade. He is quoted as saying:

> This will put extra costs on the supply chain and have unwanted impacts … What is worse, with this tax there is no incentive to increase productivity. Farmers will be among the hardest hit.

The Australian Peak Shippers Association has described the tax as totally unacceptable. Bega Cheese executive chairman Barry Irvin has said the Victorian government's decision to increase port costs will increase the cost of doing business. The Tasmanian infrastructure minister, David O'Byrne, has expressed serious concerns about the tax and gone to the extent of saying it is 'a Victorian tax that will be met to a large extent by the Tasmanian community'. The Tasmanian Freight Logistics Council has said 'it may be the straw that breaks the camel's back for some Tasmanian businesses'. Not only that, but on top of Maersk Line shipping criticising the tax, the Tasmanian Chamber of Commerce and Industry — —

Mr Clark — On a point of order, Acting Speaker, I have been listening to the honourable member for quite a while and have not picked up a single reference for some minutes to a committee report. While he is able to make some broad-ranging remarks, he does have to relate his remarks to a committee report.

Mr PALLAS — I accept the point of order and refer to the comments by the Minister for Ports recorded on page 7 of the transcript of the committee's hearing on 10 May 2011 in which he said that the freight infrastructure charge 'would discriminate unfairly against regional and rural exporters'. Essentially this submission is demonstrating that there is a widespread level of concern about the discriminatory effect upon regions and exporters in particular.

Even the Liberal Party is attacking this tax. Liberal Senator Richard Colbeck in his media release on the port licence fees said that the 'Liberal Senate team understands why the prospect of higher shipping costs has caused angst' for the business industry. Rene Hidding, Tasmanian Liberal infrastructure spokesperson, has described this as 'a money grab' and said it 'would likely have a major impact on both *Spirit of Tasmania* passenger fares and sea freight rates'. So this chorus of opposition includes the Tasmanian Farmers and Graziers Association, and we even have lawyers, Hunt and Hunt, who are proposing to give advice on how direct providers can avoid liability and flow-on of the costs to customers. This tax is bad, it is discriminatory and it serves no useful purpose.

CARDINIA PLANNING SCHEME: AMENDMENT

Mr CLARK (Attorney-General) — I move:

> That under section 46AH of the Planning and Environment Act 1987, Cardinia planning scheme amendment C146 be ratified.

The purpose of this motion and proposed ratification relates to an amendment to be made to the Cardinia planning scheme. The amendment requires ratification by Parliament under section 46AF(1) of the Planning and Environment Act 1987, as it:

> … has the effect of altering or removing any controls over the subdivision of any green wedge land to allow the land to be subdivided into more lots or into smaller lots than allowed for in the planning scheme.

The amendment affects the township of Cora Lynn, a small rural settlement located along the Bunyip River approximately 13 kilometres south-east of Pakenham. It contains approximately nine dwellings within its central area and is identified as a rural locality in the Cardinia planning scheme. The amendment applies to 445, 447, 460, 462–464 and 466 Bayles-Cora Lynn Road; 455

and 456 Bunyip River Road and 719 Nine Mile Road, Cora Lynn.

The amendment seeks to rezone those lots in the township of Cora Lynn from special use zone schedule 1 horticultural preservation to low-density residential zone, apply a restructure overlay to the land and amend the schedule to clause 81.01 to introduce the associated incorporated document, the Cardinia shire subdivision restructure plan in relation to those lots of October 2011.

The proposal for the amendment has arisen following council's identification of an opportunity to construct an additional dwelling on a large parcel of land at 460 Bayles-Cora Lynn Road and on land at 462–464 Bayles-Cora Lynn Road. The land is currently not utilised for horticultural or farming practices as intended in the special use zone as it is effectively separated from adjoining agricultural land. The residential lots within Cora Lynn are not used for agricultural or horticultural purposes, and it is unlikely that they will be due to their small size.

The land at 460 Bayles-Cora Lynn Road comprises five lots contained on one title within an area of approximately 2 hectares. The land at 462–464 has an area of approximately 7998 square metres and comprises two titles. Under the current zoning, a planning permit is required to construct a dwelling, and it must be the only dwelling on the lot of a minimum of 10 hectares. The land at 460 Bayles-Cora Lynn Road and 462–464 Bayles-Cora Lynn Road does not meet these requirements, and therefore it would not be possible to construct a dwelling on either site under this zoning. Rezoning of the land to a low-density residential zone would allow the land within the township area of Cora Lynn to be included in a zone that is reflective of the use and development of the land. The restructure overlay will ensure the consolidation of lots at 460 Bayles-Cora Lynn Road from six to two lots in accordance with the restructure plan.

There is a history to this matter which it may be worth outlining to the house. On 27 May 2007 the previous Minister for Planning refused an authorisation request relating to 460 Bayles-Cora Lynn Road that proposed to amend section 2 of the special use zone schedule 1 to allow for the construction of a dwelling subject to a restructure of title boundaries and an increase in the size of an existing 620-square metre lot. That amendment was refused on the grounds that the amendment was contrary to the requirements of special use zone 1 and did not achieve the objective of allowing the dwelling in its current form.

A revised authorisation request was received by the previous government on 16 June 2010. That amendment request was to rezone the land to a more appropriate zone, a lower density residential zone, and the proposal was to apply the restructure overlay which would ensure that dwellings on the land remained at current densities to maintain the rural character of the township. The amendment is now consistent with state and local planning policy, and the amendment was authorised on 12 January 2011. The amendment was placed on public exhibition from 17 March until 18 April 2011. Seven submissions were received — five from service authorities and two from private landowners.

The amendment was subject to an independent panel hearing on 25 August 2011. The panel recommended that the amendment be adopted subject to conditions. Council adopted the amendment in accordance with panel recommendations on 17 October 2011. The amendment was submitted for approval on 20 October 2011 and subsequently approved by the minister.

In accordance with legislation that has now been in place for some years relating to green wedge development, this motion comes before the house. In the opinion of the government, the amendment applies appropriate planning controls which enable the residential area of Cora Lynn to be recognised by an appropriate zoning and which further constrain development to the existing residential area of this locality. On that basis, I commend the motion to the house.

Mr WYNNE (Richmond) — I rise to make a contribution on behalf of the opposition to the Cardinia planning scheme amendment. In doing so, I note that it is not common practice for us to be debating planning scheme amendments such as this. The process that attends planning scheme amendments in the Parliament is usually by way of a disallowable instrument whereby a planning scheme amendment is put before the house for a period of, as I recall, 10 sitting days, and if at any such time a member wishes to bring the debate on, the matter is obviously then debated in either house. I raise that because I think it is important that we take an affirming position as a Parliament and have the opportunity to debate these matters, particularly as they relate to changes in the green wedges.

Those who know the history of the development of green wedges in this state will remember that they are a legacy of a former Liberal Premier, Rupert Hamer, who is no longer with us. Through his public service he left many lasting legacies not only for this Parliament but also for the state because of the foresight of his

government in relation to the green wedges, the arts and various other areas of public infrastructure. They have stood us in extraordinarily good stead over many years. It is because of his great legacy that green wedges became part of the urban fabric of this state and are described by many people as the green lungs of metropolitan Melbourne.

In acknowledging that legacy, I think it is important that when changes are proposed to the green wedges we have the opportunity to ventilate them in both houses of this Parliament. As the minister indicated, the changes that are being dealt with here are relatively minor in the broader scope of the green wedges. I will deal with some of the history of that in my contribution to the debate. As I indicated in my introductory comments, we do not oppose the amendment.

The planning scheme makes changes to zoning and subdivision in a way that I think could best be described as very modest. The land affected is a small hamlet called Cora Lynn in a green wedge south-east of Pakenham. There are about 12 dwellings within this small conurbation. It is currently zoned as special use zone (schedule 1 — horticultural preservation), but the block sizes and land use make this zoning inappropriate because it is not agricultural land. It could find a more productive end use, and that is essentially the proposition that is before us today.

It is proposed that the area be rezoned to a low-density — and low-impact — residential zone and that a restructure overlay be applied to the land. The new zoning will reflect the actual use of the land. The land will still be zoned green wedge, but any further changes to the zoning or the subdivision of the land will require parliamentary approval. As I have indicated, that is an appropriate check and balance when we are dealing with such precious parcels of land.

In addition, two parcels of land will be affected by the changes. The first, as the minister rightly advised us, consists of six lots of land at 460 Bayles-Cora Lynn Road, which are currently owned by the one property owner. The proposal is to consolidate the six lots into two and allow for the construction of a dwelling on a lot which does not already contain a dwelling. The second lot, at 462–464 Bayles-Cora Lynn Road, consists of two lots, and the proposal is to allow for the construction of a dwelling on the lot that is without a dwelling. Currently the size of the lots means they cannot be sold as farmland, and the proposal will allow for the lots to be sold and for any future purchaser of the property to have the right to build a home on the land. Other similar applications were considered as part of the process, but they were not considered by either the council or the independent panel.

It is important that we pause for a moment to acknowledge that there is very significant support for this proposal. It has been supported by both the council and an independent panel. In moving to address the panel's report, because there are some interesting aspects to that report, I could pause at this stage and move to it after question time or I could continue now. Which would you prefer, Acting Speaker?

The ACTING SPEAKER (**Mr Blackwood**) — Order! That is very kind of the member for Richmond. He will have the call on the resumption of the debate.

Sitting suspended 1.00 p.m. until 2.03 p.m.

Business interrupted pursuant to standing orders.

QUESTIONS WITHOUT NOTICE

Minister for Police and Emergency Services: memorandum

Mr ANDREWS (Leader of the Opposition) — My question is to the Deputy Premier and Minister for Police and Emergency Services. I refer the minister to Tristan Weston's memo, published in the *Australian* newspaper last week, and I ask: can the minister outline when he and his chief of staff first saw this memo?

Mr RYAN (Minister for Police and Emergency Services) — I thank the Leader of the Opposition for his question. For a start, I reject the premise to the question. As the report which was tabled last year shows at page 43, no document could be produced to the Office of Police Integrity at the time it conducted its extensive investigation spanning weeks and indeed months, where 20 witnesses were called and all sorts of extensive powers were used by the OPI to conduct that investigation. It resulted in a report being tabled in the Parliament six months ago. Now, these months later, this document pops up. It is five pages. It is unattributed in the sense of any author. It is not signed. It is not dated. It does not have a heading to it or anything to indicate that it is directed to me or to anyone in particular. These matters have been litigated in full, and I do not intend to go through them again.

Technology sector: government initiatives

Mr HODGETT (Kilsyth) — My question is to the Premier. Can the Premier update the house on how the government is supporting the vital technology sector,

which generates jobs, inspires confidence and boosts Victoria's economy?

Mr BAILLIEU (Premier) — I thank the member for his question. This is an important sector in the Victorian economy. Last year the government helped to facilitate nearly 900 new jobs in the Victorian technology sector. Despite the challenging global economic conditions, 2012 has already seen a number of important investments continuing to be made by technology companies in this state. With the Minister for Technology — —

An honourable member interjected.

The SPEAKER — Order! The member for Pascoe Vale!

Mr BAILLIEU — We have already participated in announcing 10 key investment projects which will generate over 800 new direct jobs, hundreds of indirect jobs through construction and supply chains, and $240 million in direct capital expenditure. I would have thought anybody in Victoria would be pleased about that.

There have been a range of positive announcements this year. The government has committed more than $80 million to grow the ICT sector, more than $50 million to biotechnology and $10 million to small technologies. These investments continue to drive growth and productivity in Victorian businesses by promoting the sector and enabling innovation across the economy. They are also helping to cement the state's global competitiveness in the sector and its reputation as a leader in technology. An ICT plan of over $80 million is supporting that growth, development and global competitiveness. A $50 million-plus commitment to biotech is supporting the development of talent, capitalising on this state's world-class research and development base and pursuing international trade and investment opportunities.

More than that, $10 million in small technologies support is helping Victorian businesses take advantage of the opportunities — —

Mr Eren interjected.

Mr BAILLIEU — There it is; there is the commentary from the other side of the house.

Questions interrupted.

SUSPENSION OF MEMBER

Member for Lara

The SPEAKER — Order! The member for Lara can leave for half an hour under standing order 124.

Honourable member for Lara withdrew from chamber.

QUESTIONS WITHOUT NOTICE

Technology sector: government initiatives

Questions resumed.

Mr BAILLIEU (Premier) — I think that said it all from the opposition. Announcements made so far this year include: Interactive, 300 new jobs and $30 million in capital expenditure; ABB; GSK; Biota; Digital Realty Trust; and Servier. These investments are creating new high-tech jobs across the community sector and across our economy. We will not cease seeking to assist this sector and this industry to grow. Unlike some, members on our side of the house will not talk down the Victorian economy. We will not be taking any delight in job losses. Unlike some, we have an approach to job growth in this state which is very clear. We have made that clear on a number of occasions, and we are going to be positive about it.

I quote from an article in today's *Age* which says:

> Government needs to keep investing in science, technology and innovation. This should be a bipartisan effort.

I want to underline the words 'a bipartisan effort'. Who was it who said that? It was none other than the former leader of the state Labor Party, former Premier John Brumby. That is the approach the opposition ought to take.

Minister for Police and Emergency Services: memorandum

Mr MERLINO (Monbulk) — My question is to the Minister for Police and Emergency Services. I refer the minister to the memo published in the *Australian* on Friday, 23 March, and I ask specifically: when did the minister's chief of staff first see this memo?

Mr RYAN (Minister for Police and Emergency Services) — I thank the member for his question. There are 11 pages of the *Crossing the Line* report dedicated to this issue. I suggest that the member read it.

Energy: brown coal initiatives

Mr BLACKWOOD (Narracan) — My question is to the Minister for Energy and Resources. Can the minister inform the house of actions being taken in his portfolio to support investment and boost job creation in regional Victoria and any community support for this action?

Mr O'BRIEN (Minister for Energy and Resources) — I thank the member for Narracan for his question and for his interest in developing jobs and industry in regional Victoria. Victoria has one of the world's largest deposits of brown coal, and the coalition government is absolutely committed to ensuring that this resource is developed for the benefit of the Victorian community. Our brown coal reserves have been assessed at around 430 billion tonnes. To put this into context, it is the second-largest deposit of brown coal on the planet next to Russia's. It has an energy content greater than the North West Shelf and constitutes over 500 years of usage at current rates.

The Victorian government believes that our brown coal can and should play a key role in our energy future. Encouraging new investment and the right technologies can deliver a new generation of industry in the Latrobe Valley, boosting the local economy and creating new jobs. However, the nature of our brown coal, with its high moisture content, means that it cannot be exported in its natural state. Modern technology to dewater the coal and process it into higher value end products such as hydrogen, urea and fertiliser can also deliver much lower emissions. This provides an opportunity for value-adding in Victoria — making higher value, low-emission products with Victorian workers in this state. That is the Victorian coalition government's goal — to utilise our world-class brown coal to create higher value energy products, to deliver lower emissions, to deliver jobs and to deliver increased economic growth for Victoria.

The Victorian government will soon undertake a market interest test. This test will inform the final design and timing of the coal tender process and the decision to proceed. However, I can say that the reaction to the government's announcement has indicated there will be strong interest indeed. There has been significant support for this initiative. The previous government 10 years ago undertook a coal allocation process. It is fair to say that it was a bit of a dud, because the government at the time as part of its allocation had no requirement to actually develop the resource, to actually invest. I can only imagine that former Premier Bracks must have been very poorly advised by his staff at the time to have allowed that to happen. What a dud decision to advise Premier Bracks to allow that to happen. The person responsible should probably hang his head in shame.

The government's announcement has been well received by the community. Tim Piper from the Australian Industry Group is reported as having said:

> The Gippsland area is in the middle of some economic tough times and it should be good for employment.

Ed Vermeulen, mayor of Latrobe City Council, is reported as having said:

> We need to pursue that kind of future.
>
> To ignore the resource here locally would be just folly and would be to our economic detriment as a state and as a nation.

Megan Davison from the Minerals Council of Australia was quoted as having said:

> There are many, many opportunities (for coal) to be converted into other commodities that can be exported and contribute to jobs in the state.

The federal Minister for Resources and Energy, Martin Ferguson, is reported as having said:

> Brown coal exports represent the potential to develop new technologies, industry and jobs in the Latrobe Valley.

Apart from the usual suspects, apart from the extreme Greens, it seems that everyone is supportive of this proposal, although I think I have one comment. Somebody said, 'This is not a plan, it is a pipe dream'. Who would be opposed to jobs? Who would be opposed to development? Who would be opposed to low-emissions technology? Who would be opposed to a new export industry for Victoria? None other than the Labor Party spokesman supposedly responsible for jobs and infrastructure, the member for Tarneit.

Minister for Police and Emergency Services: memorandum

Mr MERLINO (Monbulk) — My question is to the Minister for Police and Emergency Services. I refer the minister to the memo published in the *Australian* last week. Has the minister ever discussed any of the proposals or content covered by the memo with Mr Weston or the member for Benambra?

Mr RYAN (Minister for Police and Emergency Services) — I thank the member for his question. As I say, these matters have been extensively canvassed in a report tabled in the house. The matter has been dealt with, and it should be allowed to be left there.

Mr Andrews — On a point of order, Speaker, the question related to discussions the minister may or may not have had with the member for Benambra and with his former adviser, Mr Weston. Those matters, I put it to you, are not covered by the report, and the minister ought to answer the question. If he is unwilling to answer it, then he should sit down, but I think we are entitled to an answer. Did he talk about these matters or did he not?

The SPEAKER — Order! The answer that was given was relevant to the question asked.

Regional and rural Victoria: jobs

Mr CRISP (Mildura) — My question is to the Deputy Premier and Minister for Regional and Rural Development. Can the minister update the house on how the coalition's Regional Growth Fund is supporting investment and boosting jobs in regional and rural Victoria?

Mr RYAN (Minister for Regional and Rural Development) — What a terrific question from a member doing a great job on behalf of his electorate. As the house knows, driving economic development and industry investment to create local jobs throughout the regions of the state is a key priority for the government. We understand that is so particularly where we have a high Australian dollar and a very unstable economic situation which applies globally. In response to this, the government is working to leverage more investment within our local industries so they can innovate, increase efficiency and, very particularly, increase productivity, expand their markets and create local jobs.

The principal flag-bearer in enabling this to be done is our $1 billion Regional Growth Fund. In allocating money from the fund we have a particular emphasis on growing our economy and growing jobs. Since coming to office, as the updated figures now show, there has been almost $1 billion in new investment created in relation to the use of the fund and the way the government has otherwise developed its programs throughout regional Victoria. That investment has generated in excess of 1200 jobs.

Yesterday I advised the house of the $15 million investment we just announced for the library and heritage centre at Geelong. That will create something in the order of 200-plus jobs in the construction phase. I also spoke about the investment that is occurring down at the Geelong Football Club ground, where another 100 jobs will be created while the new stand is being built. We have put $26.5 million into that investment. We are investing significant amounts of money in the Mildura waterfront project and at the airport — about $6 million-plus at the airport as well as about another $5 million-plus at the riverfront. Those projects will create about another 100 jobs.

There are countless other examples of where we have injected money into regional communities. We have been able to leverage that money with private enterprise in particular but also with other government entities to make sure we can maximise jobs growth. Some of them include 105 jobs at the Hazeldene's chicken processing plant over at Lockwood, near Bendigo; 90 new jobs at Mildura from Olam Australia's $60 million almond processing centre; 140 jobs with the expansion of GippsAero, which has benefited from a grant of $1.5 million from our fund; and 40 jobs at RPC Technologies in Geelong, facilitated through a $2.75 million grant we have provided. We are taking up these investment opportunities wherever we can throughout the regions, and they are well placed to assist not only their communities but the state as a whole.

There are many other instances, including 50 jobs over at Burra Foods at Korumburra, 35 jobs at Warrnambool Cheese and Butter, 40 jobs at Tasman Market Fresh Meats and 225 jobs at Iluka Resources. The difference between this side of the house and otherwise is that we are talking the regional economies up. We are doing so because we understand that regional Victoria is a major engine room for the state's fortunes, not only for those communities in themselves, as I have said, but for Victoria as a whole. It is just a shame that Victorian opposition members continue to talk the regions down. They cannot help themselves.

On 27, 28 and 29 April the 2012 Regional Victoria Living Expo will be running at the convention centre here. We will bring the regions to Melbourne. It will be a great three days with wonderful illustrations of investment opportunities. We encourage all members and the public to be there.

Minister for Police and Emergency Services: memorandum

Mr ANDREWS (Leader of the Opposition) — My question is to the Minister responsible for the establishment of an anti-corruption commission. I refer the minister to the memo published in the *Australian* last week, and I ask: has the minister ever discussed any of the proposals or content covered by that memo with Mr Weston or the member for Benambra?

Mr McINTOSH (Minister responsible for the establishment of an anti-corruption commission) — I thank the Leader of the Opposition for his question. Certainly I read the newspaper article and, a bit like Will Rogers, I only know what I read in the papers. Can I just say to the Leader of the Opposition: my only involvement in this whole issue is doing my job in relation to establishing an anticorruption commission. I had a discussion with Sir Ken Jones about the implementation of the Independent Broad-based Anti-corruption Commission. It was a transition arrangement only. The conversation went no further.

Climate change: legislation review

Ms McLEISH (Seymour) — My question is to the Minister for Environment and Climate Change. Can the minister advise the house of reaction to the government's response to the independent review into Victoria's Climate Change Act 2010 and how the coalition's approach will support jobs in Victoria?

Mr R. SMITH (Minister for Environment and Climate Change) — As we all know, the independent review into the Climate Change Act 2010 was tabled yesterday, along with the government's response. Of the 16 recommendations in the review, arguably the most significant is the one to repeal the 20 per cent reduction — —

Honourable members interjecting.

The SPEAKER — Order! I ask the house to come to order.

Mr R. SMITH — The review says on this issue:

> The review finds no compelling case to maintain the target in the context of the national carbon scheme passed by the commonwealth government. This judgement is based on evidence that a state-based target would not drive any additional abatement … In fact, a state-based target would distort the national scheme …
>
> Meeting the target would also require the forced closure of the Yallourn power station. This is on top of costs already predicted through closing Hazelwood when the carbon price is introduced, and the Victorian government purchasing an estimated $2.2 billion in international permits through to 2020 …

This recommendation is entirely in keeping with the former Labor government's intent when it put the act forward. That is confirmed when we read the former government's green paper, which says:

> … the government —

being the former Labor government —

> does not see any benefit in legislating for a state-based emissions reduction target that is inconsistent with a national target.

The subsequent white paper, also put out by the former government, follows it up by saying:

> In the event that the commonwealth introduces … an economy-wide carbon price, it will be necessary to review the Climate Change Act immediately to ensure consistency with any commonwealth scheme.

The Baillieu government's support of this recommendation is entirely consistent with the previous government's position on this. Others who support that position include none other than Ross Garnaut, the federal government's former adviser on climate change, who is also reported in the green paper as having said that the two targets would be problematic. He was reported in the *Age* yesterday as having said:

> I see no need for separate state emissions targets if there is an appropriate national target …

The member asked about jobs in relation to this issue. I can say that there are some who say that the scrapping of that target will lose us jobs here in Victoria. That seems to be at odds with what peak industry bodies in this state are saying. The Australian Industry Group said:

> Victorian industry welcomes the state government's decision not to proceed with the carbon emissions target …
>
> By making this decision the government has recognised the difficulty of such an ambitious target and the likelihood of it costing … jobs.

The Victorian Employers Chamber of Commerce and Industry also had something to say about this. VECCI said scrapping the state target was a sensible move that would take the pressure off business:

> The fact that we were at risk of having two targets, two plans, two burdens, and costs on business meant that would put jobs … at risk.

To put it bluntly, in the words of someone you might have expected to support such a target, Greens MP Greg Barber, a member for Northern Metropolitan Region in the other place:

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

There are obviously some in the community who do not support the former Labor government's position on state versus federal emissions targets. There are some who say that states have a political role to play in these matters rather than basing decisions on good public policy, and there are some who say Victorians should spend $2.2 billion on ideology.

But the words of those people and the feigned outrage from those people are all for nothing, because it was reported yesterday that the Leader of the Opposition would not commit to restoring the 20 per cent target should Labor win office in 2014. This government does not believe in imposing an unnecessary burden on Victorians and believes Victorians expect us to deliver tangible outcomes. I do not have a clue what those opposite believe in.

Minister for Police and Emergency Services: memorandum

Mr ANDREWS (Leader of the Opposition) — My question is to the Minister for Police and Emergency Services. I again refer the minister to the memo published in the *Australian* last week, and I ask him very simply: is it the minister's contention that that memo was never in the possession of his ministerial private office?

Mr RYAN (Minister for Police and Emergency Services) — I thank the Leader of the Opposition for his question. I say again: have a look at the 11 pages in the report. They canvass all of this; the matter has been dealt with.

Mr Merlino — On a point of order, Speaker, in relation to standing order 58, which requires the minister to be factual, if you have a look at the Office of Police Integrity report, you will see on page 9 that the OPI makes it clear that the investigation was not focused — —

The SPEAKER — Order! What is the member's point of order?

Mr Merlino — Standing order 58 and page 9 of the OPI report, in which the OPI director states:

> … my investigation has not focused on the conduct of Minister Ryan or Mr Hindmarsh, neither of whom I have any jurisdiction to investigate. —

You cannot — —

Honourable members interjecting.

The SPEAKER — Order! I hear what the member is saying.

Dr Napthine — On the point of order, Speaker, I ask you to rule it out of order. The minister had barely begun to give an answer. He was clearly being relevant to the question that was asked. He was referring to the OPI report. He was being factual, and he was being relevant. It is absolutely clear that the minister is adhering to all the standing orders that relate to question time in this Parliament and that what we are seeing is a political stunt from the opposition, which is bereft of ideas, bereft of policies — —

Honourable members interjecting.

The SPEAKER — Order!

Ms Hennessy — On the point of order, Speaker, I appreciate that in the thrust and parry of it being asked, the risk is that we may actually lose focus on what the deputy leader's point of order was. It was that under standing order 58 all answers are required to be factual. The Deputy Premier's answer opened with — —

The SPEAKER — Order! The Deputy Premier had been speaking for 10 seconds.

Honourable members interjecting.

The SPEAKER — Order! He had been talking for 10 seconds. I do not uphold the point of order.

Mr RYAN — There are 85 pages or thereabouts contained within this report. It canvasses the issues extensively. It was tabled almost six months ago. It is the result of a process which took months. It involved the OPI in extensive investigations and 20 witnesses — —

Mr Merlino — On a point of order, Speaker, I reiterate that standing order 58 requires the minister to be factual. Not only does the OPI director state that he did not have jurisdiction to investigate the minister but he also says that the memo in the *Australian* could not be located.

The SPEAKER — Order! I did not accept the Deputy Leader of the Opposition's point of order the first time, and I do not accept it this time.

Mr RYAN — These matters have been litigated extensively in the report. I also remind the house that there are matters outstanding in relation to the outcome of that report, and everybody should have regard to them.

Middle East: trade mission

Mr SHAW (Frankston) — My question is to the Minister for Innovation, Services and Small Business. Can the minister advise the house how Victoria's recent super trade mission to the Middle East is supporting investment and boosting job opportunities in Victoria?

Ms ASHER (Minister for Innovation, Services and Small Business) — I would like to thank the member for Frankston for his ongoing interest in jobs and

investment in Victoria. The Baillieu government, as you and I think all members of this house are aware, Speaker, is working very hard at finding export opportunities and new markets for our business in order to allow the private sector to create jobs. It is one of the very, very important things we are embarking upon.

As I have previously advised and as the house would be aware, in February I had the opportunity to lead the largest ever trade mission from Victoria to the Middle East — indeed from Australia to the Middle East — comprising over 100 companies and visiting Qatar and the United Arab Emirates (UAE). Victorian companies came from a range of industries, including food and beverage, agribusiness, water, infrastructure, tourism and skilled migration. All of these companies were very pleased to be involved, and as always happens after such missions, my department evaluates their actual outcomes. While the evaluation is not yet complete, I am very pleased to advise the house of some early results from this particular trade mission. It is very clear that yet again the opposition is not interested in what the government is doing to create jobs.

Honourable members interjecting.

Ms ASHER — Not interested at all in jobs in Victoria.

Honourable members interjecting.

The SPEAKER — Order! The minister will return to the answer.

Ms ASHER — I am very pleased to announce that as a consequence of this mission, companies have signed contracts in the Middle East worth $13.3 million. But more importantly at this stage, the companies that participated in the mission have already signed up for $92.4 million in annual export sales — a very large amount on immediate feedback. I have already relayed to the house the Bega Cheese announcement of a $7.8 million expansion of its Tatura facility to increase cream cheese production capacity from 15 000 tonnes to 22 000 tonnes per annum.

Likewise we made a very important announcement of export sales of $3.5 million over two years by the 2011 winner of the Governor of Victoria Export Awards, Longwarry Food Park. We have seen an announcement of export sales of approximately $3 million over two years by the regional abattoir, CRF Colac, which is a very good success story for a small business. I have previously advised the house of this, but we also saw the world launch of Warrnambool Cheese and Butter's award-winning vintage cheese at Gulfood in Dubai. All these announcements mean that we are seeing additional jobs. As I said, at this early stage we have a very healthy figure of $92.4 million worth of annual export sales.

We also saw the signing of a memorandum of understanding between Monash University and Fatima College of Health Sciences in Abu Dhabi, which is very good news for Monash and I think very good news for the UAE. In addition to these outcomes, I am delighted at the announcement that Emirates Airline will launch its non-stop Dubai–Melbourne A380 flights, which are due to be introduced in October 2012. All round I am delighted to announce these early results from one of our missions, and we look forward to announcing more results with jobs in due course.

CARDINIA PLANNING SCHEME: AMENDMENT

Debate resumed.

Mr WYNNE (Richmond) — Prior to the luncheon adjournment I indicated that it was worthwhile looking at the report of the independent panel, which underpinned the decision by the local authority to support this amendment to the Cardinia planning scheme. As the independent panel's report indicates, the amendment has had a long gestation. It originated in 2006 from a request initially made by the owners of 460 Bayles-Cora Lynn Road to construct additional dwellings on that land. In February 2007 the council requested that the then Minister for Planning authorise an amendment that would amend the schedule to the special use zone to provide for the construction of a dwelling at that address subject to a restructure of the titles, but, as the Attorney-General indicated in his contribution earlier today, authorisation at that time was not given by the minister. However, in 2009 the council resolved to prepare a broader amendment, which included much of the land in the Cora Lynn settlement within a low-density residential zone, and to use a site-specific control to allow an additional dwelling at 460 Bayles-Cora Lynn Road.

At the time it was a prudent decision by the then minister to really go away and say, 'Let's not have a spot rezoning of this. Let's have a broader look at it and see if we can in fact encapsulate all the issues that need to be addressed in this small but significant hamlet within the one, broader planning scheme amendment'. That is where we have arrived at today, and this amendment proposes the use of the restructure overlay rather than a site-specific control. I think by and large that those on both sides of the house who take an interest in planning matters would regard this as a much

more appropriate, and can I say more encompassing, approach to addressing these questions.

The panel heard from a number of representatives, including one of the property owners, not surprisingly, and representatives thereof. It is interesting that the panel agreed with the council that the majority of allotments in Cora Lynn are residential in nature and have a small agricultural component and that the amendment would recognise this rural locality through the application of the low-density residential zone but restrict further developments in accordance with the restructure overlay.

The property at 460 Bayles-Cora Lynn Road, which is one of the properties subject to this amendment, provides for additional development in the form of an ability to apply for a permit for a second dwelling at the site. The property consists of six titles with common ownership. The rezoning and application of the restructure overlay to 460 Bayles-Cora Lynn Road was supported by the panel. Indeed 462–464 Bayles-Cora Lynn Road is owned by the Jorgensen family, who made representations to the panel, as is appropriate for them to do. The panel noted that it had some difficulty in supporting the proposed amendment in relation to this site because, unlike the land at 460 Bayles-Cora Lynn Road, no direct planning benefit is derived from a restructure of lots in this case. However, on balance, the panel has decided to support the council's position for a range of reasons, which — for those who are particularly interested — are outlined in the panel's recommendations.

The third site is 706 Nine Mile Road. A Ms Lechte sought the inclusion of her property at 706 Nine Mile Road within the low-density residential zone and the restructure overlay, again with provision for an additional dwelling on the land. She submitted that this property was properly part of the settlement of Cora Lynn as this land was formerly a school site consisting of three titles that were consolidated into one at the time the land was transferred to private ownership in the 1990s. There is currently a single dwelling on the land-holding of, I understand from the panel's report, approximately 18 300-odd square metres. Ms Lechte submitted that, due to its former school use, this land is not being used for agricultural purposes.

The council did not support this submission, and noted that the land was neither within a multiple title nor isolated from farmland in the same manner as the land at 462–464 Bayles-Cora Lynn Road, and council considered that the land did have potential for agricultural use as part of a larger land-holding. Subsequently, and I guess not surprisingly, the panel agreed with the council that it would be inappropriate to modify the amendment to allow further subdivision of Ms Lechte's property at this time and until that further strategic work is undertaken.

We can learn a couple of lessons from what is at one level a relatively modest change to the green wedge legislation. Firstly, we have in place a robust scrutiny of any proposed modifications to the green wedge. Those who heard my earlier contribution, particularly in relation to the great legacy left to us by former Premier Hamer in relation to green wedges, would be aware that it is absolutely appropriate that this house and the upper house have an opportunity to scrutinise these matters and to assure themselves that any modifications to the green wedge legislation are not of a deleterious nature but enhance both the spirit and the application of green wedge policy.

The second significant aspect is that this proposal has the support of the local authority, which is important, and that an independent panel has scrutinised the application, looked at it very carefully, agreed with the applications from two of the property owners but not a third, and required that property owner frankly to do a bit more strategic work and to be part of a broader strategic overlay and planning for this residential hamlet.

