PARLIAMENT OF VICTORIA

PARLIAMENTARY DEBATES (HANSARD)

LEGISLATIVE ASSEMBLY

FIFTY-SEVENTH PARLIAMENT

FIRST SESSION

Wednesday, 29 August 2012

(Extract from book 12)

Internet: www.parliament.vic.gov.au/downloadhansard

By authority of the Victorian Government Printer

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The Lieutenant-Governor

The Honourable Justice MARILYN WARREN, AC

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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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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*): Mr Clark, Ms Hennessy, Mr Holding, Mr McIntosh, Mr Merlino, 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 Carroll, Mr Foley 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	Languiller, Mr Telmo Ramon	Derrimut	ALP
Andrews, Mr Daniel Michael	Mulgrave	ALP	Lim, Mr Muy Hong	Clayton	ALP
Angus, Mr Neil Andrew Warwick	Forest Hill	LP	McCurdy, Mr Timothy Logan	Murray Valley	Nats
Asher, Ms Louise	Brighton	LP	McGuire, Mr Frank [5]	Broadmeadows	ALP
Baillieu, Mr Edward Norman	Hawthorn	LP	McIntosh, Mr Andrew John	Kew	LP
Barker, Ms Ann Patricia	Oakleigh	ALP	McLeish, Ms Lucinda Gaye	Seymour	LP
Battin, Mr Bradley William	Gembrook	LP	Madden, Mr Justin Mark	Essendon	ALP
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Blackwood, Mr Gary John	Narracan	LP	Morris, Mr David Charles	Mornington	LP
Brooks, Mr Colin William	Bundoora	ALP	Mulder, Mr Terence Wynn	Polwarth	LP
Brumby, Mr John Mansfield [1]	Broadmeadows	ALP	Napthine, Dr Denis Vincent	South-West Coast	LP
Bull, Mr Timothy Owen	Gippsland East	Nats	Nardella, Mr Donato Antonio	Melton	ALP
Burgess, Mr Neale Ronald	Hastings	LP	Neville, Ms Lisa Mary	Bellarine	ALP
Campbell, Ms Christine Mary	Pascoe Vale	ALP	Newton-Brown, Mr Clement Arundel	Prahran	LP
Carbines, Mr Anthony Richard	Ivanhoe	ALP	Noonan, Mr Wade Mathew	Williamstown	ALP
Carroll, Mr Benjamin Alan [2]	Niddrie	ALP	Northe, Mr Russell John	Morwell	Nats
Clark, Mr Robert William	Box Hill	LP	O'Brien, Mr Michael Anthony	Malvern	LP
Crisp, Mr Peter Laurence	Mildura	Nats	Pallas, Mr Timothy Hugh	Tarneit	ALP
D'Ambrosio, Ms Liliana	Mill Park	ALP	Pandazopoulos, Mr John	Dandenong	ALP
Delahunty, Mr Hugh Francis	Lowan	Nats	Perera, Mr Jude	Cranbourne	ALP
Dixon, Mr Martin Francis	Nepean	LP	Pike, Ms Bronwyn Jane [6]	Melbourne	ALP
Donnellan, Mr Luke Anthony	Narre Warren North	ALP	Powell, Mrs Elizabeth Jeanette	Shepparton	Nats
Duncan, Ms Joanne Therese	Macedon	ALP	Richardson, Ms Fiona Catherine Alison	Northcote	ALP
Edwards, Ms Janice Maree	Bendigo West	ALP	Ryall, Ms Deanne Sharon	Mitcham	LP
Eren, Mr John Hamdi	Lara	ALP	Ryan, Mr Peter Julian	Gippsland South	Nats
Foley, Mr Martin Peter	Albert Park	ALP	Scott, Mr Robin David	Preston	ALP
Fyffe, Mrs Christine Ann	Evelyn	LP	Shaw, Mr Geoffrey Page	Frankston	LP
Garrett, Ms Jane Furneaux	Brunswick	ALP	Smith, Mr Kenneth Maurice	Bass	LP
Gidley, Mr Michael Xavier Charles	Mount Waverley	LP	Smith, Mr Ryan	Warrandyte	LP
Graley, Ms Judith Ann	Narre Warren South	ALP	Southwick, Mr David James	Caulfield	LP
Green, Ms Danielle Louise	Yan Yean	ALP	Sykes, Dr William Everett	Benalla	Nats
Halfpenny, Ms Bronwyn	Thomastown	ALP	Thompson, Mr Murray Hamilton Ross	Sandringham	LP
Helper, Mr Jochen	Ripon	ALP	Thomson, Ms Marsha Rose	Footscray	ALP
Hennessy, Ms Jill	Altona	ALP	Tilley, Mr William John	Benambra	LP
Herbert, Mr Steven Ralph	Eltham	ALP	Trezise, Mr Ian Douglas	Geelong	ALP
Hodgett, Mr David John	Kilsyth	LP	Victoria, Mrs Heidi	Bayswater	LP
Holding, Mr Timothy James	Lyndhurst	ALP	Wakeling, Mr Nicholas	Ferntree Gully	LP
Howard, Mr Geoffrey Kemp	Ballarat East	ALP	Walsh, Mr Peter Lindsay	Swan Hill	Nats
Hulls, Mr Rob Justin [3]	Niddrie	ALP	Watt, Mr Graham Travis	Burwood	LP
Hutchins, Ms Natalie Maree Sykes	Keilor	ALP	Weller, Mr Paul	Rodney	Nats
Kairouz, Ms Marlene	Kororoit	ALP	Wells, Mr Kimberley Arthur	Scoresby	LP
Kanis, Ms Jennifer [4]	Melbourne	ALP	Wooldridge, Ms Mary Louise Newling	Doncaster	LP
Katos, Mr Andrew	South Barwon	LP	Wreford, Ms Lorraine Joan	Mordialloc	LP
Knight, Ms Sharon Patricia	Ballarat West	ALP	Wynne, Mr Richard William	Richmond	ALP
Kotsiras, Mr Nicholas	Bulleen	LP			
Languiller, Mr Telmo Ramon	Derrimut	ALP			

[1] Resigned 21 December 2010
[2] Elected 24 March 2012
[3] Resigned 27 January 2012
[4] Elected 21 July 2012
[5] Elected 19 February 2011
[6] Resigned 7 May 2012

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WEDNESDAY, 29 AUGUST 2012

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Wednesday, 29 August 2012

The SPEAKER (Hon. Ken Smith) took the chair at 9.34 a.m. and read the prayer.

Ms Green — On a point of order, Speaker, I rise to request that you examine the *Hansard* report of the debate on the business of the house yesterday. The member for Mildura made what I think were extremely insensitive remarks about encouraging people to commit suicide. I ask, Speaker, that you examine *Hansard* and determine whether the member for Mildura ought to be counselled for those remarks. Suicide is an incredibly serious matter and ought not be joked about anywhere, and particularly not in this place.

Mr Burgess — On the point of order, Speaker, coming from a member who last year called people in this house 'scumbags' I think it is a little bit of a stretch of the imagination to ask that anything be withdrawn.

Ms Hennessy — Further on the point of order, Speaker, the member for Yan Yean has rightly raised a point of order. The basis of her point of order was that you examine *Hansard* and make a determination. Regardless of the issue that the member for Hastings has raised, of 'scumbag' or no 'scumbag', the member for Yan Yean has an entitlement under standing order 104 to raise a point of order, and all she has asked is that you examine *Hansard*.

Mr Ryan — On the point of order, Speaker, the member for Mildura made observations yesterday which on any reasonable view were measured, and the implication contained in what the member for Yan Yean today has said is nothing less than outrageous.

Honourable members interjecting.

The SPEAKER — Order! I will examine *Hansard* and see the context in which the remarks were made.

DRUGS, POISONS AND CONTROLLED SUBSTANCES AMENDMENT BILL 2012

Introduction and first reading

Mr RYAN (Minister for Police and Emergency Services) — I move:

> That I have leave to bring in a bill for an act to amend the Drugs, Poisons and Controlled Substances Act 1981 to provide for certain substances to be drugs of dependence and to make a technical amendment to that act and for other purposes.

Mr MERLINO (Monbulk) — I request that the Deputy Premier give a brief explanation of the bill.

Mr RYAN (Minister for Police and Emergency Services) — The intention is to ensure that various synthetic cannabinoids which at the present moment are being sold to people on the basis that they are not harmful are in fact now banned as a result of amendments we will make to the legislation.

Motion agreed to.

Read first time.

PLANNING AND ENVIRONMENT AMENDMENT (GENERAL) BILL 2012

Introduction and first reading

Mr CLARK (Attorney-General) — I move:

> That I have leave to bring in a bill for an act to amend the Planning and Environment Act 1987, the Subdivision Act 1988 and the Local Government Act 1989 and for other purposes.

Mr WYNNE (Richmond) — Could I have a brief explanation of the bill?

Mr CLARK (Attorney-General) — The bill is a general bill that makes a range of amendments to the three acts referred to in the long title.

Motion agreed to.

Read first time.

BUSINESS OF THE HOUSE

Notices of motion: removal

The SPEAKER — Order! I advise the house that under standing order 144 notices of motion 12 to 24 will be removed from the notice paper on the next sitting day. Members wishing their notice to remain should advise the Clerk in writing before 6.00 p.m. today.

PETITIONS

Following petitions presented to house:

Australian Formula One Grand Prix: relocation

> To the Speaker of the Legislative Assembly of the Parliament of Victoria:
>
> We the undersigned citizens of Victoria respectfully request the Legislative Assembly of the state of Victoria petition the state government to relocate the Australian Formula One Grand Prix away from the Albert Park Reserve in any possible renegotiation of the Australian Formula One Grand

Prix contract and associated arrangements between the state of Victoria and the owners and promoters of the formula one grand prix. If it is to stay in Victoria, it should be relocated to a dedicated motor sports facility.

The time for the race to occupy a public park, in a built-up population area at significant disruption to the community and at considerable expense to the taxpayers of Victoria has passed.

By Mr FOLEY (Albert Park) (32 signatures).

Israel: Melbourne protests

To the Legislative Assembly of Victoria:

The petition of the residents of Victoria draws the attention of the house to the recent anti-Israel boycott, divestment and sanctions (BDS) protests on the streets of Melbourne and the strong response of the Baillieu government.

The petitioners therefore request that the Legislative Assembly of Victoria continue to support all efforts and actions to stop these protesters and their campaign of misinformation against the state of Israel and the Jewish community.

By Mr SOUTHWICK (Caulfield) (35 signatures).

Gisborne Secondary College: funding

To the Legislative Assembly of Victoria:

The petition of certain citizens of the state of Victoria draws to the attention of the house the need for significant upgrades of facilities at Gisborne Secondary College.

In particular, we note:

1. the previous Labor government approved and funded the previous stage of the school's redevelopment;

2. the final stage includes much-needed classrooms and amenities for the school;

3. Gisborne families deserve the highest quality education facilities, and the lack of funding by Mr Baillieu shows he does not understand the needs of the community.

The petitioners therefore request that the Legislative Assembly urge the Baillieu government to urgently fund the final stage of the Gisborne Secondary College redevelopment.

By Ms DUNCAN (Macedon) (1 signature).

Murrindindi Shire Council: future

To the Legislative Assembly of Victoria:

This petition of concerned residents and ratepayers of the shire of Murrindindi draws to the attention of the house and the Minister for Local Government the following issues:

the serious short and long-term financial viability problems facing the Shire of Murrindindi;

the ongoing impact of Black Saturday, 7 February 2009, which continues to affect the operation, assets and finances of the Shire of Murrindindi;

the community's profound lack of confidence in the performance and governance provided by council and the Shire of Murrindindi.

Your petitioners therefore request that the Legislative Assembly of Victoria and the Minister for Local Government appoint a panel of review under the Local Government Act 1989 to consider and make recommendations on:

the short and long-term financial viability of the Shire of Murrindindi;

the feasibility of council elections taking place in 2012;

the necessity for the minister to appoint an administrator.

By Ms McLEISH (Seymour) (1069 signatures).

Buses: northern suburbs

To the Legislative Assembly of Victoria:

This petition of certain citizens of the state of Victoria calls on the Baillieu government to reverse its recent cuts to bus services.

In particular we note:

1. the localities of Greensborough, Plenty, Mill Park, Bundoora, Yarrambat, Whittlesea and beyond have all been hit hard by cuts to services. Many bus stops at schools, aged-care and sporting facilities have been removed altogether;

2. the Baillieu government's 2011–12 bus review was done in secret and in the shadow of budget cuts and has resulted in many service losses, overcrowding and massively increased travel times, including Greensborough losing 561 weekly services and Doreen commuters journey times blowing out by over 26 per cent;

3. the Baillieu government's review is in stark contrast to the 2008–09 review of bus services by the former Labor government, where there was extensive community consultation and delivered over 1000 extra weekly services for the north;

4. these cancellations are causing great distress to locals in Melbourne's north who use bus services to access employment, shopping, health and education.

The petitioners therefore request that the Legislative Assembly of Victoria urge the Baillieu government to reinstate these services and deliver better public transport for our growing community, including increased number of bus services and commitments to upgrade our public transport infrastructure.

By Ms GREEN (Yan Yean) (39 signatures).

Tabled.

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

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

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

ENVIRONMENT AND NATURAL RESOURCES COMMITTEE

Flood mitigation infrastructure in Victoria

Mr PANDAZOPOULOS (Dandenong) presented report, together with appendices and transcripts of evidence.

Tabled.

Ordered that report and appendices be printed.

DOCUMENTS

Tabled by Clerk:

Auditor-General:

Fare Evasion on Public Transport — Ordered to be printed

Programs for Students with Special Learning Needs — Ordered to be printed

Parliamentary Committees Act 2003 — Government response to the Public Accounts and Estimates Committee's Report on the Review of the Auditor-General's Reports January–June 2009 and Follow-up of PAEC Reports 82, 86 and 91

Statutory Rules under the following Acts:

Electoral Act 2002 — SR 86

Health Records Act 2001 — SR 87

Water Act 1989 — SR 88.