There are important lessons for government in this matter. Obviously as an opposition we will be scrutinising this or any proposed changes to green wedges. We have a legislative tool available to us to embark on this important work. In that context what we have before us are relatively minor changes to the green wedge legislation, and we do not oppose them, but we signal to the government and to the minister in the other house that we will be looking very closely at any proposal that seeks to undermine either the spirit or the application of green wedge legislation in metropolitan Melbourne. Opposition members understand that this is crucial public land. When the green wedge legislation was passed, the Premier of the day, Mr Hamer, eloquently said that these green wedges would be, to use his terminology, the lungs of our city. We must ensure that we are diligent in ensuring that we maintain those aspirations and their application and do not seek to diminish or undermine what was at that stage fundamental and important public policy and planning policy. In the context of the minor changes before us, opposition members do not oppose the amendment to the Cardinia planning scheme.

Mr MORRIS (Mornington) — I am very pleased to rise to support this motion to ratify amendment C146 of the Cardinia planning scheme. It relates to the hamlet of

Cora Lynn, which is south-east of Pakenham, between Pakenham and Koo Wee Rup — a very pleasant part of Victoria. The rezoning is an initiative of the Shire of Cardinia, and it is backed locally, supported by the community and the council and was supported by the panel appointed to hear and consider submissions in respect of the amendment. The amendment has now come to the Parliament to be ratified.

One might ask why the Parliament is dealing with this. The reality is that were this a planning application rather than an amendment — and of course it is an amendment — it is of a nature that means it would not even get to a council table; it would be dealt with under delegation. Yet here we are in the Legislative Assembly of Victoria this afternoon becoming involved in a planning matter. The answer is quite simple: it falls under section 46AF of the Planning and Environment Act 1987, which requires that any amendment that has been approved by the minister and has the effect of altering or removing any controls over the subdivision of any green wedge land to allow the land to be subdivided into more lots or into smaller lots than allowed for in the planning scheme must be ratified by the Parliament.

The particular provisions of the act that apply in this case are the metropolitan green wedge provisions contained in part 3AA, which were introduced into the Parliament in 2003. They require that any matter that varies the urban growth boundary or relates to a more intense subdivision of green wedge land should come before each house and be considered. As others have noted, the normal course of events for a planning scheme amendment is that it is laid before both houses and any member has the opportunity to oppose the adoption or implementation of that amendment. In this case it requires a formal motion.

These provisions are no doubt well intended. The green wedge provisions changed a lot of the planning landscape around Melbourne, sometimes not always helpfully. I have mentioned in this house many times before that in my electorate the introduction of the green wedge controls actually moved the line in the sand backwards quite some way, particularly in the landscape protection areas of the Mornington Peninsula planning scheme, or the former landscape protection areas. The controls that are now in place are significantly weaker than the controls that applied under the former planning scheme, so it has not always worked very well. But that is the framework under which we are working.

It might well be argued, and I think I probably would argue, that the Parliament's time could be better used. It might well be argued that the planning system could be better served by some other mechanism. I think it was well intended, and clearly in terms of the big moves of urban growth boundaries and that sort of thing it is probably appropriate. Whether it is appropriate in terms of two dwellings, I am not so sure. However, those are the rules under which we are operating this afternoon.

I will remark in passing, as mention has been made of former Premier Hamer's work on the green wedges, that the green wedges then were a very different kettle of fish to the vast area that is now defined as green wedges as a result of that 2003 intervention in local schemes. I will now turn back to C146 — —

Mr Wynne — But the genesis of it was the Hamer government.

Mr MORRIS — The genesis of it, as the member for Richmond interjects, was during the Hamer government, but of course it was a far more discreet and finely nuanced proposal than the vast expansion that we saw almost a decade ago now. I turn now to C146. Cora Lynn has been identified as a rural locality. It is a collection of some 19 small lots which are clustered around the intersection of the Bayles-Cora Lynn Road, Nine Mile Road and Bunyip River Road, currently occupied by some nine houses.

A previous request from the council to authorise the application of a restructure overlay to only one property without rezoning the whole cluster was refused by the former planning minister — I believe it was the immediate past planning minister — as being inconsistent with a special use zone. I have to say that while I did not agree with many of the decisions that that particular minister made, particularly in terms of green wedge areas, I certainly support the decision in this case. The proposal was a very clumsy arrangement, a blunt instrument. It would not have served the community or the planning system well had the minister been prepared to allow that to go forward.

However, in June 2010 the Cardinia Shire Council submitted a further application preparing an amendment to rezone the land that is the subject of debate this afternoon from special use zone schedule 1, a horticultural preservation zone, to a low-density residential zone. That change simply reflects what is in fact the case on the ground. The horticultural zone is the underlying zone but is in effect land that is developed in an urban manner, albeit a very small settlement. So I think the changes that are proposed by C162 simply reflect the reality of what is on the ground and probably are as much the result of an oversight during the translation process from the former prescriptive

schemes to the current performance-based schemes. The net result of the amendment is that it will allow two more dwellings in Cora Lynn. Because it is green wedge, it requires some ratification by the Parliament.

The proposal is to rezone to low-density residential, which quite simply provides for low-density residential in areas that do not have reticulated sewerage but are able to treat and retain wastewater on the site. Coupled with that low-density residential zone is the imposition of a restructure overlay which provides a mechanism to preserve and enhance the amenity of the area and reduction of environmental impacts on dwellings and other development and further requires a permit for the realignment of any boundaries that have been consolidated. That will be inserted in the scheme in conjunction with the low-density zone and with a subdivision restructure plan which affects a number of properties in terms of this area, or in fact all those properties identified on the maps that are associated with the scheme.

The proposal in this case is a worthwhile one. As I said I have some doubts about the efficacy of having to have the Parliament deal with each of these matters. I suspect in many cases it is a considerable deterrent to councils rationalising these matters and taking steps which protect the land more effectively than the controls that currently exist. This process started a couple of years ago. In 2010 it went through the panel process, was agreed to and was then ratified by the council in 2011. It is March 2012, and we are only now able to deal with it here, so it has been a very cumbersome process. But this particular amendment I believe is a good one. It is going to improve and recognise the underlying situation. It is going to provide some certainty for land-holders and policy-makers in the form of the council, and I commend the motion to the house.

Ms GRALEY (Narre Warren South) — It is a pleasure to rise to speak on Cardinia planning scheme amendment C146. It is also a pleasure to follow the members for Mornington and Richmond, who have most comprehensively covered the main parts of this piece of legislation. I note that, like me, both those members have been involved in local government. As former local councillors we are fully aware of just how arduous and comprehensive the process of progressing a planning scheme amendment can be.

The land affected by this planning scheme amendment is in a small hamlet called Cora Lynn, which is located in a green wedge south-east of Pakenham. It has about 12 dwellings. This area is just outside my electorate. I was in Pakenham on Monday, and I had a good look around the outer suburbs, the new areas of Officer and Pakenham, and it is terrific to see so many people moving into that area and building their new dream homes. I expect that will continue. The land is currently zoned special use zone 1, horticultural preservation, and the block sizes and land use make this zoning inappropriate. I am glad to see that the new zoning will reflect the actual usage of the land. The member for Mornington in particular would know that many cases have come before councils where the land was already being used for something and has been used in that way for a long period of time. It is common sense that in such circumstances that should continue and that people should be supported to actually stay on the land and use it for those purposes.

I note that under the amendment this land will be zoned green wedge and that any further changes to the zoning or subdivision of land will require parliamentary approval. Labor's position on this is that we support the outcomes of the independent panel. As I said earlier, we know that going to an independent panel is a very arduous, complex and comprehensive process. I have appeared at them myself as a resident on a number of occasions. They do very good work usually, and on most occasions the residents in the area get a very solid and clear hearing.

I note that the amendment will have minimal impact on the green wedge, and we want that to be so. It is great to hear from those opposite, and certainly from those on this side of the house, that the green wedges are an icon of Melbourne. Labor has a long history of support for these wonderful parts of Melbourne. They are not only beautiful in many instances, but they are well regarded as places that people want to visit for recreation and to have a good time. We want to preserve those areas. Melbourne is one of the world's most livable cities. It is currently ranked no. 1 on the list of most livable cities. The Outer Suburban/Interface Services and Development Committee, of which I am deputy chair, heard from the Committee for Melbourne about what actually makes Melbourne the world's most livable city. The then CEO of that committee mentioned that it is very important for the green wedges of Melbourne to be maintained because they contribute greatly to making Melbourne the most livable city in the world.

I will finish my contribution there. I hope we will not see the green wedges undermined in any way in the future. I commend Cardinia planning scheme amendment C146 to the house.

Mr KATOS (South Barwon) — It gives me great pleasure to rise this afternoon to make a contribution in the debate on the Cardinia planning scheme amendment C146. The amendment pertains to land in the township

of Cora Lynn, which is situated south-east of Pakenham. Amendment C146 involves the land in question being rezoned from its present zoning as a special use zone, which is for horticultural purposes, to a low-density residential zone. As other speakers have said, this more accurately reflects the actual use of the land.

When I was a councillor at the City of Greater Geelong and held the planning portfolio, some very unusual farm management plans came before council when people were attempting to get past farming and special use zones. This land was used for those purposes a while ago but now no longer has that use, and a low-density residential zone is a more accurate reflection of the present land use. The amendment also involves a subdivision restructure plan, which consolidates some of the lots.

Section 46AG(1) of the Planning and Environment Act 1987 requires that this amendment be ratified by the Parliament. This is so that the amendment has the effect of altering or removing controls over the subdivision of any green wedge land to allow the land to be subdivided into more lots or into lots that are smaller than is allowed for in the planning scheme. Under the present special use zone there is no capacity via a planning permit to subdivide or create smaller lots of under 0.4 hectares in size. The proposed low-density residential zone allows for a permit to be granted to create the smaller lot sizes. Hence the amendment would have the effect of altering or removing any controls over the subdivision of any green wedge land to allow the land to be subdivided into more lots or lots smaller than what is currently allowed. Thus this amendment is proposing a change in subdivision, and this is the trigger that has brought it before the house today for ratification.

Amendment C146 proposes the following changes. The land at 460 Bayles-Cora Lynn Road is currently comprised of six lots. Five of those lots are contained on one title with an area of approximately 2 hectares. The other smaller lot has a house on it and has an area of approximately 620 square metres. The land at 462–464 Bayles-Cora Lynn Road is comprised of two lots. One of these lots actually contains the old Cora Lynn cheese factory, which has been converted into a dwelling. That lot is approximately 3700 square metres in size. The other lot next to it is vacant, and it is just over 4200 square metres in size. The Cardinia Shire Council is of the view that an additional dwelling could be supported on part of the land at 460 Bayles-Cora Lynn Road and on the vacant block at 462–464 Bayles-Cora Lynn Road, which is next to the old cheese factory that has been converted to a dwelling.

In order for these two additional dwellings to proceed, the existing dwelling at 460 Bayles-Cora Lynn Road would need to be placed on a larger allotment and an additional dwelling on the remainder of the land would possibly be subject to the granting of a planning permit. An additional dwelling may be constructed at 462–464 Bayles-Cora Lynn Road, which would be subject to the granting of a planning permit. The council at this stage would not support any additional dwellings on any other lots within the Cora Lynn township unless, as the member for Richmond pointed out earlier, further strategic work were done around any such further dwellings.

Part of this amendment provides for a restructure overlay to change the title boundaries and consolidate some of them. This applies over various properties on Bayles-Cora Lynn Road and properties at 455 and 465 Bunyip River Road and 710 Nine Mile Road. Basically as part of this amendment, no additional dwelling may be constructed on any land except for land at 460 Bayles-Cora Lynn Road and lot 1 of 462–464 Bayles-Cora Lynn Road. No dwelling can be constructed at 460 Bayles-Cora Lynn Road until all the present lots have been consolidated into a maximum of two lots, and each lot must have a minimum size of 0.4 hectares.

There is a bit of history to this application. It was originally refused by the previous Minister for Planning on 23 May 2007. The original application proposed to amend the special use zone at 460 Bayles-Cora Lynn Road to allow for the construction of a dwelling, to restructure the title boundaries and to increase the size of the existing 620-metre allotment. However, it was refused as the amendment was contrary to the special use zone, and hence we are making the change from a special use zone to a low-density residential zone to facilitate the subdivision. This application was revised from the original application and is now before us today. It was received by council on 16 June 2010, and that is effectively what we are debating here today.

The public exhibition of this proposal took place from 17 March to 18 April 2011. There were seven submissions received, five of them were from service authorities and there were two from private land-holders. The service authorities' submissions are fairly standard when you have a panel hearing and invite submissions to be put forward. The fact that only two land-holders put in submissions shows that there was general approval in the local community for this subdivision and for these additional two dwellings to be

built. The independent panel review took place on 25 August 2011, and it recommended adoption subject to some conditions. The proposed changes made by the panel were included, and council then adopted the amendment in accordance with the panel recommendations.

In summary, this will only provide two additional dwellings in the Cora Lynn township. It is not a large-scale development; it is a relatively small development. As the member for Mornington pointed out earlier, if this was not in green wedge land, it would probably have been handled in other councils by their officers under delegation. But it is in green wedge land and hence we have the triggers put in place, which is not a bad thing. One thing that is also relevant is that the proponents of any dwellings or subdivisions will still have to go through the normal planning permit process. It is not a fait accompli that they will be able to build anything they like; they will still have to go through the normal planning permit process just as anyone else would. With that, Speaker, I am happy to commend the motion to the house.

Mr DONNELLAN (Narre Warren North) — It is an honour to speak today on the motion to ratify amendment C146 to the Cardinia planning scheme. I know the council is a well-run council — I often speak to Garry McQuillan, chief executive officer of Cardinia Shire Council — and I know this planning scheme amendment is appropriate in the circumstances. Under the current provisions of this special use zone, which is horticultural preservation, a dwelling is required for permitted use and it must be the only dwelling on a lot of a minimum of 10 acres. The land at 460 Bayles-Cora Lynn Road does not meet that requirement from what I understand. People were suggesting there is only about 600 square metres in the lot, and it is pretty difficult to undertake horticultural uses on a property of that size.

I understand it is not intended to allow all lots within the township to have an additional dwelling but just that specific lot. Rezoning the land to a low-density residential zone would allow the land to be included in a zone that is reflective of the current use of the land. I note that the Cardinia planning scheme amendment C146 panel report said that the land specifically being rezoned in this instance was isolated from other farming land by the location of the drainage reserve. Two allotments exist and the proposal will not require subdivision of land in the green wedge. There was formerly a separate dwelling on the land. The current dwelling is within a heritage cheese factory and, as the previous member indicated, any future dwelling will require town planning approval in the form of a town planning permit. The lot is located centrally to the settlement and consolidates dwellings in that area. It makes perfect sense that if the lot is not being used for horticultural use, and it is very much a township as they say, it receives the appropriate zoning that reflects its use.

The only concern we would have would be to ensure that green wedges are recognised as worthy of protection. This amendment does not attack green wedges per se; it deals with what is in existing use in a township, but we would certainly want to protect the legacy of the Liberal Party and Dick Hamer in relation to these green wedges, which were developed through Alan Hunt and others, and they did a marvellous job. It would be sad to see that affected in the long run.

I know there are currently reviews looking into whether there should be greater commercial or residential development in green wedges. I know many councils have rejected that proposition, including the Shire of Yarra Ranges, which is just up the road from my electorate. The government has also directed the Growth Areas Authority to look at potential land within green wedges that it could use for residential and commercial housing developments. Obviously that would be concerning. I also understand the Premier's office, through its private advisers, is looking at an audit of green wedge uses.

This amendment deals with something which needed to be dealt with, which is a township that is currently inappropriately zoned, but I would certainly hope that this does not lead to further bills in the house which would damage the legacy of the Liberal Party in this space, and I think it has a very good legacy. However, we are specifically supporting this amendment, and I commend the motion to the house.

Ms WREFORD (Mordialloc) — I rise in support of amendment C146 to the Cardinia planning scheme. Like a number of members in this house, I too have been a local government councillor and have had to deal with many planning submissions in my past life, and I know how contentious they can be. A normal planning issue would not come before this house, but because this is an actual planning scheme amendment it is in front of us today.

The amendment relates to the village of Cora Lynn, which is a small isolated village about 10 kilometres beyond the urban growth boundary near Pakenham. This planning scheme amendment comes at the request of the council, and it has also come to us with the planning panel's approval for ratification. Basically this is here because there is a zoning anomaly that needs to

be corrected to allow two houses to be built within the village boundary consistent with the rest of the village.

This amendment changes the zoning from special use zoning to the far more appropriate low-density residential zoning and comes with a restructure overlay to ensure that the development is consistent with its surrounds. It is a common-sense amendment that will consolidate the Cora Lynn township and straighten up this anomaly which has Cora Lynn, in effect, in the wrong type of planning zone.

This is a relatively minor amendment. Cora Lynn is a farming community, and the main village consists of about nine houses. It is 19 kilometres south-east of Pakenham by road and about 13 kilometres as the crow flies. It is about 13 kilometres by road east-north-east of Koo Wee Rup. Most of the kids in Cora Lynn would go to Bayles Regional Primary School, which is about 5½ kilometres away. The surrounding region is large enough that Cora Lynn has some very good netball and football teams, but those teams have a larger membership than the actual Cora Lynn village. It is really a genuine Gippsland farming town, and it is identified as a rural locality in the Cardinia planning scheme.

This amendment consolidates the lots of two addresses in the village and would allow the number of dwellings in Cora Lynn village to expand by a whopping 22 per cent, or two dwellings. Primarily it does this by consolidating six lots at 460 Bayles-Cora Lynn Road into two lots that are more consistent with the size of properties in the surrounding area. Houses cannot be built there under its current special use zoning because the lots are not larger than 10 hectares, which is normally required in green wedge areas, so the amendment has come to us as part of a fairly long-winded process that started back in 2007 when a similar application was made but was not consistent with the zoning requirements back then.

This revised request was received in June 2010, and Cardinia council authorised it in January 2011. It was placed on exhibition in March or April of 2011 and went to the panel some time in 2011. Council adopted the planning panel's recommendation in October 2011 and the minister approved it in February 2012, just last month. Today what we are doing is ratifying that decision, which has been, as I said, a fairly long-winded decision as is required for green wedge land under the Planning and Environment Act 1987.

Just to clarify something the previous speaker said, this is not part of the recent request for anomalies within the green wedges to be brought forward. It is certainly an anomaly in the green wedge but it is completely separate from that other process. This is a one-off consideration and 460 Bayles-Cora Lynn Road is currently home to a lot of grass and a small track for horses to trot around. It is a couple of doors down from the Cora Lynn cheese factory, which was established in 1910, so there is a lot of history around there. This land cannot be consolidated with other larger farming land surrounding it due to the rather large drain running behind it. It is this separation more than anything else that makes the current zoning inconsistent. It simply cannot be made into a larger farm, and the drain acts as a natural boundary for the township, so it would be quite inconsistent for this site to be used for something like a market garden, and it could not be anyway given that it is central to the town. However, with planning it has to make some sense in terms of the planning system and the law, so in this instance the applicant has gone through all the right channels in this request and it is consistent with the rules and objectives of sound planning.

It also went to the planning panel, and in its opinion this amendment was generally consistent with the aims of the state planning framework and the Cardinia planning scheme, so everybody agrees that this amendment needs to be made and this should be done. The sites in question are currently zoned special use. At the moment they could be used for mining, minor utility installation, natural systems, roads or a telecommunications facility without a permit, but with a permit their current use extends to agriculture, animal husbandry, a caretaker's house, a dependent person's unit et cetera. These uses are not consistent with what the township should be.

This planning scheme amendment requests that the site becomes low-density residential — in other words, that a house can be built on a large lot, and it is certainly not a normal suburban dwelling. That would require residential zoning; this is for large-lot subdivision.

As I said, it has the support of both the Cardinia Shire Council and the planning panel subject to conditions which include a restructure overlay to ensure that the lot sizes and development are consistent with the surrounding properties. I reiterate that this is not a precedent for other areas within the green wedge; this amendment stands on its own.

In summary, the rezoning is to a low-density, low-impact zone. Cora Lynn is a small, isolated farming community about 10 kilometres beyond the urban growth boundary near Pakenham. This planning scheme amendment is sought to correct a zoning anomaly to allow two houses to be built on the village boundary, consistent with the rest of the village. It has

come to us for ratification with both local government and planning panel approval. This amendment will change the zoning from special use zoning to a far more appropriate low-density residential zoning and comes with a restructure overlay to ensure development is consistent with the surrounding area.

It is a common-sense amendment that will consolidate the Cora Lynn township and correct a small anomaly that has been allowed to go on for far too long. I am pleased to support the amendment and commend it to the house.

Ms GREEN (Yan Yean) — It is with great pleasure that I join the debate in support of the Cardinia planning scheme amendment C146. The planning scheme amendment before us proposes changes to zoning and subdivisions in the green wedge, which I am pleased to say require the approval of the Parliament. This is a regime established by the Planning and Environment Act 1987, and it is something I am really proud of. Other speakers have described Melbourne as the world's most livable city, and for good reason — that is, the foresight of many in this state who have sought to protect our green wedges, the lungs of Melbourne.

I pay tribute to a former Premier, the late Sir Rupert Hamer, who is the father of the green wedges. I know there is still a great deal of passion within Liberal Party branch memberships and a great deal of respect for his legacy. I have served with many members on my own side who have been proponents and champions of our green wedges, and I pay tribute to the former member for Warrandyte, Phil Honeywood, with whom I had the pleasure to serve in this Parliament. We shared that great postcode of 3133 — Warrandyte. I think we both have a very clear commitment to the retention of that green wedge, and I hope that continues into the future.

I offer my support and congratulations to the rank and file members of the Liberal Party who established the Liberals for Green Wedges with Lady April Hamer as their patron. I offer them bipartisan support for the retention of the green wedges, and I hope it will mean that the current threats to our green wedges proposed by the government do not proceed.

As other speakers have mentioned, the amendment to the Cardinia planning scheme concerns a small hamlet called Cora Lynn, which has about 12 dwellings, in the green wedge south-east of Pakenham. It is not dissimilar to many of the beautiful villages throughout the green wedge municipalities that ring Melbourne. Whether they be in the shire of Yarra Ranges, the shire of Nillumbik or the city of Whittlesea, there are many lovely little hamlets that have existed for a long time and still need support for appropriate zonings to maintain their green wedge character.

I support the process that has been gone through for the rezoning of the area from the special use zone (schedule 1 — horticultural preservation) to a low-density residential zone, and for a restructure overlay to be applied to the land. The new zoning will reflect the actual use of the land, and the land will still be zoned green wedge. Any further changes to the zoning or subdivision of the land will require parliamentary approval.

Two parcels of land will be affected by the changes. The first consists of six lots of land at 460 Bayles-Cora Lynn Road, which is currently owned by the same person. The proposal is to consolidate the six lots into two and to allow for the construction of a dwelling on the lot which does not already contain a dwelling. This should not in any way be seen as being inconsistent with green wedge principles; in fact it is very consistent with green wedge principles. The second parcel, at 462–464 Bayles-Cora Lynn Road, currently consists of two lots. The proposal is to allow for the construction of a dwelling on the lot that is without a dwelling. This makes sense, because currently the size of the lots means that they cannot be sold as farmland. The change will strengthen the settlement and allow for the lots to be sold and for the new owners to build a house.

Importantly the planning scheme amendment reflects the independent panel report, which has been accepted by the council. This modification to the Cardinia planning scheme is in keeping with the current land use. While we, like many in the community, are wary of development on green wedge land and are concerned about any precedents set by changes of use in green wedge land, we accept the outcome of the independent panel. This change will have a minimal impact on the green wedge, unlike some of the other reviews that are occurring at the moment. The Minister for Planning has written to green wedge councils asking them to hand over green wedge land for commercial and residential use. I am glad that most councils have rejected this request, in particular the Shire of Nillumbik.

There has been a second proposal for the Growth Areas Authority to look for green wedge land that can be converted into a commercial and housing development. I commend the Doreen Residents Action Group for its opposition to Whittlesea council officers submitting a piece of land along the Plenty River for this purpose without it going through council decision-making processes. I commend the councillors for reversing that decision.

The final threat to the green wedges is the secret review or the audit of green wedge uses by the Premier's office. This audit is focused on expanding the type of development that can occur in green wedges without public scrutiny and without public consultation. That is not the way to protect our green wedges into the future. I have been privy to changes to allowable uses and schedules in green wedge zonings in the past, in particular to ensure that fire stations and other emergency services were added to the schedules as an allowable use. There is always room for sensible discussion and changes to the schedules if they are done in a public and open way. At the moment the influence of those who are seeking to destroy our green wedge land and take the money and run is not consistent with the Hamer legacy and Liberals for Green Wedges.

However, I support those who have fought long and hard in support of our green wedges. My dear friend, the late Jenni Bundy, was a passionate champion and defender of the Nillumbik green wedge. She sadly lost her life in the Black Saturday bushfires in the green wedge that she loved. I will always remember Jenni for her passionate support of the green wedge. With those words, the opposition supports the Cardinia planning scheme amendment C146.

Mr BATTIN (Gembrook) — I rise today to speak in support of the Cardinia planning scheme amendment C146. Before I go into the detail of this planning scheme amendment and the technicalities of why it is before us, I note that the planning scheme amendment is a local initiative put forward by Cardinia Shire Council. That council does a lot in the way of community consultation when it is looking at processes that potentially could have a big effect on land in the area, such as this amendment. Phil Walton, who is the planning manager for the council, has assured me — as he assures me every time he is doing anything regarding planning in Cardinia — that he went out of his way to make sure that he or someone from his department spoke one on one with as many people in the area as possible. That is very important, and it is something this government supports. Before a council puts up any planning amendment, and before it comes through Parliament, we need to be assured that the council has done the correct community consultation. With something like this it is important to have trust in a councillor like that.

The amendment applies to 445, 447, 460, 462–464 and 466 Bayles-Cora Lynn Road; 455 and 465 Bunyip River Road; and 710 Nine Mile Road — all in Cora Lynn. For those who are not familiar with the area, Cora Lynn is known for a few things. It has an exceptional football team, which has managed to pick up some good players from down my way in Berwick and Beaconsfield to play in its competition, and it has taken out a few premierships recently. To match its football team it also has a fantastic netball team. That is important. It is quite amazing to see the results a town this size can get. It proves that a small community can achieve wonderfully big things.

The lots in the township of Cora Lynn are to be rezoned from special use zone, schedule 1 , horticultural preservation, to low-density residential zone. I was talking about the important aspects of Cora Lynn, and one of them is that it is a big farming community. Anyone in Victoria who has eaten a potato would have eaten one from Cora Lynn; it produces some of the best potatoes. The people of Cora Lyn have had a pretty tough couple of years. Many farmers have lost much of their crop to floods. They have received plenty of support from the state government and the local council to re-establish their businesses. Potatoes can only stay under water for a certain amount of time before you write off not just that year's crop but also future crops. Farmers have found it difficult because the land is flat, so the water has stayed around the area for a long time after a couple of floods there. Many farmers have lost not only last year's crops but have already said they will not get any crops this year. They are preparing for next year already and are trying to make sure they can re-establish their businesses and continue farming in a fantastic farming environment.

This amendment applies a restructure overlay to the land and amends the schedule to clause 81.01 to introduce the associated incorporated document entitled *Cardinia Shire Council, Subdivision Restructure Plan*. As I was saying, the ratification would take it from schedule 1, special use zone — which is to preserve land of high agricultural quality for horticultural and other farming activities — to low-density residential zone to provide for low-density residential development lots which, in the absence of reticulated sewerage, can treat and retain all wastewater.

There are currently nine houses in this area of Cora Lynn. It is a small town, but as I was saying before, small towns are important. The township has wonderful representation from the member for Bass, who is also the Speaker. I am sure he would have had much to do with the people down there and would have had a chat with them in relation to this. It is important to note that it is not practical or possible for the land that is being rezoned, which is currently zoned as special use, to be used for horticulture or agriculture. It is a common-sense decision that the council put to a unanimous vote to ensure that the decision had the

support of all councillors. It arose out of the work of council employees.

If the amendment is ratified, at most the outcome would be a possible extra 2 dwellings, so the area could go from 9 to 11 dwellings. Applications still have to be made for building; this does not apply to existing buildings. If you look at an aerial map of the area and at where the dwellings will go, you will see it will not have a big footprint and will not create a major environmental issue. Obviously this is in a green wedge zone — we have heard lots of talk about green wedges, perhaps from some who are trying to stir this up as a potential for other things — but it is just a common-sense decision regarding a small area. That is the important issue. The council has come forward and said, 'This is a common-sense decision. We support our local residents'. It is something that is needed in the area, and the two extra dwellings will not make a massive difference as far as environmental impact goes.

Green wedge zones were introduced many years ago by the Hamer government not only to protect the lungs of Melbourne, which everybody refers to, but also and importantly to protect good agricultural land. Some of that good agricultural land is in Cora Lynn, as I said. However, if you ever get an opportunity, you can also go down to Dalmore, which has some of the best asparagus in Australia. The asparagus is so good it is taken to the markets in Melbourne and a lot of it ends up offshore in Japan. The Japanese are big eaters of asparagus. They love asparagus, and they buy some of our best quality product, knowing that the soil in the Dalmore area is among the best in the world for such products.

There is a lot of exporting of potatoes as well. They are not only sold in local shops but also to some of the big suppliers. In my electorate of Gembrook we have a lot of potato farmers. Potato farmers have other issues with potato cyst nematode, which we are trying to work through. It is causing a lot of issues for our farmers in the hills, and we are working hard with them to try to establish alternative farming methods for those areas. Being on a hill in Gembrook, they do not have the same problems with floodwater staying on the land that the farmers of Cora Lynn have, but all these farmers are facing tough times. They want to know that if they have the opportunity to do anything to help them move forward in their farming practices, the government will support them.

The amendment was required in Bayles-Cora Lynn Road, Cora Lynn, in conjunction with the identification of an opportunity to construct an additional dwelling on land at 460 Bayles-Cora Lynn Road and 462–464 Bayles-Cora Lynn Road. The land at 460 Bayles-Cora Lynn Road, Cora Lynn, comprises five lots contained within one title in an area of approximately 2 hectares. The land at 462–464 Bayles-Cora Lynn Road has an area of approximately 7998 square metres and comprises two titles.

The size of that land — and I know the Acting Speaker would understand the farming practices and what have you, as he has plenty of farms in his electorate — means the properties are not big enough to be commercial properties or to have commercial farming. They are very small areas that currently have nine dwellings on them. Cora Lynn is a very small town and one that we will continue to support after its community has had a few hard years. I am 100 per cent sure the government can work with the council and the local community to ensure that they have not only more success on the footy field and the netball patch but that farming can continue into the future. With that short contribution I support ratification of Cardinia planning scheme amendment C146.

Mr LANGUILLER (Derrimut) — I rise in support of amendment C146 to the Cardinia planning scheme. Is it not surprising that one of the dreams of former Liberal Premier Sir Rupert Hamer was delivered by a Labor government? I am talking about the green wedges. It was a good idea delivered by Labor, and what has now been introduced by my very able colleagues on both sides of the chamber goes hand in hand with that. But one needs to say that whilst we certainly support and do not oppose the proposed amendment, we will be keeping a very close eye on it and protecting that area. We will be vigilant. This amendment does not damage or jeopardise the green wedges, but we will be vigilant.

I also want to say we have had great champions who have stood up for the green wedges, and I take this opportunity to put forward some of their names. They include the members for Yan Yean, Macedon, Eltham, Monbulk, Narre Warren South and Narre Warren North. They have stood up for Victorians and made sure that we look after the state in the best possible way.

The Cardinia planning scheme makes changes to zoning and subdivisions in the green wedge that need to be approved by Parliament, and that is why we are talking about this matter here. The land affected is a small hamlet of about 12 dwellings called Cora Lynn in the green wedge south-east of Pakenham. It is currently a special use zone for horticultural preservation. The block sizes and land use make such zoning

inappropriate, so we are here to support Cardinia planning scheme amendment C146.

The Acting Speaker will appreciate that this is not one of those debates that attracts a lot of attention or interest. It is not one of the so-called interesting debates, but it is an important one that will benefit particular regions. Its importance goes hand in hand with the protection of the green wedges. It is important for the region, and it is important for Victorians. Unlike the previous member who concluded his remarks by indicating he had made a very short contribution — 10 seconds short of 10 minutes — I will conclude by saying that I wish the Cardinia planning scheme amendment C146 a speedy passage.

Mr SOUTHWICK (Caulfield) — It gives me pleasure to speak on Cardinia planning scheme amendment C146. I will begin by correcting the record of the former speaker, the member for Derrimut, who spoke of the green wedges being something that was instituted by the former Labor government. As many members from both sides of the house have correctly pointed out, they were established some 40 years ago by Sir Rupert Hamer, the Premier at the time, who referred to them as the lungs of Melbourne. Although they have been supported since by the Labor Party, the initial idea for the green wedges came from a fine man and a great Premier, Sir Rupert Hamer.

We are here today to talk about a number of things when it comes to — —

Honourable members interjecting.

Mr SOUTHWICK — I hear members opposite interjecting. I was purely correcting what the member for Derrimut said, which was that the green wedges initiative came from the Labor government in the first instance. Let us get back to it. I suggest that members open their ears and listen to what the motion is actually about.

The amendment prepared by Cardinia Shire Council, which is the planning authority, is about ensuring that there is a process to deal with sensitive areas such as this. We are talking about two additional dwellings to be built on this land. It is important that there is proper local consultation and support when sensitive areas such as this will be affected, and I acknowledge that there has been extensive consultation and support in bringing this amendment to the house. Under normal protocol and in an ideal scenario these sorts of schemes are dealt with by delegation and are not subject to the process we are going through today, which means we are able to get on with the job of ensuring that our planning is consistent — something which the Minister for Planning is working very hard to fix.

The area of Cora Lynn is small in terms of population. It has some 230-odd people, according to the 2006 census. We are talking about an area with about nine houses which is strong in agriculture, as the member for Gembrook pointed out, with potatoes being a key product that is grown there, and which even supports good old Australian Rules, with the Ellinbank and District Football League. The rich, deep peat soil there and high rainfall results in good pasture which is ideal for stud farms. I draw the attention of the house to Briarwood Stud, which is a stud farm that operates in the area of Cora Lynn and is where the premier trainer Peter Moody trains horses. Although the area is small in size and in population, a lot of activity takes place there.