MEMBERS STATEMENTS

St Joseph's Primary School, Collingwood: 150th anniversary

Mr WYNNE (Richmond) — Last Saturday I was delighted to attend the 150th anniversary of the formation of St Joseph's Primary School in Otter Street, Collingwood, one of Melbourne's oldest Catholic schools which provides educational and spiritual enrichment for children in the Collingwood area. For more than 100 years the Sisters of Charity have devoted themselves to this school, building its culture and educational environment, and over the last 19 years under the leadership of Mrs Patricia Taylor that legacy has continued to thrive.

A mass was held under the leadership of parish priest Fr Peter Hoang and co-celebrated with three former parish priests, including an old friend, Fr Ernie Smith. The launch of a history of the school written by Catriona Banks appropriately completed the formal proceedings. Celebrations continued in the new library and multipurpose facility, a wonderful new addition funded by the Gillard federal government. St Joseph's is a great school that has always held true to its values, and I was honoured to be asked to take part in this milestone event.

There is still, of course, one issue remaining to be resolved there — that is, the reconstruction of the church that was sadly burnt down a few years ago. It is a matter that is currently being contested in the Victorian Civil and Administrative Tribunal, and we look forward to the outcome of VCAT's deliberations within, I understand, a short period of time. Nonetheless St Joseph's is a wonderful school with an extraordinary history which has always stayed true to its values of standing with the poorest in the community and supporting many of the residents living in the public housing estate directly opposite. I commend St Joseph's and the leadership of the principal, Mrs Taylor.

Goulburn Valley Vietnam Veterans Association: commemoration service

Mrs POWELL (Minister for Local Government) — I had the honour on Friday, 17 August, of laying a wreath at Goulburn Valley Vietnam Veterans Association's commemoration service at the Shepparton cenotaph. It was a bitterly cold and rainy day, but that did not stop the crowd from paying its respects and recognising the 50th anniversary of the deployment of Australian troops at Ton San Nuit in South Vietnam in August 1962. I would like to thank Goulburn Valley Vietnam Veterans Association president Kevin Heenan and secretary Jeff Stanyer for organising the ceremony and giving the community the opportunity to honour and remember those who fought for their country and those who paid the ultimate sacrifice of losing their lives or sustaining lifelong injuries while serving the country.

Ambulance services: Shepparton electorate

Mrs POWELL — On another matter, the Shepparton ambulance service has received six extra paramedics as part of the Victorian government's commitment to employ 310 additional paramedics and 30 patient transfer officers across regional Victoria over five years. Paramedics in Shepparton have been lobbying for many years for additional staff, and hopefully the extra six paramedics will take the pressure off our hardworking, professional and dedicated officers and improve patient outcomes.

Police: Shepparton electorate

Mrs POWELL — I was also pleased to announce the government's allocation of more front-line police to the Shepparton district with an additional 16 police officers for the greater Shepparton, Mitchell and Benalla districts. These 16 police officers are in addition to the extra police already allocated to the Shepparton district since the coalition came to government. Our police officers do a fantastic job and the additional officers will mean a stronger police presence on our streets and roads and better resources to tackle crime and antisocial behaviour.

Swinburne University of Technology: Lilydale campus

Mr MERLINO (Monbulk) — The savage cuts to TAFE by the Baillieu government have led directly to the closure of Swinburne University of Technology's Lilydale campus. Not only do those opposite, in a cowardly way, refuse to take responsibility, they think it is a good outcome.

I refer to an extraordinary report in last week's *Free Press Leader*. It includes a letter dated 6 August from the member for Gembrook to Yarra Ranges Shire Council in which he says 'the realignment of course delivery to fit Swinburne's strategic direction … makes sense' He further went on to say 'the government is pleased that the university is strengthening its vocational delivery in Croydon and Wantirna'.

Yarra Ranges mayor Graham Warren said the member had turned his back on his constituents who needed him the most, stating:

> Basically, Mr Battin is saying 'bad luck' to the people in his electorate that desperately need education opportunities …

Those opposite claim they have nothing to do with the closure. Utter garbage! In a letter dated 31 July Swinburne vice-chancellor Linda Kristjanson makes it abundantly clear that Swinburne at Lilydale is shutting down 'as a result of decisions of the Victorian government'. Last sitting week I requested that the Minister for Higher Education and Skills intervene immediately to save Swinburne's Lilydale campus — not when the buildings are empty and the 'for sale' sign is up, but right now.

If the minister refuses to intervene on my say-so, I ask the government to consider this: in my 10 years representing the Monbulk electorate, this issue is by far the biggest I have ever dealt with, by a long way. The response to a petition I have distributed in the community has been overwhelming. Those opposite might think the closure of Swinburne at Lilydale makes sense, but I can tell them the people of the outer east are outraged and demanding the government reverse its cuts. They see no sense in this decision.

Lowan electorate: Olympic and Paralympic athletes

Mr DELAHUNTY (Minister for Sport and Recreation) — Victoria is the sporting capital of Australia, and the Lowan electorate shares in that glory with representatives attending the Olympic Games and the Paralympic Games. Former Casterton resident Kathryn Mitchell represented Australia in javelin and finished ninth — a great effort. Natimuk resident and Horsham Small Bore Rifle Club member Alethea Sedgman participated in air rifle shooting. Both Kathryn and Alethea are wonderful ambassadors for their sport. In the Paralympic Games Lowan is represented by Horsham wheelchair basketballer Jannik Blair and table tennis player Melissa Tapper from Hamilton.

I congratulate all our Olympians, particularly the 23 Victorians who won medals, and I wish all the best to our Paralympians in the upcoming games.

Kokoda Memorial Terrace: opening

Mr DELAHUNTY — Last Sunday I was delighted to attend with the Treasurer and Minister for Environment and Climate Change the official opening of the Kokoda Memorial Terrace at Dandenong Ranges National Park. Kokoda veterans and their families also attended this significant opening which will assist Victorians in learning more about the Kokoda campaign.

Horsham and Murtoa racecourses: funding

Mr DELAHUNTY — Last week the Minister for Racing visited the Lowan electorate with good news for Horsham Racecourse. He announced a $25 000 grant

for a new irrigation pump and power upgrade for the track. The Murtoa Racecourse received $17 070 for a new heavy-duty mower. During the celebrations I overheard one happy racegoer say, 'Minister Napthine is the best racing minister since Sir Henry Bolte'.

Horsham: Find a Place sleep-out

Mr DELAHUNTY — I commend the leaders and people of Horsham who participated in the Find a Place sleep-out last Tuesday evening. This event raises awareness of and funds for Target 365 which aims to fund short-term crisis accommodation.

Legacy Week

Mr DELAHUNTY — I remind members next week is Legacy Week.

Matthew Joyce

Mr PALLAS (Tarneit) — I rise to express grave concern for the welfare and treatment of a highly respected Victorian businessman who has been working in Dubai, Mr Matthew Joyce. In January 2009 Mr Joyce attended a meeting with Dubai police. He was not allowed to leave the meeting and was incarcerated in solitary confinement by Dubai state security for seven weeks. He has not seen the light of day since that time. When he was finally allowed to see his wife a month later both his physical and mental states had deteriorated appreciably. Six months after his incarceration Mr Joyce, Mr Marcus Lee and others were charged with bribery offences in relation to a Dubai property transaction involving Sunland Group Ltd in 2007.

The Victorian Supreme Court considered the same matter in December 2011 and unequivocally found that Mr Joyce and his co-accused were victims of a false complaint to Dubai authorities by senior executives of Sunland. Justice Croft accepted submissions against Sunland that Mr David Brown's contradictory evidence given during the trial pointed to the unreliability of Brown's evidence and at one point that Brown's evidence in relation to the bribery allegations indicate very clearly that Brown cannot be taken as a reliable witness of truth. This criminal trial in Dubai took almost three years and there were no adverse findings. Mr Joyce and Mr Lee now face a second trial in Dubai, and the matter was referred to the Dubai prosecutor. I have written to the Attorney-General asking him to alert the embassy of the United Arab Emirates to the findings of the Supreme Court and to request that this matter be dealt with expeditiously.

Planning: Mornington Peninsula

Mr MORRIS (Mornington) — Planning on the Mornington Peninsula has long been a controversial topic. In the 1960s plans were afoot to develop the Moorooduc Plain as accommodation for the workforce to supply the 'Ruhr of Victoria', which was then planned for Western Port. Happily, largely through the efforts of a former minister and former President of the Legislative Council, Alan Hunt, and others, sanity prevailed and the plain was protected. In the decades since a delicate balance has prevailed, protected by successive councils and largely by successive governments, although Melbourne 2030 under the Bracks and Brumby governments was not particularly helpful.

Today the peninsula is home to 150 000 people and has a strong local economy generating more than $11 billion annually. One of the strengths of the peninsula is its diversity. Some $850 million comes from tourism each year and $650 million from agriculture. More than 40 per cent of employment is generated from retailing and services in local towns.

Urban boundaries on the peninsula have stood the test of time; most have endured since the late 1970s when the population was a fraction of that today. The key ingredient to success has been the protection of the peninsula's rural areas — protection that fosters appropriate development and jobs but ensures that the key characteristics that provide attraction to visitors are enhanced and not compromised and lost. Our towns have retained the character which makes them a favourite short-term destination for many Melburnians and the location of choice for many to make their homes and careers.

Prior to the 2010 election this government committed to the development of a peninsula-specific planning statement to protect the special character of the Mornington Peninsula and to ensure both a strong local economy and the opportunity to enjoy all of the things about the peninsula that are so appealing to Melburnians today. The statement provides a real opportunity. I look forward to working with my colleagues in the peninsula community in achieving that goal.

Skye United Soccer Club: funding

Mr PERERA (Cranbourne) — It is with regret that I rise to speak about the Baillieu government's non-support of grassroots sporting organisations, one being Skye United Soccer Club. The club is in dire need of assistance with the installation of lighting in

and around its ground. The Labor government kindly supported funding to assist with the modernisation of the club's current pavilion and also made a place to support a further $60 000 for the installation of these much-needed lights in 2010. Frankston City Council put together an application to the current government to share the further cost of the installation of these much-needed lights. The council has come good. However, despite local Liberal MPs courting and promising the world to the hardworking committee members of the club, those MPs have now shamefully done an about-turn and walked away from the issue.

What the Liberals simply do not understand is that Skye United's junior soccer teams began about eight years ago and have started growing rapidly in the past two to three years. The Skye junior teams proudly host over 300 players aged between 7 and 15 years, and a further 100 players over the age of 16 years. The Skye junior teams also boast many teams for girls aged between 11 and 16 years, although there are no fixed lighting facilities to support the participation of men, boys, women or girls in this worthwhile activity.

Sylvia Fahey

Mr NEWTON-BROWN (Prahran) — A former Miss Prahran, Sylvia Fahey, was recently inducted as a Stonnington citizen of the year. Now in her eighties, Sylvia is a community stalwart who has encyclopaedic knowledge of all things Prahran. She has been active in high-profile community campaigns, including campaigns to save the RSL and to fight against the clearway extensions. She won both fights. She has also served for years watching out for the vulnerable in our community, and I reckon more community work has gone on in her milk bar over the years than anywhere else in Prahran.

Sylvia is also a canny backroom political operator. It is a rite of passage for local, state and federal electoral candidates to visit Sylvia in her milk bar and seek her endorsement. Such is her influence in Prahran that few in the area win an election without her stamp of approval. She recently had some health scares, but she is now back in her milk bar ready to take up the fight on behalf of the community she loves. Well done, Sylvia. You are a worthy recipient of the award.

National Institute of Circus Arts Australia

Mr NEWTON-BROWN — The CEO of the National Institute of Circus Arts Australia (NICAA), Pamela Creed, recently showed me around the institute's premises. Jugglers, tightrope walkers, contortionists and acrobats are all training at a world-class level to be circus performers. We are very lucky to have a national institute located in the backstreets of Prahran. It provides some real colour and life to the Windsor end of Chapel Street. Many graduates go on to do international work in the circus arts. Swinburne TAFE has announced that it intends to move some of its courses to Hawthorn. This is a time of uncertainty for NICAA, which has been operating under the wing of Swinburne TAFE.

I expressed my commitment to ensure that NICAA remains at its home in Prahran. Along with the federal member for Higgins, Kelly O'Dwyer, we intend to facilitate an outcome that will see NICAA not only survive but thrive in its Prahran home in the future.

Pensioners: utility concessions

Ms CAMPBELL (Pascoe Vale) — We have more hope of finding a pink panther than of finding a black panther or of having the Baillieu government honour its promise to cut the cost of living. The Premier and Treasurer may not notice a yearly $41 cost, but pensioners do. Many residents have contacted me to say that utility providers have specified in microscopic print on letters to them that as a result of the federal government's compensatory household assistance package — which is quite an independent issue — the Baillieu government has decided to cut a portion of the state concessions to our pensioners. This will mean that $41 of the subsidy will be withheld.

As I said, the Premier and Treasurer may not notice $41 a year but pensioners do. These concessions are provided to pensioners by the state government with the sole intention of assisting with the payment of utility bills. The federal Labor government provided a household assistance package to offset any anticipated utility bill price rises this financial year, mainly due to the carbon pricing that commenced on 1 July. The state government is taking this carbon price compensation away from the neediest Victorians by cutting the concession.

Both payments were established for completely independent reasons. When the federal government provides assistance for a specified purpose it is not an excuse for the state government to renege on its promise to cut the cost of living. The federal government provides assistance to households in many ways. Can the Baillieu government stop itself from taking those away too?

Torquay: aquatic centre

Mr KATOS (South Barwon) — On Sunday, 18 August, I was pleased to join over 100 local community members at a public meeting in support of an indoor aquatic centre for Torquay. The public meeting was organised by the Surf Coast Leisure Centre Action Group. The idea has gained momentum with a strong response from the Torquay community in favour of the facility. Surf Coast Shire Council voted on 22 August to set aside land in north Torquay for a swimming pool, gym and health centre. I am in support of any future application that the shire makes under the better pools category of the community facility funding program. The coalition has increased the grant, with up to $3 million being available, following 10 years with no increase under the previous government.

Police: Geelong and Surf Coast

Mr KATOS — I welcomed the announcement made last Friday of an additional allocation of 24 police to the Geelong and Surf Coast region as part of an allocation of an additional 350 front-line police across Victoria by 30 June 2013.

Being allocated additional police resources is welcome news for the Geelong and Surf Coast community, and it reinforces the coalition's commitment to fight crime and antisocial behaviour. The announcement, together with the coalition's promise to build a new 24-hour police station and State Emergency Service facility at Waurn Ponds, is a huge step towards improving people's safety and reversing the previous Labor government's 11 years of neglect and underinvestment in Victoria Police.

Greek community: Assumption of the Blessed Virgin Mary celebration

Mr KATOS — On 19 August I was pleased to join the Greek Consul General, Eleni Lianidou, and the president of Geelong's Hellenic community, Andrew Kakouros, at a church celebration of the Assumption of the Blessed Virgin Mary. It was particularly pleasing to watch the display of traditional dancing and see a third generation of Greek Australians participating. This was a great event that showcased Greek culture and tradition.

Community services: home and community care

Ms KNIGHT (Ballarat West) — It is a great concern to me that I am increasingly hearing from people and organisations who will be put under tremendous strain by the Baillieu government's attack on home and community care funding. This heartless cut, referred to in correspondence as 'an adjustment', will really hurt agencies that provide so much support to people who need a bit of help to stay at home and live a fulfilling life.

Last week I heard from Gail Reid, manager of aged and disability services at UnitingCare Australia in Ballarat, who is extremely concerned about how these adjustments, or cuts, will affect its services and clients. The measures she may have to impose include the cutback of services and support of volunteers, the very volunteers who save governments millions of dollars. It is becoming increasingly difficult to recruit and retain volunteers, and I hope the Baillieu government will be ready to readjust its budget to make up the potential shortfall in volunteers.

It is often now necessary to pay people to transport rural patients to medical appointments. Older frail people or people with disabilities often have no family support and live in remote areas, but the patient transport scheme is now in jeopardy. Next financial year, when more adjustments occur, there will be staff who will lose their jobs — staff who have worked tirelessly and closely with their clients and who have formed a bond with them. To have these bonds broken because of budget adjustments — that is, cuts — is just cruel. I hope that the Baillieu government will review this decision.

Cerebral Palsy Education Centre

Mr GIDLEY (Mount Waverley) — On Wednesday, 8 August, I met with Mr Garry Prigg, the CEO of the Cerebral Palsy Education Centre, and with the member for Forest Hill at the Cerebral Palsy Education Centre in Glen Waverley in my local community. The visit enabled me to see firsthand the unique services the centre provides to many families affected by this condition and to again discuss the history and future of the centre with Mr Prigg. I commend the team at the Cerebral Palsy Education Centre for their dedicated support and service to families affected by cerebral palsy.

Indian Senior Citizens Association

Mr GIDLEY — On Saturday, 11 July, the Indian Senior Citizens Association hosted its annual lunch at the Mount Waverley Community Centre. The afternoon included the chance to again meet with members of the association, discuss the work of the committee and restate my offer to provide continuing assistance to the association in any way I can.

India: Independence Day

Mr GIDLEY — On Friday, 17 August, India's Independence Day was celebrated by the Federation of Indian Associations of Victoria. I joined those celebrations with Matthew Guy, the Minister for Planning, Bruce Atkinson, the President of the Legislative Council, Inga Peulich, a member for South Eastern Metropolitan Region in the Legislative Council, the member for Mitcham, Senator Scott Ryan, a Liberal Senator for Victoria, and other parliamentarians. I congratulate the committee of the Federation of Indian Associations of Victoria on the scope of the services the association provides, and thank members for the wonderful evening.

Pinewood Community Bank: 10th anniversary

Mr GIDLEY — Well done to the Pinewood Community Bank on celebrating 10 years of operation and community support. I was pleased to be able to attend its birthday event on 16 August, which marked 10 years of fine community service and operation.

Health: Bendigo West electorate

Ms EDWARDS (Bendigo West) — Since coming to office in 2010 members of the Legislative Council Wendy Lovell, the Minister for Housing and a member for Northern Victoria Region, and David Davis, the Minister for Health, have hoodwinked the people of Bendigo and the surrounding region by failing to deliver to them one additional paramedic. The announcement of six new patient transport officers is great news for patients who need to be transferred between hospitals, but it is not good news for people across the region who might need a trained paramedic in an emergency situation. Patient transport officers are not qualified to attend medical emergencies. In 2010 the Liberal-Nationals coalition promised an additional 43 paramedics for the Bendigo region. I ask Ms Lovell and Mr Davis: where are they?

The Liberal-Nationals coalition has gone backwards in relation to emergency responses by ambulances. We know that one in four emergency call-outs across Victoria are not responded to within the 15-minute benchmark. It has taken nearly two years to deliver six patient transport officers to Bendigo — that is about one every three months — and this is just not good enough. Against the backdrop of emergency response times getting longer, not shorter, the government has failed to match resourcing to the growing population and growing demand across the Bendigo region. The failure of the Liberal-Nationals coalition to deliver one additional paramedic to the Bendigo region is further evidence of its broken promises and failure to care about people in regional Victoria.

The regional ambulance service in the Loddon Mallee region deserves better from this government. The Minister for Health has had two years and two budgets to adequately resource paramedics in Bendigo but has delivered nothing. This government is not fixing any problems; it is making them worse.

Australia/Israel & Jewish Affairs Council

Mr SOUTHWICK (Caulfield) — I wish to congratulate the Australia/Israel & Jewish Affairs Council on reaching its 10-year milestone of hosting study programs to Israel. In particular I want to highlight the leadership of Colin Rubenstein, the executive director, and Mark Leibler, the national chairman, and all the supporters of this vital organisation. As the Premier often reminds us about Israel: 'You don't know if you don't go'.

Ajax Football Club: community day

Mr SOUTHWICK — This Saturday the biggest football club in my electorate, the Ajax Football Club, will be celebrating 40 years of football by holding a community day at Princes Park oval. It will be the first time that juniors and seniors will play together on that oval, and it will be a day that will attract many locals and families.

Jewish community: under-age drinking forum

Mr SOUTHWICK — I have spoken many times in this chamber about the dangers of teenage drinking, and I was very happy when we brought in new laws around this. On 13 September, the Jewish Community Council of Victoria and Maccabi Victoria are holding a forum for kids and their parents to discuss the dangers of drinking. Debbie Zauder has worked tirelessly to advocate on this issue, and I look forward to attending this important event.

Anti-Semitism: inner circle friendship group

Mr SOUTHWICK — Last night I hosted an event attended by members from both sides of Parliament to launch the inner circle friendship group to tackle anti-Semitism and racism. This is a growing problem and we need to work with all communities to provide education around this important topic. I am proud to be a strong supporter of the Anti-Defamation Commission and its work. I congratulate Edna Lipson, Anton Block and incoming chair Dvir Abramovich on their great work. I also thank Grahame Leonard who has taken on the role as chair of the newly formed inner circle.

Jewish Holocaust Centre

Mr SOUTHWICK — Last week I hosted Minister Dixon at the Jewish Holocaust Centre in my electorate to meet survivors and sit in on a lecture to year 10 students from Melbourne Girls College who visited the centre. The centre does vital work in tackling the broader issues of racism, and I would recommend it as a must for all those who have not yet visited — —

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

Housing: Heidelberg West

Mr CARBINES (Ivanhoe) — Public housing rents are up, secure tenure for tenants is under review and privatisation and the sell-off of public housing is under way. Further to my contribution in the grievance debate last sitting week, where I raised the community's outrage about the Baillieu government's decision to sell off 300 public housing dwellings in Heidelberg West, I again question the government's motives in appointing Liberal Party mates to oversee this fire sale of public assets to hide its zero investment in public housing.

The Baillieu government has no mandate to take this action to sell 300 public homes. Not only has the government appointed Liberal Party member and failed Liberal candidate for Jaga Jaga, Michelle Penson, to chair the community liaison committee that currently has no members from Heidelberg West but the sale of school sites and public housing land will be done in partnership with Places Victoria, whose boss is Liberal Party stalwart, Peter Clarke. Ms Penson and Mr Clarke are both ex-City of Heidelberg Liberal Party councillors. They have failed to engage with or come clean to the local community about their plan for vacant school sites at Haig Street and in Bellfield. These sites were in part meant to help fund the rebuilding of the Olympic Village prep to year 4 campus of Charles La Trobe College, promised by Labor, as well as to provide open space.

I note that Mr Clarke has stepped down from his role at Places Victoria amid a probe by the corporate watchdog that could see him banned from managing companies, as is reported in today's *Age*. Is he still collecting his $80 000 salary? Is Ms Penson being paid by the government while she oversees the sell-off of public housing assets in Heidelberg West? Mr Clarke is quoted in today's *Age* as saying:

> I'll step aside until it's —

the investigation —

> all over and then people like you will stop bugging me.

The media, the Labor Party and Heidelberg West residents make no apology for holding to account those on the public purse. We will keep niggling and 'bugging' until we get some answers from Mr Clarke and Ms Penson.

Frankston High School: football grand final

Mr SHAW (Frankston) — On Tuesday, 21 August, Frankston High School played in a round robin grand final against Warrnambool College and Tallangatta Secondary College at Victoria Park as part of the School Sport Victoria state senior boys football championships. Virtually all Victorian metropolitan and country public schools have participated in the competition over a four-month period. The Frankston High School team won both games and was crowned the 2012 State Champions for the second time in four years, defeating Tallangatta. The score was Frankston 4.11 (35) to Tallangatta 0.2(2).

Frankston captain Callum Steele was awarded the medal for most outstanding player. The 2012 grand final players are Matt Pascasio, Corey Micari, Daniel Heijden, Charles Patterson, Rory Luxton, Cal Steele, Josh Chapman, Blake Mullane, Zal White, Todd Cracknell, Luke Rowe, Josh Pickess, Charlie Pascasio, Daniel Dickinson, Matt Hill, Mark Whitehead, Jacob Cheverly, Jem Thorne, Zak Cant-Gibson, James Griffiths, Todd Lithgow, Robert Evans, Michael Debenham, Dion Jackson and Josh Francis. Congratulations to the boys and to the coaches, Con Neratzoglou and Cade Bannister. They have done themselves, Frankston High School and Frankston very proud.

Rail: protective services officers

Mr SHAW — The coalition's flagship election promise that resonated the most in Frankston was the promise of protective services officers (PSOs). On Monday I welcomed the deployment of PSOs on Frankston station. PSOs will have the power to detain, apprehend, arrest and remove offenders threatening the safety of other commuters from 6.00 p.m. until the last train seven days a week. Our law and order policies and the extra police in Frankston are already showing results, with a reduction in crime of 4.2 per cent for the year ended March 2012.

Frankston High School: trivia night

Mr SHAW — Chaplains do tremendous work in our schools, helping with the welfare of students, teachers and other members of the school community.

It was therefore a pleasure to join in a trivia night at Frankston High School on Friday, along with nearly 150 others, to help raise over $4500 for chaplains Matt Parker and Linda Hughes.

Bolinda Primary School: principal for a day

Ms DUNCAN (Macedon) — On Wednesday, 22 August, I had the pleasure of being principal for a day at Bolinda Primary School, a small rural school in my electorate¸ as part of a program that is now in its 11th year. I take this opportunity to thank John McIntosh, principal of Bolinda, his staff and the parents, who made me feel so welcome. Thanks to all the students who showed me with such pride all the great work they are doing. Principal for a day is a great program as it enables us to see behind the scenes and firsthand what goes on in our schools and is a joint program between the Australian Council for Educational Research and the Department of Education and Early Childhood Development.

I saw for myself the joys and the pressure of being a principal in a small rural school where the principal teaches as well as administers the school, dealing with parents and the general community as well as staff and students. I found the experience very informative. It showed me again that there are many advantages of small rural schools. The relationships between students and the close involvement of parents was a joy to see. It also showed me again the need for these schools to be supported by their regional offices. Despite the close relationships of the school community, principals are pretty much on their own and rely on that external support.

Having good relationships with other principals is helpful, but nothing compares with having experienced staff in the regional office. Our schools need more support, not less. It is great to have new buildings, and Bolinda has that, but without resources to assist school communities they cannot do the job. The slashing of jobs in our regional office is already being felt by our schools, and I cannot understand how the government does not see this as a cut to front-line services. This year's theme for principal for a day is 'Step up for schools'. I ask the Minister for Education to do just that and to stand up for our schools against — —

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

Emmaus St Leo's Old Collegians and St Mary's Salesian football clubs

Mr WATT (Burwood) — On Saturday, 18 August, a match was held between two local football clubs in Burwood, Emmaus St Leo's Old Collegians Football Club and St Mary's Salesian Amateur Football Club, in what was an inaugural clash of the titans. This time St Mary's Salesian walked away with the cup in what was a real clash of wills.

Rotary Club of Mont Albert and Surrey Hills: school speech contest

Mr WATT — On 21 August I attended Wattle Park Primary School in Burwood for the 8th school speech contest organised by Mont Albert and Surrey Hills Rotary club. Congratulations to the students from the six schools involved — Wattle Park Primary School, Roberts McCubbin Primary School, Chatham Primary School, Surrey Hills Primary School, Our Lady of Perpetual Succour School and Holy Redeemer School. All students did a magnificent job, with the eventual winner coming from Wattle Park Primary School.