This amendment applies to lots 440, 445, 447, 460, 462–464 and 466 of Bayles-Cora Lynn Road, lots 455 and 465 of Bunyip River Road, and lot 710 of Nine Mile Road, Cora Lynn. As I have said, it is a small area which is approximately 13 kilometres south of Pakenham, and currently there are approximately nine dwellings in the area. We are looking at allowing two additional dwellings to be built in this area. We are proposing the ratification of this amendment to rezone the lots from special use and to apply a structural overlay over the land. This is required to construct additional dwellings at 460 Bayles-Cora Lynn Road and 462–464 Bayles-Cora Lynn Road, which are the two areas that have been identified.

As I said, farming is an important activity that the area in question is known for. However, there is not the ability to partake in a commercial activity of a decent size and for it to be commercially viable on these lots. With this rezone we will be allowing two low-rise developments to be built in the area, which will retain people in the area and ensure that there are good, quality activities but will still enable agricultural and horticultural purposes in the area. It is a good mix. It is important to retain people on the land and to encourage people from all regions, particularly in rural and regional areas, to stay in their municipalities. Rather than blocking people and forcing them out of rural and regional areas, we need to be looking at ways of keeping people in those areas.

Certainly the local residents who have put forward this proposal and who want to build the additional dwellings are doing so because they and their families want to remain in the local area. As I say, this is really important. We should be supporting in whatever way we can people residing in these townships and ensuring

that they can make a go at whatever they do in these areas.

I note that one of my other activities in the Parliament is being involved with the Education and Training Committee. We are looking at agricultural education and ways of retaining skilled, young people in rural and regional Victoria. This is a perfect example of looking at small areas, trying to ensure that these areas continue to flourish and grow, and doing whatever is needed to ensure that the people there are able to stay and have their families stay. In order to do that we need to review regulations like this to ensure that people can get on with and build some additional dwellings to allow these families to grow and the areas to grow with them.

As I have said, the area is already developed for residential purposes. There are nine dwellings, it is relatively small, and the amendment will not have any impact, certainly environmentally, on the area. We are certainly not looking at doing anything to upset the mix of public land and private land. We are providing the ability, on land that is already held privately and is currently owned by the individuals, to build an additional two dwellings. It would probably have been better for all of us if this could have been done by delegation through council. However, the process does not allow that; it requires it to be done through both houses of Parliament. Therefore I wish this bill a very speedy passage — —

Honourable members — This motion.

Mr SOUTHWICK — Motion, thank you very much, a speedy passage so we can allow these residents to get on with and enjoy living in what they would see as their great home — their castle — in the area of Cora Lynn.

Ms BEATTIE (Yuroke) — I thank the house for the opportunity to make some brief remarks on amendment C146 to the Cardinia planning scheme. It is a common-sense amendment; let me say that from the start. The planning scheme allows changes to be made to zoning and subdivisions in the green wedge, and they need to be approved by Parliament. The days of the land grab are over, and Parliament should certainly have oversight of green wedge land.

Let me set the record straight. This was a vision of Sir Rupert Hamer in the 1970s, and I commend that vision. Sir Rupert Hamer was a great man, and many in this chamber could learn about what a visionary he was. But the legislation was first enacted in 2003, so the Labor government delivered on Sir Rupert Hamer's vision. I commend both Sir Rupert Hamer for having the vision and also the Bracks government for introducing that legislation.

The amendment affects only two parcels of land and allows for their rezoning. The proposal will allow for the lots to be sold and for the new owners to build houses. Other similar applications were considered but were not accepted either by the council or the independent panel.

I want to say a few words about the panel system, which I think is a good system. I understand there are a couple of reviews on the desk of the Minister for Planning, and I urge the minister to make those reviews public. Let the public see what is going on. I call on the minister to release those reviews he has commissioned and let us see what is going on, because there are people who are out for the land grab. I know that in my own electorate there is a parcel of land which the council wants developed for a commercial zone but that has been furiously resisted by Melbourne Airport and the residents.

The ACTING SPEAKER (**Mr Weller**) — Order!

Ms BEATTIE — But back to amendment C146 — —

The ACTING SPEAKER (**Mr Weller**) — Order! I remind the member for Yuroke that this is about the Cardinia planning scheme amendment and that she is going to make some brief comments. I would ask her to relate them to the Cardinia planning scheme amendment C146 ratification motion.

Ms BEATTIE — As directed by you, Acting Speaker. As I said at the outset, this is a common-sense motion. It allows for the lots to be sold and the new owners to build houses. It is supported by the Cardinia shire and by the panel, but I have to say I am glad that Parliament, if you like, is the umpire of these things and that they are not done behind closed doors. I commend amendment C146 to the house.

Motion agreed to.

HEALTH PROFESSIONS REGISTRATION (REPEAL) BILL 2012

Statement of compatibility

Dr NAPTHINE (Minister for Ports) tabled following statement in accordance with Charter of Human Rights and Responsibilities Act 2006:

In accordance with section 28 of the Charter of Human Rights and Responsibilities Act 2006 (charter act), I make this

statement of compatibility with respect to the Health Professions Registration (Repeal) Bill 2012.

In my opinion, the Health Professions Registration (Repeal) Bill 2012, as introduced to the Legislative Assembly, is compatible with the human rights protected by the charter act. I base my opinion on the reasons outlined in this statement.

Overview of bill

The purpose of the bill is to repeal the Health Professions Registration Act 2005 that until 1 July 2010 regulated Victorian health professionals. As of that date, the majority of health practitioners were transferred to a national registration and accreditation scheme by the passing of the Health Practitioner Regulation National Law (Victoria) Act 2009. Chinese medicine practitioners and medical radiation practitioners remain regulated by the Health Professions Registration Act 2005 until 1 July 2012, at which date they too will transfer to the national scheme. There is no continuing role for the Health Professions Registration Act 2005 or the boards operating under that legislation after 1 July 2012 and the act should be repealed. The bill also makes necessary consequential amendments to Victorian legislation.

Human rights issues

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

The bill does not engage any human rights protected by the charter act.

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

As the bill does not engage any of the human rights protected by the charter act it is unnecessary to consider the application of section 7(2) of the charter.

Conclusion

I consider the bill is compatible with the Charter of Human Rights and Responsibilities because it does not raise any human rights issues.

Hon. Denis Napthine, MP
Minister for Ports

Second reading

Dr NAPTHINE (Minister for Ports) — I move:

That this bill be now read a second time.

The Health Professions Registration (Repeal) Bill 2012 is straightforward legislation that will repeal the Health Professions Registration Act 2005 and make minor consequential amendments to other acts. This bill is to repeal the Health Professions Registration Act 2005 on the basis that its functions are to be assumed from 1 July 2012 by regulatory bodies established under the Health Practitioner Regulation National Law Act 2009 (the national law).

On 1 July 2010, the national registration and accreditation scheme for the health professions commenced operation. This national scheme was implemented in Victoria following signing by the Council of Australian Governments of an intergovernmental agreement in March 2008, and the consequent passage of two acts, the Health Practitioner Regulation National Law (Victoria) Act 2009 and the Statute Law Amendment (National Health Practitioner Regulation) Act 2010.

These acts removed the regulation of 10 health professions from the Health Professions Registration Act 2005 and made necessary consequential amendments to other Victorian acts.

Ten national boards were established, one for each of the first 10 nationally registered professions. A national agency, the Australian Health Practitioner Regulation Agency, now provides administrative support to the national boards. Over 136 000 Victorian health practitioners are now registered and regulated under the national scheme.

The national law made provision for four additional professions to enter the national scheme from 1 July 2012. They are: Aboriginal and Torres Strait Islander health practice, Chinese medicine, medical radiation practice, and occupational therapy.

Only two of these professions are currently registered professions in Victoria — the professions of Chinese medicine and medical radiation practice.

Since July 2010, these two Victorian registered professions have continued to be regulated under the Health Professions Registration Act 2005. The arrangements for transition of these professions were enacted in part 12 of the national law.

From 1 July 2012, implementation of the national law will be completed with the transfer of responsibility for registration and regulation of these remaining two professions to the national boards established under the national law — the Chinese Medicine Board of Australia and the Medical Radiation Practice Board of Australia. As of this date, there is no further role for the registration scheme set out in the Health Professions Registration Act 2005. Consequently, this bill will repeal the Health Professions Registration Act 2005 and make necessary consequential amendments to Victorian legislation.

The bill makes minor consequential amendments to other Victorian legislation that references the Health Professions Registration Act 2005 or the old registration boards, to reference instead the national law, the relevant national boards and practitioners

registered under the national law. Some of the acts that will require consequential amendment in this way are:

Health Services (Conciliation and Review) Act 1987;

Drugs, Poisons and Controlled Substances Act 1981;

Transport Accident Act 1986;

Wrongs Act 1958.

I would like to take this opportunity to thank current and past board members, staff, hearing panel members, and others who have, over many years, contributed their time and energy with great commitment and skill to provide an effective Victorian regulatory regime for Chinese medicine and medical radiation practitioners. Your contributions have contributed to protecting the Victorian community and safeguarding the quality of health services.

The date for commencement of this bill should be 1 July 2012.

I commend the bill to the house.

Debate adjourned on motion of Mr PALLAS (Tarneit).

Debate adjourned until 11 April.

NATIONAL ENERGY RETAIL LAW (VICTORIA) BILL 2012

Statement of compatibility

Mr O'BRIEN (Minister for Energy and Resources) tabled following statement in accordance with Charter of Human Rights and Responsibilities Act 2006:

In accordance with section 28 of the Charter of Human Rights and Responsibilities Act 2006 (charter act), I make this statement of compatibility with respect to the National Energy Retail Law (Victoria) Bill 2012.

In my opinion, the National Energy Retail Law (Victoria) Bill 2012, as introduced to the Legislative Assembly, is compatible with the human rights protected by the charter act. I base my opinion on the reasons outlined in this statement.

Overview of bill

This bill is part of a program for national energy market reform. The purposes of the bill are to:

provide for the establishment of a national energy customer framework for the regulation of the retail supply of energy to customers;

provide for the relationship between the distributors of energy and the consumers of energy;

make consequential amendments to other Victorian acts; and

repeal electricity and gas industry cross-ownership restrictions under other Victorian acts.

Application of non-Victorian law

Part 2 of the bill deals with the application of the National Energy Retail Law to Victoria. Clause 4 of the bill declares that the National Energy Retail Law, being the schedule to the National Energy Retail Law (South Australia) Act 2011 (SA), applies as a law of this jurisdiction, and so applies as if it were part of the bill. The National Energy Retail Law applying pursuant to clause 4 is referred to in the bill as the National Energy Retail Law (Victoria). As the National Energy Retail Law (Victoria) applies as a law of Victoria, section 32 of the charter act will apply and the human rights impacts of the National Energy Retail Law (Victoria) are addressed in this statement of compatibility.

Clause 5 of the bill declares that the regulations made under the National Energy Retail Law (South Australia) Act 2011 (SA), being the national energy retail regulations, will apply as regulations in force for the purposes of the National Energy Retail Law (Victoria). The national energy retail regulations applying pursuant to clause 5 are referred to in the bill as the national energy retail regulations (Victoria).

Clauses 4 and 5 apply the National Energy Retail Law and national energy retail regulations, as amended from time to time, as a law of Victoria and regulations in force in Victoria respectively. Accordingly, I note that future modifications made to the South Australian legislation and regulations will apply to the National Energy Retail Law (Victoria) and national energy retail regulations (Victoria) without the need for further legislation, and so no further statement of compatibility will be made with respect to such modifications. I note that clause 12 of the bill provides that the National Energy Retail Law (Victoria) applies subject to certain Victorian specific arrangements and requirements set out in part 5 of the bill. I also note that clause 24(4) of the bill provides that the Governor in Council may make regulations modifying the operation of the national energy retail regulations (Victoria).

Human rights issues

I note that the bill imposes obligations on retailers and distributors and that only persons have human rights (section 6(1) of the charter act). Although an individual could be an energy retailer or distributor, in practice, energy retailers and distributors are, and in the foreseeable future will be, corporations. The bill does, however, concern the retail supply of energy to customers, which includes individuals. The human rights issues identified and discussed below are of relevance to those individuals.

Property rights

Section 20 of the charter act provides that a person must not be deprived of their property other than in accordance with law. This right requires that powers which authorise the deprivation of property are conferred by legislation or common law, are confined and structured rather than unclear, are accessible to the public and are formulated precisely.

Part 6 of the National Energy Retail Law establishes a scheme which deals with failed retailers and retailers of last resort. Under the section 122 definitions, a retailer (or former retailer) is a failed retailer where, amongst other things, the retailer's authorisation has been revoked, an insolvency official has been appointed, the retailer is being wound up, or in certain circumstances, where the retailer has ceased the sale of energy. A retailer of last resort is a retailer who has been registered as such under division 2 of part 6. Section 140 provides that a customer of a failed retailer, by force of the National Energy Retail Law, ceases to be a customer of that retailer and is transferred to a retailer of last resort as their customer. Section 141 provides that a contract for the sale of energy between a failed retailer and a customer is terminated in such circumstances.

To the extent that contractual rights may be considered to be property, the forced termination of contracts and transfer of customers in my view does not engage property rights. Such measures are in accordance with law, as they are authorised by the National Energy Retail Law and are not arbitrary. The measures are confined and structured by the provisions to apply in circumstances where the retailer is unauthorised or otherwise unable to further engage in the activity of selling energy. The object of the provisions is to protect customers and ensure the continuity of the sale of energy to those customers.

Privacy

Section 13 of the charter act provides that a person has the right not to have his or her privacy unlawfully or arbitrarily interfered with. An interference with privacy will not be unlawful if it is permitted by law that is accessible and precise. An interference with privacy will not be arbitrary if the restrictions it imposes are reasonable, just and proportionate to the end sought.

The following provisions in the National Energy Retail Law provide for the collection, use and disclosure of personal information:

Division 6 of part 2, which deals with retailer customer hardship policies to identify individuals experiencing payment difficulties due to hardship. This implicitly requires that customers provide certain personal information to retailers to be eligible.

Section 85, which provides for information relating to a small customer complaint or dispute to be provided to the energy ombudsman. A small customer includes customers who purchase energy principally for personal, household or domestic use.

Part 6, particularly sections 151, 152(1)(a), 153(b), 154(2), 156 and 157, which permit the Australian Energy Regulator to obtain and disclose certain personal information about a failed retailer's customers, such as their names, contact details and addresses.

Section 202, which provides for the creation and retention of records of claims of compensation for property damage, which the Australian Energy Regulator may use to monitor compliance. These records are likely to contain small customers' personal information.

Part 8, particularly sections 206–214, 216 and 220, which permit the Australian Energy Regulator to obtain and use information and documents and disclose confidential information (see also the retrospective arrangements under section 22(4) of the bill).

To the extent that the above clauses engage the right to privacy by requiring the provision of information about small customers, it is necessary to enable the energy ombudsman and the Australian Energy Regulator to investigate complaints from small customers, monitor compliance in relation to compensation claims and otherwise perform or exercise their specified functions and powers in monitoring and regulating the retail supply of energy to customers. With respect to retailer customer hardship policies, the provision of personal information is necessary to identify hardship customers and provide them with certain assistance and protections. The object of the provisions in part 6 is, as outlined above, to protect customers and ensure the continuity of the sale of energy to those customers. In all, the provisions in the National Energy Retail Law clearly set out the circumstances in which they operate. Moreover, the collection, use and disclosure of such information by the Australian Energy Regulator will be subject to section 44AAF of the Competition and Consumer Act 2010 (commonwealth). Accordingly, the collection, use and disclosure of personal information will not be unlawful or arbitrary.

Conclusion

For the reasons given in this statement, I consider that the bill is compatible with the charter act.

Hon. Michael O'Brien, MP
Minister for Energy and Resources

Second reading

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

That this bill be now read a second time.

The National Energy Retail Law (Victoria) Bill 2012 is part of the national energy market reform program of the Council of Australian Governments. The aim of the program is a seamless national energy market that is competitive and that drives efficient investment in and use of energy infrastructure. Earlier phases of the program have seen the adoption in Victoria of uniform laws to regulate wholesale and network activities in the national electricity market and gas wholesale market, and the establishment of national regulatory bodies.

In this phase, a national framework will be established for regulating retailers and distributors who sell and supply electricity and gas to consumers. The national character and efficiency of Australia's energy markets will be enhanced, and strong safeguards for consumers will be provided on a uniform basis across the participating jurisdictions. At the same time, the bill will preserve certain existing Victorian measures to ensure optimal protection for energy consumers in this state.

The bill will apply the National Energy Retail Law in Victoria. It is the third national energy law to be established under the Australian Energy Market Agreement. It joins the National Electricity Law and National Gas Law and brings the whole energy supply under national regulation.

Today energy retail markets are separately regulated by states and territories. This is inefficient, with duplication of processes and systems leading to higher compliance costs for retailers operating across borders. At the request of the Council of Australian Governments, the Ministerial Council on Energy has driven the development of the National Energy Retail Law with the aim of achieving a national, harmonised regulatory regime for energy retailing.

The primary aims of the National Energy Retail Law are to streamline regulatory requirements, increase efficiency through regulatory harmonisation and maintain best practice consumer protection.

The law will facilitate retailers moving beyond state borders to operate nationally. National retailer authorisation will allow a retailer to obtain one authority to conduct business across all participating jurisdictions, rather than six separate retail licences. This will reduce costs for retailers and bring benefits to customers in increased competition.

Regulatory harmonisation will deliver many benefits, not least by instituting a national retailer of last resort framework to replace existing jurisdictional schemes. Retailer of last resort schemes provide for the substitution of a back-up retailer where a customer's current retailer fails or exits the market for other reasons. They are necessary to support fully contestable retail markets, ensure the continued supply of energy to customers and provide financial security for wholesale energy markets. A national scheme has the added benefit of applying to retailers operating across borders, and will allow national coordination by the Australian Energy Regulator (AER).

The National Energy Retail Law contains robust energy specific consumer protections and will complement other general consumer protection laws and privacy legislation. A key benefit of the law is greater consistency of consumer rights: energy consumers will have the same access to information and level of protection no matter where they live. Best practice local initiatives, such as Victoria's customer hardship policies, will be extended to vulnerable customers in other jurisdictions.

The Department of Primary Industries has undertaken a detailed review of the National Energy Retail Law and rules to identify any material gaps between it and existing Victorian regulations. The results of this review were presented for stakeholder input in the discussion paper released in July 2011. The decision paper published in December 2011 sets out those matters where specific Victorian regulation continues to be necessary. Most will be addressed in the regulations made under the bill, but the bill itself provides for continuation of Victoria's wrongful disconnection compensation scheme and maintains the existing ban on late payment fees being levied by retailers, both of which are important protections for Victorians.

The bill also provides for a smooth transition to the new national framework, in order to avoid disruption to energy consumers or to commercial relationships between businesses.

Customers currently will have a contract for supply with their retailer. This may be a market offer, which is offered by retailers on a commercial basis, or a standing offer contract which retailers are obliged to provide. The National Energy Retail Law maintains this distinction. The bill provides that customers on standing offer contracts will be transferred on to the corresponding standard retail contract under the law. Customers on market offer contracts will retain those contracts. In neither case will customers face disruption or be required to do anything to maintain the continuity of their supply.

Customers in the electricity industry also currently have the benefit of a deemed distribution contract with their electricity distributor, but gas customers do not. The bill provides for a seamless transition to the new deemed standard connection contracts with distributors in the electricity industry, and the commencement of deemed standard connection contracts with distributors in the gas industry.

Retailers that have held retail licences since before 11 April 2011 will be transitioned to holding national retailer authorisations under the National Energy Retail Law. Likewise, retailers appointed by the Essential Services Commission to be retailers of last resort will have their appointments carried over into the new national regime. The national energy retail regulations will contain these transitional arrangements.

Victoria has consistently been a leader in energy market development. Our energy sector was disaggregated and privatised in the 1990s. Full retail contestability was established in electricity in 2000 and in gas in 2001, allowing all households to choose their energy supplier.

Retail price controls were removed in 2009. We now have one of the most competitive energy markets in the world.

Victoria is also upgrading to advanced metering infrastructure (AMI), of which smart meters are an integral part. The Victorian coalition government has announced major changes to the electricity smart meter program after carefully considering the results of an extensive review.

Based on this review the option that will deliver the most benefit is to continue with an improved rollout, with a greater focus on the needs of consumers and bringing forward benefits. These benefits will include helping consumers better understand and control their energy consumption through devices such as in-home displays and providing households and businesses with more flexible pricing options.

While the introduction of AMI offers new opportunities for consumers, it also creates the need for new protections and safeguards. These protections and safeguards currently exist in the Victorian regulatory regime. The national framework for AMI, however, is still under development.

With advanced metering technology being rolled out across the state, it is critical that Victorians continue to benefit from robust consumer protections appropriate to the program. The government is committed to ensuring that the governance frameworks for the smart meter program keep up with developments in the market.

A number of Victorian-specific matters are to be provided for through regulations made under the bill. It is not practicable for the national energy retail rules to address highly localised issues that derive from different circumstances in the various jurisdictions. Regulations made under the bill will therefore provide for a range of matters currently contained in codes and guidelines made by the Essential Services Commission.

There are also some areas where the National Energy Retail Law and rules offer a materially lower level of protection or service than the existing Victorian framework. It is unacceptable to the government that, in the interests of national consistency alone, Victorians should lose key benefits.

Victoria's unique market conditions require Victoria-specific provisions in the national framework. The government is particularly concerned to ensure that customers are able to access and understand competing products in the energy retail market. Effective competition and effective choice in the retail market are the cornerstone of energy market policy in Victoria. This principle has greater importance as flexible pricing, enabled by AMI, becomes available on an optional basis in the future. To this end, the bill provides for the Essential Services Commission to continue to operate its YourChoice energy consumer information site.

I will now turn to the main provisions of the bill.

Part 1 provides for the purpose of the bill, its commencement and interpretation. The bill will be brought into operation by proclamation, which will enable coordination with other participating jurisdictions. For the same reason, the bill does not set a default commencement date.

The legislative scheme under the national energy market reform program is an applied laws model. This means that participating jurisdictions adopt the laws made by a lead legislator. In this case, South Australia has that role. Part 2 of the bill therefore applies in Victoria the National Energy Retail Law that is set out in the schedule to the National Energy Retail Law (South Australia) Act 2011, together with the national energy retail rules and regulations, which the South Australian minister will make on behalf of all participating jurisdictions.

The national energy laws framework also includes the National Electricity Law, rules and regulations and the National Gas Law, rules and regulations, which already apply in Victoria. The framework contains a common set of interpretation provisions and procedures for making subordinate instruments. For this reason, clause 7 of the bill provides that the Victorian Interpretation of Legislation Act 1984 and Subordinate Legislation Act 1994 will not apply to the National Energy Retail Law, rules and regulations.

Clause 9 extends the operation of section 320 of the National Energy Retail Law to the bill itself. The effect is to ensure that both are construed so as not to exceed the legislative powers of Parliament, particularly with respect to the imposition of duties on commonwealth officers or statutory bodies.

Part 4 of the bill provides for the validation of instruments and decisions made by the Australian Energy Regulator in preparation for commencement of the National Energy Retail Law, rules and regulations. Clauses 10 and 11 apply to the period since enactment of the South Australian lead legislation and enable the Australian Energy Regulator to undertake such activities as approve retailers' hardship policies, receive applications for national retailer authorisation and promulgate guidelines. Clauses 41 and 48 insert

equivalent provisions into the National Electricity (Victoria) Act 2005 and National Gas (Victoria) Act 2008, the application acts for the National Electricity Law and National Gas Law.

Part 5 of the bill contains Victorian-specific provisions that will operate alongside the National Energy Retail Law, rules and regulations. In particular, clause 13 preserves and continues Victoria's wrongful disconnection compensation scheme, and clause 14 preserves and continues Victoria's prohibition on late payment fees.

Part 6 of the bill contains general provisions to support the operation of the National Energy Retail Law in this state. Clause 21 enables Victoria's current regulator, the Essential Services Commission, to provide information and assistance to the Australian Energy Regulator, which will facilitate a smooth transition to national regulation. Clauses 22 and 23 ensure that the Australian Energy Regulator will be able to use all its usual powers with respect to compliance by energy businesses with the Victorian-specific requirements provided for in the bill.

Clause 24 of the bill provides for the making of the Victorian Energy Regulations. These regulations will contain Victorian-specific measures, in particular, matters required by the National Energy Retail Law to be prescribed by each participating jurisdiction in 'local instruments'. Such instruments are new to the national energy laws framework, but they are integral to effective operation of the National Energy Retail Law and, like the national energy retail rules and regulations, must be approved by the Standing Council on Energy and Resources in accordance with the Australian energy market agreement. Therefore, to preserve the cooperative nature and uniformity of the national energy laws framework, and to avoid duplication of national processes, the participating jurisdictions have agreed that certain local requirements with respect to subordinate legislation should be set aside. This is done in clause 25 of the bill which refers to the sunsetting and regulatory impact assessment provisions of the Subordinate Legislation Act 1994. The regulations will still be required to be published and to be tabled in Parliament.

Part 7 of the bill contains transitional provisions. A number of measures will be included in the National Energy Retail Regulations, in particular: the transition of existing state and territory licensees to be national authorised retailers; and the transition of state and territory retailers of last resort to be national retailers of last resort. Other measures are provided for in the bill itself or will be in regulations made under clause 39.

The current gas access arrangement for Victoria applies until 31 December 2012, and a revised access arrangement will take effect from 1 January 2013. Clause 27 of the bill defers application of part 3 of the National Energy Retail Law, which deals with connections and the relationship between customers and distributors, until the new access arrangement takes effect.

Clause 28 of the bill relates to retailers that are currently exempt from holding licences under the Electricity Industry Act 2000 and Gas Industry Act 2001. The National Energy Retail Law provides for a comparable exempt seller regime to which the Victorian exempt retailers will be transitioned.

Clauses 29 and 30 of the bill provide for the transition of tariffs under Victorian standing offers, and clauses 31 to 36 provide for the transition of retail and distribution contracts. Clause 37 requires gas billing in Victoria to remain on a two-monthly basis until the end of December 2013, when three-monthly billing will apply under the National Energy Retail Law. The aim of these clauses is to minimise disruption to customers.

Parts 8 and 9 of the bill contain amendments consequential to the application of the National Energy Retail Law, rules and regulations as law in Victoria. Part 8 amends the National Electricity (Victoria) Act 2005 and National Gas (Victoria) Act 2008, the application acts for the National Electricity Law and rules and National Gas Law and rules. Part 9 amends other Victorian acts.

Clauses 43 and 50 of the bill insert regulation-making powers into the National Electricity (Victoria) Act 2005 and National Gas (Victoria) Act 2008. The regulations will contain Victorian-specific measures currently provided for in Essential Services Commission codes and guidelines. Re-enacting these measures in regulations within the national energy laws framework will enable enforcement by the Australian Energy Regulator. As in the case of the regulations to be made under the bill itself, the sunsetting and regulatory impact assessment provisions of the Subordinate Legislation Act 1994 will not apply, but publication and tabling in Parliament will still be required.

As noted with respect to clause 27 of the bill, the current gas access arrangement for Victoria applies until 31 December 2012, and a revised access arrangement will take effect from 1 January 2013. Clause 52 is related to clause 27 and amends the National Gas (Victoria) Act 2008: first, to defer application of the national gas rules, as they will be amended consequential to the National Energy Retail

Law, until the new access arrangement takes effect; and second, to provide that efficient costs incurred by gas businesses for the purpose of complying with the National Energy Retail Law may be recovered during the regulatory period commencing on 1 January 2013.

Extensive amendments are needed to the Electricity Industry Act 2000 and Gas Industry Act 2001, the acts that currently regulate retail selling of gas and electricity. The retail licensing regime will be repealed, as will the consumer protections and supplier-of-last-resort provisions that are replaced in the National Energy Retail Law, rules and regulations or provided for in the bill itself.

There are a number of obligations on retailers and distributors that will be retained in the Electricity Industry Act 2000 and Gas Industry Act 2001. These relate to matters outside the scope of the National Energy Retail Law, rules and regulations and include requirements with respect to Victoria's feed-in tariffs scheme, our customer dispute resolution service and our concessional tariffs regime. Obligations that currently operate as licence conditions will become direct statutory duties enforceable by the Essential Services Commission through compliance orders and civil penalties issued under its act.

The energy and water ombudsman will continue to be Victoria's customer dispute resolution service. Clauses 71 and 117 of the bill re-enact the relevant sections of the Electricity Industry Act 2000 and Gas Industry Act 2001 to directly require retailers and distributors to be members of a dispute resolution scheme (in place of the current licence condition) and to confirm minimum requirements for the scheme and the ongoing role of the Essential Services Commission.

Clauses 75 to 95 of the bill amend the feed-in tariff provisions of the Electricity Industry Act 2000. The obligation to comply with these provisions is currently tied to holding a Victorian retail licence. The amendments will ensure the obligation applies to holders of retailer authorisations under the National Energy Retail Law.

Clauses 97 and 120 amend the Electricity Industry Act 2001 and Gas Industry Act 2001 to expressly require retailers to provide relevant information to the Essential Services Commission to support continued operation of the YourChoice price comparator service.

Clauses 98 to 101 of the bill make equivalent amendments to the advanced metering infrastructure framework in the Electricity Industry Act 2000. As well, additional heads of power are inserted to ensure orders in council can provide appropriate consumer protections for smart meter customers.

Clauses 102 and 121 of the bill amend the Electricity Industry Act 2000 and Gas Industry Act 2001 to provide that the current retail licence condition with respect to community service agreements will be a direct statutory obligation.

Clauses 104 and 125 of the bill repeal the cross-ownership provisions of the Electricity Industry Act 2000 and Gas Industry Act 2001. These restrictions were first enacted in the early 1990s, at the time of privatisation of the energy sector, to prevent vertical integration of production and distribution infrastructure and to ensure open access and competition. Discussion papers published by government in 2005 and 2011 recommended removal of these restrictions in favour of reliance on the merger provisions of the Competition and Consumer Act 2012 (formerly the Trade Practices Act 1974).

Clauses 105 and 127 of the bill insert new sections into the Electricity Industry Act 2000 and Gas Industry Act 2001 to confirm that meters are not part of the land on which they are installed. Codes made by the Essential Services Commission currently contain the same provision but it is considered appropriate that this matter should, for the avoidance of doubt, be dealt with in the acts themselves.

Clauses 106 and 131 of the bill provide for revocation of retail licences under the Electricity Industry Act 2000 and Gas Industry Act 2001. It is arguable that the licences will lapse on repeal of the requirement to be licensed, but explicit revocation will remove doubt. These clauses also provide for what will happen in the unlikely event that a Victorian retailer of last resort is appointed shortly before commencement of the bill. The Essential Services Commission will continue its current regulatory role to ensure there is no disruption of supply to customers.

In conclusion, this bill delivers on the government's commitment to energy market reform. The National Energy Retail Law completes the national regulatory framework by providing a national approach to the regulation and development of retail markets. By so doing, the entirety of the electricity industry, and all but the upstream sector of the natural gas industry, will be regulated through a national framework, reflecting the scale of these markets as they stand today.

The bill also delivers on the government's commitment to best practice in consumer protection and retail energy marketing. Where justified, existing Victorian measures

will be preserved to ensure optimal protection for energy consumers in this state and to ensure they benefit in the transition to the national regulatory framework.

I commend the bill to the house.

Debate adjourned on motion of Mr PALLAS (Tarneit).

Debate adjourned until Wednesday, 11 April.

ROYAL WOMEN'S HOSPITAL LAND BILL 2012

Statement of compatibility

Mr R. SMITH (Minister for Environment and Climate Change) tabled following statement in accordance with Charter of Human Rights and Responsibilities Act 2006:

In accordance with section 28 of the Charter of Human Rights and Responsibilities Act 2006, I make this statement of compatibility with respect to the Royal Women's Hospital Land Bill 2012.

In my opinion, the Royal Women's Hospital Land Bill 2012, as introduced to the Legislative Assembly, is compatible with the human rights protected by the charter act. I base my opinion on the reasons outlined in this statement.

Overview of bill

The purpose of the bill is to revoke an existing permanent reservation for a lying-in hospital over land in Carlton that in part was the former Royal Women's Hospital (RWH) site and in part is currently the Royal Dental Hospital (RDH) site. The bill will also revoke, to the extent of any continuing operation, a Crown grant as it relates to the former RWH site.

The revocation of the permanent reservation over the land which forms part of the former RWH site is required to enable the sale of part of that land. The revocation of the same permanent reservation over the land which currently is part of the RDH site is required to address an inconsistency in land use, as the RDH site is currently used for a dental hospital, not a lying-in hospital. The RDH site is not part of the sale.

Human rights issues

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

Property rights

Section 20 of the charter act protects against deprivation of property other than according to law.

There are two proprietary interests on the affected land, both held by body corporate entities that are not afforded human rights protection under the charter act. No individuals have any proprietary interest in the affected land. Accordingly, I consider that this bill does not engage or limit section 20.

Conclusion

I consider that this bill is compatible with the Charter of Human Rights and Responsibilities.

Ryan Smith, MP
Minister for Environment and Climate Change
Minister for Youth Affairs

Second reading

Mr R. SMITH (Minister for Environment and Climate Change) — I move:

That this bill be now read a second time.

The purpose of this bill is to revoke the permanent reservation over two Crown land sites in Carlton, formerly occupied by the Royal Women's Hospital, and partly occupied by the Royal Dental Hospital.

The existing reservations were gazetted in 1886 and included a restricted Crown grant that provided that the sites would be used for the purpose of a 'lying-in hospital'. These restrictions do not reflect current or potential use of the sites. The bill will remove these restrictions, opening up the land to potential use and ensuring that the land is no longer subject to outdated reservations.

As the former site of the Royal Women's Hospital, this land has a long history of serving the Victorian community. The Royal Women's Hospital occupied this site for over 120 years, culminating in the completion of the Royal Women's Hospital redevelopment project in 2008 and the relocation of the hospital to Parkville.

The redevelopment of the Royal Women's Hospital provides an opportunity to make use of this site for other purposes that will benefit the people of Victoria. The bill will enable the sale of the land formerly occupied by the Royal Women's Hospital, and the proceeds of the sale will be allocated to consolidated revenue to offset the cost of the Royal Women's Hospital redevelopment project.

In relation to the land occupied by the Royal Dental Hospital, the bill will remove the current permanent reservation which does not reflect the use of the land. The revocation of the reserve will not impact the operation of the dental hospital or the Crown lease held by Dental Health Services Victoria, and the land currently occupied under that lease will not be sold.

The government anticipates innovative and exciting opportunities for the former Royal Women's Hospital site. This bill represents the first step to realise the

potential of this site, and provides an opportunity to use the land in new ways to benefit the people of Victoria.

I commend the bill to the house.

Debate adjourned on motion of Mr MADDEN (Essendon).

Debate adjourned until Wednesday, 11 April.

LAND (REVOCATION OF RESERVATIONS) BILL 2012

Statement of compatibility

Mr R. SMITH (Minister for Environment and Climate Change) tabled following statement in accordance with Charter of Human Rights and Responsibilities Act 2006:

In accordance with section 28 of the Charter of Human Rights and Responsibilities Act 2006, I make this statement of compatibility with respect to the Land (Revocation of Reservations) Bill 2012.

In my opinion, the Land (Revocation of Reservations) Bill 2012, as introduced to the Legislative Assembly, is compatible with the human rights protected by the charter act. I base my opinion on the reasons outlined in this statement.

Overview of bill

The main purposes of the bill are —

to revoke the permanent reservation and related Crown grant of certain land occupied by the St Kilda town hall and to provide that that land is taken to be temporarily reserved for municipal purposes;

to revoke the permanent reservation of land at the former Fitzroy Gasworks site;

to revoke the permanent reservation of part of the land occupied by the Toolangi Potato Research Farm and to provide that that land is taken to be reserved forest;

to revoke the permanent reservation of certain land at Werribee;

to revoke the permanent reservation of certain land no longer required by the Inglewood hospital;

to revoke the permanent reservations of certain land at Barwon Heads;

to revoke the permanent reservation and related Crown grant of land occupied by the South Melbourne Temperance Hall.

Human rights issues

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

Property rights

Section 20 of the charter, which protects against deprivation of property other than according to law, is relevant to this bill.

Clauses 4, 8, 11, 14, 16, 18 and 20 of the bill provide that, on removal of reservations, land is deemed to be unalienated land of the Crown, freed and discharged from all trusts, limitations, reservations, restrictions, encumbrances, estates and interests.

As a result, the bill could be interpreted as potentially limiting the property rights protected by section 20 of the charter.

However, the only proprietary interest in the affected land that is held by an individual is explicitly preserved in clause 9 of the bill until the land is sold. This interest comprises leases between the Department of Treasury and Finance and two individual occupiers which will expire on 30 September 2012.

As this bill will not deprive any person of property rights, I consider that it does not limit the right protected under section 20.

Conclusion

I consider that the bill is compatible with the Charter of Human Rights and Responsibilities because, although it engages section 20 property rights, those rights are not limited by the bill.

Ryan Smith, MP
Minister for Environment and Climate Change
Minister for Youth Affairs

Second reading

Mr R. SMITH (Minister for Environment and Climate Change) — I move:

That this bill be now read a second time.

The purpose of this bill is to facilitate a range of changes to the status of land in the Crown land portfolio. The bill revokes a number of permanent reservations and Crown grants, which can only be removed by legislation.

The bill affects the following parcels of Crown land.

The City of Port Phillip, in partnership with the state and federal governments, is constructing a new $12 million integrated family and children's centre on Crown land at 171 Chapel Street, St Kilda, adjacent to the St Kilda town hall.

The centre, which will amalgamate the current St Kilda Children's Centre and the maternal and child health service, will provide 116 children's services places —

an additional 63 new places. In addition, the centre will include maternal and child health services, playgroups, new parents groups and family services.

The site on which the centre is being constructed is currently permanently reserved under the Crown Land (Reserves) Act 1978 for the purposes of a town hall, court house and offices. This reservation does not reflect the proposed use of the site. The land is also subject to a Crown grant to the mayor, councillors and citizens of St Kilda for the purposes of the reserve.

By revoking the current permanent reservation and Crown grant over the land, it can be appropriately reserved and the City of Port Phillip appointed as the committee of management. This will facilitate development of the new integrated family and children's centre, and provide a centralised point for a range of important services to the community of St Kilda.

Part 2 of the bill provides for the revocation of the permanent reservation and related Crown grant over the site, for the land to be temporarily reserved for municipal purposes and for the City of Port Phillip to be the committee of management of the site.

The Collingwood, Fitzroy and District Gas and Coke Company, or 'Fitzroy Gasworks', was first established at 433 Smith Street, Fitzroy, in the mid-1800s on land that was permanently reserved and granted to the company in 1862. This company became part of the Metropolitan Gas Company in 1878, who also owned adjoining land that together comprised the Fitzroy Gasworks.

The gasworks played an integral part in the supply of gas to Melbourne until its closure in 1927, following which it was used for welding, construction and gas storage. The site was transferred from the former Gas and Fuel Corporation of Victoria to the state in 1999 and now houses offices and warehouses used for commercial and industrial purposes. The government has identified the site as appropriate for possible urban redevelopment and wishes to make the land available for sale.

Whilst the original Crown grant has been removed, part of the former Gasworks remains permanently reserved for use by the Collingwood, Fitzroy and District Gas and Coke Company, which is no longer in existence. By removing the outdated permanent reservation, this bill will enable the site to be sold and the land to undergo appropriate urban redevelopment.

Part 3 of the bill provides for the revocation of the permanent reservation of the site for the redundant gas works purposes and continues any existing leases or licences over the site despite the revocation until the land is sold. All such occupancies are expected to expire by the end of 2013.

The Toolangi Potato Research Farm is situated on Crown land south of Toolangi, adjoining the Yarra State Forest. The land is permanently reserved for Agricultural Research Purposes under the Crown Land (Reserves) Act 1978.

Although parts of the land within the research farm were cleared and used for agricultural research, sections of land remain forested and are considered to have high ecological value. The research farm was closed in 2008. It is proposed to incorporate two parcels of forested land back into the adjoining Yarra state forest. The remainder of the land within the research farm will be retained for continued use by local farmers and for research by some peak agricultural bodies and will not be affected by the changes arising from the bill.

Part 4 of the bill revokes the permanent reservations of the two separate parcels of uncleared land within the site, comprising approximately 43.8 hectares in total, and incorporates these areas into the adjoining Yarra state forest, by reserving these parcels as reserved forest under the Forests Act 1958. These parcels will then be managed by the Department of Sustainability and Environment.

The Werribee State Research Farm was established to investigate ways of improving agricultural production in Victoria. The farm sits on Crown land permanently reserved in 1927 for the State Research Farm (Agriculture Purposes) under the Crown Land (Reserves) Act 1978. Sneydes Road, which forms the main transport link between Point Cook and Werribee, runs through the middle of the farm.

A section of Sneydes Road between the Princes Highway and Hoppers Lane is incorrectly reserved as part of the research farm. Although this land is used as a road and is managed as a road by the Wyndham City Council, the underlying reservation is not consistent with the actual use.

Part 5 of the bill will revoke the permanent reservation over this section of Sneydes Road. Following the revocation, the Wyndham City Council will formally take over management responsibility for the road.

Inglewood and Districts Health Service at 5 Hospital Street, Inglewood, provides a diverse range of services to the communities of South Loddon, including accident and emergency services, hospital and residential aged care, community and district nursing,

counselling and health education. The service is located on Crown land permanently reserved for hospital services under the Crown Land (Reserves) Act 1978.

The property includes a building which was formerly the residence of the general practitioner. A new residence has since been constructed by the service elsewhere and the site of the former residence is surplus to government requirements. It is proposed that the surplus building site will be sold. Legislation is required to remove the permanent reservation over the site to enable the sale to proceed.

Part 6 of the bill provides for the revocation of the permanent reservation of this site.

At Barwon Heads, recent road realignments undertaken by VicRoads have encroached onto a small area of Crown land permanently reserved for public park on the Barwon Heads side of the Barwon River. As the purpose of the Crown land reservation is inconsistent with the required use by VicRoads for transport purposes, the permanent reservation must be revoked to the extent of the area required by VicRoads.

Part 7 of the bill will remove the permanent reservation over the subject area, which will enable management of the land to be formally transferred to VicRoads and ensure the accuracy of the Crown land portfolio. Barwon Coast Committee of Management as manager of the area will be compensated by VicRoads for loss of the land.

The loss of land is very minor in comparison to the balance of the Barwon Heads public park and there will be no impact on public access.

This bill will facilitate the preservation of the South Melbourne Temperance Hall, which has local heritage values. The hall is used by a local not-for-profit arts and cultural group who provide valuable assistance to independent performing artists in the community.

The hall is situated on Crown land at 199–201 Napier Street, South Melbourne. This land was reserved as a site for a temperance hall in 1860 and granted to trustees in 1861. All the trustees are now deceased and the hall is no longer used for the purposes for which it is reserved. The government wishes to appoint an appropriate land manager who can oversee management of the site and undertake much-needed restoration works.

Part 8 of the bill will ensure the continued use of the hall by removing the outdated reservation purpose and Crown grant over the site, enabling it to be reserved for public purposes and a suitable land manager to be appointed.

In conclusion, the amendments made by this bill will facilitate the sale of government land, enable the progress of government-supported projects and improve the management of numerous Crown land sites.

I commend the bill to the house.

Debate adjourned on motion of Mr MADDEN (Essendon).

Debate adjourned until Wednesday, 11 April.

ASSOCIATIONS INCORPORATION REFORM BILL 2011

Second reading

Debate resumed from 7 December 2011; motion of Mr O'BRIEN (Minister for Consumer Affairs).

Government amendments circulated by Mr R. SMITH (Minister for Environment and Climate Change) pursuant to standing orders.

Ms D'AMBROSIO (Mill Park) — I rise to contribute to the debate on the Associations Incorporation Reform Bill 2011. I wish to state from the outset that the opposition will not be opposing the bill. Having said that, it is important to put on the record the opposition's significant concerns surrounding the process that has been adopted by the minister in the development of this bill and the house amendments that have now been distributed. I will elaborate on that shortly, but it is important to note these concerns regarding the house amendments process, which is a symptom of this government's behaviour.

The bill seeks to continue some significant reforms that were commenced and substantially implemented by the previous Labor government here in Victoria. It is important to note that the previous government made a determined and concerted effort to consult with key stakeholders, particularly in the not-for-profit sector, in order to reform legislation and improve and streamline regulations to make it easier for the not-for-profit sector to thrive and be able to manage its day-to-day businesses.

I note that the house amendments number 28 in total. The opposition was only afforded the opportunity for a briefing by the minister's office and the department at

about 11.30 a.m. yesterday. When you consider the breadth of the bill and the sheer number of house amendments that are being proposed, the very short length of time afforded to the opposition to consider its views on each individual amendment is insufficient, to say the least, and must be discussed and commented on. It is, to an extent, disrespectful to the opposition and indeed also to stakeholders who have invested significant and lengthy amounts of time and energy to try to finalise, if you like, the remaining parts of the regulatory reform process that was commenced under the previous government. I know for a fact that there are some key stakeholders who have up until very recently — a few minutes ago — expressed great concern to me about the lack of consultation that the government has afforded to them as key stakeholders in respect of these amendments.

I also remind the house that this bill was introduced in December last year. That is more than four months ago, yet the opposition was afforded a briefing on the house amendments only yesterday, and I believe the key stakeholders were also informed of them only yesterday afternoon. I also understand from the departmental briefing we received yesterday that submissions from at least two entities, including the Law Institute of Victoria and the Victorian Bar association, date back to the middle of January. That is some three months ago, and yet it has taken that long for the house amendments to be presented to the Parliament on the eve of the second-reading debate.

I contend that that is not the way government should operate, and I say it is becoming a common habit of this minister to do just that: bring in bills which are underprepared or uncooked and then at the last minute present house amendments. That is not a good way of running government. It does not show the minister in a good light with respect to these types of very important bills. I hope we see a significant improvement in the minister's efforts with respect to future bills presented to this house for serious debate so that we do not see the number of proposed house amendments increasing. As I said, this bill now has 28 house amendments moved, and very little time has been given for their proper consideration.

I will now deal with a number of issues that, from my understanding, some of these amendments refer to. I say from the outset that whilst the opposition does not oppose the bill, we will certainly reserve our views on these house amendments until the bill is presented in the other place, in the event that it passes this house. I say that for the reasons I have already expressly stated: that there has been insufficient time for proper consideration of the implications and efficacies of these house amendments.

I am advised that some of the house amendments deal with issues to do with the registration of incorporated associations, the amalgamation of incorporated associations, the rules of incorporated associations, access to members' personal information, matters of disclosure of materials of personal interest, indemnity of office-holders, financial reporting, preparation of financial statements and statutory management of incorporated associations. These are some of the important issues that are seen to be addressed by the amendments, and I say that advisedly.

What we know now is amendments that have been rushed through. I have received comments from PilchConnect, one of the key stakeholders on this matter, which has expressed its concerns that a number of issues it has raised in its submission to government through the consultation process afforded to it last year have not been addressed and no explanation has been forthcoming by the minister as to why some of those outstanding matters have not been canvassed or at least entertained and discarded. I think that is quite discourteous, and the minister really must explain to PilchConnect the position he has taken in ignoring some of these issues.

As recently as about an hour ago, I received correspondence from the Victorian Bar Council. I believe the letter was addressed jointly to the minister and me as the shadow minister for consumer protection, raising very serious concerns. In the very short period of time that was afforded to the Victorian Bar to consider the house amendments, it has put together a submission of about 14 pages raising some serious concerns, and I commend it for that. I contend that that is not insignificant. I will go as far as to say that the Victorian Bar has requested that the government adjourn the bill until a proper, full and respectful consultation has occurred. That matter is now with the minister; it is for the government to consider. However, as I speak the bill is before us. The second-reading debate is on, and I will continue with my contribution.

The bill, as I said in my earlier comments, is an attempt at a rewrite of the current act, the Associations Incorporation Act 1981. It also seeks to continue the scheme for the incorporation and registration of voluntary associations and for the registration of other registrable bodies as incorporated associations. It also makes provision for the corporate governance, financial accountability and other matters relating to the rules and membership of registered associations.

I will take the opportunity to reflect on how this bill has come to be presented to the Parliament. What is important here is that the previous government commenced a very concerted reform agenda in collaboration with the not-for-profit sector some years ago. In 2006 the Labor government requested the State Services Authority to commence a review of the not-for-profit sector. The authority subsequently handed down a report which is critical — it is a groundbreaking report, a pivotal report — as a result of which the government then undertook action on some very serious recommendations to reform the regulations and legislation governing the not-for-profit sector. The stronger community organisations project was a collaborative effort involving the not-for-profit sector. It was a partnership which brought about, through good strong consultation and respect for dialogue, some significant reforms. Many of those key reforms were recommended to government and were certainly overseen by previous consumer affairs ministers in this Parliament.

The Labor government's response at that point was in broad terms that the action plan:

> … will develop partnerships between government and not-for-profits and establish a long-term agenda for the development of community organisations;
>
> reduce the administrative burden faced by community and not-for-profit organisations;
>
> promote innovation and efficiency in the provision of services;
>
> establish a clear base of information and evidence for future decision making;
>
> strengthen collaboration and coordination across the Victorian government; and
>
> pursue intergovernmental collaboration to enhance the operation of community and non-profit organisations across Australia.

That was a commitment that was given by the Premier at the time, the Honourable John Brumby. That happened because we understood how important the not-for-profit sector was in the delivery of so many government-funded services right across our community. It involved of the order of $2 billion-plus worth of government services, so it was vital at that point that we recognised that we needed to facilitate streamlining of regulations and the provision of greater competency and skills standards simply as examples, because there was a whole array of commitments made to assist the not-for-profits to be able to sustain themselves into the future.

What happened then was that, as a sign of that collaboration, a regulatory reference group was set up — and many of the current stakeholders who have expressed concerns about the bill and these amendments sit on that regulatory reform reference group. From that point on, many good things happened. There were many reforms to the Association Incorporations Act and this bill was to be, and seeks to be, another stage of that evolutionary process of reform. The bill re-enacts a number of existing provisions of the existing act. It does that by virtue of the desire that was expressed by government last year, I understand, that it would be important. It is also done, I think, on the advice of parliamentary counsel, to bring fully up to date and overhaul, if you like, the provisions and the various amendments made to the act over the years so that the legislation read well and was easy to access and be understood by the not-for-profit sector. What we have before us in an attempt to do that.

The bill deals with a number of other matters, and I will address some of those in the time I have left. As I mentioned before, a number of changes have been made to the Associations Incorporation Act over the last few years, in particular in 2009 and 2010. Some of those changes have yet to commence, but they are incorporated in this bill.

The first issue that the bill makes clear is that an incorporated association may engage in trading or trading activities in pursuit of or in support of its purposes. The bill also makes it clear that an incorporated association cannot trade while it is insolvent, which is an important point. Further, an incorporated association cannot secure pecuniary profit for its members or be formed or carried on for the purposes of securing pecuniary profit for its members. However, if there is a profit generated by the normal day-to-day activities of an organisation, that profit must be returned to the association as a whole.

The bill also sets out the obligations of an incorporated association in relation to its rules, membership, conduct of meetings and a requirement that it be registered. The bill also states that the statement of purpose of an incorporated association must be expressed in its rules. That provision will help to avoid the confusion that has arisen over time between the stated rules of an incorporated association and its statement of purposes. The bill also continues to provide model rules for use by incorporated associations. That is important, because they are a very important guide or default tool for such associations as they develop their rules or as they evolve over time. That provision will act as an important safety net for associations as the legislation is updated and those updates are incorporated in the

model rules. Currently about 40 per cent of incorporated associations have adopted the model rules and about 60 per cent therefore have tailored the model rules or developed their own rules to fit the requirements of the legislation. That is important too.

Clause 56 of the bill inserts new provisions regarding the maintenance of a register of members of an incorporated association. An association is required to include in a register a member's personal details and the date on which they became a member. That is good record-keeping. It is also important to have clarification of the types of information a committee of management is required to maintain and a member is required to provide to an association. It also includes a provision for inspection of the records with a restriction on access to personal information where a member of an incorporated association wishes to keep their information confidential in special circumstances. I will go through that shortly.

We know that laws across the world, and no less those in Victoria, have evolved over the last decade to become more sensitive to issues of access to and the exchange of personal information to protect individuals against unnecessary access to their information. This bill does that, and it responds to growing expectations that personal information will be protected. This is important, especially when on the whole incorporated associations are voluntary organisations run by volunteers. It is important that personal information, which can be quite sensitive, is handled in a way whereby committees of management feel confident that with the guidance they receive through the legislation and with the assistance of Consumer Affairs Victoria they are appropriately managing the personal information of their members.

The bill provides that meetings may be conducted using any technology so that members can clearly communicate despite not being at the same location. This is part of the amendments that were put forward by the previous government in 2010, which are reflected in the bill. Existing incorporated associations will be deemed to be incorporated under the new act. That is an important transitional provision. In addition, a public officer of an incorporated association will be deemed to be the secretary of the association.

The three-tier reporting structure introduced in the 2010 amendment act is also included in the bill with the aim of reducing the regulatory burden on incorporated associations and improving financial transparency. I remind the house that tier 1 is for associations with a total revenue of less than $250 000 a year, tier 2 applies where neither tier 1 nor tier 3 is applicable and tier 3 is for associations with a total revenue of more than $1 million. Each tier has specific reporting requirements.

I now turn to other matters that I flagged earlier in my contribution to the debate. I do that because it is important that the government recognise that it has rushed this bill and the house amendments it has put forward. It ought to have paid heed to the concerns expressed by several key stakeholders that were involved in the reference group set up by the previous government and continued by this government, which I acknowledge is an important signal. But doing something needs to be followed up with sincere actions and serious consultation.

The bill has been sitting on the notice paper since December 2011 and there has been very little consultation. The house amendments have been circulated, also with very little consultation. Importantly there has been no explanation from the government as to why some critical issues raised by key stakeholders have been ruled out. It is important that the government explain why that is so.

I turn now to PilchConnect, which is a very well-regarded provider of legal services to the not-for-profit sector. That sector is often quite challenged by the complexity of legal matters that confronts it, and PilchConnect has been a very important provider of timely and significant reflection on legal obligations and the like to not-for-profit community organisations. It provides assistance free or at a low cost on a wide range of legal and related matters.

PilchConnect has a particular interest in the bill and the house amendments. It raised a number of matters in the original consultation process for the bill that are outstanding, and it has not yet received an explanation from the minister as to why the issues have been ignored or discarded. There may very well be good reasons why the minister has chosen not to respond, such as advice from the department that some of the issues cannot be entertained or may be entertained in time to come. But we do not know that; we have been left in the dark. One example, which appears in PilchConnect's submission to the government on the bill, is in a section headed 'Office-holder duties are drafted in a complex and inconsistent way'. I remind the house that this submission was written with respect to the bill and not the house amendments, but it is clear to me that while the house amendments address one or two of the issues raised in the submission, others remain unanswered without explanation.

PilchConnect says in its submission:

> We are concerned that the mixture of criminal and (applied) civil penalty provisions results in a 'jumble' of penalty units and dollar figures, which are difficult to understand. The amounts of the penalties also appear inconsistent with the seriousness of the contravention — an officer who 'knowingly or recklessly' commits a breach of the duty not to misuse information can be liable under criminal penalty provisions for up to 60 penalty units (about $7300), whereas an officer who negligently or inadvertently breaches a duty could be liable for up to $20 000 for a civil penalty under the Corporations Act applied provisions.

PilchConnect has said the house amendments do not address this issue. The submission further says:

> … we oppose a drafting approach which would apply sections (and even whole parts of) the Corporations Act 2001 (cth) by reference. This approach is inappropriate and will be confusing for people involved in associations (and for lawyers). Under the bill, a committee member of an incorporated association will be worse off than a director of a company because they have to read two pieces of legislation and apply modifications to the wording in the Corporations Act to make it relevant to the associations context.

That is just by way of example. The objective was to streamline the bill to make it as easy to read and understand as possible for the not-for-profit community sector; PilchConnect contends that this is not achieved by elements of the bill.

PilchConnect also has a number of other issues to do with the model rules and the model rules deeming provision. Some of the deeming provision issues are dealt with by the house amendments, but the organisation believes there is still confusion regarding some of the issues to do with mandatory and optional provisions in rules of association vis-a-vis the model rules. The organisation asks: why not simply call mandatory rules 'mandatory rules' and optional rules 'optional rules'? That is just by way of example.

I do not have much more time left, so I will skip to the Victorian Bar's very recent submission — it was submitted today — which, as I said earlier, requests that the government adjourn debate on the bill, and of course the related house amendments, for further consultation. A letter to me from the organisation says:

> It has not been possible properly to consider the bill as now proposed to be amended on such short notice.

It also says:

> One thing is, however, clear. The bill is not merely a consolidation. It would, as proposed to be amended, make significant changes to the act, on which there has been little or no consultation with stakeholders.

The letter further states:

> The profession's three major concerns with this bill are set out in paragraph 4 of the above 14-page memorandum of comments. In essence —

it outlines three major concerns —

> (1) Many clauses in the bill do not exactly reproduce the wording in the current act from which they are derived. In some cases, the new wording effects substantive change. From our participation in the reform reference group through the government Office for the Community Sector, we believe some such changes are unintentional.
>
> (2) The bill still contains a significant number of provisions that are unintelligible to the lay reader thus defeating a major objective of the whole exercise of consolidation and simplification, namely to make them intelligible to those in the non-profit sector affected by the act who, for the most part, operate without the advice of a lawyer.
>
> (3) The act was (in reprint no. 7 as at 18 September 2007) 134 pages including endnotes. The bill is 198 pages. Even if it were in plainly intelligible language (which this bill is not), it is axiomatic that the longer a document, the less accessible it is. The legal profession repeats its suggestion of division into two acts: a principal act and an administration act.

I will not attempt to go through the 14-page submission, because I do not have much more time.

Mr Helper — Move for an extension of time.

Ms D'AMBROSIO — I would be happy to!

I repeat my request to the minister to go away and think carefully about the concerns raised by PilchConnect and the Victorian Bar. Other stakeholders may in due course — once they have had an opportunity to consider the bill and the house amendments — express their authorised views. There is no reason to have rushed this bill and no reason not to have afforded it due and proper consultation with the key players in the field that have worked collaboratively with government over recent years to bring us to the point where Labor had almost completed its reform agenda. This is not good enough. It is not a good approach to take. It is not good form. It is disrespectful to the community sector.

Whilst we will not oppose the bill in this house, we reserve our position on the efficacy of each and every house amendment that was circulated today, for the reasons I have explained, until the bill is received in the upper house, pending passage through this house.

Mr NORTHE (Morwell) — It gives me great pleasure to rise this afternoon to speak on the Associations Incorporation Reform Bill 2011. It is a comprehensive bill that does a few things, including

establishing a scheme for the incorporation and registration of voluntary associations and for the registration of other bodies as incorporated associations; and making provision for the corporate governance, financial accountability and other matters relating to the rules and membership of associations registered under that particular scheme.

In reference to some of the comments made by the member for Mill Park, I grant from the outset that she is absolutely correct in saying that this bill was second read in December of last year and that the Law Institute of Victoria and the Victorian Bar council made subsequent submissions in January. On the one hand the member said it has taken a long time for the debate to come on in this chamber, but on the other hand she contended that we should defer it even further. I am not sure what point of view the member for Mill Park has in that regard.

In terms of the house amendments, as a government we take the submissions of the Victorian Bar council and the Law Institute of Victoria quite seriously, and we have taken much time to consider those submissions in concert with others. I will not dwell too much on the house amendments. There are other points to make about the fantastic attributes of the bill itself, so I will leave my comments on the house amendments at that.

Effectively this bill is a rewrite of the act. Whilst there has been some tweaking of the act since the early 1980s, this is effectively a rewrite. The Victorian Bar Council, the Law Institute of Victoria, PilchConnect and associations generally have welcomed this rewrite of the act. This bill seeks to ensure that there is a much clearer understanding and interpretation of the act by using contemporary language.

As many members would know, incorporated associations play a big role in our communities and our electorates, and they are widespread. They can be playgroups, they can be hockey clubs; they can even be Friends of Baw Baw National Park. They can be swimming clubs and they can be RoadSafe councils. I am just reading through a list of incorporated associations in the wonderful electorate of Morwell. There is also the Lions Club of Morwell. During my contribution to the debate I will recount a story about the Lions Club of Traralgon, which is very much in favour of the changes to the act. There are also the Twin City Archers Gippsland, the Gippsland Rhythm and Blues Club, the Latrobe Valley Self Help Arthritis Group and the Latrobe Young Professionals. The list goes on and on.

If I could get an extension of time, I could go through the 530-odd associations that exist in the Morwell electorate, but I will not do that. This is just an example of the diversity of the incorporated associations in our community and the contribution they make to it. It is also worth remembering that those associated with these groups work on a voluntary basis, and they should be commended for the work they do across our community.

One of the key aspects of the bill is the provision for a register of members. Currently associations determine themselves whether they want to have a register. This bill makes it a requirement that a membership register be established and maintained. This practice already exists in some associations. As a member of the Traralgon Golf Club, I know that it distributes to all members the names and addresses of current members, so while some might say that this practice does not exist currently, it does exist where associations choose to follow it. On the register you see names and addresses, the date of joining and the membership class someone might be in — whether they are a junior or an associate member, whether they are a full or part member — and whether they have non-voting or voting rights. It is important from the perspective of the efficiency of an association to make sure that detail is held.

It is also important to acknowledge on the register the date a member joined, because this provides an opportunity for associations to acknowledge long-serving members, and when somebody has been a member for a certain time that milestone can be acknowledged as well. Of course within that and under the act members have the right to request that their details be kept private, and that will be trialled if a case is made. The secretary of an association cannot deny a reasonable request from a member, but if a dispute arises, there is a mechanism for the Victorian Civil and Administrative Tribunal to consider that dispute.

I am strongly in favour of the proposed changes to the financial reporting obligations of associations and will use an example of a case in point. Under the old regime there was a two-tiered system for the reporting of the financial arrangements of associations. For those associations in tier 1, those that had less than $200 000 in total revenue on an annual basis, only an annual statement had to be provided. An association in tier 2 — that is, one that had total annual revenue in excess of $200 000 — was required to provide an annual statement as well as a copy of an audit. Those accounts must also have been audited by a registered auditor, an auditing firm or a member of CPA Australia or the Institute of Chartered Accountants in Australia.

Under the act those limits, if you like, of $200 000 in total revenue are not CPI-tested and have not been altered in a long time. We will now have a three-tier system. An association in tier 1, with annual revenue of less than $250 000, is required to provide only an annual statement. Under tier 2, which applies to associations with annual revenue of $250 000 to $1 million, an annual statement is required with a copy of the review. The accounts must be reviewed by a member of CPA Australia and those reviews must be conducted according to Australian accounting standards. Tier 3 applies to associations with annual revenue of $1 million-plus. This is where the full auditing process comes into play. As members would know, the cost of a full audit for an incorporated association can be hundreds of dollars and can turn into thousands of dollars, which is a huge cost impost.

The example I wish to raise is the case of the Traralgon Lions Club. In July 2009 when the club assessed its income for the financial year it found it had exceeded the $200 000 total revenue limit. Due to the fact that the Lions club had done a wonderful job in supporting bushfire-impacted communities and had raised a substantial amount of money to invest back into the community, it had exceeded that limit. In supporting not only emergency service volunteers but the community in general the club had exceeded that limit three years in a row, primarily because it had supported bushfire-impacted communities. The club had been granted exemptions, which was fantastic and something I supported. However, it raised concerns about not only the $200 000 limit but the fact that that limit had applied for many years without being increased. The club was also concerned that in line with the legislation its gross assets, which were in excess of $500 000, would also compromise it.

This bill addresses that anomaly for clubs that find themselves in a similar position. It will see a cost reduction across the board for incorporated associations to the tune of about $3 million whilst not increasing the registration fee for those associations. The example of the Traralgon Lions Club is a case in point. Its feedback to me indicates that these amendments are fully supported, given that those limits have not been adjusted for many years. If the bill is passed, there will be an education and awareness campaign across the board to make sure that those incorporated associations are aware of their new obligations in line with the amendments being made by this bill.

The feedback I have had through my local electorate has been positive. The associations very much welcome and support the provisions we are proposing and see them as sensible arrangements to put in place. They see there will be a cost benefit for them in general. As I say, probably around $3 million will be saved across the associations. On the basis that many, many people give up their time and effort to support our communities through incorporated associations, I commend the bill to the house.

Mr PERERA (Cranbourne) — I wish to speak on the Associations Incorporation Reform Bill 2011. This bill repeals the current act, the Associations Incorporation Act 1981, and largely re-enacts the same provisions with some additions and ideas. The bill establishes a scheme for the incorporation and registration of voluntary associations. It also provides for other registered bodies to be incorporated. The bill makes provision for corporate governance, financial accountability and other matters relating to membership and rules.

Labor will not be opposing the bill. There are 28 separate house amendments. Some are minor and technical, some fix errors which were in the original bill and some change the law relating to the registration of incorporated associations, the amalgamation of incorporated associations, rules of incorporated associations, access to members' personal information, matters of disclosure of material, personal interest, indemnity of office-holders, financial reporting, preparation of financial statements and statutory management of incorporated associations. The fact that 28 important amendments are being proposed within six months of the bill's introduction clearly shows that the government has not consulted the not-for-profit, legal or financial sectors.

A number of the amendments deal with concerns raised with the government by the Law Institute of Victoria and the Victorian Bar Council. In fact, a submission was made by those organisations in mid-January of this year. If it had wanted to do the decent thing the government would have commenced debate on the bill, delivered the amendments, and adjourned the debate for a few weeks so that the opposition would have ample time to go through the bill and consult the sectors concerned. This clearly indicates that the minister has rushed this bill through without giving proper consideration to its provisions.

My understanding is that the opposition was briefed on this bill at 11.30 a.m. yesterday — that is, the Tuesday of the sitting week in which the bill was due to be debated. This shows not only a lack of attention to detail by the minister but also disregard for parliamentary procedures. It is no different from ministers ducking questions during question time. Therefore, when this bill is debated in the upper house,

after giving consideration to all the provisions in it the opposition will make a decision to either support or oppose the amendments.

Incorporated associations are the backbone of Victoria's not-for-profit sector. They are clubs, community groups and associations operating as not-for-profit entities. There are very large organisations with memberships of hundreds of thousands, and there are also smaller organisations. Forty per cent of Victorians were either born overseas or have at least one parent who was born overseas. These first-generation migrants would like to practise their culture. Events are organised, and they are organised not by individuals but by groups. Ninety-nine per cent of these groups are incorporated. For example, most ethnic senior citizens groups are incorporated, and sporting organisations, which provide sporting activities not only for kids and young adults but also for adults, are incorporated. Organisations play an important part in our daily lives, and so this is an important bill.

Most schools in the main cities of Sri Lanka have old boys associations here in Victoria. They get involved in fundraising activities to support the institutions that provided them with their education. These types of organisations also keep the kids off the streets and get them engaged. These clubs, organisations and ethnic associations not only provide healthy environments for the kids but are a part of our multicultural fabric. This is a model envied by many other jurisdictions across the globe.

A number of changes were made to the Associations Incorporation Act 1981 by the Brumby government in 2009 and 2010. That is in the recent past, during 2010 when John Lenders. Leader of the Opposition in the Legislative Council, was a minister. An important change to the act is that members of the organisations are able to be involved in meetings remotely. That is an important amendment which was initially brought in by the Brumby government in 2010. This provides an opportunity for young working families to get involved in other activities. That is important for the survival of the organisations. Because of time constraints I will wind up my contribution. I commend the bill to the house. Decisions on the amendments will be made when it is in the upper house.