Ashwood College: redevelopment

Mr WATT — On 23 August I attended Ashwood College and was updated on the progress of the redevelopment of the school. It seems to be progressing well, in line with our commitment.

Law and order: government achievements

Mr WATT — On 23 August I was guest speaker at one of my local Neighbourhood Watch groups. While there I was able to update people on the Baillieu government's many achievements with regard to law and order. These include legislation passed to: make serious bullying a criminal offence; abolish suspended sentences for all serious crimes in higher courts and abolish home detention; protect victims of domestic violence, removing the sunset provision for family violence safety notices; establish the Independent Broad-based Anti-corruption Commission; establish the Public Interest Monitor; and allow retrials to be ordered in the Court of Appeal when new and compelling evidence emerges.

More than $22 million will be provided over the next four years for the Magistrates Court to reduce reoffending by offenders with mental health and other problems; providing — —

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

Robert Hughes

Mr McGUIRE (Broadmeadows) — Australian culture and the world of art lost a lion with the death of Robert Hughes, iconoclast, slayer of pretension and pursuer of excellence. We met in Melbourne fighting for the radical idea that in the 21st century an independent Australia should have a head of state elected on merit and performance. Bob's wit, charm and passion drew a standing ovation at a rally at the Melbourne town hall at a time when the leaders of Victoria's parliamentary parties unanimously supported an Australian republic, before the politics of division dashed hope.

Later I interviewed him for a documentary produced for the ABC on the centenary of the Venice Biennale. As debunker-in-chief, Bob deadpanned that the biennale was 'Disneyland for adults'. Fellow New York art critic Richard Woodward summed up Robert Hughes, who died at 74, as leaving 'many admirers but few followers'. I would like to second that insight.

Vale, Robert Hughes, a swashbuckling one of a kind whose intellectual curiosity, forensic analysis and muscular language captured imaginations and enriched lives, from *The Fatal Shore* to *The Shock of the New* and beyond.

Victory Park, Chelsea: upgrade

Mrs BAUER (Carrum) — It was great to welcome the Minister for Community Services to Chelsea to open the upgraded Victory Park on the foreshore. This is a fine example of Kingston City Council working with the state government to deliver a beautiful area for families to share. Our $82 000 contribution assisted with the development of unique play spaces and accessible boardwalks for people of all abilities.

Seaford Junior Library

Mrs BAUER — I called by the renowned and respected Patterson Lakes Bookshop to visit Trish, and I purchased a collection of children's books to deliver to the Seaford Junior Library. Story time with the littlies was a delight, with the wonderful Bev Mottram, the lovely local families and the enthusiastic children who look forward to the storytelling sessions each week.

Melinda Shelley

Mrs BAUER — Whilst on the topic of literature, I commend Melinda Shelley from Seaford, who has worked tirelessly in her quest to encourage parents to enjoy reading books to their babies and children. Melinda has started a campaign calling for donations of new and preloved books, some of which were collected at a Seaford farmers market recently. Well done, Melinda, for your dedication and great initiative.

Chelsea Lawn Tennis Club: 90th anniversary

Mrs BAUER — I dusted off my racquet recently and managed two aces, playing tennis with members of Chelsea Lawn Tennis Club. We had an enjoyable morning with good company, lots of laughs and a great standard of competition from members. Congratulations to the club on the occasion of its 90th anniversary. I wish it many successful years to come.

MATTERS OF PUBLIC IMPORTANCE

Industrial relations: government policy

The SPEAKER — Order! I have accepted a statement from the Attorney-General proposing the following matter of public importance for discussion:

> That this house strongly supports an industrial relations system operating in Victoria which provides opportunities for jobs and investment for Victorians, improves productivity and is governed by respect for the rule of law.

Mr CLARK (Attorney-General) — The importance of a well-functioning industrial relations system can hardly be overstated. Such a system is needed to uphold the rights of all concerned, to provide a framework for resolving disputes and to preserve the rule of law. If an industrial relations system is successful in achieving that, it will enable safe, collaborative and productive workplaces; it will create a framework for the creation of jobs; it will lead to investment; it will foster productivity; and it will lead to rising living standards for the community.

Our side of politics has long been a supporter of an effective national industrial relations system. In the 1990s Victoria led the way in referring the vast bulk of its industrial relations powers to the commonwealth in order to ensure such a national system. However, under the Rudd and Gillard governments industrial relations in Australia has gone backwards. They have presided over an industrial relations system that has failed at every level. It has failed to protect the rights of the parties concerned, failed in resolving disputes and failed in upholding the rule of law.

Australia is paying a heavy price for that, and Victoria in particular is paying a high price in declining productivity, in jobs being lost, in investment uncertainty, and in growing lawlessness, disruption and

intimidation at workplaces. We have seen a loss of productivity and the effect that is having particularly on the construction industry. The effects of the industrial relations climate and other factors on the construction industry have been something that the Premier has been championing action on since the change of government back in 2010. By virtue of his persistence in the face of resistance from the commonwealth government, Prime Minister Gillard and her colleagues have been dragged kicking and screaming to at least acknowledge the need for some form of an inquiry into what is going on in the building and construction industry around the nation. The contribution of the industrial relations framework is a key component of that.

Not only productivity is being threatened but, as we have seen again in recent times, the rule of law is being threatened as well. We have seen it at the Somerton site with the picket that was imposed there. We are now seeing it at the Myer construction site and the scenes on the streets of Melbourne yesterday. You do not need me, Speaker, to inform you or other honourable members that over many decades Victoria in particular has been exposed to the threats and the consequences of lawlessness in industrial relations, particularly in the building and construction sector.

We can go back to the days of the Builders Labourers Federation when, in the end, the Cain government legislated for the deregistration of that organisation, because at long last even that government was forced to recognise that the situation had got completely out of hand. Unfortunately many of the practices and the attitudes of the old BLF days have continued over the years and are now seen in the Construction, Forestry, Mining and Energy Union. But, of course, there are also other unions, including the Federated Ship Painters and Dockers Union. We have seen a series of inquiries including the Cole royal commission and the action that the federal Howard government was prepared to take to stand up to the thuggery, the intimidation, the lawlessness and the loss of productivity on building and construction sites.

As I have said to the house many times, under the then Office of the Australian Building and Construction Commissioner we went through a period when those practices largely stopped. The commissioner was given the legislative backing and governmental support to crack down on lawlessness in the building and construction sector, and did so to good effect. We saw a series of prosecutions brought before and upheld by the courts. They established that lawless and illegal conduct by unions had occurred, and fines were imposed as a consequence. We saw the need for that reinforced by the practices that were engaged in on, for example, the West Gate Bridge building site under the previous government.

At that time, the then commonwealth Minister for Education, Employment and Workplace Relations, Ms Gillard, condemned balaclava-clad thugs, condemned the involvement of crime gangs, and condemned intimidation and breaches of the law. They were all very fine words but when the opportunity and obligation fell on the commonwealth government, including Ms Gillard, to deliver, she headed in exactly the opposite direction to the words she had uttered on that occasion, including her promise that a federal Labor government would retain a strong cop on the beat. We have seen each and every action by the commonwealth government move in exactly the wrong direction.

We have seen the abolition of the Office of the Australian Building and Construction Commissioner. We have seen the Office of the Fair Work Building Industry Inspectorate left hamstrung. We have seen the headlong affront to the principles of the rule of law whereby the fair work building inspectorate cannot pursue action against an alleged transgressor if the original complaint is withdrawn. Needless to say that is an open invitation to even further intimidation, because if someone who has been complained against can get the complainant to withdraw, they have got away scot free. Of course that is something you would never see tolerated in relation to workplace safety or competition law — to allow side dealing or a coerced settlement to undermine the upholding of the law.

That, however, is exactly the principle that has been enshrined in the Gillard government's changes to the rules relating to the fair work building inspectorate. Of course we are now paying a very heavy price for these changes, with the sort of disputation I have referred to. We have seen reinforced the apparent powerlessness of the fair work building inspectorate in relation to the current dispute at the Myer site. The inspectorate has been reported in the press as saying it did not see an opportunity or role for it to take any action despite this indisputable affront not only to the rule of law in Victoria but to the principles the Prime Minister herself has advocated — the principles of fair work.

The Victorian government is doing everything it can to try to fill the vacuum created by the failures of the commonwealth government and to induce the commonwealth government to recognise the need for action. We have been doing that in relation to the building and construction sector, and we have been doing it more broadly. We drew a long list of issues to the attention of the commonwealth government in

relation to its review of the Fair Work Act 2009, most of which were not addressed by the report of the review panel.

We highlighted the failure of the act to tackle the problems of falling productivity and reduced flexibility. We pointed out the commonwealth's failure to consult with the states over changes to workplace laws. We pointed out the expansion of matters that can be included in enterprise agreements, such as contractor clauses and job security clauses, which are undermining the gains of flexibility in industrial relations practices. We pointed out restrictions on the use of individual flexibility agreements, and we pointed to the retail industry as a case study of inflexibility.

We pointed to uncertainty around general protections and around the good faith bargaining regime, the adverse impact of pattern bargaining, the rising levels of industrial disputation, the consequences of expanded rights of entry and the failure to properly tackle issues relating to unfair dismissals. These are all issues that have been undermining the dramatic improvements in productivity that were achieved around the nation and in Victoria during the 1990s.

In the face of the Gillard government's abolition of the Office of the Australian Building and Construction Commissioner the Victorian government has introduced its own guidelines to uphold the rule of law and promote more productive workplaces in the Victorian building and construction industry.

As I have informed the house on a number of occasions, these guidelines will apply to all on-site public building and construction work undertaken in Victoria for parties that tender for work from 1 July. They will apply to those tenderers in relation to their future private work as well as their public sector work. They prohibit a range of practices, including sham contracting arrangements and arrangements designed to avoid strike pay, rights of entry or freedom of association obligations. They prohibit coercion or pressure on other parties to make over-award payments. They require contractors to take all reasonable steps to prevent unlawful industrial action. They identify and prohibit practices that are inconsistent with freedom of association and require parties to adopt policies to promote the right to join or not join a union. They allow establishment of project agreements only in exceptional circumstances.

All of these measures will be backed up by a strong construction code compliance unit headed by Mr Nigel Hadgkiss, who was formerly deputy head of the Office of the Australian Building and Construction Commissioner and who has recruited a strong team to back him up to keep an eye on what is going on in the building and construction industry across Victoria and ensure that these guidelines are complied with.

That is something that has been welcomed by building and construction industry representative organisations around the state, because they recognise that the vacuum created by the Gillard government is threatening dire consequences for the productivity and harmony of their industry in Victoria.

We have been acting, but what has been conspicuous is the failure of the opposition to state where it stands on these issues and the failure of opposition members to stand up to and condemn the lawless conduct of their mates and affiliates. The Leader of the Opposition and members who contribute in this debate today need to declare where they stand. The Leader of the Opposition got up at his state conference in May this year and promised he would abolish the construction code compliance unit. He put out a media release to confirm that in writing, dated Saturday, 19 May. He said Labor would scrap the construction code of practice compliance unit. He said the Baillieu government had the wrong priorities.

That is what he was prepared to tell his state conference when he had his mates at the CFMEU (Construction, Forestry, Mining and Energy Union) in the audience helping to make up the numbers, and that is what he was prepared to say when he went out and held a press conference afterwards with Dave Noonan of the CFMEU standing beside him. That is what he was prepared to say to indicate his support for the CFMEU and for other unions that are amongst the major donors to the ALP in this state, such as the Electrical Trades Union and the Australian Workers Union.

The Leader of the Opposition was prepared to say all of that back then to his affiliates and yet, lo and behold, this press release statement I have referred to is now nowhere to be found on the ALP website. What has happened to it? Is he trying to run with the hare and the hounds? Is he trying to appease his mates and promise he is standing shoulder to shoulder with the CFMEU while not being prepared to go out in public and tell the whole world he backs the CFMEU when the whole world can see what the CFMEU has been doing down at the Myer building site?

What was he saying yesterday? He was saying, 'There should be talks'. Why do we not see him out condemning violence, thuggery and intimidation carried out on building sites by the CFMEU and by other ALP affiliates? Bill Shorten, the federal Minister

for Employment and Industrial Relations, had to be dragged kicking and screaming to say at last that he did not condone illegal conduct, but the Leader of the Opposition has not even been prepared to come out and say that. The key test for the speakers in this debate from the other side of the house is to say exactly where the ALP stands on this issue. Does it or does it not condemn illegal and thuggish and intimidatory conduct by unions in industrial relations on building sites in Victoria?

This is a key issue facing Victoria today. If Victoria is to go forward, and if we are going to have productive and law-abiding and responsible workplaces in Victoria, we need to ensure that we have a strong industrial relations system, and we need to have strong condemnation of violence and thuggery and intimidation by unions. I therefore very much look forward to the contribution of ALP members to this debate.

Mr PALLAS (Tarneit) — It gives me great pleasure to speak on this matter of public importance. Having been both a trained lawyer and also a union official for some 18 years, I have a passing appreciation of the law and the right to the presumption of innocence — which the Attorney-General of this state does not seem even vaguely concerned about. He may be cognisant of the fact that there are legal proceedings taking place, but it does not appear to influence him at all. He has turned this Parliament into a kangaroo court, and it really does demonstrate the level to which this government is prepared to stoop.

Let us also look at the perversion of history by those opposite. We hear from the Attorney-General that they support a centralised system of industrial relations. That would come as a surprise to everybody, because we remember what happened in 1992 when before coming to power members of the previous coalition government promised, hand on heart, 'We will not attack the award system; we will preserve the award system'.