Ms WREFORD (Mordialloc) — I rise to support the Associations Incorporation Reform Bill 2011. I need to correct something that was said earlier by the member for Mill Park, who I note has left the chamber. She talked about a group called PilchConnect, which had put forward a recommendation for consideration in our amendments. The exact recommendation it put forward this time was put forward in 2010 for consideration in amendments to the bill back then. The then government did not consider it worthy of incorporation into its amendments, yet today we have been told that we should be incorporating it into ours. I just wanted to point that out, because we need to get things clear.

The bill affects community groups. Community groups are the backbone of our community. Volunteers are very important people, and we need to look after them. Just imagine if we did not have people volunteering. What would happen to our Rotary clubs, our football clubs, our cricket clubs, our lifesaving clubs and our community houses? The list goes on and on. All of us in our communities have hundreds and hundreds of these clubs. One of the nice parts of this job is when we can bring good news to such community clubs.

This bill has generated some very positive feedback from community groups because it cuts back on the red tape that Labor burdened them with. A clear point of difference between this government and the previous one is that Labor insisted on overwhelming community groups with truckloads of red tape, whereas we on this side of the house want to ease the burden on community groups and reduce the impost of unnecessary red tape. The number of pages that volunteer groups were required to fill out just to volunteer was driving people out of volunteering. I am talking about what would happen if we did not have these groups.

The bill is another example of how we are cutting red tape and using common sense to let people get on with the jobs that they want to do and that we need them to do. The bill takes the 30 amendments to the act since 1981 and consolidates them in a shorter and simpler form.

Ms Thomson — Deputy Speaker, I would like to alert you to the state of the house. I do not think we have a quorum.

Quorum formed.

Ms WREFORD — Amendments in this bill will make the language of the act consistent and easier to understand. Part 1 of the bill clarifies the definitions and purposes. The three divisions of part 2 set out how an association can incorporate and remove the need for an organisation to complete a separate form of statement of purpose. Part 3 looks at the requirements, including the impacts, of the Business Names Registration Act 2011 of the commonwealth in relation to national naming. Part 4 tidies up the legal capacities and powers

of incorporated associations. Importantly, it prohibits incorporated associations from securing pecuniary profit for any of their members. The bill will also make executing contracts and documents easier for incorporations that do not have a common seal.

Part 5 is largely about procedures for meetings and membership records. Importantly, it contains provisions to allow meetings to occur via modern technology. What that means for community groups is that they may have half their committee meeting in one place and other members of the committee in another place. They could be off site and participating in the meeting via Skype or webcam. How good is that, given that some people stop volunteering or do not volunteer for groups because they cannot always commit to being at a meeting? Often people are able to commit to being on the other end of a computer hook-up. I think this opens up the possibilities of what community groups can do using modern technology. This is an absolutely fantastic step forward into the 21st century. I do not know how many members have sat in meetings where a quorum cannot be reached, but this way if you can hook up via the internet, you can make your quorum, and everyone will be happy.

Division 3 of part 5 of the bill outlines what is required in a members register. It is to be kept simple. Names, contact details, membership type and joining date are required information. The register can be accessed by members but not by the public. Disclosing or improperly using the information can result in a substantial fine. A member can request that some or all of their personal details be withheld, and the secretary can determine whether the request is reasonable. A member can appeal to VCAT if the secretary deems it unreasonable.

There are many other changes to the principal act. Part 16 contains transitional provisions, repeals and consequential amendments. One of the best things it does, according to the local community groups I have spoken to, is combine the roles of public officer and secretary. That is very logical and saves an election at the AGM and a great deal of confusion. I have had some very good feedback on this change.

This bill simplifies the act and makes it easier to read than Labor's unwieldy legislation. It removes unnecessary repetition and complications, which Labor was happy to ignore, and things that made the legislation hard to follow and wasted a lot of volunteers' time. It standardises the language so that you will not need a law degree to understand the rules. However, we have listened to the legal profession. The Victorian Bar and the Law Institute of Victoria put in a joint submission on this legislation, which came in fairly late, and that has led to some of the amendments which are before us today.

In summary I would like to say that community groups are vital for all of us and for our communities. Labor previously burdened them with a lot of red tape. We are removing that burden so that more people can volunteer. More people can attend meetings, whether that be via the internet or actually in the room with their fellow committee members. The bill consolidates the 30 amendments made to the act since 1981.

It removes the duplication and reduces the amount of paperwork required to be done by associations. It prohibits incorporated associations from securing pecuniary profit from any of their members, and it makes executing contracts and documents easier for incorporations that do not have a common seal. It allows meetings to occur via modern technology and protects personal information. The bill enacts a lot of existing legislation, but in a much clearer way it combines the role of secretary and public officer. Hooray! I think that is one of the great things about this. I commend this bill to the house.

Ms KNIGHT (Ballarat West) — I am also pleased to rise and talk about the Associations Incorporation Reform Bill 2011. I am not going to go into all the detail of the bill, but I would like to commend the member for Mill Park on her very detailed deconstruction of the bill, and I will reiterate her point about the 28 amendments that were handed to us at the 11th hour. I note that this really does not give us or stakeholders very much time to look at those amendments and to do so within the context of how they will impact on incorporated associations. I just do not think that is a good way to do government. However, having said that, we are not opposing this bill. It continues the work of the previous Labor government in this area, particularly with incorporated associations. I would like to note that some 37 000 of those associations are registered in Victoria, but I am going to concentrate on two that I have been involved in in my electorate with regard to very specific parts of this bill.

Firstly, I want to acknowledge how challenging it can be to recruit volunteer board members to boards in the not-for-profit sector. We have just recently gone through that at Pinarc. I have been a board member of Pinarc, which is an organisation that provides services to those who live with a disability, whether that is through their individual circumstances or like myself as a carer. It has always been difficult. It is not that there is a dearth of talented people there, but it is very hard to

reach them. Anything that can make the governance model of a board of management more manageable or easier to fathom and can perhaps dispel some of the myths that are around in relation to recruiting particularly women to boards is, I think, a really good thing.

One aspect of this bill is around the use of technology that can be used through meetings. I think that is particularly worthwhile in regional areas, and again it goes to attracting volunteer board members in that you can somewhat overcome the tyranny of distance. It also acknowledges the busy lives that people have and acknowledges the lives that predominantly women have in their caring roles if they are home. Providing an online capacity to hold meetings or to make decisions can only strengthen a board and the association that is linked with that board.

I also want to touch on the model rules. The model rules are used by about 40 per cent of incorporated associations. I have recently become involved, along with a whole group of people in Ballarat West, in establishing the Ballarat Suicide Prevention Network. We talked about that when I was working at Lifeline before being elected to the seat of Ballarat West. In being part of a group from its inception I have to say that having model rules to lay out a governance role really does makes that task a lot easier. To be able to choose to adopt model rules is just another aspect of being involved in a not-for-profit organisation that might make it easier to recruit more people. On those two brief points, I will again reiterate that we are not opposing this bill.

Ms McLEISH (Seymour) — It is with pleasure that I rise this evening to support the Associations Incorporation Reform Bill 2011. As we have heard, this bill was introduced into Parliament in December 2011, and essentially it introduces a new principal act and repeals the Associations Incorporation Act 1981, but it does re-enact much of it. I wanted to speak on this tonight because I was CEO of an incorporated association for almost five years, but I have also been heavily involved in being on committees of management of incorporated associations in a volunteer capacity. Therefore there is a lot that I feel I have to contribute this evening.

The purpose of this bill is really to modernise the Associations Incorporation Act whereby it is also restructured and rewritten. To put some historical context around this, the Associations Incorporation Act in the first instance provided a mechanism for associations which were unincorporated, not-for-profit organisations. It was a mechanism for such an association to obtain corporations status and to operate as a legal person. I note that the words ‘simple’ and ‘inexpensive’ were used in the second-reading speech in 1981. We have heard that some 40 per cent of organisations are not-for-profit organisations that under this Incorporations Association Act adopt the model rules. I will talk about that a little bit later.

This bill will cover the creation and the operation, including the rules, governance, financial management and dissolution, of incorporated associations. Another thing about which I am particularly keen is that it uses plain language and modern-day best practice, which will improve clarity, make it easier to work with and at the same time remove some redundant and obsolete provisions.

First of all I want to talk a little bit about incorporated associations, and typically they are volunteer run. I think we have heard that within Victoria there are some 37 000 registered incorporated associations. About 35 000 have revenue of less than $200 000. We have heard many examples this evening of the types of organisations that become incorporated associations. Typically they are community groups and clubs and a lot of the sporting clubs and so on with which many of us are familiar. Of those I have had dealings with, I will talk about Women’s Golf Victoria, which has a volunteer board but also a large paid professional staff. Other clubs — including Yea Golf Club and Yea Tennis Club, of which I am a member, or even hockey clubs, have volunteers all round. The committees of management are all volunteers, and the clubs do not pay staff at all. There are different types of incorporated associations, and some of the changes that have been made recognise that. The Australian Association of Psychologists Inc. is another example of an incorporated association.

Incorporated associations, clubs and community groups are organisations to which members choose to belong. The amendments in this bill reform a number of areas, including the setting up and creation of an incorporated association, and that process is outlined in the bill. Any association will have rules of membership, hold general meetings and have a statement of purpose. The bill also covers how to conduct a general meeting and pass resolutions. One of the ways this can be achieved is through the adoption of model rules of incorporated associations, which clause 46 of the bill replicates from section 14A(1) of the Associations Incorporation Act 1981.

For example, membership provisions get a fairly strong reform, including the provision for the secretary of an association to keep a register of membership. The

register can include the names and addresses of all members. Typically when you sign up for membership of an association what you put on the paperwork is information such as whether the membership is voting, non-voting or social. For instance, some golf clubs have six-day, seven-day or midweek membership, which may impact upon the voting rights of a member, so it is very important that these arrangements are captured. The admission date of a member to an association is also very important, particularly at some point in the future when a member achieves 20 or 30 years membership. Sometimes those sorts of criteria may help establish benchmarks for what becomes a life membership.

The reforms in the bill include arrangements for the cessation of membership. Sometimes there is doubt about whether a person is a member of an association, and this bill will help clarify those arrangements. It will help particularly in determining whether a person is a member of an association at a particular point in time.

It is important that a membership register be used wisely. Its information is usually available, and that information is needed to contact people, notify them about meetings and invite them to the association's annual general meeting. For instance, someone trying to round up a hockey team at the weekend might have to ring a whole bunch of people and will need their mobile phone numbers. It is important that those sorts of details are shared. However, there are circumstances where that information could be misused, and I am pleased to see provision for penalties of 20 penalty units if a members register has been misused. Of course there may be exemptions and good reasons under special circumstances for members not having their names and details included on a membership register.

One of the key reforms I want to talk about relates to financial arrangements for annual reporting for associations of different sizes with varying revenue bases. Three tiers now interplay, and their categories are based on the association's revenue. Tier 1 is the smallest category and is for associations with revenue bases of less than $250 000 per annum. Some 34 500 incorporated associations fall into this category. They must have their accounts reviewed if the majority of members vote to do so.

Tier 2 associations have revenue of between $250 000 and $1 million per annum, and their financial statements must be reviewed by an independent accountant. The report of the review must be submitted to members, and accounts must be audited if the majority of members vote to do so. However, there is some flexibility within this financial and annual reporting mechanism, because the auditing of financial statements comes with a cost. We all know that volunteer-based organisations are in the business of trying to raise money so they can put down a new surface on a tennis court, fix a grass surface or raise money for particular purposes. These organisations would prefer to do that rather than spend money on the cost of red tape. The reforms in this bill will reduce that burden of red tape.

Tier 3 associations have revenue of greater than $1 million per annum. Their financial statements must be audited by an auditor, and the audit report must be submitted to members. When I worked for Women's Golf Victoria our turnover was around $1 million, and we received lots of revenue from different grants — from government departments, federal and state, and from other organisations. The books were indeed very complex. It was very easy to rack up $20 000 of auditing expenses per annum, and through our constitution the association would always have to submit the financial reports to the members at the annual general meeting. Having tier 3 separated into a category of revenue of more than $1 million, which has more costly and rigorous financial reporting, is a particularly good move.

The bill also deals with such arrangements as trading when not solvent, legal capacity and powers and management provisions, including appointing a secretary and committee of management, how to hold meetings and what to do when there are vacancies on those committees.

I will mention again the model rules of association, which have been revamped a bit in this legislation. The model rules provide a fabulous mechanism for groups of people who are looking at becoming an incorporated association to adopt. In the area of golf, our constitution was much more complicated than the model rules, but it was clear that the basis of what needed to be done was included in the model rules. You can pick up those rules fairly well and use them. For an organisation to be able to do that simply and easily is terrific. I commend all the work done in the past on establishing and using the model rules for incorporated associations, because I have seen them being used very effectively to run small organisations.

I am pleased to have been able to speak to the Associations Incorporation Reform Bill 2011. There are a lot of good things being done to modernise and reform this area. I commend the bill to the house.

Mr CARBINES (Ivanhoe) — I am pleased to make a brief contribution on the Associations Incorporation

Reform Bill 2011. The purposes of the bill are to establish a scheme for the incorporation and registration of voluntary associations and for the registration of other registrable bodies as incorporated associations; and to make provision for the corporate governance, financial accountability and other matters relating to the rules and membership of associations registered under that scheme.

I want to make a couple of points. The role that people play in volunteering their time to serve on incorporated associations is very important. I have been pleased to make a contribution as a member of the Bellfield community centre, a local community centre in my electorate, which provides a not-for-profit service at a community hall and a place for local receptions to be held. The funds and profits made are ploughed back into subsidising the costs and fees that make the community hall affordable for local people to use. It is also important to make sure that capital is able to be invested in that facility.

There are people you meet who make contributions in our community as volunteers to incorporated associations. These people bring a lot of skills, experience and time commitment to manage those organisations, and they seek to do that in a way that makes the organisations sustainable in the future so that they can benefit the community in the long term. However, what is needed by conscientious people who are prepared to volunteer in those roles is to feel they have clear rules, laws and guidelines to follow, and I think some of the reforms that have been put forward in this bill provide an opportunity to give some confidence to those volunteers.

Often volunteers have to manage budgets and the expectations of the community, and they have key responsibilities, so it is important that some of the reforms in the bill provide greater clarity for those organisations and the people who make those commitments. The bill ensures that people will have confidence that when they want to volunteer in those roles they can do so knowing some of the reforms that have been outlined in the bill have been addressed. As at late 2011 there were some 37 000 incorporated associations in Victoria.

I note that some of the reforms that have been put forward by the government, in particular some of the 28 house amendments, are minor in nature. It is surprising that, given there has been plenty of opportunity for this bill to be canvassed and for people to make submissions, particularly the Law Institute of Victoria, and some of those matters were provided to the government back in January that it is only now, in the last day or so, that the government has chosen to act on those matters in a clumsy sort of way. It is disappointing that the government is rushing this through. It just shows that while the consultation process might have been carried out in a practical sense, perhaps the government has, until very recently, demonstrated a bit of a tin ear in terms of listening by not providing an opportunity for these amendments to come before the house and for the opposition, the Labor Party, which is not opposing this bill, to be briefed until a very late stage. That is particularly disappointing.

However, I commend the reforms that have been put forward, even though some of the 28 amendments that have been circulated in the last day or so do not pick up all the concerns raised by the Law Institute of Victoria. I commend those who volunteer their time to incorporated associations and encourage them to continue to do so. They provide a valuable contribution in ensuring that a range of services are available in our community for those who need them. I commend the amendments and the reform bill to the house.

Mr CRISP (Mildura) — I rise to support the Associations Incorporation Reform Bill 2011. I will start by reading the purposes of the bill, which are to establish a scheme for the registration of voluntary organisations and for the registration of other bodies as incorporated associations and to make provision for the corporate governance, financial accountability and other matters relating to the rules and membership of associations registered under that scheme.

Associations are absolutely vital to our communities. As we well know, the principal act has been amended a number of times over its life. Its last major work-over was in 2009. The not-for-profit sector has had some concerns about the disjointed and difficult nature of the act as it stands, and that has been the catalyst for this government to take on the huge cost of rewriting it. Most associations are comprised of volunteers with no legal qualifications, and this bill is going to ease these difficulties. Let us not underestimate the effort that it takes from government to rewrite an act.

New features of the bill include revised annual reporting requirements and the maintenance of a register of members. I will now go through the various parts of the bill. Part 2 deals with how an association can incorporate. Parts 3 and 4 deal with the name and registration address requirements and the legal capacity and powers of incorporated associations. Part 5 is about the obligations and covers rules, membership registries and conduct of meetings. This is where some of our rural and remote communities might have some real opportunities stemming from the use of technology for

attendance at meetings and in conducting the business of the executive by using modern technology. We all know how important these communities are but how difficult it is sometimes for them to get together to conduct a meeting.

Part 6 deals with administration and management, and the appointment of secretaries, committee meetings et cetera. Part 7 deals with the reporting structure from the 2010 amendments. Part 8 deals with transfer of incorporation. Part 9 deals with the statutory management of an incorporated association. Part 10 covers winding up and cancellation. Part 11 deals with the interaction between the associations and the corporations legislation. Parts 11 and 12 deal with the implementation of the bill. Part 14 deals with offences and proceedings, and part 15 deals with some general matters. As I said earlier, this is a major rewrite.

I will quote from the second-reading speech:

> The bill … will provide significant benefit to the not-for-profit sector by reducing the regulatory burden on incorporated associations while improving the accessibility and functionality of this legislation.

Incorporated associations are the backbone of our community. They are mostly not for profit. They include our sporting clubs, social clubs, service clubs and passionate causes — just about everything — and there are hundreds of them. We could spend the entire debate naming the ones in our electorates and still not get to the bottom of the list. Some have grown to be large organisations and some have morphed into other organisations. As members of Parliament we may have attended their AGMs (annual general meetings) and have understood their complexities, particularly with the larger organisations. They work towards making this a better community in which to live. Those functions are strong and some of their benefits are immeasurable. I want to pay tribute to those volunteers who give up their time. They raise money, they care, they supervise, they do so much.

Some of the changes we are introducing include a three-tier reporting system. Tier 1 associations, or those associations with revenue of up to $250 000, will need to provide an annual financial statement. Tier 2 associations, or those with revenue from $250 000 to $1 million, will need to provide an annual statement with a copy of a review. Their accounts must be reviewed by a member of CPA Australia, the Institute of Chartered Accountants of Australia or the National Institute of Accountants. Reviews must be conducted according to Australian accounting standards. Those accountants are available in most of our communities. I pay tribute to them. I know a number of accounting firms that provide services to not-for-profit organisations free of charge, and I commend those firms. The accountants come to a meeting, present the audit report and proceed to answer questions, and generally you find that for their efforts they get a bottle of wine. I think it is pretty wonderful that the accounting profession does that. We have all sat through that part of an AGM.

For tier 3 associations, or those with annual revenue of $1 million plus, things become a little more complex. They need to provide an annual statement with a copy of an audit and their accounts must be audited by a registered auditor, an auditing firm or a member of CPA Australia, the Institute of Chartered Accountants in Australia or the National Institute of Accountants. This is a considerably more complex arrangement. Some of these are very large organisations in our community which provide a number of services and have a large number of employees. They have generally grown with the community too, which I think is something we need to remember.

Incorporations provide a path for the community to pursue an interest. It is very much the case with an incorporated association to ask how do you get something done or change something. You call a meeting, you form a committee, you get it incorporated and then you go from there. Some have a limited life; some go on forever. As I said, some become very large organisations, of which there are quite a number in my electorate.

There are a number of issues that have arisen that should be discussed. Concerns have been raised, and some stakeholders have submitted that certain parts of the bill need to be amended to provide the right for a member of an incorporated association to apply directly to the Magistrates Court for the appointment of a statutory manager. This is when things do not go according to plan. The bill does not include a proposal, as further work is required to develop the mechanics of one.

There have been some privacy issues in relation to the registration of members and with the membership of incorporated associations where members join voluntarily. Again, these issues can and will be addressed.

I turn now to the issue of amendments and particularly the house amendments. The bill was introduced in December 2011. Briefings were held later in December for government and opposition members, and the bill was listed on the notice paper to allow for feedback from a vast range of interest groups. Those groups have

provided substantial feedback. There has been feedback from the legal profession. Some of the amendments that the legal profession has brought forward and that we have included in the house amendments are in relation to typos, and some are important. These amendments are testament to the fact that this government listens. We put this legislation out there, and these amendments constitute a major rewrite. We have received feedback from vital parts of our community. We let this legislation sit on the table for everybody to review it, and a lot of feedback has come back in. That is why those amendments are on the table.

This is a major rewrite of an important bill. The government has been sensitive to the community and the industry. We have accepted the feedback. We listen. This bill regulates a vital community sector, and I wish it a speedy passage through the Parliament.

Ms CAMPBELL (Pascoe Vale) — I appreciate the opportunity to speak on the Associations Incorporation Reform Bill 2011, and at the outset I congratulate not so much the government but the staff at both the Department of Justice and Consumer Affairs Victoria for their monumental effort in presenting this 200-page document to us, which comprises the explanatory memorandum and the bill. The efforts to rewrite this bill go back over a decade. I have been familiar with this work, which has been laboriously slow and has attempted to get to the nub of a range of issues from an extensive array of community organisations, all with a slightly different point of view of what should be in the legislation. I trust that after the consultation that has occurred this monumental tome we have before us meets the needs of Victoria's incorporated associations.

Previous speakers spoke about the 28 amendments. I also want to comment on those. If there was feedback from the community and the community's view was that there were 28 errors, then it would have been courteous of the government to provide the opposition with a thorough briefing on them long before Tuesday morning. This is an indication that the government waited until the very last moment to provide our shadow minister with that briefing. That is very disappointing.

I wish to raise a couple of matters for the attention of members. Firstly, in *Alert Digest* No. 1 of 2012 the Scrutiny of Acts and Regulations Committee (SARC) raised a number of points. We wrote to the minister about issues in relation to compelling a person to self-incriminate and the requirement of laypeople to assist in investigations relating to incorporated associations. I draw the attention of the house to pages 2 through 4 of *Alert Digest* No. 1 of 2012. The SARC report that was tabled in this house notes that non-office-holders may still be prosecuted as accessories to office-holder offences or for general crimes such as embezzlement or fraud. SARC noted that the statement of compatibility does not address clause 178(2) of the bill, which obliges people required to produce documents under the Magistrates Court scheme to identify and correct any documents they know to be false or misleading in a material particular. The committee observed that while such offences are a common feature in Victorian regulatory schemes, clause 178(2) may be applied to people who have not voluntarily participated in the regulatory field.

The minister's response to our concerns is outlined in *Alert Digest* No. 4 of 2012, and I draw the house's attention to that. It is important when this bill is being considered that SARC's letter to the minister and his response, along with the amendments, are taken into consideration in this house and the other place.

Mr MORRIS (Mornington) — I am very pleased to rise this evening to support the Associations Incorporation Reform Bill 2011, which is a rewrite of the current principal act, the Associations Incorporation Act 1981. That act was established to provide a simple and inexpensive structure for non-profit organisations. I guess the sort of organisation that was talked about at the time was a very different animal to the sorts of community-based organisations that have to date used the Associations Incorporation Act to shape their structure.

The bill establishes a new principal act, which will re-enact the existing act with modifications. It is almost 30 years since the act came into operation — that is, more than 30 years since the bill was passed by the Parliament back in 1981. The language of legislation has been simplified in the intervening period. Substantial progress has been made in terms of best practice in the way we run our community organisations, and as I indicated earlier there has been a huge expansion of the role of these sorts of organisations, from sporting, bowling and Rotary clubs to large organisations that deliver services, often on behalf of government. That is a very different role.

The bill also removes some provisions that have become redundant and basically updates the existing legislation. It is worth reflecting on the original act, because at the time it was groundbreaking legislation. I well recall acting as the secretary of a group that was building a ski club up at Mount Hotham in about 1975. We all put in a certain amount of money, but we wanted to borrow a bit of money too, so we went along to the bank and said, 'We want to borrow money', and

the first thing the bank said was, 'What structure do you have?'. We said, 'We're an unincorporated association'. The bank said, 'We can't loan money to an unincorporated association'. So as a volunteer I had to go through the process of establishing a cooperative society under the act, issuing shares and arranging for uncalled capital. For a non-accountant in a voluntary capacity it was a fairly involved process, and it was all because we wanted to borrow $45 000. In 1975 admittedly $45 000 was serious money, but even so, it was an incredibly complicated process.

When I started thinking about this bill I reviewed the debate that occurred in this house back in 1981. Rob Maclellan, the then Minister of Transport, made the second-reading speech. I am not quite sure what his duties were, but I assume this was not part of his role as Minister of Transport. He made the point in the second-reading speech that the 'terms of reference reflect real difficulties experienced by unincorporated associations'. He then went on to recognise the particular difficulties, such as the inability to hold property, to enter into contracts, to take out insurance policies to cover liabilities and to have persons acting on behalf of the association borrow money — all those sorts of things.

It is interesting. We have had a number of contributors this afternoon. Perhaps the practice was a little bit different then, but I noticed that the minister's second-reading speech covers 12 or 14 columns of *Hansard* on the day of the second reading and then a couple of weeks later, when the debate occurred, the Labor opposition speaker — I think it was the member for Prahran — and the Leader of the National Party, Mr Ross-Edwards, both covered some ground. All up the total second-reading debate takes up another eight columns in *Hansard*. It was a groundbreaking bill, but it did not perhaps attract as much attention in this place as it might have.

I want to emphasise the importance of this legislation and the current principal act in creating the opportunity for communities to engage and form associations. It is a big contributor to the vibrancy of our communities that we have a structure available for people to group together, work on cooperative activities and form sporting associations and all those sorts of things without too much red tape and in a manner that protects the interests of the individual. It is always a balancing act when you are doing these things. To protect the interests of the individual there needs to be a structure, but it cannot be a process that is so convoluted that it deters people from becoming involved. I commend the minister on the balance that has been achieved in this bill. It achieves what he set out to do in terms of accessibility to the community but also retains a structure that is relatively user friendly — not entirely, of course, because it cannot be.

The detail of the bill is substantial, with some 228 clauses and 5 schedules. As I said, it has dealt with a number of issues that have arisen over the years, and I will return to that when I next have the call.

The SPEAKER — Order! The time has arrived for this house to meet with the Legislative Council in this chamber for the purpose of electing three members of the Parliament to the board of the Victorian Responsible Gambling Foundation. The joint sitting will conclude at an appropriate time for the dinner adjournment, so I propose to resume the chair at 8.00 p.m.

Sitting suspended 6.15 p.m. until 8.02 p.m.

Mr MORRIS — As I was saying before the break, this is a substantial bill of 228 clauses and 5 schedules. Since I have about 3 minutes left on the clock, I am not going to endeavour to go through it in any detail except to note a couple of things. The general prohibition on an association securing pecuniary profit from any of its members is maintained in this bill and carried over from the original Associations Incorporation Act. Under part 6 the changes brought about by the amendments that were made in 2010 in terms of the Corporations Act are also maintained.

I want to briefly touch on the issue of the house amendments, which have been a matter of some concern to a couple of members opposite. The point is these primarily relate to issues that were raised either during the consultation period or beyond the consultation period — in other words, after submissions had closed. Submissions closed on 11 November. The bill was introduced to the house on 6 December and was second-read on 7 December.

A joint submission was received from the Victorian Bar Council and the Law Institute of Victoria on 16 January. It was very hard to accommodate their issues when they were raised after the bill was introduced into the house, but those proposals have been reflected in the circulated amendments, and in large part that is the reason for the extensive list of amendments. With those few words, I commend the bill to the house.

Ms THOMSON (Footscray) — I rise to speak on the Associations Incorporation Reform Bill 2011, and as has already been stated, the opposition is not opposing this bill. However, it is quite outrageous that it comes with 28 house amendments when it has been in

the pipeline for quite some time. There could have been consultation before this time to ensure that we did not have to have 28 house amendments.

I want to talk a little bit about the legislation and the impact that it will have on incorporated associations. The vast majority of the 37 500-odd incorporated associations are small, and they certainly do not have the expertise nor do they raise the kind of money that justifies huge requirements to administer their associations, so any simplification for associations is crucially important.

From talking to a number of these incorporated associations, ranging from the very large to the very small, it is clear changes were made along the way during the former government's time in office. We also needed to address the issue of disputes between members of the associations, and we see in here an ability to resolve those disputes that were often unresolvable before we saw this legislation but were certainly in train under the last government.

When you are talking about so many associations of varying degrees of wealth, varying degrees of qualification and varying degrees of intent and purpose, it is very hard to legislate for such a diverse field of associations, so to streamline it is the right thing to do. I do not think this is the last bill we are going to see on associations incorporation legislation; I think we will see more. The reason we will see more is because of the multitude and diversity of these groups. They will continue to flourish and do extraordinary and amazing things in their communities, and they will do this for the smallest number of people in a community right through to dealing with supporting the whole community. The work that these people do is to be commended. I will leave it there and say that we do not oppose the bill, but having 28 house amendments when this bill had already been talked about for some time could have been avoided.

Mr THOMPSON (Sandringham) — A number of years ago a country-based organisation contended with some difficulties. I will recite the example in brief terms, but the example could be applied further afield. The Mount Beauty Tidy Towns Association ran a function at which a person was injured and issues then ensued in relation to the liability of the members of the association. The incorporation law in Victoria reflects in a number of ways 1000 years of legal development where entities now have the opportunity to own property in the name of the organisation, sue or be sued in the name of the organisation and covers a range of other matters that might address contractual liability, liability in tort and the ability, as noted, to own property.

Interestingly, the first piece of legislation that dealt with this in Australia under the mantle of associations incorporation was the Associations Incorporation Act 1895 in Western Australia. What we have before us in the house this evening is a detailed document that is 197 pages long or thereabouts. The first legislation in Victoria, if I am correct, was passed in around 1981 and did not come into operation until a couple of years later. As a lawyer practising in Melbourne I am of the tentative view that I had responsibility to incorporate the first half-dozen or so incorporated entities among the first 500 or so in Victoria. It was an act that was eagerly awaited by many different people.

In the Sandringham electorate there are community, aged care and sporting organisations, and local clubs and community groups that have taken up the benefits of incorporation. Numbers of them have adapted the model rules. Some people have used lawyers to adapt the model rules for incorporation and other organisers, who have been of bright and keen mind, have embarked upon that journey themselves. There was a group of European Australians — that is, a number of people who had migrated or were transported to Australia in the Second World War — who were keen to form an association that comprised the members of the ship upon which they had travelled to Australia. They were very bright people who were keen to develop the model rules with a statement of purposes themselves.

Nevertheless, there are a couple of key comments I would like to make in relation to the bill. The first is that it is of immense value to the people of Victoria. There are 35 000 or so incorporated entities in Victoria. The second comment is that this bill is a product of a lot of great expertise that has been involved in its development, from the departmental staff through parliamentary counsel and community organisations and groups. The third comment is that it has taken account of developments in technology — and the ability to run meetings using technology is a good advance that is realistic. I think there can be other forums where that should be possible as well. The realm of parliamentary committees still has some prospect to go there.

The next comment I would make is about the protection of office-holders. Clause 87 notes:

> An incorporated association must indemnify each of its office holders against any liability incurred in good faith by the office holder … in the course of performing his or her duties as an office holder.

That is an important clause that will provide good protection to members of the community, and in reading it I omitted the words 'on behalf of the association', which are proposed to be removed by an amendment. I commend the bill to the house.

Debate adjourned on motion of Ms RYALL (Mitcham).

Debate adjourned until later this day.

JOINT SITTING OF PARLIAMENT

Victorian Responsible Gambling Foundation

The ACTING SPEAKER (**Mrs Victoria**) — Order! I have to report that the house met today with the Legislative Council for the purpose of sitting and voting together to elect three members of the Parliament to the board of the Victorian Responsible Gambling Foundation, and that Mr McCurdy, MP, Mr Southwick, MP and Mr Trezise, MP, were elected.

VICTORIAN INSPECTORATE AMENDMENT BILL 2012

Second reading

Debate resumed from 14 March; motion of Mr McINTOSH (Minister responsible for the establishment of an anti-corruption commission).

Ms HENNESSY (Altona) — It is my honour to rise to make a contribution to the debate on the Victorian Inspectorate Amendment Bill 2012. But does it not feel a little bit like Groundhog Day? This is the fifth time that this chamber has debated issues pertaining to the Independent Broad-based Anti-corruption Commission and its oversight, and we are still no closer to having an operational IBAC. That is the IBAC that the government in its pre-election promises said would be up and running by 1 July, yet here we are on the fifth piece of legislation concerning it and we have nothing. IBAC is turning into a very expensive circus. As I said, it has been 16 months with five pieces of legislation and we are still barely any closer to understanding what its substantial functions, duties and powers will be.

What we have here tonight is an amendment of the Victorian Inspectorate Act 2011. That act had its genesis in a bill that went through late last year, and we are already amending it. The Victorian Inspectorate Amendment Bill amends the Victorian Inspectorate Act 2011 to provide the Victorian Inspectorate (VI) with additional duties and powers to oversight IBAC and to monitor compliance by public interest monitors (PIMs) with prescribed obligations. It amends the Victorian Inspectorate Act to provide power for the VI to inspect and audit Public Interest Monitor records, enter PIM premises and require the VI to report to the minister on the functions of PIMs and any contravention by PIMs. It also makes some consequential amendments to the Evidence (Miscellaneous Provisions) Act 1958.

The opposition will not be opposing this bill. However, yet again we feel incredibly frustrated that tonight we are here assessing and debating a bill about a body that does not have a home. The great difficulty with this bill is that it seeks to set out the powers of the Victorian Inspectorate and the Victorian Inspectorate is the body that oversights IBAC. When you are assessing the powers and functions the oversight body needs to do its job properly, you need to understand the totality of the powers and functions of IBAC itself. We do not know that yet, because the government has botched this project. We do not know the entirety of the powers and functions of IBAC, even though this is the fifth related piece of legislation. We do not know what the entire powers and functions of IBAC are, even though the government likes to regularly send out press releases, and every time one of its integrity challenges is illuminated or exposed it says, 'Do not worry. IBAC is coming'.

The government tries to assert that it has in fact established an IBAC. Although some shell legislation exists, it is a blatant mistruth for the government to rely on that in its defence. We do not know what the powers and functions of IBAC will be, because every time there is another gaping hole exposed in the IBAC model, every time the IBAC proposition is exposed or illuminated, the government in all of its glorious IBAC spin likes to assert that the issue will be addressed in forthcoming legislation. Those issues have not been addressed, and tonight we are trying to assess whether or not this is a rational or reasonable oversight model of a body that does not exist. It is ludicrous. If Samuel Beckett were to return to our mortal coil, he could write the sequel called *Waiting for IBAC*, because the promised details never come.

We do not know what the full powers and functions of IBAC will be because the government has suppressed and refused to release the advisory committee report on this very issue. That report could give us insight and reassurance. That report could tell us what significant stakeholders have to say about the challenges and dilemmas of setting up a significant and integrated anticorruption system. That report could tell us how to respond to the challenges of balancing the difficult issues involved in having an IBAC that is required to be

effective in investigating and exposing corruption but also fair. What has the government done with the report? It has buried it. It strikes me as ironic that it has buried an advisory committee report that goes to the issue of public integrity. If it were not such a delicious irony, it would be farcical.

Further, the government has failed to use the consultation process and the expertise in the advisory committee report to lead and elucidate a public debate about what constitutes an effective and fair anticorruption system. It has failed to tell us how the Victorian proposition demonstrates that it is truly a model for our times and how we can be assured that the government, in creating the Victorian model, has learnt from the successes, challenges and failures of anticorruption and police integrity bodies interstate and internationally — and there have been many of both. What are the opportunities to genuinely improve public integrity? How do we manage the risk of setting up a quango that misuses its powers, delivers no substantial outcomes and trashes the reputations of innocent parties? How do we know members of the government have properly turned their minds to these important questions?

What the government has done instead is suppress an important report that could give us reassurance and could inspire and elucidate a sensible public policy discussion and debate. The government has been silent in the debate about the establishment of significant institutional reform — what a wasted opportunity to show leadership on important public policy issues. That is a characteristic that this government has demonstrated again and again. We do not know anything more about when we will have a complete picture of the IBAC's powers and functions. Tonight we are expected to be able to intelligently debate and assess an oversight body when we do not know what it will have to oversight. This is rear-about public policy making.

The Premier occasionally comes under pressure to give a commitment about when the IBAC will be up and running. I note that he has made some public commentary that it will be open for business by the middle of the year. Time is running out, and we will hold him to that public proposition. The promise the coalition made to Victorians about the IBAC has been broken time and again. While this bill does provide a framework for the VI to investigate a body such as the Public Interest Monitor — the establishment of which the opposition supported — the government is yet to introduce the necessary legislation to address the substantial and important issues regarding what the anticorruption body will actually do.

What the bill does is set out some inquiry powers. The VI will be able to hold an inquiry, including the ability to hold an examination, enter and search IBAC premises and inspect, seize and copy any document or thing. We know IBAC officers will be able to use bazookas, but they will not have the power to issue a summons and require anyone to give evidence under oath; however, those who can investigate them will have that power. There is an incredible lack of commonality between the powers. Under this bill examinations of IBAC staff must be held in private, and there is an entitlement to legal representation when answering a summons to attend. We do not know if IBAC will have the power to conduct hearings in public or private, but we know the body that oversights and can investigate IBAC can only conduct its investigations in private.

The bill also sets out a range of provisions around witnesses. Unlike the IBAC proper, this bill sets out the processes for a witness summons to investigate an IBAC staffer. No such power has yet been given to IBAC. The government has put all its energy into the body that will oversight IBAC but none of its energy into the anticorruption body itself The government has given the VI entry, search and seizure powers. The bill sets out such powers for a VI investigation of IBAC officers, but curiously these powers are limited to executing those warrants on IBAC premises. The suggestion seems to be that if an IBAC officer engages in corrupt or illegal conduct, they will always hide the evidence at work.

There are provisions relating to confidentiality. They may or may not be sensible provisions; it is difficult to understand what the body will be oversighting. There are some reasonable provisions around advice to complainants. VI investigators have discretion to provide a complainant with information about the results of an investigation or inquiry. They may refer matters to the Chief Commissioner of Police, the Auditor-General, the Victorian WorkCover Authority or a public authority. The government has gone into great specificity in this bill but not in the primary bill in relation to IBAC.

The government has created a number of provisions that relate to confidentiality notices. It has set out a range of restrictions whereby certain kinds of matters cannot be put into the public domain. It has addressed the issue of some privileges, including public interest immunity. While the government has addressed the issue of public interest immunity in the primary IBAC bill, it has not addressed issues such as whether there will be immunity around cabinet in confidence or whether there will be legal professional immunity.

Again it points to the ridiculous way in which the whole IBAC process has been conducted. There are provisions that relate to contempt. Again, these may or may not be sensible provisions, but it is difficult to tell because we do not know the breadth and length of the functions that the primary body will have.

Similarly the bill sets out a range of reporting obligations. Liability is limited to offences under the act. The bill contains some sensible provisions and might get the balance right. We do not necessarily criticise the substance of the way the bill has tried to achieve that balance; what we criticise is the fact that the government has squibbed its responsibility around IBAC time and again. We should always be cautious about the suppression or restriction of the reporting of information. It may well be this protects other investigations and reputations, but how can we possibly make this assessment when we do not have the IBAC proper fleshed out before us? What we do know is that there has been a significant breach of the government's election promise, to much disappointment.

It has been reasonably interesting in recent times to hear Elizabeth Proust make some comments about the government's IBAC. She said that legislation setting up the commission may be flawed 'because it limited the body to dealing only with indictable offences'.

Ms Proust is also reported as having said that she was 'concerned the commission would be "overwhelmed" by complaints about police, limiting its ability to deal with other public sector and political corruption' issues.

It is very interesting to think about the Independent Broad-based Anti-corruption Commission in terms of the staffing. Again the government has been given very inconsistent responses about the future of OPI (Office of Police Integrity) staff. It has broken its election promise about the process that is to be used to appoint the inaugural IBAC Commissioner. We keep waiting for that promised consultation about the inaugural commissioner and it does not come. We read media reports that many people the government has approached to be the inaugural IBAC Commissioner have said, 'No, thank you'. Who could blame them? This is a process that has been botched and politicised from the get-go. It seems to me that the government has deliberately tried to clip the wings of the model it was so in love with before the last state election, while the model it has delivered is significantly different from the one it promised.

Let us also ask what some of the significant stakeholders in this area of public policy have to say. There is the Accountability Round Table, a body that the government when it was in opposition quoted on several occasions. What that body had to say, particularly about the release of the advisory committee report, was:

> Victorians should know the advice informing the legislation that has been introduced.

What did Douglas Meagher, QC, one of the two advisers to the government on the IBAC model, have to say about it? He is reported as having 'raised concerns about the body's narrow scope and warned that the wording' of the IBAC 'may lead to legal challenges for the new commission'.

When asked about the $170 million cost of the IBAC, an article in the *Saturday Age* of 17 March reported that:

> Mr Meagher said the government 'would be well advised to save its money and abandon the project'.

This is a government adviser, a revered QC in the area of accountability. The article went on to report Accountability Round Table spokesman and Professor David Yencken as saying:

> The secrecy shrouding every aspect of the consultation carried out by the government is a matter of great concern.

He is reported as having also said:

> The public has a right to know to what degree those who participated in the formal consultation influenced the government policies and drafting of the bill …

These are incredibly important stakeholders and not just in the broader public policy. They are stakeholders who advised the government and now they are coming out and giving some of the greatest and grandest condemnations of their process and their model.

Recently the *Saturday Age* editorialised that:

> … what Victorians will get is not what Mr Baillieu promised.

That is the key issue here. Thirty-six pages of policy was put before Victorians in the last state election and on every single one of those pages there is a broken election promise. It is difficult to understand why the government has changed its mind so significantly. Why has it suppressed this report? In the absence of the government demonstrating any genuine public policy leadership on this issue, we can only be invited to speculate. In a bit over a year the government has cranked up a number of public integrity chinks in its very thin armour, whether we are talking about dodgy election donations, bad planning decisions or the OPI report. And did we not see that all today? Did we not see today the ongoing aversion to just telling the truth?

We saw the OPI and Tristan Weston report, the sorts of things an IBAC might investigate, but what the government does is to significantly heighten the threshold. It seems to me that this government has been so deeply psychologically and politically scarred by this experience of having its own lack of integrity illuminated that it has started, out of fear that a body might investigate it, significantly clipping the wings of the model it promised. This is a disgrace.

We do not oppose this bill. What we do oppose is the rank hypocrisy and the lack of genuine public policy leadership that has followed the IBAC from go to whoa.

Mr NEWTON-BROWN (Prahran) — With the greatest of respect for the member for Altona, what flawed logic! The member started her contribution by suggesting that we are no closer to a fully functioning independent broadbased anticorruption commission (IBAC) but then detailed the five pieces of legislation which have already come before this house. If you are starting from a base of zero, one piece of legislation is one step closer, the second piece is two steps closer and so on. This bill is one further plank in the Liberal coalition commitment to deliver a new regime of public accountability and transparency in this state. This bill relates to the oversight of IBAC and the monitoring of public interest monitors. Step by step the Liberal coalition is building a well-thought-out, considered, legislative framework which will establish an independent broadbased anticorruption commission.

The member for Altona seems to be suggesting that she wants the bill all thrown together and into Parliament as soon as possible. That is not the way the Liberal coalition and the minister are approaching this legislation. We are presenting a well-thought-out, planned legislative program to deliver exactly what we said we would deliver in the 2010 election campaign. The minister makes no apologies for the fact that these powers are going to be brought in. They will be exercised independently and they will tackle corruption in this state.

For 11 years Labor shirked the call of the community to clean up corruption in this state. When former Premier Brumby finally responded, it was far too late. It was a lily-livered response. And, surprise, surprise, did he include politicians in his model? Absolutely not; politicians were barley. The public told Premier Brumby what they thought about politicians protecting their backs and they told him exactly where it hurt — at the election — and seat by seat his government fell. It fell because people were desperate for some leadership and some tough measures to stop the rot in the state of Victoria. The Baillieu government and the Minister responsible for the establishment of an anti-corruption commission are providing that tough leadership.

For many years while in opposition the former Premier pressed the need for an IBAC, but for 11 years the ALP simply refused to implement one. In its first year in office the Liberal-Nationals coalition is delivering on what was so plain and simple that everybody, except for Steve Bracks and John Brumby, could see: this state needs an IBAC. Interestingly, in opposition Mr Brumby is on the record as being in favour of an IBAC. As opposition leader he wrote a letter to the Australian Civil Liberties Union — —

Mr Wynne — On a point of order, Speaker, we have listened with some interest to the contribution by the member for Prahran. This is a relatively contained bill, and he has spent perhaps the last 2½ to 3 minutes of his contribution essentially reflecting on the previous government. I would ask you to draw him back to the bill.

Mr Dixon — On the point of order, Acting Speaker, I think the member has been relevant to a whole range of issues regarding the bill that were covered quite extensively by the lead speaker, and I think he is well within the remit of this bill.

The ACTING SPEAKER (**Mrs Victoria**) — Order! I do not uphold the point of order.

Mr NEWTON-BROWN — The letter Mr Brumby wrote is reported in the *Herald Sun* as stating:

> I concur with your sentiments regarding the need for a royal commission into police … Labor has repeatedly called for a royal commission into police corruption and will continue to do so in the coming session of Parliament and beyond.

Despite various other states, such as New South Wales, Queensland and Western Australia, moving to establish anticorruption commissions, the Labor government here steadfastly refused to deliver one once elected — for 11 years. More than 20 former judges, senior police officers, anticorruption experts and leading public administration figures called on Premier Brumby to establish an independent anticorruption commission in Victoria, but still he refused. Where were you, member for Richmond? Did you talk to your leader at the time?

The ACTING SPEAKER (**Mrs Victoria**) — Order! Through the Chair!

Mr NEWTON-BROWN — Once in power Mr Brumby backflipped and tried to weasel out of implementing a proper, independent anticorruption

commission. He was quoted in the *Australian* on 4 June 2010 as having said:

> My views on it have been well aired and are well known, and that is that I think ICACs provide a lawyers' picnic …

The *Herald Sun* speculated as to why there was this reluctance on the part of the Brumby government in an article published on 20 September 2007. The paper speculated that the government had corruptly entered into a deal for political support with a union in exchange for various employment, financial and legal defence undertakings from the Labor government. The paper pointed out serious evidence of corruption and a lack of adequate investigation into some aspects of public tendering processes in Victoria. The *Herald Sun* mocked the Brumby response, referring to an 'alphabet soup' of various agencies being empowered in an ad hoc fashion to plug the obvious failures.

An editorial comment at the time said:

> A government that fails to act responsibly in combating corruption — —

Mr Wynne — Stop reading.

Mr NEWTON-BROWN — It is a quote, member for Richmond. I quote:

> A government that fails to act responsibly in combating corruption in all sectors of public life undermines the very heart of good governance.

I want to focus a bit now on something the member for Altona touched on, and that is the need for an IBAC and what the pointers were for an IBAC. She opened this discussion, and I would like to continue it.

Interestingly, the legislation before the Parliament will include scrutiny of politicians. The need for this is inherently obvious to anyone looking through the history of politics in this state in the last decade. The rot actually set in very early, back in 2000. In November 2000 an Independent candidate for Frankston East signed a statutory declaration stating that Labor representatives had offered him money for preferences to be directed to Matt Viney, the then Labor candidate for Frankston East and now a member for Eastern Victoria Region in the Council. The Liberal state director at the time told ABC radio, and I quote:

> … there is a statutory declaration being made about certain activities that have occurred in relation to the Frankston East by-election and they raise very serious questions that ought to be answered by the Premier and by the Labor Party.

What do you think the then Premier would have done regarding such allegations? Would he have been horrified to hear of allegations of corruption in the electoral process? Would you think the Premier would have moved to set up an IBAC once he heard that, to stamp out such activities that threaten the basis of our democratic society? What did he do? He dug in, he refused to take any action and he rubbished the claims.

I move forward to 2006 when the member for Lyndhurst was busted for misuse of his parliamentary entitlements when he used his ministerial driver to take him doorknocking in support of his — —

Mr Wynne — On a point of order, Acting Speaker, again I invite you to direct the member for Prahran back to the substance of the bill. This debate is not an opportunity for the member for Prahran to chronicle alleged behaviour either by his government or indeed the previous government. This bill is a relatively contained bill, and this is certainly not an opportunity for him to air all these matters he is seeking to raise here this evening. I ask you to bring him back to the substance of the bill.

Mr Dixon — On the point of order, Acting Speaker, I think the member is still well within the confines of the bill. He is backgrounding a whole range of issues regarding the background to the bill, and I think he is being relevant and also reacting to the previous speaker.

Mr Donnellan — On the point of order, Acting Speaker, the member is drifting. This is specifically about IBAC and the amendments to the Victorian Inspectorate legislation; it is not a historical journey through supposed accusations against the members of the house. This is easy for all of us to do today, and we are quite happy to join the party and will throw accusations around the house like the member is doing at the moment.

The ACTING SPEAKER (**Mrs Victoria**) — Order! What is the member's point of order?

Mr Donnellan — Relevance, full stop. If the government wishes to venture forth on this path, we would be very happy to go down that path, and we will do so.

The ACTING SPEAKER (**Mrs Victoria**) — Order! I do not uphold the point of order. However, I would suggest to the member for Prahran that he brings his final minute back to the bill at hand.

Mr NEWTON-BROWN — Imagine that: 'Driver, pull over; I've got some grubby preselection work to do. And, yes, you will be paid by the state of Victoria while I do this work'.

Mr Nardella — On the point of order, Speaker, the honourable member for Prahran is casting aspersions upon another member of the Parliament.

Mr NEWTON-BROWN — Absolutely.

Mr Nardella — He just said, 'Absolutely'. It is against the standing orders, it is inappropriate and it is not in the bill. You have asked him to go back to the bill, Acting Speaker, and I ask you to do that once more.

The ACTING SPEAKER (**Mrs Victoria**) — Order! I uphold the point of order, and I ask the member for Prahran to come back to the bill for his remaining 17 seconds.

Mr NEWTON-BROWN — Luckily there will be more of these bills coming before Parliament, and there are many more examples which I will enjoy detailing to the house at that time.

Mr McGUIRE (Broadmeadows) — I rise to make a contribution on the Victorian Inspectorate Amendment Bill 2012. As the minister stated in his second-reading speech:

> This bill amends the VI act to give the Victorian Inspectorate powers, duties and functions to ensure that IBAC's use of its powers is both appropriate and proportionate.

This is the theme I wish to address in this contribution. The Victorian Inspectorate will act as a core plank in the government's broadbased anticorruption package. This bill is the fifth tranche of a legislative framework for the establishment of the proposed Independent Broad-based Anti-corruption Commission and associated oversight bodies such as public interest monitors and the Victorian Inspectorate, which are designed to monitor the activities and functions of the IBAC.

Unfortunately the IBAC is still not established and operating, despite the coalition's promise to have it up and running by 1 July 2011. This critical fact has been ignored by the member for Prahran, who refuses to recognise that Victorians still have no idea when this body will commence, as that depends upon the passage of necessary commonwealth legislation relating to telecommunications interception powers. It is also 16 months into the government's term, and Victorians still do not know how the IBAC is going to operate, when it will begin and in fact who will be in charge. These are issues of concern. Nevertheless, the opposition is not opposing the bill but feels compelled to highlight the shortfalls of the government's integrity regime, and it will continue to hold the government to account for the promises it made to the Victorian people that remain unfulfilled.

The point I raise in the public interest is that the legislation is a test of values. Do we address corruption by opening processes and decision making up to the light of transparency? Or do we establish an anticorruption body with extraordinary powers to investigate allegations of corruption in secret? The coalition's policy focus is one of largely punitive responses — a belief that more guns and more prisons will fix law and order problems. Ideology has clouded a goal, which should be effective and proportionate measures aimed at deterring, preventing and combating corruption. Instead the coalition has delivered a system that reflects the intentions of its creators — the pursuit of its political goals through gesture politics rather than a concerted and comprehensive approach to addressing corruption.

Victorians are now asking, 'What is the best way to address corruption?'. An important point to consider is that corruption is often not a localised or isolated issue but one that has significant domestic and international implications. According to the Organisation for Economic Cooperation and Development (OECD), corruption:

> … erodes public confidence in political institutions and leads to contempt for the rule of law. It distorts the allocation of resources, inflates spending on public procurement and undermines competition in the marketplace. It has a devastating effect on investment, growth and development.

Therefore, addressing corruption is not simply a matter of creating an investigative body with extraordinary powers to use firearms and employ coercive questioning. It demands the recognition of significant supply-side and demand-side factors, and as such — —

Mr Southwick — On a point of order, Speaker, you made it clear in an earlier ruling that members should not be reading their speeches. We have now been sitting here for some 4 minutes and in that whole time I do not think I have seen the member for Broadmeadows raise his eyes.

Mr McGUIRE — On the point of order, Speaker, I am reading from copious notes. I invite the member for Caulfield to see the shorthand forms for himself.

An honourable member interjected.

Mr McGuire — 'Referring to' the notes, I should have said.

The SPEAKER — Order! I gave a ruling earlier this session that I did not want members to be reading

their speeches, and I want to hold to that. There are a number of members of this house who continue to have their eyes down 90 per cent of the time, if not more. I would like members to be able to make their speeches without reading them. I know that members use copious notes — —

Honourable members interjecting.

The SPEAKER — Order! It is on all sides of the house. I gave a ruling, and at this stage I intend to stick to that ruling. I ask the member for Broadmeadows not to read his speech.

Mr McGUIRE — The point I want to raise and want the Parliament to address is that addressing corruption is not simply a matter of creating an investigative body with extraordinary powers to use firearms and employ coercive questioning. It demands a recognition of the significant supply-side and demand-side factors, and as such, to adequately address corruption we need a multifaceted approach. What is required is to address the culture of corruption. This is true in the public and the private sectors and is of particular relevance when discussing measures for the Independent Broad-based Anti-corruption Commission, the Victorian Inspectorate and the public interest monitors.

This is a point that still has not been addressed. We have had five tranches of policy and legislation come through this house, but we have not addressed this issue in any way, shape or form. What I am saying is that the problem with the government's so-called 'integrity framework' is that it fails to recognise the difference between discretion and secrecy and in fact enshrines secrecy in these organisations. Again I want to quote the OECD, which says:

> measures to enhance transparency can reduce the possibility of conflicts arising between public duties and private interests.

This is a fundamental issue which still has not been addressed. According to the OECD report titled *Trust in Government — Ethics Measures in OECD Countries* this is achieved by a strong focus on building:

> … a working environment that emphasises integrity, core values and transparency.

This is a view that has been echoed by the US Secretary of State, Hillary Clinton, who argues that corruption must be met with the highest standards of transparency and accountability. We are still lacking this, despite five tranches of legislation into this house. This is precisely what makes the coalition's integrity framework concerning. Rather than having an open process of decision making and holding that up to the light of transparency, the government has established investigative bodies designed to operate in the dark. This is the critical proposition. We saw it in the Fitzgerald inquiry, where Tony Fitzgerald, QC, said that if you really want to get to the heart of corruption, you have to shine the light of transparency into these institutions and organisations.

The Victorian legislation is failing because it is neglecting the institutions and mechanisms that promote integrity. I want to go into this because this is a point I would like to see this legislation get to. What are we doing to promote integrity? We have not heard anything yet about the policy for doing that. This is important to understand about cultures: there are cultures in various organisations where people will defend each other, stand behind each other and not want to be forthright about what is going on behind the scenes. This is the critical proposition that we need to get to.

I note that the code of conduct for Victorian public sector employees was last updated in 2007. The weight of international experience and research shows that addressing cultures of corruption and promoting integrity and ethics begins with measures such as this. If the coalition were serious about addressing corruption in this state, why would it neglect measures so fundamental to how the Victorian public sector operates?

Again according to the OECD report titled *Trust in Government — Ethics Measures in OECD Countries*:

> Ensuring integrity means that:
>
> > public servants' behaviour is in line with the public purposes of the organisation in which they work;
> >
> > daily public service operations for businesses are reliable;
> >
> > citizens receive impartial treatment on the basis of legality and justice;
> >
> > public resources are effectively, efficiently and properly used;
> >
> > decision-making procedures are transparent to the public, and measures are in place to permit public scrutiny and redress.

An honourable member interjected.

Mr McGUIRE — That is the quote, and I want it on the record, because this should be the standard that we address. It is still missing, and it is still incredibly important to get it. It is not just me arguing this. The *Saturday Age* exposed the extent of the government's

failures earlier this month when it quoted one of the key advisers on the establishment of the anticorruption package, Doug Meagher, QC, who said:

> The government would be well advised to save its money and abandon the project.

This is a damning indictment. Doug Meagher is an insider who has been part of the process and who was the key adviser employed by the government. Why? Because he was one of the major contributors to the Frank Costigan royal commission. He is an expert. He is regarded highly in this state and nationally, and this is what he said: 'Save your money; what you're delivering is not worth it'. Again I call for the government to — —

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

Mrs FYFFE (Evelyn) — I am pleased to speak on this bill, which is part of the suite of bills that the government is bringing in to establish the IBAC (Independent Broad-based Anti-corruption Commission). Before I go into detail about the bill, I make the point that as the lead speaker for the opposition, the member for Altona could not have been more contradictory. She was highly critical of this bill and then said, 'We do not oppose it'.

We have heard criticism of the fact that this is an amendment to a bill. I have been in this place from 1999 to 2002 and then from 2006 until now, and for the majority of the time that I have spent in this house we have been amending legislation. Much of it has been legislation brought in by the Bracks and Brumby governments; some of it has been legislation that was introduced in haste and we had to make amendments. That is an ongoing thing.

There have been complaints that we are taking too long in bringing in the IBAC. There has been so much criticism of the fact that we are introducing this legislation, yet we are now being urged to bring it in more quickly. We are doing this at the pace that we want to do it. We are the government. It will come in, and it will work. The Baillieu government came into office in late 2010 on a strong platform of integrity and transparency in government. Public sector corruption can cripple a government, and unfortunately there are many examples of this worldwide. While we have been free of corruption, there have still been isolated cases in Australia, which severely harms the confidence of the people in government and in public servants at all levels. For this reason, the Baillieu government has been proactive in introducing the IBAC along with a group of other bodies to safeguard Victoria from corruption.

The Baillieu government's impressive record on integrity and transparency stands in stark contrast to the shameful lack of action by the former Bracks and Brumby governments. The coalition government's commitment to establishing the IBAC proposes a fundamental shift in the integrity regime in Victoria. All public servants, employees and office-holders of government departments, agencies and authorities will be subject to the IBAC's jurisdiction. The IBAC's officers will have broad investigative powers, including powers to enter premises such as government offices; to search and seize documents, information and other evidence; to carry and use firearms, including semiautomatic weapons and other defensive equipment required to investigate potential corrupt conduct; and to gather intelligence, including the use of surveillance devices and telecommunication interception technology.

This bill clarifies the respective roles of the IBAC and the Victorian Inspectorate. It extends the Victorian Inspectorate's oversight functions and powers to take into account the IBAC's proposed investigative and examination powers. It empowers the Victorian Inspectorate to hold an inquiry for the purpose of an investigation into IBAC and vests the Victorian Inspectorate with broad powers to obtain information during an inquiry. It sets out the privileges available to witnesses and their obligations to maintain secrecy. It introduces offences to support the Victorian Inspectorate's authority, vests the Victorian Inspectorate with powers and functions to monitor the obligations of the Public Interest Monitor and provides further protections in relation to Victorian Inspectorate reports and recommendations.

Bringing in this bill in no way implies that we have widespread corruption among Victorian public servants or any of the officers employed in any other government agencies. This is a measure that will prevent any such thing from building and growing. This is legislation that will be in place so that if there is any indication of corruption, the powers will be there to investigate it. No-one will be able to avoid that investigation.

The bill amends the Victorian Inspectorate Act 2011 and provides the Victorian Inspectorate with the necessary powers to be an effective watchdog for the Independent Broad-based Anti-corruption Commission. This bill is part of a suite of legislation to be implemented as part of the Baillieu government's

landmark reforms to integrity in government in Victoria.

This government has long been on the record as saying that powerful investigative bodies need powerful oversight. The amendments contained in this bill will ensure that the Victorian Inspectorate has the necessary powers to effectively oversee the IBAC and its work. The IBAC's jurisdiction is very broad, and it will investigate very serious corruption cases. To meet the demands of this responsibility, the IBAC has been given significant powers, such as the ability to conduct covert, coercive and interceptive investigations. As such, this bill gives the Victorian Inspectorate the powers necessary to apply to and monitor the IBAC.

As per the government's commitment, it is critical that Victorians have full confidence in the integrity of their government, which includes having full confidence in the IBAC — the very body designed to weed out corruption in government. This body will be established properly, in a timely manner and in a manner that is going to work. This bill will empower the Inspector to summon witnesses as well as compelling witnesses to produce documents or any other items that could be considered evidence. When being examined by the Inspector, a witness must not refuse to answer questions or produce evidence without a reasonable excuse.

Huge powers are being given to this body, which is why there have to be so many levels of checking to make sure that every part of the IBAC is going to work and there is no abuse of power by any of these bodies that are being set up. This way there will be watchdogs; there will be the inspectorate, and this will be done properly by this government.

The bill also provides appropriate safeguards in relation to the power of summons and examination. This includes the obligation of the Inspector to inform witnesses of their rights and responsibilities prior to examination. Further to this, there are provisions made for witnesses who have language difficulties or a mental illness or are aged between 16 and 18.

I commend the bill to the house, and I commend the minister responsible for introducing this legislation.

Mr BROOKS (Bundoora) — At the very outset I will take up some of the points raised initially by the previous speaker, the member for Evelyn, who made her contribution to the debate on the Victorian Inspectorate Amendment Bill 2012 in a very well-considered way, although I disagree with much of the policy content of her contribution. Her contribution contrasts with the contribution made by the member for Prahran, who decided to use parliamentary privilege to attack another member of this house.

The member for Evelyn suggested that the problem the opposition had with the Victorian Inspectorate Amendment Bill was somehow invalid. As members of the opposition, our concern is to hold this government to account for the promises it made to the Victorian people, and I am sure that all members on the government benches remember that they promised the Victorian people they would have an independent, broadbased anticorruption commission (IBAC) up and running by the middle of last year, not the middle of this year, and of course government members have failed miserably in bringing that body into operation. In fact after five pieces of legislation we are no closer to having an understanding of when we will see an independent, broadbased anticorruption commission up and running.

This is borne out by the contributions made by members opposite when the Victorian Inspectorate Act 2011 was debated in this place last year. I remember that one member opposite — I will not mention which one — said:

> Today is a wonderful new dawn for the people of Victoria.

Clearly that member believed that legislation was the only legislation needed for the Victorian Inspectorate, when it was obvious at that point in time that a whole raft of further legislation was needed to make that bill work.

One of the major concerns I have about this debate is that it is literally being conducted in the dark; the facts are being hidden from the Victorian people and from members of this Parliament. The report of the expert panel the government commissioned to look into this issue and to consult with stakeholders and other experts in the field has been hidden from public view. If the government were serious about transparency and integrity, it would release this report so that the Victorian people could see what those well-qualified and respected Victorians, including the chair of that committee, Stephen Charles, QC; retired judge Gordon Lewis; a member of the Victorian Commission for Gambling Regulation, Gail Owen; and Peter Harmsworth, the chair of the State Services Authority, had to say. What were their views about the structure this government is building in terms of its integrity commission? We do not know, because the government is hiding behind cabinet in confidence and not releasing that report.

Government members have often said that something is not being released because it is cabinet in confidence,

but that is not a reason to keep something from the Victorian people. It is just a tool this government uses to keep things from the Victorian people. What is the reason behind the government hiding that report?

Mr Dixon interjected.

Mr BROOKS — The Minister for Education is laughing. Maybe he could share with us the reason that report is not being made public. It is not just members on this side of house who are saying this.

On 14 November the Law Institute of Victoria wrote a letter to the Minister responsible for the establishment of an anti-corruption commission, who is the minister responsible for this bill. The letter states:

> We are concerned by the piecemeal approach to introducing the anticorruption reforms, and would have preferred to have had the opportunity to consider the proposed reforms as a complete package.

I will come back to that letter, because further comments are made about the process this government has employed.

My attention has been drawn to a number of people who have made comment in the media on the issue of an independent, broadbased anticorruption commission, of which the Victorian Inspectorate is an important component. An article in the *Age* of 12 March states that the Accountability Round Table was calling on the Premier to release the report I referred to. In the article the spokesperson for that group, David Yencken, said:

> The secrecy shrouding every aspect of the consultation carried out by the government is a matter of great concern.

As I said, the only response from the government was that the report was a cabinet-in-confidence document. We have had a range of other people suggesting that the structure this government has put in place is likely to fail. Elizabeth Proust, the head of the Premier's department when Jeff Kennett was Premier of this state, said that the proposed anticorruption commission was likely to fail because of its narrow scope and the risk of being swamped by complaints against the police.

One of the experts engaged by the government to provide advice on the independent, broadbased anticorruption commission structure, Douglas Meagher, QC, said that the government:

> … would be well advised to save its money and abandon the project —

even though it was one of the Premier's core promises.

Obviously this has led to a situation where there is some reluctance on the part of many well-qualified people to take up the position of IBAC Commissioner, which has also been reported on. In fact one of my favourite pieces on this subject has been written by a great writer, John Silvester of the *Age*, who said:

> The job has, it would appear, been offered to every old judge who still has their own teeth — from Judge Judy to Judge Dredd. Even Perry Mason's stunt double has knocked it back …

One of the serious concerns I have in relation to this particular bill is about the powers it has, including the power to hold examinations, the power to summons witnesses, the powers of entry, search and seizure, and the power to issue confidentiality notices where people will be banned from disclosing certain information. They are significant powers, and this body, having the role of watchdog for the watchdog, means that there is the ability in the worst case scenario for this position to be used in a political way. It is important that the person who heads up this commission is above and beyond politics, and that is why I agree with the law institute when it says that the appointment of the first Inspector should not be an appointment that is not subject to the veto provided by the act to the parliamentary oversight committee. The parliamentary oversight committee should have the power of veto over the first appointment of this inspectorate, because this position should be above and beyond the influence of the minister and this government. As I said, the opposition is not opposing this bill, but it is quite happy to point out the many flaws contained in it.

Mr MORRIS (Mornington) — I am very pleased to join the debate on the Victorian Inspectorate Amendment Bill 2012. The sense of deja vu in my mind about this is very strong, because we have heard the same comments from the member from Altona, who led the debate for the opposition. We have heard the same sorts of responses from the successive speakers on the other side. We have heard complaints about the process, about the number of bills we have had to have and about the form of the legislation. I can understand why we had complaints from the member from Altona about the number of the bills, because she uses the same speech every time; there are just a few changes.

The level of innuendo is moved around a little bit, particular items calculated to smear are varied and omissions are also moved around, but the process and the approach taken by the opposition in these matters is exactly the same every time. If you compare the speeches from debates on each successive bill side by side, you will see much the same material. No value is

added to the legislative process, and there is no real contribution at all, except smearing, lazy, negative, carping, criticising stuff.

The difference between members of the Baillieu government and members of the opposition is that we intend to get this right. We have an excellent suite of legislation that has either gone through or is going through. When the process is completed, this will be a far-reaching reform that will stand this state in very good stead for many years to come. It will be an excellent package; we will get it right.