Then they got into government, and what did they do? They put in place a system where new employees were effectively immediately put onto individual contracts of employment. They put in place a system where a fair and independent industrial umpire was gutted and left without any capacity. Only five minimum conditions of employment were preserved for workers. That was the sort of system those opposite considered to be flexible and productive. So when they talk about flexibility and productivity let us not believe that it is anything more than a shroud over a pure and venal desire to extort from workers their right to earn a decent living.

And what happened? How did that centralised system come about? The trade union movement worked with the federal Labor government, and we put in place schedule 1A of the federal Workplace Relations Act 1996, which facilitated and fast-tracked workers being relocated into federal awards — against the Victorian conservative government's urging.

Mr Wakeling — They ceded the powers.

Mr PALLAS — They effectively lost the capacity to cover workers in the award system.

Mr Wakeling — The Victorian government ceded the powers.

Mr PALLAS — Yes, it ceded the powers eventually, after the federal jurisdiction had effectively taken the ground by moving retail workers, warehouse workers — you name it, they had all gone. And what did it do? It demonstrated that those opposite were prepared to see workers effectively impoverished under its mad ideological views.

A history lesson littered with — I do not know — facts would demonstrate that an Attorney-General should concern himself with what is actually happening, what happened in the past and in fact the pedigree that those opposite have demonstrated.

So let us talk about what is happening in the building industry today. Between November 2011 and May 2012 the Victorian construction industry haemorrhaged 32 500 jobs, with job numbers going down from 268 500 to 236 000. That was a 12 per cent reduction in employment in the entire construction workforce — gone — in just six months under this government's custodianship. Under this government's watch 178 Victorian construction jobs have disappeared every single day. I hear from the Attorney-General that it is the federal industrial relations system that is to blame. What then is his answer to this: to the fact that over the same period during which Victoria lost 27 100 full-time construction jobs New South Wales added 10 300 new full-time jobs to the industry, all regulated by the same federal jurisdiction?

If the government wants a demonstration of its failure to effectively regulate these areas, it is demonstrated in its inability to appreciate the idea that the building and construction industry is regulated effectively by these provisions. The official ABS statistics show this to be the largest half-yearly drop in full construction jobs in the state since these records began in 1984. That is the legacy of a dithering government that does not have an agenda in respect of industry growth, the development of the construction industry and indeed infrastructure

that could be appropriately and adequately delivered. Those opposite seem more concerned with protecting their own jobs than they are with protecting jobs in the Victorian construction industry.

Of course those opposite wish to talk about their long-term plans. We hear from the pontificating Treasurer about issues such as productivity. Let us talk about productivity in this state. The government constantly cites productivity — as it has of course in the debate on this matter of public importance — as being the sole and guiding objective of its philosophy. More specifically it cites productivity as a goal, but its approach is misdirected, ideologically driven and narrowly focused on labour productivity. It ignores multifactor productivity and fails to address the real drivers of productivity — infrastructure, skills, innovation and management practices.

On the issue of management practices, about which we hear nothing whatsoever from those opposite, the *Australian Financial Review* of 11 July 2012 stated:

> Treasury is blaming Australia's poor productivity performance on second-rate management practices it says are similar to those in France, Italy and the UK.
>
> David Gruen, head of Treasury's macroeconomic forecasting unit, said managers of Australian companies ranked well below the US, Japan and Germany, in part because of the many small manufacturers and fewer multinational corporations.

Mr Gruen is quoted as saying:

> 'Better managed firms are more innovative and have higher productivity …
>
> Research found manufacturers' productivity would improve about 8 per cent if they were as well managed as those in the US.

But we hear nothing about productivity in the context of what anybody other than workers must do. It is all shrouded in the language of a need for greater flexibility, but we know based on this government's form what that means: it means the flexibility of a safety net and the flexibility of the right of workers to effectively organise through their unions being denied.

We heard also from the Attorney-General today that he is very keen to ensure that private sector work not involving the government as a contractor should also come within the responsibility of the construction code of compliance unit — that is, regardless of what your arrangements were in the private sector, you would be unable to tender for government work even if you complied in the context of that government work. Therefore those businesses, livelihoods and jobs would be at risk. We have spent a lot of time talking about coercion. You could see no more dramatic illustration of economic coercion than that.

The Attorney-General or somebody else may well want to address the fact that Daniel Grollo on Monday on radio 3AW made it very clear that he had absolutely no problem with his workforce wearing insignia and badges and flying union flags. He said he had no problem with it. What is going to happen to the capacity of that company — the company that the government is here today championing in terms of the situation it currently confronts — to access work? If you read the transcript of that interview, Mr Grollo was emphatic about the right of his workers to effectively not comply with the construction code of compliance.

Mr Clark — You are making that up.

Mr PALLAS — I am making that up? I invite the Attorney-General to get hold of the transcript through his many spin doctors.

Mr Clark interjected.

Mr PALLAS — Now, of course, there is no requirement or restriction on union insignia, I am told.

Mr Clark — Have you read the code?

Mr PALLAS — Here we go; I am sure the Attorney-General will illuminate me. Effectively, what this government is doing is selectively and inappropriately looking at issues of productivity that should be seriously considered in an economic context. The commonwealth Treasury has noted that labour productivity growth accounted for 90 per cent of income growth over the four previous decades. We need to broaden our sources of productivity growth.

As the Victorian Treasurer told the Public Accounts and Estimates Committee on 4 May:

> It means that we have had to hold the wages policy at 2.5 per cent plus productivity offset.

Under the new code in terms of how one can access wage increases in this state, what this Attorney-General in his role as Minister for Finance has recently released indicates that in order for a department to get a wage increase above 2.5 per cent — that is, to keep pace with inflation — he requires that department produce a business case. This is a wonderful thing, because he does not require the existence of a business case before the government publicly announces infrastructure projects worth the billions of dollars of investment this government has committed to such projects**.** The hurdles this government requires working people to

overcome are increasingly being dismissed. Billions of dollars are being committed without a business case.

Let us not forget the fact that this government cannot honour its word, its pre-election commitments to people. Its antiworker disposition is hidden behind crocodile tears of indignation. We should remember what the Premier said on 16 November 2010 when he declared there would be absolutely no reduction in the number of public servants. He said:

> I am not going to cop this line from the Labor Party.

That is what the Premier said — absolutely no reduction in public servants. Then on 26 November the Premier, who is no longer considered a doyen of virtue when it comes to pre-election commitments or indeed honouring his word, pledged 'to protect public service jobs'. He accused the previous leader of the Labor Party and then Premier, Mr Brumby, of spreading election-eve lies. Who is lying now? It is quite obvious — —

The DEPUTY SPEAKER — Order! The member is not permitted to use the word 'lying'. Misleading?

An honourable member interjected.

The DEPUTY SPEAKER — Order! The Speaker has made that very clear. I ask the member to use another word.

Mr PALLAS — I will refrain, Deputy Speaker.

When we talk about what is going on in industrial relations in this state at the moment, we are talking largely about the consequence of a government that has no agenda, no vision and no intention of doing anything other than simply identifying those to whom it can attribute blame for the circumstances this state is in.

We hear the Attorney-General ask, 'Will you condemn union violence?' The Leader of the Opposition has made it clear that we condemn violence in workplaces and condemn thuggery by balaclava-clad security guards on waterfronts. We also stand up for the right of people to effectively organise. When will people in Victoria hear members of this government stand up for the rights of workers? When will we hear members of this government stand up for the rights of people to organise? Of course we will hear nothing, because this is essentially about members of a government that is so consumed by its own inadequacies and failure to govern that it has made a profession of attributing and shifting blame.

I refer to the cowardice of their capacity in effect to find somebody else to blame, with an industry that has seen 12 per cent of its workforce disappear, and their being totally fixated on Labor productivity, with a distortion of the history of what has occurred in terms of the development of a unitary system. The history of Labor in government is that it is a government that governs for all sides of the industrial equation, a government that looks seriously at the issues that affect it and, more importantly, a government — which is in opposition in this case — that has consistently said industrial relations is best resolved through mediation and through negotiation.

Honourable members interjecting.

Mr PALLAS — The Attorney-General talks about obeying the law; the law enforces itself, and those opposite simply demonstrate their failure to do anything other than apologise for what is effectively nothing short of a one-sided, selfish, self-interested view that advocates for privilege. This is a government that has done nothing to materially advance the wellbeing of workers. It has appeared before industrial tribunals and opposed workers interests time and again.

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

Mr SOUTHWICK (Caulfield) — I rise to speak on this matter of public importance urging that the house support:

> … an industrial relations system operating in Victoria which provides opportunities for jobs and investment for Victorians, improves productivity and is governed by respect for the rule of law.

What we have just heard from the member for Tarneit is an absolute disgrace. He had 15 minutes to make a contribution, to come out and say loud and proud that he was against what happened yesterday, but we did not hear one word. The only words the member for Tarneit mentioned were that he and his lot in the Labor Party are against violence. They are against violence, but they are not against what happened yesterday and are not for supporting the rule of law. The rule of law is very clear. The Supreme Court ruled, and what happened yesterday was that people broke the law. The Labor Party has not come out and said it is against what happened yesterday. Its members have gone weak and soft, and I will spend my time talking about why they are soft on the rule of law.

It is very clear why they are soft on the rule of law. It is because their supporters are the reason they are in this house. They are in this chamber because they are

funded by the very people who were out there yesterday and are out there today breaking the law. They need to be very clear. Does the Labor Party accept the sorts of behaviour that we are seeing on our streets: people putting up posters saying such things as 'Grocon scabs named and shamed' and identifying individuals who are working? Do its members accept this sort of behaviour?

Mr Pallas interjected.

Mr SOUTHWICK — The member for Tarneit interjects across the chamber but cannot stand up for the people who want to work. Time and again we have heard the Leader of the Opposition talk in this place about jobs and delivering jobs, but it goes to the very heart of delivering jobs in Victoria when people want to work but cannot work. And they cannot work because they have to put up with constant union thuggery. Labor Party members have been silent when it comes to this protest. They were silent when the federal Labor Party abolished the Office of the Australian Building and Construction Commissioner, and they have been silent with the introduction of the construction code compliance unit. They have continued to be silent on anything the government is doing in terms of delivering productivity, but they are very loud and proud in supporting their union mates.

I will talk about Labor supporting its union mates. If we look at the unions' return submitted to the Australian Electoral Commission for 2010–11, we see that the ALP received $207 986 in contributions from the Construction, Forestry, Mining and Energy Union; $295 000 from the Electrical Trades Union; and $146 000 from the Australian Workers Union. These were contributions straight into the opposition's coffers to fund its election campaign.

It is clear that we are not going to hear opposition members condemning what happened yesterday. We will not hear Labor Party members condemning those involved, because they are that party's lifeblood. They provide the dollars that feed them, support them in this chamber and run their election campaigns. It is those thugs who are handing out how-to-vote cards at election time, and it is those thugs who are providing the finances for Labor election campaigns, so surely we are not going to hear the sort of condemnation we should expect from the opposition.

I would like to go to something very important to me — that is, the boycott, divestment and sanctions (BDS) campaign we have seen on these streets. The BDS campaign is at the heart and soul of union thuggery and of what is effectively stopping productivity and jobs growth in our state. We have seen constant activity on the streets with direct action shutting down the Melbourne Central and QV shopping centres to protest against one chain of shops, which happens to be owned by an Israeli, Max Brenner, who has spent most of his life in the USA. He has no association with Israel — even if he did, it would not be a problem — but because this guy wants to open up his stores and trade, these thugs deliberately shut down the stores, at the same time shutting down and disrupting all other activity around them.

Police arrested 19 people during the boycott. Boycott action continues on our streets and continues to harm businesses, yet we hear absolute silence from those opposite. But we do hear from the Victorian Trades Hall Council. It says it supports the BDS and condemns the arrests at the Max Brenner store. In a motion its executive council says it supports the BDS campaign and Palestinian statehood. The council says:

> Executive council notes the most recent officials to be threatened with ACCC intervention Kevin Bracken of the MUA and Tim Gooden of Geelong Trades … Council, in relation to speeches at a BDS rally.

It was a rally that they took part in:

> Hence council directs the secretary to raise our concerns urgently with the ACTU, and to seek a joint approach to the federal government to demand the guarantee that the Trade Practices Act will not be used to interfere …

with its political discourse. It goes on:

> Council believes the arrest and prosecution of workers demonstrating at Visy Dandenong, and the arrest and prosecution of protesters at a recent BDS rally in the CBD, indicate a disproportionate escalation of aggressive action by Victoria Police …
>
> Therefore council directs the secretary to formally lodge a protest with the state minister for police, seek a meeting with police industrial to discuss any shortfall in police training around behaviour at rallies, and to have informal discussions with the Police Association on whether a new, harsh policy on industrial and political demonstrations has been introduced since the last state elections …

This was moved by Len Cooper and seconded by Kevin Bracken. It is very clear where they stand.

I now refer to the Australian Services Union Victorian private sector branch, which also passed a resolution resolving:

> … to continue to participate in these boycotts —

to participate, to get involved —

> and our divestment under the banner of the international BDS movement until Israel abides by international law …

That is from the ASU. Who in Parliament are members of the ASU and could be standing up against this sort of activity? We have the member for Albert Park and Candy Broad, a member for Northern Victoria Region in the other place. On their returns they are loud and proud members of this union, yet they allow their union to pass resolutions supporting BDS action on the streets of Melbourne.

Let me continue. The Health and Community Services Union also decided that it would get involved and said:

> In solidarity with Palestinian unions we resolve to offer our full support to the global boycott, divestment and sanctions campaign, including a consumer boycott on companies profiting from the occupation, until such time as Israel abides by international law.

Mr Pallas interjected.

Mr SOUTHWICK — We hear an interjection from the member for Tarneit. He should get involved and talk to these unions and tell them to desist. He should get involved and not let this happen.

Mr Languiller interjected.

Mr SOUTHWICK — The member for Derrimut has been involved in this union.

The DEPUTY SPEAKER — Order!