My second point is about the contributions of some members in this debate. In particular the member for Altona talked about being frustrated. I do not want to dwell on that too much. I can only take the comment on face value that her frustration was with the fact that it has taken the government a number of bills to put this package together. That may well be the case. She may well be frustrated, as I said, in having to repeat the arguments again and again — same arguments, different bills — but if the member for Altona is frustrated, she should try to appreciate just how frustrated those of us are who sit on this side of the house now but who sat on the other side of the house for many years and watched the former government do absolutely nothing in spite of clear evidence that the system was not working for year after year. It just went on and on.

Let us now go back to 2007. In an article in the *Age* of 2 November 2007 titled 'Call for police watchdog revamp', special investigations monitor David Jones said the Office of Police Integrity would be more effective if it operated under a single legal framework rather than the patchwork of existing laws which were amended in 2004. Those of us who were in the 56th Parliament will remember a series of Ombudsman's reports. I certainly do not have them all in my possession anymore. But let us look at the reports of the investigations into the City of Port Phillip in August 2009, the investigation into the City of Ballarat in April 2010 and the investigation into the disclosure of information by a councillor at the City of Casey in March 2010.

Then in February 2011 we had the investigation into the Hotel Windsor redevelopment. In June of last year, but relating to an investigation that commenced in 2010, we had an investigation into corrupt conduct by public officers in procurement. We also had the notorious Victoria Police crime statistics incidents, the subject of yet another Ombudsman's report, and more recently there was improper conduct by a councillor at the City of Hume.

Of course we all remember very well the investigation into the alleged improper conduct of councillors at Brimbank City Council. That disclosed amongst other things the influence of unelected persons — I am sure we all remember who they were — a culture of bullying and intimidation, $65 000 of ratepayers money blown on mobile phone bills, councillors choosing their own gifts, the misuse of electoral information and the misuse of a certain database that was supposed to be used exclusively for purposes under the Victorian Electoral Act 2002 but that people chose to use for other purposes. Finally in the report we saw recommendations from the Ombudsman on action to be taken on possible breaches of the local government act and the Electoral Act by a political party. The political party was not that of the people who sit on this side of the house but rather that of those who sit on the other side of this house.

There has been a long history of inaction in tackling corruption in this state. Back in 2010 then Premier John Brumby decided that with an election looming he needed to think about doing something about it. That was where Elizabeth Proust came in. I have significant issues with the recommendations that she came back with in the *Review of Victoria's Integrity and Anti-corruption System*, and I will provide some third-party commentary on that in a minute. But I certainly agree with some of the comments she made in terms of the system that was overseen by the Labor Party. In the overview the report says:

> … some contributors to the review raised concerns about specific areas where corruption may be occurring … a comparatively high level of concern within the Victorian community regarding the effectiveness of current efforts in addressing corruption …
>
> … opportunities to improve the comprehensiveness of the system, to ensure there are clearly defined responsibilities for implementing standards and for addressing maladministration, misconduct and corruption amongst all public officials.

Elizabeth Proust also identified gaps in the jurisdiction of Victoria's integrity bodies. She noted that they were unnecessarily constrained in their ability to work as an efficient, effective and coordinated system and went on to make a series of recommendations. As I indicated there were some serious problems with those issues. An article in the *Australian* of 4 June 2010 reports Peter Faris, QC, as describing the recommendations as 'spaghetti'. He is quoted as saying:

> The history of the Victorian government dealing with these issues is littered with half-measures and quick fixes …

That is exactly what it was — a half-baked measure and a quick fix, one that we are determined not to go near:

> Just what is the extent of corruption in Victoria and how far does it go and into what areas?

Mr Faris said that that anticorruption vehicle would not solve the problem. There are a number of other issues that I could raise on that front, but I will not — —

Ms Campbell — Because you can't find your notes!

Mr MORRIS — Because I can't find the piece of paper — —

Honourable members interjecting.

The ACTING SPEAKER (**Mr Thompson**) — Order! Normally it is the member without assistance, but in this case it might be the member with assistance!

Mr MORRIS — But it is worth moving on to the detail of the bill.

Honourable members interjecting.

Mr MORRIS — That is another bill, so as time is elapsing I will not go into the detail of the bill, but I will return to the theme, and that is frustration. If anyone is entitled to be frustrated about the lack of progress in fighting anticorruption in this state, it is certainly those of us on this side of the house. To come in here every time this matter is debated in the suite of bills and have the same nonsense trotted out when there has been a clear record over many years of feigned ignorance and neglect, of failure to confront the problem and failure to confront a broken system, we feel that frustration on this side. I commend the minister on the legislation, and I commend the bill to the house.

Ms CAMPBELL (Pascoe Vale) — I have my notes and I also have a copy of the bill, so I am looking forward to making a contribution on the Victorian Inspectorate Amendment Bill 2012. I say to the previous speaker that if he would like to have lunch with Peter Faris, I will pay the account. I can assure him that it will be quite enlightening.

Back to the bill, and I am sure this is what we are really focusing on. The Victorian Inspectorate Amendment Bill 2012 amends the Victorian Inspectorate Act 2011 to provide the Victorian Inspectorate with duties, functions and powers in relation to the oversight of the Independent Broad-based Anti-corruption Commission as well as the compliance of the Public Interest Monitor with the prescribed obligations as defined in the bill. The bill also makes consequential amendments to the Evidence (Miscellaneous Provisions) Act 1958 to allow Victorian Inspectorate officers to witness statutory declarations.

I want to go to the heart of the issues that have been raised by the Scrutiny of Acts and Regulations Committee (SARC) in its *Alert Digest* No. 5 of 2012, because they are quite insightful. These are issues that the Parliament should consider. These are important matters that the minister should consider, and they should also be given consideration by members of the other place. *Alert Digest* No. 5, which was tabled in this place on Tuesday, details issues relating to the right to legal representation and a practitioner of choice. It is important that this house is mindful that there is a limitation to the choice of a lawyer. When this was brought to my attention, it was of some concern to me, but page 6 of the *Alert Digest* indicates that there are reasonable grounds for the way that this legislation has been framed. This goes to the fact that this legislation imposes a restriction that may apply, for example, where a legal practitioner is a witness, represents another party or is the subject of an IBAC investigation. Once that was brought to my attention, I thought that that was a provision I could live with.

I turn to page 7 of *Alert Digest* No. 5, which highlights issues in relation to the charter of human rights. That page goes particularly to clauses 10 and 12. In clause 10 there is a section about fair hearings, prohibitions on disclosure and evidence relevant to the defence in a criminal prosecution. When you look at clause 10 in this legislation, it has a degree of consistency with what was put to SARC in relation to the Independent Broad-based Anti-corruption Commission. SARC has noted that clause 10 inserts new section 28A into the principal act to make it an offence for the Victorian Inspectorate or its officers to disclose any information obtained in the course of their duties, functions or powers. That confidentiality is extremely important, and it is a matter that must be complied with.

New section 28B bars an officer from being required or compelled by a court to disclose any information except for the last of the reasons that are outlined in that section. I draw that to the attention of the house because it is a matter that is important for members to consider.

A significant problem is highlighted on page 8 of *Alert Digest* No. 5, and that is in regard to new sections 28A to 28D, which expressly permit only the disclosure of information for the purposes of prosecutions that were instated as a result of a Victorian Inspectorate investigation rather than the prosecutions that preceded those prosecutions which were the subject of or were independent of that investigation. Again I draw that to the attention of members. It is relevant for those in the other place who will be considering this legislation.

My time is limited, so I will quickly go to page 10 of *Alert Digest* No. 5 to point out that SARC has written to the minister seeking information in relation to whether there are less restrictive alternatives available to achieve new section 33T's purpose of assisting the Victorian Inspectorate to undertake full and proper investigations. That goes to matters relating to the full derivative powers that are available, and this *Alert Digest* requires the attention of members of this house and the other place.

Before I close I will also highlight footnote 4 on page 8 of the *Alert Digest*, which extends to page 9. I would recommend that members give that footnote fulsome consideration. With those few points, I leave the matter for members' consideration.

Mr ANGUS (Forest Hill) — I am pleased to rise this evening to speak in favour of the Victorian Inspectorate Amendment Bill 2012. This is an important tranche in the range of legislation that is coming before this place, indeed legislation that has come and will continue to come before this place, to build the very important structure that we need in the state of Victoria to deal with this particular area.

I turn first to the purpose of the act, which is very clear cut in this case. Clause 1 states that the first purpose of the bill is to amend the Victorian Inspectorate Act 2011 to provide the Victorian Inspectorate with duties, functions and powers in relation to, firstly, the oversight of the Independent Broad-based Anti-corruption Commission (IBAC) and, secondly, the monitoring of compliance by a public interest monitor with the prescribed obligations. The second purpose of the bill is to consequentially amend the Evidence (Miscellaneous Provisions) Act 1958.

This piece of legislation is another plank in the framework that the coalition is working on in line with what it said it would do. The coalition is delivering far-reaching and fundamental reforms to the whole of the Victorian integrity system. This is something that has needed to be addressed for some time, and the Labor governments failed to do this over the 11 years they were in power. With this bill we are acting in the manner we said we would, and the bill delivers on yet another of our commitments.

It is interesting to note that in the relatively short time the new government has been in place it has already passed a range of important bills in relation to this area. Obviously we have established the IBAC, we have bestowed the IBAC with investigative powers, we have established the Victorian Inspectorate and we have established the Public Interest Monitor. We are building the framework in a manner that would be expected by the Victorian people rather than building some hodgepodge, hastily cobbled together structure, which is what we saw in the middle of 2010 when the Labor Party was in government. We have a methodical, clear-cut way of approaching this particular issue, as we said we would.

Despite what Labor members have said tonight — and it is very cheap of them to have said what they said — they did nothing in their 11 years in government. They did not address the matter of an independent, broadbased anticorruption commission, despite the fact that it was required. The member for Mornington eloquently outlined a number of specific matters that would prima facie give rise to concerns that could be fodder for such a structure but nothing was done.

This bill is a part of the rollout, as I said. This is a measured and strategic step, and we are certainly committed not only to the establishment of the IBAC itself but also to the establishment of a proper oversight regime in relation to it. That is exactly what this particular piece of legislation will do.

In summary we can see that this bill clarifies the respective roles of the IBAC and the Victorian Inspectorate. It extends the Victorian Inspectorate's oversight functions and powers to take account of the IBAC's investigative and proposed examination powers, empowers the Victorian Inspectorate to hold an inquiry for the purpose of an investigation into IBAC, vests the Victorian Inspectorate with broad powers to obtain information during an inquiry and sets out privileges available to witnesses and obligations to maintain secrecy, which is a basic but important aspect of the particular legislative framework that is being put in place. We need that confidentiality and secrecy. It introduces offences to support the Victorian Inspectorate authority, vests the Victorian Inspectorate with powers and functions to monitor obligations of the Public Interest Monitor and provides further protections in relation to Victorian Inspectorate reports and recommendations.

We are setting in place a structure and a framework that will be able to work together. It will mean that there will be checks and balances within the system so that the framework that is in place is robust and will be able to withstand the inevitable pressure that will come upon it from a range of areas. It is very important in building anything, and certainly in building an important legislative framework like this, that you get it right from the outset. It is like building a house; the foundations and the framework are vital parts of that particular project. You cannot just go cobbling stuff

together, grabbing what you think might be a good idea out of thin air and then trying to build it into your structure. You have got to have a plan and a clear vision for what you are trying to achieve and then build it from the ground up, and that is what this piece of legislation is going to be doing.

As I said, we have heard much from members on the other side this evening, which has been interesting in many ways, to say the least. But turning our attention to an article in the *Australian* of 4 June 2010, former Labor Premier John Brumby is quoted as saying:

> My views on it have been well aired and are well known, and that is that I think ICACs provide a lawyers' picnic …

That was his view in relation to introducing some sort of framework that would deal with anticorruption matters; that was what he thought of it at the time. I might point out that was said in the shadow of the state election of 2010. The former government denied the need to do anything for many years. It did not want to touch it, but then right at the end, as I said, in the shadow of the 2010 state election, Labor realised it needed to do something because the people of Victoria wanted something done. It was an area that needed to be addressed and had been addressed in many other jurisdictions, and it was high time it was addressed in our jurisdiction as well.

Labor cobbled together an alleged framework that was complex, bureaucratic and never going to work. It was interesting to see what other people said about it at the time. As former investigations chief with the former Queensland Criminal Justice Commission and member of the former National Crime Authority, Mark Le Grand is a fellow who should know all about these sorts of matters. He has experience from the inside as well as experience as an investigator. In the same *Australian* article of 4 June 2010 he says of Labor's proposed model at the time:

> This is not going to work … It is totally fragmented and it is not built on [a] real appreciation of the challenges Victoria faces.

There we have a summary from an expert. He goes on to say:

> It is special treatment for MPs. They are looking after themselves and don't want to be subject to the same scrutiny that other members of the public sector are.

Other members on the coalition side have also referred to that aspect. How could we in this place set up a structure that did not deal with matters that occurred at the hands of one of our number? That is a vital oversight right there. So here we are fixing up the former Labor government's mess. We are overhauling the whole system. In a relatively short period of time we have put another one of our very important building blocks in the IBAC process into place tonight.

It is interesting to go back and read some earlier reports in relation to what happened when the Labor government was in power. In an article in the *Age* of 2 November 2007 featuring an interview with former special investigations monitor and retired judge David James, Mr James is reported as saying that 'the OPI would be more effective if it operated under a single legal framework, rather than the patchwork of existing laws' rushed through by Labor. Mr James went on to say:

> It has been more difficult for the OPI operationally because the powers were not as clearly defined as in other bodies …

I could go on, but suffice to say that this is in stark contrast to what was allegedly provided by the previous government. This is a clearly thought out, well-planned and well-put-together process that will cover off the areas that need to be covered off. It is not a knee-jerk reaction. It is an election commitment we gave, which was clearly articulated and which we took to the Victorian people — and they endorsed that. Here we have tonight another plank in that process as part of the essential checks and balances. I commend this bill to the house.

Mr CARBINES (Ivanhoe) — I am pleased to make a short contribution to the debate on the Victorian Inspectorate Amendment Bill 2012 — tranche 5, I think it is. I am not sure if it is a sequel or not. It is a bit like how we are at *Rocky V*, and there was *Jaws — The Revenge*. Now we finally have the next stage of the legislation that is being put forward by this government, which seems unable to deliver and has a lack of capacity to deliver what it promises. It cannot even get an IBAC Commissioner, let alone an independent, broadbased anticorruption commission itself, up and running by July 2011, which it indicated it would do. Now we are looking at what is the next tranche of its legislation, which is the Victorian Inspectorate Amendment Bill 2012.

I note that this legislation does not bring us any closer at all to an IBAC that is actually in place and working. There certainly have not been any knee-jerk reactions from this government — there have not really been any reactions at all. We have a $170 million budget set aside for an IBAC that is not yet operating. We cannot get a dollar in investment from this government for the Ivanhoe electorate, yet $170 million has been set aside for an IBAC that is now nearly a year late by a government that has been in office for some 18 months

and is still unable to deliver on the commitments it has made to the Victorian people.

I note also that a major commitment given by this government was that it would be open and accountable, yet it has chosen to hide and suppress reports delivered by the advisory committee that helped inform some of the decisions that would surely be put forward here in this bill. I note that in the *Age* of 12 March 2012 there was an article headed 'Baillieu suppresses key report on corruption commission'. That is a report that would help inform not only Victorians in general but also the taxpayers who funded this advisory committee. It is a report that would help inform members of this Parliament on the legislation before us tonight. The article in the *Age* states:

> The government has confirmed to the *Age* the report will never be made public …
>
> …
>
> Accountability Round Table spokesperson and emeritus professor David Yencken said: 'The secrecy shrouding every aspect of the consultation carried out by the government is a matter of great concern …

On this side of the house we have nothing to hide. We certainly have nothing to hide in the electorate of Ivanhoe. I would be very keen to have a look at this advisory committee report, because it would shed a lot of light on the deliberations we are having in this house in relation to the Victorian Inspectorate, the way in which it will oversee the IBAC and how that would work. It is critical to have that information provided to this house. I again call on the government to come clean and provide the advisory committee report that has helped inform the legislation that is before the house.

Those are the brief comments I particularly wanted to make, but I would also say that in the middle of last year, when we spoke on the first of the IBAC bills, I said in this house:

> The Premier will appoint for five years his preferred candidate to run the IBAC. Which eminent Victorian would accept such an appointment? Which eminent Victorian would accept an appointment gifted to them by the Premier of the day? Who would be prepared to do that?

To this day, 18 months on, we still have no-one who is prepared to take on that role, because nobody with any integrity and decency would accept a position to oversee a corruption body that is gifted to them by the Premier of the day — a position much like the Chief Commissioner of Police position. It is probably only going to be sent by text message as some sort of consultation with the Labor Party and the opposition parties.

So far in relation to the government's efforts to introduce an IBAC, it is a year behind, it has not met its commitments to the community and it has now decided to hide reports that have apparently been informing it in relation to what an IBAC would look like and the work that the Victorian Inspectorate is meant to do. How can the opposition hold the government to account in relation to these matters when the government continues to hide these reports and not make them publicly available for scrutiny so that the opposition can make a serious contribution on how to improve scrutiny of the way government is carried out in Victoria?

I commend the comments made on this side of the house for further consideration by the government. I again call on the government to release the advisory committee report, which it intends to keep secret and which I intend to continue calling on it to release.

Mr BATTIN (Gembrook) — I rise to support the Victorian Inspectorate Amendment Bill 2012. I first of all note that the member for Ivanhoe focused on his assertion that there are many flaws in this bill. He kept going on about the flaws, but did not want to actually state what the flaws were. He had about 6½ minutes left to go through those, but obviously he did not want to debate the bill. He was more worried about something that was hidden other than that, but with a 60-odd page bill, he could have read it himself and had a look at what was involved. I am sure he would understand how to do that having been an adviser during the time of the former government that decided not to put in an independent, broadbased anticorruption commission to deal with corruption in Victoria.

I also go back to the contribution of the member for Pascoe Vale, who made some comments in relation to the Scrutiny of Acts and Regulations Committee. The first one was in relation to clause 10, the non-disclosure requirements. New section 28A, which is inserted by clause 10 of the bill, prohibits the Victorian Inspectorate or its officers from disclosing information acquired in the course of performing its duties or functions or exercising its powers except in accordance with the act or for the purposes of a proceedings for an offence, or for a disciplinary process or action instituted as a result of an investigation conducted by the Victorian Inspectorate.

New section 28D states that a person who is or was a Victorian Inspectorate officer cannot be compelled or required in a court to produce documents or disclose information that they have as a result of the

performance of the duties and functions or the exercise of powers of the person or the Victorian Inspectorate under the Victorian Inspectorate Act. The exceptions to this prohibition are that they may be disclosed for the purposes of proceedings for an offence or a disciplinary process or action instituted as a result of an investigation conducted by the Victorian Inspectorate.

New section 28C allows the Victorian Inspectorate to share information with other bodies to which it may make recommendations, including the Chief Commissioner of Police, the Director of Public Prosecutions and the Australian Federal Police. The Victorian Inspectorate and its officers will not be able to disclose information acquired in the course of performing the Victorian Inspectorate's duties and functions or the exercise of its powers and in accordance with the Victorian Inspectorate Act. That may include making the information public by way of special report to Parliament in accordance with section 3 of the act. Whether the non-disclosure provisions will limit the Victorian Inspectorate's ability to disclose information for the purposes of a particular court proceeding will depend on the facts and circumstances.

Clause 10 contains an appropriate limitation on the disclosure of information to safeguard the confidentiality and integrity of the operations of the Victorian Inspectorate. The Victorian Inspectorate may be privy to sensitive information, including information about the operations of the Independent, Broad-based Anti-corruption Commission, the police force and other law enforcement agencies. It is important to limit the disclosure of such information in order to ensure that unnecessary prejudice or harm are not caused to any person. Other jurisdictions' oversight bodies, including the New South Wales ICAC (Independent Commission against Corruption) inspector, Western Australian parliamentary inspector of CCC (Corruption and Crime Commission) and the Parliamentary CMC (Crime and Misconduct Commission) commissioner are subject to non-disclosure provisions which limit the ability to disclose information in similarly restricted circumstances. The ICAC act also prevents an officer of the ICAC inspector being compelled to give evidence or produce documents in a court proceeding. The minister will provide the advice requested by the Scrutiny of Acts and Regulations Committee (SARC) in due course.

Clause 12 inserts new section 33T, which provides that a person who is served with a witness summons is not excused from answering a question or giving information or documents on the ground that the answer, information or document might tend to incriminate the person or make the person liable to a penalty. Any answer or document given in accordance with the witness summons that might tend to incriminate the person or make the person liable to penalty is not admissible in evidence against the person in any court except in proceedings for perjury, for giving false information, for an offence against the Victorian Inspectorate Act, for an offence against the IBAC act or for a disciplinary process or action. The provision is necessary for the Victorian Inspectorate to be able to conduct its investigatory role effectively. Many integrity bodies override the privilege against self-incrimination, including ICAC, CCC, CMC and, in Victoria, the Office of Police Integrity, the chief examiner and the special investigations monitor.

The information obtained by the Victorian Inspectorate under new section 33T will be subject to the same non-disclosure requirements as any other information acquired by the Victorian Inspectorate — that is, it may not be disclosed except in accordance with the act or for the purpose of a proceedings for an offence or a disciplinary process or action instituted as a result of an investigation into conduct by the Victorian Inspectorate. The Victorian Inspectorate is also subject to appropriate limitations in relation to what it may report on under section 36 or section 38 of the Victorian Inspectorate Act. For example, if the Victorian Inspectorate is aware of a criminal investigation or criminal proceedings in relation to a matter or persons to be included in a report, it must not include any information which would prejudice the criminal investigation or the criminal proceedings.

If it were the case that information obtained under new section 33T were disclosed in accordance with the act — for example, to the Chief Commissioner of Police — it would be a matter for the police to determine what use is made of that information. The bill makes it clear that the answer or information itself cannot be used in proceedings other than those listed in the exceptions in new section 33T(2). It would be a matter for the court to determine whether other evidence derived from that information is admissible. Again the minister will provide advice requested by SARC in due course.

The Victorian Inspectorate Amendment Bill is part of a series of pieces of legislation to deliver on a commitment this government made with regard to integrity. Prior to the 2010 election, coalition members, including the then Leader of the Opposition, now the Premier, were continually out promoting the fact that we needed to have open and honest government and integrity within government. The best way to have that power is to have the opportunity for anybody to be

investigated, whether it be a member of Parliament or a member of their staff. That is something the coalition stuck by the whole way through the election campaign, and we have made sure that we are going to deliver it.

Prior to the election, for 11 years we had calls for any solution in relation to corruption to try to get on top of the issue and to make sure that the community could put its trust in public officers, especially those who represent them in state Parliament, as should be possible in any parliament. Perception is reality. When there were media reports in the public domain in relation to issues of corruption, as there were during the last decade, that led to the perception that there was or could be corruption. That tarnishes not only the person concerned but also everyone involved in Parliament. It creates a poor perception throughout the media. As I said before, perception is reality, and that is what people will believe.

This government committed to improving integrity within government. We committed to improving the openness and honesty of all members on this side of the house to ensure that the Victorian people could place their trust in the government that represents them today.

I am proud to stand here and support the Victorian Inspectorate Amendment Bill. I understand that it is an amendment bill. As other speakers have said, the principal act is the Victorian Inspectorate Act 2011. Every bill that is passed in the Parliament has to be finetuned. It is important to continue on that path to get it right. The Victorian community voted in a government that was going to get it right for them, and we on this side of the house are committed to getting it right. We want to ensure that the people within the Parliament of Victoria and in public office are the best available and that whether they are members of Parliament or in public office they can be investigated.

I look forward to the establishment of an IBAC in Victoria following the passage of this legislation. It will definitely help to change the public perception, especially the perception held in the last decade. I support the Victorian Inspectorate Amendment Bill 2012 and commend it to the house.

Mr LANGUILLER (Derrimut) — I rise to speak in the debate on the Victorian Inspectorate Amendment Bill 2012. I will start by outlining what the bill intends to do. First, it will amend the Victorian Inspectorate Act 2011. It will provide the Victorian Inspectorate with additional duties and power to oversight IBAC (Independent Broad-based Anti-Corruption Commission) and the monitoring for compliance by public interest monitors (PIMs) with prescribed obligations. The second thing it will do is amend the Victorian Inspectorate Act to empower the Victorian Inspectorate to inspect and audit relevant records kept by PIMs, to enter any PIM premises and to report to the minister on results of its performance of this new function.

I am certain of two things tonight. One, the opposition wants to see a good IBAC come into Victoria with good powers and good provisions that allow good investigations across the board. Two, in my judgement the government is not as certain about wanting an IBAC now, because this is not the IBAC that the now government talked about when it was in opposition. Government members on the front bench and particularly on the backbench may well say that they are going to get what they wanted, but they know in all truthfulness they are not going to. We have passed five pieces of legislation with one more piecemeal introduction, yet there is no IBAC.

The acting president of the Law Institute of Victoria has written to the Minister responsible for the establishment of an anti-corruption commission about IBAC and the Victorian Inspectorate. In his letter of 14 November 2011 he said:

> We are concerned by the piecemeal approach to introducing the anticorruption reforms and would have preferred to have had the opportunity to consider the proposed reforms as a complete package.

This is a statement by the Law Institute. In addition, as members of the government know, the government has suppressed a report by an expert panel that everybody thinks should be in the public domain. Stakeholders that made submissions to the panel have indicated their points of view, but we do not know anything about them. The government continues to suppress key reports on the anticorruption commission, and it is not just the opposition that is saying that. The government may well want to believe that it is, but it knows that the public reads the media as well.

In an article headed 'Baillieu suppresses key report on corruption commission' *Age* reporters Melissa Fyfe and Royce Millar reported on 12 March that:

> The Accountability Round Table, a national group of academics, lawyers, and others dedicated to enhancing ministerial responsibility, has called on Mr Baillieu to release the report.

The *Age* is quoting statements made by an important group of people who are saying that the government should release the report. The article goes on to say:

> Accountability Round Table spokesman and emeritus professor David Yencken said: 'The secrecy shrouding every

> aspect of the consultation carried out by the government is a matter of great concern'.

That is not the opposition talking; these are independent people who understand this game, and they are saying to the government, 'Watch out. We have concerns'.

Another article in the *Age* headed 'Anticorruption commission attack' says:

> … Ted Baillieu's proposed anticorruption commission, warning it was likely to fail because of its narrow scope and the risk of being swamped by complaints against police.

There are further concerns in relation to the so-called architecture of this legislation, which we have not yet fully seen. I quote again from an article in the *Age* of March 13, which says:

> Concerns about the role may also have been fuelled by revelations in the *Saturday Age* that some of Australia's top anticorruption and accountability experts — including Douglas Meagher, QC, a key adviser to the government on the commission — are critical of its narrow scope.

I could continue, and I will. There is a further quote that is important to place on the record from another *Age* article, this time of 24 March, headed 'Building anticorruption force needs rethink', which says:

> The job has, it would appear, been offered to every old judge who still has their own teeth — from Judge Judy to Judge Dredd. Even Perry Mason's stunt double has knocked it back …

This is the other important matter — the accountability of the process for the appointment of the Inspector. The issues of transparency and independence are absolutely fundamental. The opposition and the Victorian public want to be confident that the Inspector, whoever he or she may be — and the government has not been able to get somebody yet, certainly that we or the public know of — is above party politics. It ought to be someone who is absolutely independent, has genuine credibility and has the appropriate background and bona fides.

We remain concerned that while the government talks about delivering what it said it would, we do not yet have an IBAC. The government promised it would be created last year; we are now into 2012. Members of the house who have already spoken used interesting metaphors and analogies, such as building a house and building blocks. A long time ago I tried to have a house built. I am reminded that the builder said it would take six months, and guess what? It took around 18 months, and it cost double what it was supposed to. This process is exactly the same. It is very costly to taxpayers in Victoria, and it is certainly taking much more time than anyone expected.

I conclude with the same remarks that I made when I started. We as an opposition want to see a good IBAC, and we look forward to it, but I do not think the government wants to see a good IBAC and certainly not what it said it would introduce when it was in opposition.

Ms RYALL (Mitcham) — It gives me great pleasure to rise to speak tonight on the Victorian Inspectorate Amendment Bill 2012. This bill gives rise to amendments to the Victorian Inspectorate Act 2011, which was introduced last year to establish the oversight body for the Independent Broad-based Anti-corruption Commission.

The bill specifically relates to the authority, responsibility and functions of the Victorian Inspectorate (VI), which we have not heard much about from those opposite. They have been very interested in the IBAC but not the bill at hand. It is interesting that the member for Derrimut talked about his house that ended up costing double what it was supposed to, because I know that the opposition has much experience in things costing a lot more than it says they will.

Ms Miller — Over time and over budget.

Ms RYALL — Over time and over budget.

Based on the context of IBAC, this bill does two things. It provides the VI with the authority and functions to oversee the IBAC. That means the VI will have the appropriate powers to verify and investigate IBAC in ensuring that it acts within its designated powers in investigating serious corrupt conduct. It enables the inspectorate to monitor the compliance of the public interest monitors in relation to their records management. That includes compliance with their information, transmission, disposal and storage obligations in relation to records.

The bill makes the different roles of the Independent Broad-based Anticorruption Commission and the Victorian Inspectorate clear. It furthers the VI's oversight functions and powers to cover the IBAC's investigative and proposed examination powers. It gives the inspectorate the power to hold an inquiry in an investigation of IBAC and broad powers to obtain information during the inquiry. It makes clear the privileges that are available to witnesses and the obligations to maintain secrecy. It introduces offences to support the Victorian Inspectorate's authority, bestows on the inspectorate powers and functions to monitor the obligations of the Public Interest Monitor

and provides further protections in relation to the inspectorate's reports and recommendations.

I am proud to be part of the coalition government, which is delivering the most far-reaching and fundamental reforms of Victoria's integrity system ever. When we look at where we came from prior to the election of the Baillieu government, it is not a pretty sight. Specifically related to the oversight of integrity bodies — which is the crux of what the bill is about — if we look at Victoria's history, we see why the bill is so important and why the former government was found wanting again and again.

On 3 June, 2010 then Premier Brumby was quoted in the *Australian* as saying about the Office of Police Integrity (OPI):

> There have been some … obviously high-profile cases … where I think the public would say that its performance perhaps hasn't been up to scratch.

This was in mid-2010, two and a half years after the former special investigations monitor (SIM), retired judge David Jones, said he did not know why the Labor government rejected the request for greater powers he made in 2007. The *Weekend Australian* of 3 July reports him as telling the newspaper:

> I made it clear at that time that I did not consider that oversight —

of OPI —

> was adequate because the function of the SIM is narrowly defined in relation to oversight.

In the oversight stakes the former government ignored the importance of adequate oversight of the OPI, the body that Cameron Stewart of the *Australian* described in same article as having 'almost no effective or independent scrutiny … despite it being embroiled in a series of controversies and failed cases'.

In describing Labor's oversight body, Elizabeth Proust, who was hired by the Labor government to review its integrity system, was quoted in the *Australian* article of 3 June 2010 as saying:

> We think that that's a tiny body — it's about a six-person operation. We think that [oversight] needs to be strengthened …
>
> It's one of the issues where there has been a gap and where there has [been] less effective oversight than there might have been.

The former government had been told that the oversight body of the OPI was inadequate, but it was two and a half years later that the then Premier acknowledged that the public would say its performance had been inadequate. What does it take for the Labor Party to listen, understand, get it and then act? We had 11 years of denial and of failure to implement a broadbased anticorruption commission, yet in just one year of a coalition government we have had historic legislation pass through the Parliament. That legislation established IBAC and bestowed investigative powers on it, established the Victorian Inspectorate and established the Public Interest Monitor.

On this side of the house we are about getting proper oversight in place. The inspectorate and the joint parliamentary committee will do just that — deliver the proper process and oversight that Victorians expect and want. It is called doing things properly. Labor was dragged kicking and screaming into the 21st century, when anticorruption commissions are commonplace. The great thing is that the Baillieu coalition listened to the Victorian people and put pressure on the Labor government to accept the reality and the need to improve the integrity system within Victoria. But in defiance, we still had John Brumby quoted in the *Australian* in June 2010 — —

Business interrupted pursuant to sessional orders.

ADJOURNMENT

The ACTING SPEAKER (**Mr Nardella**) — Order! The question is:

> That the house now adjourns.

Mr Foley — On a point of order, Acting Speaker, under sessional order 3 I seek your assistance in bringing to the attention of the Minister for Planning his failure to abide by that sessional order in failing to respond to an adjournment matter that I raised in this place on 6 December. He has clearly exceeded by some considerable measure the time frames that that sessional order places on responding to such matters, and I seek your assistance in bringing this to the minister's attention.

The ACTING SPEAKER (**Mr Nardella**) — Order! I will refer the matter to the Speaker.

Sunshine West: trucks

Mr LANGUILLER (Derrimut) — I wish to raise a matter for the Minister for Roads. The action I seek is for the minister to conduct a comprehensive review of the appropriateness of trucks using roads in Sunshine West. The review needs to look at roads currently approved for B-double truck usage; effectiveness of

acoustic barriers in place; whether truck curfews should be introduced; and any other measures that may improve the local amenity.

The specific roads that cause the most concern include Fairbairn Road, Somerville Road, Vella Drive and Grace Court. Complaints regarding noise, pollution and road safety as a result of truck patronage on Sunshine West roads have been streaming into my office for the past few years. Lindsay Australia Ltd has a depot in Vella Drive, Sunshine West, and due to noise breaches the Victorian Civil and Administrative Tribunal ordered it to erect an acoustic barrier along its site by 20 December 2011. This deadline has been extended to 31 March 2012. The residents hope the barrier will alleviate some of the disturbance created by the trucks entering and exiting the Lindsay transport depot. Local residents want to know about the effectiveness of the barrier in addressing the breaches as a matter of priority in the coming weeks, as for too long they have been living in what they describe as a nightmare situation.

However, the Lindsay Australia site is not the sole cause of problems in the area. Obviously trucks, including B-doubles, have to use the surrounding roads to access the Lindsay and other transport depots in Vella Drive. Unfortunately — or fortunately — these roads are surrounded by nearby residential units. It is my recollection that the residents were there before these businesses. I question the appropriateness of the current status of Vella Drive and Grace Court as approved local roads for B-doubles and higher mass limit trucks and request that this be assessed as part of the review.

A further serious matter I bring to the minister's attention is allegations that B-double trucks are using non-approved roads in the Sunshine area. I understand from VicRoads information that only part of Fairbairn Road, between Boundary Road and Somerville Road, is approved for travel by B-doubles. It is alleged that B-doubles are using other parts of Fairbairn Road and also Glengala Road to access Somerville Road. I request that as part of the review the minister require VicRoads to investigate and if necessary enforce the restrictions on non-approved B-double roads and prosecute any identified offenders. Somerville Road stretches from Fairbairn Road to Sunshine West, and presently these arrangements are not being adhered to.

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

Bentleigh electorate: mobile business centre

Ms MILLER (Bentleigh) — The matter I raise is for the Minister for Innovation, Services and Small Business, who is in the chamber tonight. The action I seek is that the minister allocate time for the mobile business centre to visit my electorate of Bentleigh. This service provided by Small Business Victoria is an important one, and the business managers of my electorate would appreciate the opportunity to access its many valuable resources. Following a successful tour through regional Victoria in 2011, the mobile business centre is continuing to provide face-to-face advice as it travels across the state.

Importantly, mobile business centre staff also play a mentoring role for those business owners wanting to improve their business outcomes. All mentors are volunteers with the Small Business Mentoring Service, a collaborative partner of Small Business Victoria. Each mentor has extensive experience in small business and expert knowledge across a number of skill sets, including finance, human resources and specialist industries.

People across regional Victoria who are running small businesses have benefited from the advice of people who have run successful small businesses or have held senior positions in companies involved with small business. The mentors have been able to advise on such varying key business issues as effective marketing strategies, developing a business plan, costing and pricing products or services, and identifying new opportunities and markets. As well as having a wealth of experience to share, mentors have been seen to have a passion for helping and growing small businesses. We are lucky to have people in Victoria who are so willing to share their human capital and continue to advance our small business economy. I congratulate the minister and Small Business Victoria on the success of this wonderful initiative.

In Bentleigh we are proud of our strong small business industry. We are lucky to have a number of main road shopping strips that allow small businesses to have affordable, street-front locations. As well as providing these wonderful retail opportunities, there are primary producers in the electorate who see Bentleigh as a viable metropolitan location. Just this month I visited the owner-managers of Charlie's Cookies at their East Bentleigh factory. Jacky and Ken have made a major investment in Bentleigh by converting a warehouse into a boutique bakery that produces award-winning cookies.

This initiative is consistent with the Baillieu government's commitment to nurturing small businesses. With small business accounting for 47 per cent of private sector employment, this government recognises how important it is to ensure that this state provides an environment in which small businesses can develop and prosper.

I am determined to nurture this diverse small business economy in Bentleigh. With that in mind I ask the minister to allocate time for the mobile business centre to visit Bentleigh. Established and developing small businesses in the electorate will benefit from the experience and advice of Small Business Victoria in collaboration with the mentors from the Small Business Mentoring Service.

Water safety: personal watercraft

Mr FOLEY (Albert Park) — The matter I wish to raise is for the attention of the Premier. I ask that he seek to ensure that there is a whole-of-government response to the issue of jet skis, or personal watercraft, and safety on our bays and waterways that makes the wellbeing of swimmers the main focus of the government's regulatory approach by ensuring the strict application of the principle that jet skis should be kept firmly separated from swimmers and other passive recreational users of our bays and waterways. By this I mean that the Premier should coordinate the efforts of the ministers who have a role in this matter. They are, firstly, the Minister for Environment and Climate Change as the minister responsible for Parks Victoria in its role as the waterway manager of our bays and waterways, which despite its apparent lead agency status is underresourced in this important area; secondly, the Minister for Police and Emergency Services, with his responsibility for the water police, who, despite their best and consistent efforts in this area, are simply unable to keep up with growth in jet ski numbers when set against the range of their other responsibilities; and thirdly, the Minister for Ports and the Minister for Public Transport, with their apparent shared responsibility for Transport Safety Victoria, which includes Marine Safety Victoria. As the safety regulator it needs to ensure that greater emphasis is placed on licensing and rigour in testing and that measures are put in place to deal with the rising tide of injuries in this sector.

I make this request following the tragic death of Mr Robert Brewster at Port Melbourne after being struck by a jet ski a few weeks ago. This matter is currently the subject of a police investigation, and it would be inappropriate to comment in detail on the specifics of the case. Suffice to say, it appears that serious questions need to be asked about how a person can be fatally injured whilst swimming in a non-boating, swimming-only zone at one of Melbourne's most crowded beaches on a hot afternoon. Mr Brewster, a strong swimmer and a fit 51-year-old, was enjoying a cooling swim with members of his family when this tragedy occurred. As members of his grieving family put it to me, if any good is to come from this terrible incident, let it be that we respond in a considered and thoughtful manner that ensures that no other family is put in their position and shares their grief.

Let us resolve to ensure that jet skis and swimmers are thoroughly separated, that this measure is enforced and that education measures and licensing regimens are reviewed to ensure that this principle is reflected and emphasised. Let us also ensure that in circumstances where accidents and injuries sadly occur, suitable insurance measures such as compulsory public liability for such craft or even no-fault compulsory third-party insurance are made mandatory so as to minimise the hurt, the disruption and the costs for all the parties involved, for the health system and for the broader community.

Since this tragedy I have raised this matter with all of the various ministers and with the Chief Commissioner of Police. Only the latter has acknowledged my concerns. I call upon the Premier to act in this regard.

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

Sunassist: funding

Mr CRISP (Mildura) — I raise a matter for the Minister for Regional and Rural Development. The action I seek is funding assistance for Sunassist to undertake a strategic review. Sunassist is a valuable community asset which began in the Year of the Disabled way back in 1981. A group of community-minded people recognised the need for community transport for people with disabilities. As a result the Sunassist service was established. Sunassist is a volunteer, not-for-profit social support service for the frail aged, people with disabilities and their carers. Through offering practical assistance and care, volunteers give support in a culturally appropriate manner and aim to improve people's quality of life while respecting their independence. Sunassist's mission is to create and maintain community connections for the disadvantaged through sustainable, not-for-profit support services and by providing opportunities to enhance independent living. We would be lost without it in Mildura, where there is an

increasing sector of frail aged people who need transport and assistance.

These guys began in 1981 with a modified mini-van, and they now have a considerable fleet of cars. They have had to raise their own funds. They conduct a motor show each year in order to raise some of the funds that allow Sunassist to work, and large numbers of people come out for that. However, its main function is community transport for people who are unable to take private or public transport to meet their basic needs, who require extra assistance or who may be wheelchair bound. Drivers are volunteers, registered and trained, who have a sincere interest in people's welfare. Their transport services can be used for medical appointments, social outings and even essential shopping. They do escorted shopping and also escort people to medical appointments. That is for people who need assistance to undertake those tasks. They also do friendly visiting. That is a service for people who are living at risk and have become isolated as well. The visits may involve support in communication and a number of other areas. They have a phone assistance service, and they also have interpreting services.

Sunassist has become quite a large organisation over time. I really do pay tribute to the volunteers, because without them this organisation cannot operate. The service has had a growth rate in the last few years of 15 per cent. That is a considerable rate of change. Things do change, even in the volunteer sector. That 15 per cent growth represents challenges, and a plan is needed to find an alternate business funding model. As I have already mentioned, Sunassist is now a complex organisation. This sort of work costs money, and Sunassist's service is now vital. I ask the minister to assist Sunassist in Mildura.

Roads: truck exclusion lanes

Mr PALLAS (Tarneit) — The matter I wish to raise is for the Minister for Roads. The action I seek is that the minister conclude the review into truck exclusion lanes and make public its conclusions to provide the public with an appreciation of how the lanes are working and whether they are to be extended.

The former government identified and rolled out two truck exclusion lanes, one on the Princes Highway between Laverton and Avalon and a second on the Eastern Freeway. It foreshadowed further rollouts, including the Monash-West Gate, the M1; EastLink; and eventually, upon works completion, the Western Ring Road, the M80. The Premier, who was then the Leader of the Opposition, criticised these car-only lanes in a trucking industry magazine on 4 March 2010, saying that the 'choice of roads' to be included was a 'recipe for disaster'.

Connect East, the concession holder for EastLink, is on the public record as supporting the extension of car-only lanes to EastLink. With the completion of works on the Ml, there is no reason why truck exclusion lanes cannot be extended to that road. The Labor opposition's road safety policy, *Below 200 by 2020*, released in June 2011, calls on the Baillieu government to continue the:

> … rollout of truck exclusion lanes on freeways and highways with three lanes or more …

With Victoria's road toll now standing at 12 per cent above last year's in a year-to-date context, now is the time for the government to continue the promised car-only-lane safety initiatives. An analysis of the Victorian road fatalities map, which is available on the Victoria Police website, reveals that there have been no fatalities on the two sections of highway currently set aside as truck exclusion lanes since they were declared. Also, Transport Accident Commission statistics indicate that 78 per cent of truck casualty incidents in Victoria since 1987 have involved a collision with another vehicle — that is, trucks involved in the collision — and 37 per cent were in speed zones greater than 90 kilometres per hour. The Minister for Roads must explain to the Victorian public why the government to date has refused to continue Australia's first truck exclusion rollout, which was started by Labor, which clearly yielded a safety dividend and which is certainly demonstrating its worth in European countries.

I note that at the annual Australian Roads Summit on 8 March the minister indicated that he had extended in January of this year the length of road space that road trains could use on the Victorian arterial road network from 60 kilometres to 360 kilometres. This sixfold increase brings with it an obligation to invest in the necessary infrastructure and to balance the safety needs of all other road users.

The previous Labor government sought to balance the needs of the community, the safety of road users and the efficiency of freight operators. I urge the government to ensure that it is balancing the safety needs of all road users before providing access to our road network for bigger and heavier trucks.

Western Port: *Otama* submarine

Mr BURGESS (Hastings) — I wish to raise a matter for the Minister for Tourism and Major Events.

The action I seek is for the minister to visit my electorate to inspect the *Otama* submarine.

The Western Port Oberon Association brought the decommissioned *Otama* submarine to Western Port from Western Australia in 2002 after securing a $500 000 Centenary of Federation grant from the former coalition government. The submarine was a gift to the people of Victoria. The intention has always been to turn this vessel into a world-class tourist attraction. Unfortunately, due to the previous government's unique mix of incompetence and vindictiveness, this ready-made community wealth generator has been left to rust in Western Port for 10 years.

Two feasibility studies conducted by the Mornington Peninsula Shire Council found that the *Otama* would generate in excess of $5 million per annum for our local community. The Bracks and Brumby governments were the major hindrances to the *Otama* coming ashore by continually moving the goalposts and changing rules to keep it off land. Each time the *Otama* looked like coming ashore, the former state government would find another reason why it could not.

The former government initially told the association that the submarine project would be able to go ahead in Hastings if appropriate steps were taken. I have been informed that the then general manager of strategic projects for the Department of Sustainability and Environment personally identified the specific site upon which the submarine should be located. I am assured that the association did all that was asked of it, only to find that after more than two years the government reneged on its commitment.

The previous Labor government had elevated red tape and indecisiveness into an art form, and that approach cost Victoria a very large number of worthwhile projects. The *Otama* submarine would have been just another in that number. However, the Western Port community has fought hard over 10 years to keep this opportunity, and prior to the last election the coalition committed to undertaking a two-step process. This is the first of those two steps. I therefore invite the Minister for Tourism and Major Events to visit my electorate to inspect the *Otama* submarine.

Wallan-Kilmore bypass: route

Mr DONNELLAN (Narre Warren North) — The matter I wish to raise today is for the Minister for Roads. The action I seek from the minister is for his officers and the officers of VicRoads to open their ears to listen to and engage with the community of Kilmore in relation to the $130 million proposed Kilmore bypass.

Today I lodged a petition of some 1640 persons from Kilmore and nearby areas, who have made it clear that they do not wish to have bypass options A, B and C go through historic and sporting precincts. This cry for consideration and consultation from the Kilmore community is very loud and clear. The township of Kilmore has approximately 2000 people. To have somewhere between 70 and 80 per cent of the people sign a petition is a wake-up call to the local member, the member for Seymour, who has been visibly absent in the local area. It is also a wake-up call to upper house member Donna Petrovich, a member for Northern Victoria Region, and the Minister for Roads.

The options currently being considered by VicRoads, those being options A, B and C, pass through the Kilmore outdoor recreation heritage precinct, which includes Monument Hill. This area was set aside in 1853 for public use and includes a town water reserve, cricket reserve, golf club, swimming club and picnic area. They also pass by the Kilmore Racing Club, which was set aside as a reserve in 1861; a biodiversity conservation area identified by the Department of Sustainability and Environment; the Kilmore Equine Lifestyle precinct; and a wildfire management overlay.

This would affect various clubs, including the Kilmore Racing Club, trustees of the Kilmore Racecourse, the Kilmore Trainers Association, Kilmore harness trainers, the Kilmore cricket and recreation reserve, the Kilmore Cricket Club, the Kilmore Golf Club, the Kilmore East reserve, the Kilmore Agriculture Society, the Wandong miniature railway, the J. J. Clancy Reserve Committee of Management, the Kilmore Football Netball Club, the Kilmore Junior Football Club, the Hume Little Athletics Centre, the Kilmore Tennis Club, the Kilmore and District Pony Club, the Friends of Monument Hill, the Kilmore Historical Society, the Friday walkers group, BEAM, the Monument dog walking club and the Kilmore Netball Club. That is a substantial number of clubs.

The promise the Liberal Party made was to spend $130 million, provide a bypass of the town and deal with the congestion issues. The fact that members of the government accused VicRoads of lying in relation to traffic studies means the government has started off on the wrong foot. Those opposite failed to acknowledge that much of the problem relates partly to internal traffic, which includes trucks and the like from quarries nearby. The drums of discontent are beating loudly. I ask the minister to consult properly with the local community members and listen to what options

they would support and what options they do not currently support — those being three options which are currently being pushed by VicRoads and the minister's office.

Benalla electorate: community facilities

Dr SYKES (Benalla) — My issue is for the Minister for Regional and Rural Development. The action I request is for him to commit to investing some of the $1 billion Regional Growth Fund in sporting and community facilities in the Benalla electorate. As many of us know, sport is the glue which holds many of our communities together, especially our country communities. In particular football and netball are sports that communities embrace with great gusto. Facilities at our sporting grounds are increasingly becoming community facilities as people appreciate the importance of maximising the use of these facilities by as many groups as possible. I certainly welcome the minister's previous commitment to supporting the Whitfield community centre, which was a project involving $500 000. That is going to benefit not just the King Valley Football Netball Club but also the broader community.

We have other communities such as Mansfield, a community of 2000 to 3000 people whose income revolves around agriculture, tourism and lifestylers. That community has a very successful football and netball club that competes in the Goulburn Valley. The club's coach has been, in recent times, Craig Kelly from Collingwood, and David Mensch has been a pretty handy player for them. Their football ground is, however, fairly ordinary in terms of size and general design, and it needs an upgrade. There is a need to get in there, extend the ground, improve terracing, improve lighting and generally make it a better facility. I know that if there is support from the state government, the community will well and truly contribute in terms of in-kind contribution, particularly with the accessing of earthmoving machinery and other types of input as members of the Bonnie Doon Football Netball Club have done previously. Bonnie Doon is just down the road.

Another community in my electorate that would benefit from an injection of Regional Growth Fund money would be Avenel. This is a smaller community of around about 800 or 1000 people, but it is a community that is growing now that it is possible to commute from nearby Seymour to Melbourne. Announced recently were changes to planning areas there, which will see a substantial increase in the number of houses and people in Avenel in the next few years. Avenel is the home of Essendon tough man Bluey Shelton, and interestingly Ned Kelly had one of the more memorable and positive experiences of his life when he saved Bluey Shelton's grandad from drowning when Bluey's grandad was a little boy. Ned got a sash in recognition of that.

The Avenel community has a great history. The football netball club is the focus of community activity, but its facility is in pretty poor shape. It needs to be renovated. Given support from the state government, the local community will put in and make it better. I seek the minister's support in this important activity.

Rosamond Special School: asbestos removal

Ms THOMSON (Footscray) — The adjournment matter I have tonight is for the attention of the Minister for Education, and it relates to Rosamond Special School. I ask the minister to provide the necessary funding to enable the school to relocate and the department to find the funds for the recovery of the asbestos that has been found in the buildings that the school is moving to.

Rosamond Special School has been waiting for this move for some time, but it has been delayed. With the discovery of asbestos that delay looks as though it will be a little longer than was anticipated. A total of $9.4 million has been allocated to the relocation of Rosamond Special School to Ballarat Road in Brooklyn. Parents of students at the school are committed to their children and their children's welfare. The staff at the school are committed to the needs of these children who are, of course, very special children. They need a lot of care and attention. Education is an important thing that they must take advantage of. The life skills that they take with them as they move on and get older are also very important.

I have heard from parents of children at Rosamond Special School, and the finding of asbestos on the new premises of the school was a source of dismay to them. I know they have taken the matter up with the minister. It will cost about $1.81 million to remove the asbestos and make it safe for these students to go to the new school. That is a lot out of a $9.4 million budget.

What I ask of the minister is that he find that $1.81 million from within the department and not ask the school to fund it from the $9.4 million. It will mean a lot for these kids. The $9.4 million has been allocated. I know in the past, in special or unanticipated circumstances, a precedent has been set for the department to meet additional costs. It is not as if this will be the first time such a thing has been sought, and I ask the minister to look at other cases. I know if this were happening in a marginal Liberal seat the

$1.81 million would have been found by now, and I ask the minister to find the $1.81 million for these very special children.

Water safety: personal watercraft

Mr THOMPSON (Sandringham) — The matter I wish to raise is for the attention of the Minister for Environment and Climate Change. I seek the opportunity to meet with a representative of the environment department to evaluate and discuss options for the improvement of safety outcomes in the use of jet skis in Port Phillip Bay. Recently my office canvassed the opinions of local foreshore users on the use of jet skis proximate to the Sandringham foreshore. One Black Rock resident notes in correspondence to me:

> When I used to patrol — one of my roles was an IRB driver; this of course requires a boat licence, which is under Victorian law — you learn you cannot access no-boating areas as well as must obey certain speeds certain distances from shore and near swimmers.
>
> I considered it my duty when patrolling to advise jet ski users to move out of the no-boating area as they posed a hazard to swimmers. It was not my role to enforce the law — merely to provide a safe place for swimming in the no-boating area. I frequently had jet skiers abuse me — I had threats — and most totally ignored the polite request to move out.
>
> Today I swim almost every day in the no-boating area. I also paddle my surf ski around the *Cerberus* usually three or four times a week. The jet skis still go in the no-boating area. The jet skis speed too close to shore. The jet skis still speed too close to swimmers. And I speak to the patrolling members at Half Moon Bay. They still get ignored, abused and threatened. The police are called — and they provide warnings … We recently had a blitz from police — but again despite jet skiers ignoring their warnings — further warnings. I have even heard jet skiers say to our patrol they get fines all the time — and don't care.
>
> …
>
> In Hawaii — off the Kaanapali Beach in Maui — they have a jet ski area around 2 kilometres off shore. It has a pontoon as well as a buoy-marked rectangular course. But given the numbers of jet skis in Melbourne — I can't see this working. But it may be a solution. Maybe a better solution is have four or six nominated areas in Port Phillip Bay as jet ski areas — with access to/from the beach at the legal speed limits required under your boat licence. These must not be near Port Phillip Bay beaches like Half Moon Bay …

and other beaches which —

> are extremely busy on any hot day.

There were concerns raised by other local residents. A Port Phillip Bay boating expert notes in writing to me:

> In the last few years on an increasing basis as jet ski numbers on the bay have soared, open water swimmers, lifesaving clubs, the Dolphin Research Institute and sailing clubs have been calling for water police assistance to stamp out hoon behaviour endangering life.

There is widespread concern, and I look forward to having the opportunity to discuss the matter with a member of the department.

Responses

Mr RYAN (Minister for Regional and Rural Development) — The member for Mildura, in his inimitable fashion, has raised an issue of great importance to his electorate and that is in relation to a not-for-profit organisation named Sunassist. This wonderful entity has been working on behalf of its community since the early 1990s. It does great work, particularly for the frail, the aged, the disabled and their carers. The organisation wants to conduct a review of its operations so it can look at what it needs to do to transition to the future. It has done great work in the past. The question is: what is the appropriate funding model for its future operations? To that end, it is spending some $45 000 on a review and development project which will be able to chart its course in time to come.

These organisations are critically important to all Victorians. In our state we have about 120 000 non-government organisations delivering about $1.2 billion worth of programs on behalf of the government. It is important, therefore, that we support them. I welcome the conversations I have been able to have with the member in relation to this important initiative. I am pleased to be able to tell him that the government will provide $25 000 towards this $45 000 cost. The money will be coming from the Putting Locals First program as part of the Regional Growth Fund. I wish the organisation well in terms of the review process and the subsequent work that I have little doubt will continue to be undertaken by this august organisation.

The member for Benalla has raised with me issues of great significance in terms of his electorate that particularly relate to the provision of appropriate standards for sporting and community facilities, which — and these days everybody recognises this — need to be built on a multi-use basis. It is important that a community has the capacity to, in the first instance, dedicate those facilities to sports organisations. But over the years there has increasingly been a requirement to meet possible additional needs — such as public meetings, for example, and even weddings and the like — and to ensure that these facilities have the capacity to accommodate what might be needed. That varies in respect of the size of a given town and

the existing facilities in that community. I know within my electorate that there are many instances where this has been able to occur over the years.

The member for Benalla has told members of the house about the Mansfield football and netball club and the football coach Craig Kelly, who is a famous figure in the ranks of the Collingwood Football Club and a name to remember this week, particularly because of Jim Stynes's funeral. I am sure Craig Kelly was playing AFL in or around the era when Jim Stynes was playing. The football and netball club in Mansfield has a very strong community culture. It does terrific work in the community generally; it has acquitted itself extremely well in the respective football and netball leagues in which its teams compete. The member has outlined to members of the house the need for an upgrade to the ground to make it larger in dimension, to add lighting and to generally bring the facilities up to the standards that are required these days.

I am pleased to be able to tell the member for Benalla that an amount of $299 650 will be made available through the Regional Growth Fund — —

An honourable member interjected.

Mr RYAN — I want to emphasise that it is not $300 000 and that every dollar is important in this age. It is $299 650 that will be made available to the organisation in Mansfield highlighted by the member to enable it to undertake this important work.

I am pleased to say that that is not the end of the matter. At Avenel, which is a lovely town with a population of about 800 to 1000 people, there are, coincidentally, similar needs that are outstanding. The member has outlined to the house the necessity for renovations to be conducted with regard to existing facilities and to the ground, and I am told — as the member has also confirmed to the house — that the great Bluey Shelton is coaching. Therefore I have no doubt that no-one takes a backward step at Avenel, because otherwise there would be hell to pay when Bluey got hold of them after the game. Be that as it may, having listened carefully to what the member had to say tonight, I am pleased to be able to tell him that $300 000 will be made available for the Avenel recreation reserve. This money also will go to the great work which is being undertaken in these facilities at Avenel.

I conclude by saying that these amounts of money will be contributed in conjunction with the funds that are made available through the local communities. It is absolutely outstanding and not a little extraordinary the extent to which these various country communities are able to come together for the purposes of being able to make contributions, not only in cash but of course in kind through the provision of the labour that they are able to bring to projects of this nature. The government is very pleased and indeed proud to be able to support them, and I thank the member for Benalla for the opportunity for us participate in these initiatives.

Ms ASHER (Minister for Innovation, Services and Small Business) — I am delighted to be the second out of five ministers here in the chamber tonight, and I think there were seven the other night. That is not something I saw in my 11 years in opposition, but this is one of the many differences between this government and the previous government.

The member for Bentleigh has raised a very important issue. She has identified the importance of small business to the economy and, more importantly, she has identified the role small business plays in her electorate of Bentleigh. Given that the electorate of Bentleigh is the adjoining electorate to mine, I am familiar with the number of small businesses that she has in her electorate. I am also extremely familiar with the hard work she does to support the small business community.

The member has asked me to make sure that the mobile business centre comes to her electorate, and I am delighted to inform her that I will make sure it does so this year. By way of an overall perspective, as I have informed the house previously, this mobile business centre was introduced under the previous government in 2010, and I acknowledge that. While in government we have ensured that the centre does not service country Victoria alone but that it also services metropolitan Melbourne.

We have upped the work rate of the centre. By way of example, 42 locations were visited in 2010, 81 in 2011 and 11 locations have been visited so far in 2012. As the member for Bentleigh has outlined, this bus provides a whole range of access to Small Business Victoria services and to the Small Business Mentoring Service. As I indicated, the mobile business centre will visit the electorate of Bentleigh, where I am certain the member will ensure that not only are all the available mentoring sessions booked but also that there will probably be a whole range of follow-up sessions.

The member for Hastings raised with me a request to visit his electorate and to discuss the *Otama*, which I know has been an issue of ongoing discussion in his electorate. The member for Hastings understands tourism well. He understands the benefits in terms of gross state product and the benefits of employment that

tourism brings, and he is seeking to ensure a maximum spread of tourism so that his electorate of Hastings benefits from that. In response to the member for Hastings, I would be delighted to accept his invitation and visit his electorate to discuss not only the issue he has raised in the house tonight but also any other issues he wants his constituents to discuss with me.

Mr MULDER (Minister for Roads) — The member for Derrimut has raised an issue with me in relation to trucks in western Sunshine and the fact that these trucks are travelling down streets and roads where they should not be. I imagine these would be limited by load limit restrictions in those particular streets. It was not that long ago that the member for Williamstown raised an issue with me in relation to Francis Street, where there was a similar type of issue whereby trucks were breaking the curfews in relation to their access to streets in that area. At the time the member for Williamstown indicated that he had actually been out and travelled with VicRoads' authorised officers. They have been doing a good job and there has been a lot of success in terms of curbing inappropriate access by heavy vehicles to some of the streets, but obviously there are still problems.

What I will do on behalf of the member for Derrimut is have a discussion with VicRoads and ask if it could look at the enforcement measures currently in place in western Sunshine and see if it can identify the companies and trucks that are breaching the load limits or curfews in those areas and if we can do something for the people who live in those communities, because obviously it is of great concern.

The member for Narre Warren North raised an issue in relation to the Kilmore-Wallan bypass. I think the member indicated that the local member is not listening to the local community in relation to their concerns about the Kilmore-Wallan bypass. I indicate to the member for Narre Warren North that the reason the current member for Seymour is indeed the member for Seymour is the former member for Seymour, Mr Ben Hardman, did not listen to the people of Kilmore and Wallan. In fact VicRoads officers have been up there, and I understand that they have carried out somewhere in the order of about 10 days consultation.

This demonstrates the great courage and backbone that the current member for Seymour has. Along with Donna Petrovich, a member for Northern Victoria Region in the other house, the member for Seymour has been there, talking and listening to the local community, taking on board their concerns and looking at the various options. They made sure that they did not walk out the back door and turn their backs on the people of Kilmore and Wallan, and they will do the right thing by that community all the way through.

No doubt this is a project that the broader community will support. Anyone who has been there and stood in Kilmore, looking at the beautiful facades of a lot of those old buildings and seen the trucks rumbling straight through the main street, would understand that something needs to be done for the future of that community. The member for Seymour has shown the backbone and courage needed to go out there and talk to her community, unlike, as I said, the former member, who was shoved out the door because he did not have the ticker to do it.

It is no secret in this place that the current member for Seymour turned up pretty late on the scene, but, by gee, did she make a massive impression on her community and in particular on the people of Kilmore and Wallan, who have been pushing for this project for a long time. They were not pushing for the mickey mouse solutions and half-baked proposals that were put forward by the former Minister for Roads and Ports, the member for Tarneit, but for a genuine, long-term solution to ensure that that community gets what it has asked for for a long time. I can assure the member for Narre Warren North that the member for Seymour will see that through because she has the ticker and the backbone, unlike the previous member, who turned his back on that community.

The member for Tarneit has had a bad day in the Parliament today. I think we would all recognise that. He raised with me an issue in relation to truck exclusion lanes. The member for Tarneit, as the Minister for Roads and Ports, put together a trial on the Princes Highway and the Eastern Freeway for trucks to stay out of the right-hand lane. As I understand it, there have been surveys of motorists on what they think about trucks staying out of the right-hand lane. We know that the Royal Automobile Club of Victoria supported having trucks out of the right-hand lane. That trial has been going on for some time. I believe that within the next month or so I will get from VicRoads advice as to the success or otherwise of that trial. I understand there has been a high level of compliance, which would indicate that it is working well in those two particular locations.

The member for Tarneit raised the issue of what we are doing about the Monash Freeway. I think that most members will understand that prior to the last state election a commitment was given and a signal was sent that trucks would be taken out of the right-hand lane on the Monash. But someone's ticker failed and that trial was pulled — by the current member for Tarneit, the

former minister for roads, who never had the ticker. He was worried about the election, worried about losing votes and never had the ticker to carry it through.

What VicRoads has been doing for me is an analysis of the Monash Freeway to see if it is possible to proceed with taking trucks out of the right-hand lane on that freeway. I will take that advice on board when it comes forward from VicRoads, and that information will no doubt be made public. We will not hide, like the former Minister for Roads and Ports did; we will not duck and weave. We will not be looking at the polls, like the former Minister for Roads and Ports was. We will do the right thing by the community, but we will make sure that the decision made is evidence based. I can assure the former Minister for Roads and Ports, the member for Tarneit, that we will do the right thing. There will be no dodgy practices.

We all recall the issue in relation to councils in country Victoria that had a letter sent out under the direction of the former Minister for Roads and Ports saying, 'Open your local road network to heavy vehicles', without any consideration or consultation. When he got caught, what did he say? He said it was a poorly worded letter. We are not in the business of trampling on local councils. We will go down the pathway of local community consultation, doing the right thing by them and providing $160 million for local councils for local roads. We are not a government that tramples over the rights of local councils or small communities, unlike the former Minister for Roads and Ports. I thank him for raising this issue in the adjournment debate tonight.

Mr DIXON (Minister for Education) — It is a pleasure to respond to the eighth issue for a minister to respond to tonight — which does not leave much work for the Minister for Multicultural Affairs and Citizenship. The member for Footscray raised with me the asbestos issue at Rosamond Special School. I know the school well because the Premier and I visited it just after the budget last year to announce funding of $9.4 million for the new Rosamond school — the largest single one-year investment in special autistic schools for more than a decade. I was very proud to announce that at last year's budget. I remember when the Premier and I arrived the principal was literally crying tears of joy. She was crying when she said, 'This money has been promised to us year after year by the previous government, and it never, ever once appeared'. She never thought it would be a coalition government that would actually deliver on that promise. I just remember the great joy we witnessed at that school.

On Tuesday it was brought to my attention that there is an issue with regard to asbestos at the proposed new site for the school. I have asked my department to work and liaise very closely with the school community on this matter. The actual site of the school is the former Braybrook Primary School, which was closed by the previous government in 2008. That site was left derelict for a couple of years, and the buildings burnt down in 2010. After they were burnt down, the site was remediated as part of the works that were undertaken then, but the asbestos in the subsoil was not detected. Obviously we are following that up almost as a separate matter.

It is very important that this new site is free from contamination — for the health and wellbeing of the teachers and obviously of the students as well. That is my main preoccupation. Not only do I want that remediation work to be carried out but I also want the scope of the school project to not be affected by the remediation process. None of the costs involved — neither the cost of construction of the new school nor the cost of the remediation — have been finalised. There are all sorts of figures going out and every time I hear a figure it seems to get higher, but those figures have not yet been finalised. As I said, my bottom line is not only the safety of all concerned but also delivering that project within the original scope of works.

Mr KOTSIRAS (Minister for Multicultural Affairs and Citizenship) — The member for Sandringham raised a matter for the attention of the Minister for Environment and Climate Change, and the action he sought was for the minister and/or a departmental representative to meet with him and local residents to discuss the use of jet skis in Port Phillip Bay. I will refer that matter to the minister for his attention and direct response.

The member for Albert Park — after four years in this chamber — raised a matter for the attention of the Premier, and the action he sought was for the Premier to ensure a whole-of-government approach to jet ski and watercraft safety. I will refer that matter to the Premier for his attention and direct response.

The ACTING SPEAKER (**Mr Nardella**) — Order! The house is now adjourned.

House adjourned 10.50 p.m.

Wednesday, 28 March 2012

JOINT SITTING OF PARLIAMENT

Victorian Responsible Gambling Foundation

Honourable members of both houses met in Assembly chamber at 6.17 p.m.

The CHAIR (Hon. Ken Smith) — Order! Whilst joint standing orders 19 to 22 apply to this joint sitting, there is no joint sitting order to cover the nominations of members to the board. Therefore the first matter to consider is the adoption of rules.

Mr BAILLIEU (Premier) — I move:

> That the rules for nominations, which are in the hands of members, be adopted.

Motion agreed to.

The CHAIR — Order! I now invite proposals from members with regard to three members to be elected to the board of the Victorian Responsible Gambling Foundation.

Mr BAILLIEU (Premier) — I propose:

> That Mr McCurdy, Mr Southwick and Mr Trezise be elected to the board of the Victorian Responsible Gambling Foundation.

I understand each of them is willing to accept the appointment if chosen.

The CHAIR — Who seconds the proposal?

Mr ANDREWS (Leader of the Opposition) — I second the proposal.

The CHAIR — Are there any further proposals?

As there are only three members proposed, I declare that Mr McCurdy, Mr Southwick and Mr Trezise are elected to the board of the Victorian Responsible Gambling Foundation. I now declare the joint sitting closed.

Proceedings terminated 6.19 p.m.