Mr SOUTHWICK — We want to see some action. A recent article in the *Australian* by John Ferguson states:

> The union involvement in the BDS campaign is starting to seriously embarrass Labor in Victoria.
>
> State leader Daniel Andrews said last week that he was a strident opponent of the campaign.

I take note of the fact that the Leader of the Opposition is a strong opponent of the campaign, but he needs to ensure that other members of the opposition also support this line. The same article report:

> On the same day that he released a statement opposing BDS it emerged that a prominent backbencher had played an important role in supporting the campaign. Bronwyn Halfpenny was VTHC's —

Victorian Trades Hall Council —

> delegate who briefed the union body about the progress of the boycott, potentially illegal and which could lead to secondary boycott provisions being invoked.

It further goes on to say:

> The Australian Competition and Consumer Commission has been asked to consider injunctive relief and damages after 19 people were arrested following an ugly clash between police and protesters outside the Max Brenner chocolate store in Melbourne last month.

This behaviour is a disgrace. The sort of activity we saw on the streets of Melbourne yesterday is an absolute disgrace. It is time for opposition members to stand up, get vocal and put their money where their mouths are. Instead we see the trade union movement continuing to fund opposition members to put them into the seats they now represent.

Mr MADDEN (Essendon) — It was George Costanza in episode 76 of *Seinfeld* who said, 'You know I always wanted to pretend I was an architect'. The irony is that now we have an architect who always wanted to pretend he was a premier. That is what we have got.

Honourable members interjecting.

Mr MADDEN — He wants to pretend he is a premier because, just like George Costanza who was handed the Penske file, the Premier was handed the blue book, and unfortunately, just like George Costanza, he still does not know what to do with it. The Premier, like George Costanza, wants to snooze under his desk and pretend he knows what he is doing.

We have seen 40 000 jobs lost in Victoria since the election of the Baillieu government. But what does the government do about those job losses? Not much at all. The day before he was elected, the Premier promised there would be absolutely no reduction in the number of public servants, but in the last two budgets we have seen 4200 public service jobs cut. If you compare that with Labor's record, you will see that in the last 12 months of Labor government the Victorian economy created 100 000 new jobs. In 2010, 92 per cent of all full-time jobs created in Australia were here in Victoria — and we did not do it by attacking or sacking workers. We worked collaboratively with industry, with stakeholders and with unions to make sure we had a vision for jobs in this state.

Where is the vision for jobs in this state now? It sits under the Premier's desk with 'Penske file' written on it. He is not doing anything; he is pretending he is a premier. He pretends to show empathy and passion. He pretends to be a lot of things, but what we do know is that he is a pretender in every sense of the word. He said there would be no public service cuts, but as we heard from the member for Tarneit, that was if not a lie, it was as close — —

The DEPUTY SPEAKER — Order! I ask the member for Essendon to withdraw his remark.

Members are not permitted to use the words 'lie', 'lying' or 'lied'.

Mr MADDEN — I withdraw, Deputy Speaker. It was an absolute mistruth. He was pretending. When in doubt this government resorts to type, and it is not hard to see what that type is. I quote the Minister for Public Transport, who when in opposition said:

> It is possible for a dog to replace two people on a farm. On a big farm a farmer would pay $30 000 a year for each labourer hired. A dog would not attract any WorkCover premiums, superannuation, holiday pay or sick leave entitlements. It would never complain, and it is cheap and easy to maintain. It is hard to replace that type of value-added source of farming income.

He said that in 2000. We know that these are the same views shared by the government.

Honourable members interjecting.

Mr MADDEN — I understand why the government members are vocal and trying to shout us down. On 22 August the *Herald Sun* featured an article headed 'Men hardest hit in jobs slide', which reported on the total numbers of jobs lost and where those 35 000 jobs had been lost: in north-west Melbourne, 1100; in outer western Melbourne, 6800; in inner Melbourne, 2200; and in inner east Melbourne, 9200. In north-eastern Melbourne there was a slight increase of 900, but in the Liberal-held seats of outer eastern Melbourne — and this should make the government nervous — 8500 men have lost their jobs. In south-eastern Melbourne, 2900 men have lost their jobs. On the Mornington Peninsula, 4900 men have lost their jobs, which should make the government nervous. And The Nationals should feel guilty that in the Western District, 6800 men have lost their jobs; in the Central Highlands, 2400 men have lost their jobs; in the Loddon Mallee region, 3400 men have lost their jobs; and in the Goulburn, Ovens and Murray region, 2100 men have lost their jobs. In Gippsland, 1500 men have lost their jobs, which is slightly less than in some other places. These figures should bite members opposite — I know these figures will come back to bite government members on the backside when they get to the next election.

I have with me the response from the government on these figures, which shows just how pathetic members opposite are in government. They have no empathy and no plan, but they have cut training. Here is the quote:

> There's no doubt that some industries in Victoria are in a state of transition as a result of the high Australian dollar and weakness in the national economy.

That is all the government spokesperson could say. That is terrific. That is stating the bleeding obvious. It is no better than when the Premier was asked about the loss of jobs in a particular sector and industry and his response was, 'That is unfortunate'. The last time I heard somebody say 'unfortunate' was at a community football game when somebody stood in a dog turd. That is when they said, 'Oh! That is unfortunate'. That is how this government thinks about workers and the people of Victoria generally. Government members have no genuine empathy and no feeling.

If government members want to talk about productivity, I refer them to a report launched on 30 May by the federal Minister for Mental Health and Ageing, Mark Butler. I have already referred to figures that illustrate the numbers of men who have lost their jobs. If government members want to improve productivity, they need to improve the wellbeing of men in the economy, and there is a way to do that. An article in the *Australian* of 30 May states:

> The report, to be launched today by mental health minister Mark Butler, says employers are 'crucial stakeholders' given they bear the significant impact of absenteeism and reduced or lost productivity, and calls for improved awareness among employers of how to spot specific mental disorders —

I can tell members that there will be a lot of men suffering mental disorders from being sacked from their jobs —

> and what support services are available.
>
> The document, commissioned by the not-for-profit Inspire Foundation and consultancy firm Ernst & Young, calls for 'new partnership models between government, mental health service providers, NGOs, employers and business groups to create strategies that proactively support employees' good mental health.

I can tell members that the mental health of workers out there at the moment is on a knife edge, and it is no surprise that you can see tensions rising in the community, particularly around men and in households where men are the main wage earners, especially when house prices in the outer suburbs are plummeting. It is not rocket science, but it appears to be to this government.

If government members are really serious, they should be inspired by a few people, including the likes of the late Neil Armstrong. I refer to one of his quotes. He delivered the following with a touch of irony, but I think those on the other side of politics might take it literally:

> I believe that every human has a finite number of heartbeats. I don't intend to waste any of mine running around doing exercises.

Unfortunately government members have taken that literally. They do not intend to do any exercises, to run around or lift their heartbeat rate for one person in this community. Hopefully one day government members will realise what effect their industrial relations policy is having on workers. Government members need to show some leadership. As an example I refer to the MCG redevelopment involving the Grollos and the construction unions. It was a great work site and a great effort. I refer also to a line used by George Costanza in *Seinfeld*: 'He fires people like it's a bodily function'.

Mr WAKELING (Ferntree Gully) — If anyone ever needed an example to sum up where the opposition is at, they just needed to listen to the member for Essendon. We have a matter of public importance about industrial relations, a matter of specific importance to this state, and the member reminisced about his time sitting up in his ministerial office watching episodes of *Seinfeld*! If ever there was an example of how out of touch those opposite are on such a significant issue in this state, we have just heard it.

The Victorian community wanted the member for Essendon to stand up and condemn the actions yesterday of members of the CFMEU (Construction, Forestry, Mining and Energy Union) and its supporters, but all we got was a diatribe about *Seinfeld*. I for one will stand up in this house and talk about the important issues which face this state, particularly in industrial relations. As a state we thought the era of union thuggery was over. I was an industrial relations practitioner during the early 2000s, and during that time I faced union thuggery for years. We went through Campaign 2000 and Campaign 2003. I had members of the Electrical Trades Union sitting in a caravan outside one of my workplaces for six months, because we would not put up with intimidation and the threats. I had CFMEU members threatening and intimidating my staff.

We also saw the industrial practitioners in the metal division of the Australian Manufacturing Workers Union. When they had a dispute with Skilled Engineering about a work site at Johnson Tiles on Dorset Road, how did they resolve their industrial dispute? I will tell members how. They put on balaclavas, stormed Skilled Engineering's head office in Box Hill and walked into the reception area where the administration staff were. They wore balaclavas and had baseball bats and they smashed up computers. That is how the system run by those opposite and supporters of the ALP used to operate.

Thankfully we had a federal government that was prepared to intervene, because the state government of the time was not prepared to take action. The federal government of the day then established the Office of the Australian Building and Construction Commissioner. Of course those opposite laugh about it, because they know that the unions that they support and that fund their campaigns are the people who were in charge of those activities.

I was waiting with bated breath for those opposite to talk about the Grocon dispute and what we saw yesterday. What did we get from the CFMEU? We got a dirt sheet. This is how industrial relations is now operating in this state because of the inaction of the federal government. The CFMEU put out a leaflet which indicates that Andrew and Joe Brinzi are the 'Scab Brothers', that Peter Hewitt is a nightclub bouncer turned 'Grocon scab herder', that Anthony Cuzzilla 'scabbed for Grocon in Queensland and Footscray', and that Daniel Van Camp is 'Daddy's boy making his old man, John (another scab) proud'. How does the CFMEU want to resolve industrial disputes in this state? Its leaflet says, 'Get rid of these scabs out of our industry. They will never be forgotten'. The leaflet is signed 'Scab Hunter'.

If anyone ever needed an example of how out of control the union movement in this state is under the federal government's system, they need only look at the situation yesterday. I implore those opposite to stand in this house and publicly denounce the actions of the CFMEU. Anyone who saw the 6 o'clock TV news last night saw members of unions running at mounted police and running at and physically assaulting the horses. That is an absolute disgrace. I do not think anyone in this house, regardless of their politics, would condone that type of activity — not in Victoria, not in 2012. I call upon those opposite to stand up for this community and to let Victorians know that they denounce it.

What have the members for Tarneit and Essendon said about this issue? More importantly, what has the Leader of the Opposition said about this issue? We all know the answer is nothing, because at the end of the day opposition members are not going to stand up to their union masters. You need only look at who is running the campaign at Grocon. It is, of course, Mr John Setka, who walks hand in glove with the ALP. As we know and has been revealed today, Mr Setka was charged with serious offences 60 times due to violent battles during unprecedented turmoil in the construction industry.

I can understand if someone got hot headed one day and was arrested. But John Setka committed 60 separate offences. Who was he seeking counsel from on this important issue yesterday? Who was he meeting with at a wine bar across the road? He was meeting with someone in this state who is a level-headed, clear thinker — that is, Mick Gatto, who is a well-known Melbourne identity. Mick Gatto is working hand in glove with John Setka, who is heading up a senior union which is linked to the ALP. We are asking the question: are they actually linked to the ALP? I can only look at the political party disclosure return signed off by Noah Carroll, who is I believe a relative of a current member of Parliament.

Mr Newton-Brown — Was he in *Seinfeld* too?

Mr WAKELING — I do not know whether he was in *Seinfeld*. I will defer to the member for Essendon to answer that. What has the CFMEU done for the Victorian ALP? The union's construction and general division has donated $110 000. The CFMEU has also provided an additional $46 000. We are of course only hearing a whimper from members opposite on this important issue.

Honourable members interjecting.

Mr WAKELING — I take up the interjection. I hope the interjection is actually from someone on that side who — —

The DEPUTY SPEAKER — Order! The member should not take up interjections.

Mr WAKELING — I will speak through the Chair. But I look forward to the contribution of the next opposition speaker to this debate. Who will have the courage and the fortitude to stand up in this house and tell Victorians that they condemn the actions of the CFMEU?

Mrs Bauer — The silence!

Mr WAKELING — The silence is deafening. The Victorian community and those involved in building and construction have wanted the federal government to reinstate the building and construction commission. As we know, Julia Gillard said in a media release in 2009 that she was going to be 'a tough cop on the beat'. She said:

> The Rudd government has no tolerance for conduct which breaks the law, whether it be unlawful industrial action or underpayment of employees.
>
> It is the intention of the Rudd Labor government to always have a tough cop on the beat in the building and construction industry.

Where is that tough cop? We know that the tough cop has been nobbled. The tough cop has gone.

The Victorian building industry has been crying out for some leadership. We are not finding it in Canberra, so the Victorian government has filled the breach, and it is going to be taking strong action with regard to state government-funded projects. But we all agree in this house that if the federal government did its job properly, took the situation seriously and was actually concerned about protecting the Victorian industry, protecting employment and growing jobs, as we saw developing under the building and construction commission, then the federal government would take action to reinstate the commission. I call upon those opposite to pick up the phone, call their local federal Labor members and ask them to implore the federal government to take action.

As we know, we have seen nothing from the federal government, so we have taken action. We are going to implement a body of our own that has been endorsed by the industry. The Australian Industry Group and the Master Builders Association of Victoria have endorsed the policies we have put in place.

But what is Labor going to do? What is Labor's vision? Labor's position is, 'We're beholden to the union movement, we're beholden to the CFMEU and we're going to scrap that system'. That speaks volumes about where those members opposite are at in relation to this important issue.

Ms RICHARDSON (Northcote) — It is a very great pleasure to speak on the MPI (matter of public importance) that has been brought before the house, which is quite a broad and important topic. I note that members opposite have steered away from dealing with large parts of the MPI that have been raised. I am pleased it has been put before the house.

Not surprisingly, this topic has again exposed the Liberals' real agenda when it comes to industrial relations. Last week we saw the Treasurer calling on Tony Abbott, the federal Leader of the Opposition, to toughen up IR laws. The Treasurer is again looking elsewhere to deal with his perceived problems, but having said that, it is clear from what he has said and what other ministers have said that the Liberals are salivating at the prospect of ripping into workers' pay and conditions as part of their ongoing ideological agenda. It is, as federal Minister for Employment and Workplace Relations Bill Shorten said, part of the DNA

of the Liberals to go down this path. But true to form the government is also determined to maintain a culture and a tradition it established for itself as soon as it came to office.

Rather than take the reins of government and use the levers at its disposal to soften the effects of detrimental outside forces, like the global financial crisis and other pressures we face, the Liberal government has simply withdrawn into its own burrow and then sought to point the finger of blame at anyone but itself. In this case, as far as members opposite are concerned — and we have heard this in contributions today — Victorian workers and their pay and conditions are the source of all ills and must be undermined and attacked.

That is why public sector jobs have been slashed by 4200 and the promise made to teachers will not be honoured. The Liberal government has taken a very active role in doing what it is ideologically driven to do — that is, to punish workers and Victorian families and to do that for as long as it thinks it can get away with it. In the meantime Liberal government members call on their Canberra cousins to make it all so much easier to do their dirty work. It will be Victorian workers who will ultimately pay a heavy price.

I will say to the member for Caulfield that he knows that bipartisanship is what will further the interests of his community, and I was very disappointed to hear him trying to politicise his community in his contribution. It certainly does not serve that community well, and it does not reflect well upon him.

When incidents like the one at the Myer construction site take place, the flawed logic of Liberal members flows something like this: when members of one union who at one time behave in a certain way that is criticised by all sides of politics, it means that all union members and the broader union movement are to be judged in the same way. Despite what Labor has said, despite what members on my side of the house have said today when expressing real concerns about what happened at the Myer construction site and in spite of us expressing the view that respect for the law must be paramount in any negotiations that are taking place, members opposite have determined that Labor must be judged in the same way.

And so it goes on: Victorian workers who are in no way connected to either the union movement or the Labor Party must also be punished en masse as part of this broader ideological agenda that the Liberal government is so intent on pursuing. In doing this, the government is simply hiding the trumpeting and glaringly obvious elephant in the room — that is, this government's stagnation and its inability to do something, anything in fact, to help Victorian workers deal with the pressures they face.

Put it this way: the state government, as we know, is the biggest business in town, with a budget close to $1 billion, but it has simply withdrawn from the playing field and taken the view that there is nothing that can be done to help Victorians weather the storm, despite knowing that the private sector is shrinking and despite employer groups, industry groups, industrial groups and the like calling on it to do something for the welfare of all Victorians. This government is simply frozen stiff and cannot get on with the job of improving the lot of all Victorians.

I now turn to a couple of examples in my local community and look at the public transport sector to illustrate the point I have made today. My electorate has a small but significant manufacturing sector. However, since the election of the Liberal government many businesses have raised with me two very real concerns that are having a direct impact on our local economy and on their business prospects. The first is the grinding to a near halt of government investment. The government's withdrawal of investment in the economy is having a devastating impact on jobs, and that is why we have seen over 40 000 jobs lost in this state since the coalition came to office.

It gets worse: these same businesses tell me that on top of the significant drop in government investment, the little investment that is there largely benefits non-Victorian businesses. I do not think the absence of a buy local procurement policy is saving taxpayers dollars. The research that I have done has shown me that it actually costs taxpayers more, because the product is often substandard to the Victorian product and it cannot be serviced by local businesses in the way that Victorian businesses can service a product that is bought here.

This short-sighted government with its agenda that is anti-Victorian businesses and anti-Victorian jobs is having a very real impact on businesses in my community and on businesses right across the state. What we have seen today is that rather than address the issue that has been raised as a matter of public importance and look at themselves, we have seen government members attack workers, unions and Labor.

In the area of public transport we cannot find any examples of where the government is actually walking the walk when it comes to the standard it set for itself as part of this MPI — that is, to provide opportunities and

investment for Victorians and to improve productivity. Some may have hoped that the Minister for Public Transport would buck the trend, set an example, show leadership and demonstrate that there is a way you can help the Victorian economy, but unfortunately, in a very short period of time, the Minister for Public Transport has dashed all those hopes.

I understand that the minister is a bit crook today. He is feeling a little under the weather. He is probably not as sick and tired as commuters who are trying to use his public transport system, but nonetheless he is feeling a little unwell. I guess it is my mothering instinct working when I say I feel sorry for him, because it is not easy to come in here when you are sick and address the Parliament, but I think I have had enough of that.

Let me focus on the other elephant in the room in regard to the Minister for Public Transport. The person who, when in opposition, was so noisy and so full of promise has simply disappeared. He has gone into hiding somewhere. The only work he has done when it comes to investment in infrastructure and getting on with — —

The DEPUTY SPEAKER — Order! I am having some difficulty relating what the member is now saying to the matter before the house.

Ms RICHARDSON — Members on the other side have ignored the large part of the MPI that deals with infrastructure investment, productivity and jobs, and that is exactly what I will turn to if you, Deputy Speaker, will allow me to continue.

The DEPUTY SPEAKER — Order! The matter before the house does not mention the word 'infrastructure'; it is about productivity and the rule of law.

Ms RICHARDSON — Jobs and investment are mentioned in the MPI. I would appreciate it, Deputy Speaker, if you could give me a moment to make my point.

When he was in opposition, the minister was full of promise when it came to the changes he was going to make to our public transport system — the way he was going to transform the system and in effect create a whole different system for us. Timid Terry — or I guess you could use the name of the children's book *Where's Wally*, which the minister has so aptly been named after — is simply nowhere to be seen. This is having a direct impact on our economy, because public transport has a direct impact on productivity. If you want to improve public transport and you want to improve productivity across the state but you have a minister who is determined to do nothing in this space, you will see an impact on productivity and on the economy in Victoria. That is precisely what we have seen.

I will provide a specific example. In the 2011–12 budget the Minister for Public Transport invested in seven new trains. The Ballarat community benefited from that, and we all benefited from that investment. What we have seen since is nothing more. Last year's budget produced nothing — no significant investment in public transport. When we left government, investment was at $1.9 billion; it has fallen dramatically on this minister's watch to just over $300 million. The point that has to be made continually — if anybody can get the ear of the Minister for Public Transport — is that you need to get on with the job of fixing the problems in public transport in order to improve productivity, in order to create more jobs for Victoria and to actually do what the minister said he would do, and that is to make a difference for commuters.

Mr BATTIN (Gembrook) — I rise today to support the matter of public importance, which is:

> That this house strongly supports an industrial relations system operating in Victoria which provides opportunities for jobs and investment for Victorians, improves productivity and is governed by respect for the rule of law.

We do not need to go that far back to find an era we do not want to return to. An article in the *Geelong Advertiser* of 14 May 2010 entitled 'Ford "scab" in bomb scare' states:

> A fake bomb was planted in the locker of a Ford worker who crossed a union picket line.

That is the kind of place we do not want Victoria to end up in. At the time an Australian Manufacturing Workers Union organiser, Ian Thomas, voiced a great reply, treating it as a joke rather than seriously. In the same article Mr Thomas was quoted as having said:

> Maybe Osama bin Laden has been down there for a visit.

If that is the kind of industrial relations we want to see in the state, this is not a state I want to be involved in. I want to be involved in one that actually has an increase in productivity, gives encouragement to investment, tries to get more people to invest here and gets infrastructure spending increased. We do not have to go past this year's budget to see that we have record investment in infrastructure in this state of over $5 billion.

Members opposite have talked about the funding of infrastructure in Victoria stopping or slowing down

under this government. This government has increased funding, and we have record investment in infrastructure under the lead of one of the most disciplined Premiers Victoria has had. Public transport in this state went downhill for 11 years while the Labor Party was in government. The productivity of the public transport system was nothing short of a disgrace during that time. The former government left the public transport system in an absolute shambles. The current Minister for Public Transport has had to put his all into this to get it to where it is. This state has seen its biggest increase in spending on maintenance, and that has been to get our public transport system where it should have been and to fix it up after the former government stuffed it.

On top of increasing maintenance spending, the Minister for Public Transport has also added nearly 1000 extra services per week across the network that benefits people in my electorate who travel to the city from Berwick, Pakenham and the new station at Lakeside. It is something we are very proud of, and we will continue to work to ensure that productivity continues to increase. We have heard a lot of talk about the job changes and 4200 positions in the public sector. We need to focus more on the extra people in front-line services this government has put on. This government is proud to deliver those extra numbers involved in front-line services, which includes 940 protective services officers (PSOs). This week the member for Frankston celebrated what has been happening with the PSOs. I have spoken to the police in Dandenong, and they are very pleased to see those PSOs there.

Honourable members interjecting.

Mr BATTIN — They are not plastic police. They are out there doing a real job, protecting real Victorians who want to go to real jobs — not just the union thugs in Melbourne. In this term of government we will have 1700 extra police, and it would be fantastic to see those 1700 police out on the front line. They are going to be needed more and more as the unions get more and more active as they get greater relief from the federal government.

We have 340 extra ambulance officers across the state, with some of those officers coming to Belgrave in my electorate, and I am sure the member for Monbulk will be celebrating when we get the extra ambos in the Gembrook electorate. He will be very pleased to see the 24-hour station there, and that is something that we love to see.

We hear much from opposition members, but they will not stand up and condemn the unions, including the Construction, Forestry, Mining and Energy Union (CFMEU). We know it has a lot to do with where the funding comes from to make sure they can secure their seats. They get support from the unions, and yesterday one of those unions gave an example of exactly where we do not want to be in Melbourne.

The assistant secretary of the CFMEU was reported in the media as having said, 'The police horses charged at us'. I think he needs to look on YouTube — he does not have to go far — because it shows what happened. It shows the union thugs getting out there and attacking police on horses — real people with real jobs. That is what the coppers in our towns and cities are: they are real people with real jobs. Why do members opposite not stand up for them? Why do they not get out there and protect the people who get on the horses and go out there to make our streets safe? It is an absolute disgrace that nobody — not one member on that side, not even the shadow Minister for Police and Emergency Services — stood up for the people he is supposed to be defending. That is an absolute disgrace.

I will stand by the Minister for Police and Emergency Services, who says, 'We will not tolerate this kind of behaviour in Victoria'. We will not tolerate it; we have not in the past and we will not in the future. To stand up to this takes strength and courage, and I congratulate the minister, the Premier and each and every member on this side for having the courage to stand up and say that we will not accept it.

The unions can get out on the streets; they have their numbers out there. They stand out there and then tell the media that it is all the police's fault. The police are doing their job. They are doing exactly what they need to do.

There is a Supreme Court injunction to make sure that the workers — and I think that word is the most important one that those on the other side are forgetting — who want to work, not those who want to disrupt everything in Victoria but those who want to work can continue to work to make sure this state keeps moving forward. If we cannot support those people, we are not standing up for the right people in this state.

It is time for the Leader of the Opposition and the Deputy Leader of the Opposition to man up to the unions. They can make the phone call — it is not hard — and call them off. Why won't they? I have half a million reasons why they will not do that, and every one of them starts with a dollar sign. That is the reason why they will not do it.

Yesterday the member for Williamstown spoke about the plain packaging laws and the federal Liberal Party. Why does he not listen to himself and disassociate himself from the thugs on the street who are out there at the moment trying to take over Victoria one little step at a time? They are all going to muscle up with their hats on and walk through the main streets and through the people I am proud to support — that is, members of Victoria Police.

This government is very much focused not just on productivity but also on investment. We want to get investment into this state, and to get investment into this state we need good industrial relations laws. We need to make sure that everybody is protected and that businesses have the faith to invest in Victoria. It is essential that we have that strong industrial relations action to get people to invest in Victoria.

Whilst those in Canberra got rid of the Office of the Australian Building and Construction Commissioner and are making the sure the unions have more say and more power, in Victoria we are going to get out there and bring back laws to ensure that there is a fair system for everybody, including those with businesses who want to invest.

The Prime Minister of Australia is from Victoria, so I cannot understand why she hates Victoria so much. I have to ask: why does she consistently not want to stand up to these unions as well?

The member for Tarneit said, 'We condemn violence'. Everybody in this house condemns violence. Why does the member for Tarneit not get out there and tell the CFMEU he will not support them and he will not take money from such thugs who are getting out on our streets? Why can he not get out there and do that?

Mr Nardella interjected.

Mr BATTIN — The member interjecting is talking about the cigarette companies. Those opposite stand by while the unions have not once gone out there without violence. The violence in Victorian streets is not what we accept. We will not accept it now and we will not accept it in the future. As I said, I am going to stand by the Premier and the Minister for Police and Emergency Services in getting the message out there that the behaviour that we saw yesterday and that I am sure we will see in the future — although I am hoping we will not — is not and will not be tolerated.

I say to the next speaker — I am not sure who it is from the other side: have the courage to go against everything that you need to do to get the funding; have the courage to support us on this one and get out there and condemn the CFMEU; get out there and say what they have done is an absolute disgrace and you cannot accept another dollar from the thugs who are trying to take over our streets.

Ms GARRETT (Brunswick) — I note the words of this matter of public importance (MPI):

> That this house strongly supports an industrial relations system operating in Victoria which provides opportunities for jobs and investment for Victorians, improves productivity and is governed by respect for the rule of law.

It is interesting to note those words because while this MPI urges the house to do a range of things, it is this government that is so miserably failing in its many obligations to provide opportunity for jobs and investment in Victoria, which is seeing this state slipping behind so many indicators which were once a source of pride.

The submitter of this MPI, the member for Box Hill, who is also the Attorney-General, and the other members of the major party to which he belongs subscribe to a view of industrial relations that strangles opportunities for Victorians, celebrates a race to the bottom and rewards those who have already been handsomely rewarded and whose rule of law inevitably involves lower standards and conditions of work, greater capacity for discrimination to flourish and diminished compensation for injured workers. The submitter of this matter has the hide to include a reference to productivity when the government's own passion, commitment and output are being questioned on a daily basis across every section of the community.

This is a lazy MPI from a lazy government. It is another smokescreen that has been concocted, seeped in ideological hatred, designed to cover up the fact that this government does not have its hands on the wheel. Government members have cozied up in the back of their limousines with their thumbs in their mouths. When all else fails — and, believe us, all else is failing with this mob — this government reverts to type. It bashes the unions, and it bashes the working people. It pretends that all the woes encompassing Victoria, so many of which are the result of this government's inertia, are the fault of those in society who are doing most of the heavy lifting with limited rewards; it pretends that there is a magic bullet to solve everything, which happens to be inscribed with the hard-fought terms and conditions of employment of the bulk of Victoria's working people; and it pretends that pursuing a WorkChoices agenda is the key to turning the state around and that the only ingredient in better productivity is low wages and lessened conditions for those at the bottom.

This is the same old same old. It is the playbook from Jeff Kennett, it is the song sheet from John Howard and it is a script written by the H. R. Nicholls Society. We have all seen where this ends. It ended with the abolition of common-law rights for injured workers under the Kennett regime. It ended with the introduction of the most draconian and unbalanced set of workplace laws when former Prime Minister Howard finally got control of the Senate, and it is playing out here in Victoria for all of us to see.

Let us just highlight a few of this government's approaches to workers and industrial relations in this state: announcing the sacking of thousands of public sector workers in the dead of night, drawing the ire of the workers' representatives and contributing to deep concern and anxiety in the affected workers and their families; undermining local procurement arrangements that are so important to workers in this state; and conducting botched and arrogant negotiations for enterprise bargaining agreements which are littered with broken promises and which have seen unprecedented numbers of nurses, teachers and other key workers taking to the streets.

Coalition members, along with their conservative mates in the other states, are leading the charge to bring back WorkChoices. We only have to look at the government's submission to the Fair Work Act 2009 review, replete with its references to flexibility and individual arrangements, to see that. As reported in the *Australian* of 18 August, the Victorian Treasurer called the Fair Work Act 'unworkable' and urged the federal Leader of the Opposition, Tony Abbott, to subscribe to a more liberal industrial relations framework.

As late as yesterday, the conservative government in Queensland was repeating these calls and supporting comments made by the architect of WorkChoices, John Howard, in a recent public address. The Premier of Queensland, Campbell Newman, is reported in the *Brisbane Times* as saying:

> Tony Abbott is obviously concerned about being branded as somebody who's going to go after people's pay and conditions and I guess that's why he's taken the stance he has.
>
> But the bottom line is that if we want to help small business there probably needs to be more flexibility in the IR arrangements …

These comments come on top of a long line of public statements from members of the Victorian government supporting WorkChoices, attacking workers' rights and belittling those who find themselves injured at work and relying on compensation for them and their families to survive.

As someone who worked as an industrial relations and discrimination lawyer during the Howard years, I know firsthand what WorkChoices did to people's rights, to their dignity and to their capacity to achieve a fair outcome in what is such a dominating facet of one's life — the workplace. With the stroke of a pen, millions of workers were left without protections, were forced into individual agreements that smashed their terms and conditions of employment and were left vulnerable and alone. It was the union movement, in conjunction with Labor, that fought those laws, that highlighted the damaging restructuring of a longstanding system and that stood by the workers affected. It is the union movement that every day builds on its history of fighting for a better society and that argues for better terms and conditions of employment, not just for its members but for all workers.

Every time a pay increase is negotiated by a union at the enterprise level, it flows to all workers. Every time the Australian Council of Trade Unions stands up and argues for a better minimum wage, it flows to all workers. It is the work of the union movement over many decades that has radically transformed occupational health and safety laws and practices and which has saved countless lives. It is the work of the union movement that has led to antidiscrimination laws and advances in pay equity and women's rights, advances that this government at every turn has been determined to hack into.

Here we are again — lining up for the almost weekly union and worker bashing exercise to cover up this government's multitude of failures. These failures include its comprehensive and widely condemned failure to act on jobs. It has sat by while this state has been bleeding jobs: 40 000 jobs have been lost since this government came to power. One can compare that with what happened under the former Labor government: 100 000 jobs were created in its last 12 months. We did not do this by getting stuck into workers.

The failures also include the coalition government's complete and utter failure to invest in and to attract investment in infrastructure for this state; its ongoing lame and ridiculous mantra which implies a narrow, ideological view of productivity and flexibility which is focused almost entirely on taking money out of the pockets of those who can least afford it; and its deliberate and confounding failure to support and enhance training and skills, which is reflected in its slashing of funding for TAFE, the Victorian certificate of applied learning and apprenticeships. These are but four major attacks on investment and jobs in Victoria. They are the inert actions of a government that is not

interested in looking after the rights or advancing the conditions of working people and that is not interested in providing the most fundamental aspect that will advance people's lives — a job.

This is a government that has stood by while this state has been bleeding jobs, and now once again it is blaming the union movement and workers for its own failures. This union and worker bashing is being taken up by those this government is choosing to appoint. It is astounding that the new and somewhat colourful head of Victoria's building watchdog saw fit to share a range of very serious and salacious allegations about Victoria's building industry, not with the police, where you think they would have been raised if he was so very concerned, but in an exclusive interview with the *Herald Sun*.

This government is proving yet again that it is not interested in stepping up and governing for all Victorians, not interested in doing the hard yards, not interested in committing to a vision of a proud and prosperous state and not interested in making our community the pride of the nation. This government is interested in a race to the bottom. This is a reversion to type that is tired and old. This government is letting this state down and it is letting down those within this state who rely on an innovative, bold and hardworking government to thrive. This government could be doing so much more to protect jobs, to attract investment and to make this state a vibrant place where people want to do business and where jobs are created. These actions should be taken not on the backs of working people but in conjunction with working people, and not in spite of working people but to advance working people.

The government needs to take a long, hard look at itself and at matters of public importance like this — the constant union bashing and worker bashing — and start governing for the whole of the state. It should start standing up for working people and start caring about their jobs. It should start to care about making their lives better, improving their terms and conditions and improving their living standards. It should make this state what it was before. The government is letting everybody down.

Ms RYALL (Mitcham) — I stand to support the matter of public importance, which states:

> That this house strongly supports an industrial relations system operating in Victoria which provides opportunities for jobs and investment for Victorians, improves productivity and is governed by respect for the rule of law.

The key word is 'respect' for the rule of law. What we need in Victoria is a productive and law-abiding industrial relations system that supports our economy and Victorian jobs and attracts investment into this state, because when we are able to attract investment we can build on our economy and our jobs and we can build on the success of our economic status in this country.

I have heard some interesting remarks, and I would like to allude to them. The member for Brunswick spoke about reverting to type. What we have seen here is a complete reversion to type by the Labor Party. Those opposite will not stand up and condemn the thuggery that Victorians and people across Australia have witnessed on their TVs, if not in person, over the last week. The member for Brunswick spoke about attracting investment. One way not to attract investment into our state is to show the signs of thuggery which have been on view to the world. This is not a startling advertisement for investment into this state.

How conflicted is the Labor Party right now? The Labor Party and the unions are as one. The unions created Labor, they support Labor, they fund Labor; they are Labor. It is because of this that we hear nothing from those opposite about the unlawful action that has been taking place. What state leader fails to condemn unlawful action or breaking the law? It is a leader who stands for nothing and who has lost his moral compass. We have heard the history of trade unions from those opposite today. We have seen a total lack of economic understanding. We hear about jobs being created, but we do not hear about stimulus and the Building the Education Revolution money that was siphoned into this state; it is all about Labor. We have seen a lack of economic understanding — the very factors that everybody else in this country seems to understand. They know why at this point in time it is important that Victoria is seen as an attractive place for investment.

What we are seeing and hearing about in the news is not about an enterprise bargaining agreement; that was settled. This is about breaking the law. Industrial relations under the federal Labor government have gone backwards. I remember the Prime Minister, Julia Gillard, saying in 2009 that a strong cop on the beat was necessary, and at that time the Office of the Australian Building and Construction Commissioner was cut off at the knees and the strong cop was significantly weakened. What we are seeing is an emergence of militancy, a defiance of the rule of law and ugly scenes.

Seeing the lawlessness in the building and construction industry takes you back to the old Builders Labourers Federation days when we saw bad behaviour and when breaking the law was considered acceptable by union

leaders and also by those opposite. Labor's failure to condemn such action is considered acceptable by the Leader of the Opposition. As I said this morning, feigning righteous indignation on saving jobs has been exposed as confected outrage and a sham. We have witnessed the silence from those opposite. Their failure to condemn this action leaves them exposed for their hypocrisy, and they know it.

The Leader of the Opposition says we should sit down and talk. An article in the media quotes him as follows:

> 'This is a very bitter dispute, and obviously both sides feel very passionate about the issues that are at stake', he said.
>
> 'I think the most important thing is to appeal for calm today.
>
> I think that the best way to resolve a bitter dispute which seems to have turned nasty this morning is for all parties to sit down and talk …

I think we heard similar rhetoric from Bill Shorten, the federal Minister for Employment and Workplace Relations, as well. It is one thing to say, 'Let's sit down and talk', but it is another matter to stand up and show some leadership. What we see is a master-slave relationship. The Leader of the Opposition should show some leadership to the unions. He should say, 'We condemn what is going on. We condemn unlawful behaviour'. He should end the master-slave relationship between the Labor Party and the unions. He should condemn this behaviour and actually do something.

The Leader of the Opposition said that Labor would scrap the construction code compliance unit in Victoria. He said:

> This unit will do nothing to create jobs or grow the economy.

What will not create jobs, create investment and grow the economy is unlawful behaviour. The Leader of the Opposition is embarrassed, and rightly so. He should be ashamed. He does not have the ticker to stand up for what is right. Would he condemn anybody else in the circumstance who defied a Supreme Court order?

Former Prime Minister Paul Keating was known for referring to people as having the words but not the music, and in relation to standing up for what is right it would be good just to hear the words from the Leader of the Opposition. He has not got the ticker, he cannot stare down the rabble and he does not have the strength to stand up for what is right and to condemn what is wrong. He should stand up for a civil society. It would be good to get the words, even if we do not hear the music. The people of Victoria deserve more than silence from the Leader of the Opposition — a leaderless opposition.

The Leader of the Opposition thinks he can get away with grandstanding when it suits him, as he does, but he creeps away when the hard issues confront him. That is not leadership. He should stand up on this issue. He should stand up for the workers in this state and against thuggery. If his Labor values are more than just empty rhetoric, he should stand up for Victorians and the rule of law.

They say you can fool some of the people some of the time but you cannot fool all of the people all of the time. Victorians are not fools, and it is about time that we saw the Leader of the Opposition standing up and condemning the unlawful behaviour, because his mates and his masters show that he stands for nothing.

In saying he will scrap the compliance unit the Leader of the Opposition has said it is nothing more than a front for the Liberal Party to attack workers and the union. Let us look at who is attacking the workers now — those honest and hardworking people who want to work. The Leader of the Opposition has said that the construction code of compliance does nothing to create jobs, but his policy would take the state back years. It would do nothing to create jobs or attract investment. We cannot have a Leader of the Opposition who tries to walk on both sides of the street at the same time, depending on where he needs to be.

The government has spent a lot of money on antibullying programs. We put a lot of money into that, and we also teach our kids to obey the law. I note with great concern from our children's perspective that what has been on display here has been the opposite of those things. We have seen a demonstration of bad behaviour to young people — people we are trying to teach to obey the law and not to bully or be thugs. But what is on display? It is thuggery, bullying and a flouting of the law.

I have seen a paper headed 'Grocon's scabs named and shamed', and there are pictures of people on it. We are seeing bullying and a flouting of the law, which is behaviour that we would never accept in a school or from our children, yet it is on display in front of them right now. I call on the Leader of the Opposition to stand up and show some leadership in this situation, get to the crux of the matter, deal with the Construction, Forestry, Mining and Energy Union and tell its members to stand down, stop this unlawful behaviour and start to respect the people of Victoria.

Ms GREEN (Yan Yean) — It is with great pleasure that I join debate on this matter of public importance. Having listened to some of the government speakers, I think they picked up the wrong notebook this morning.

I have heard very little about the words contained in the matter of public importance put forward by the member for Box Hill, the Attorney-General. I am actually going to refer to the matter of public importance as expressed on the notice paper.

I have a very strong and longstanding interest in the industrial relations system. For 10 years I strove to do whatever I could while working within a government that provided opportunities for jobs and investments, whether for my community or across the state, with a particular focus on productivity. In relation to the references of some of the government members to a particular dispute in the last 24 or 48 hours, I fail to see that that has anything whatsoever to do with the increase in joblessness in this state, the decline in investment or the slowing of productivity. I put to the house that those things have nothing to do with the industrial relations system, because there has been almost no change to that system. I do not think there has been any legislative change to it in the last 21 months. I do not think the government can rest those things at the door of an industrial relations system or say the industrial relations system is what has cruelled job investment, job opportunities and productivity in this state.

I do think, however, that the government is one of the biggest employers in this state and is having an impact on productivity as a result of its failure to participate in bargaining in good faith with numerous categories of Victorian workers who have had to take action when they would rather have been working, being productive and being treated fairly. The nurses had to struggle for well over a year to get wage justice. It was not just about wage justice, either; it was about patient safety and the retention of nurse-to-patient ratios. The nurses should not have had to campaign as they did for so long — for over a year — in the face of such intransigence. Productivity in hospitals has been impacted upon, with a huge increase in hospital waiting lists and a decline in elective surgery. A dispute with nurses lasting a year and a half and a failure on the part of this government to bargain in good faith did nothing for job opportunities and in particular for productivity in our public health system.

As the shadow minister for women, I want to focus particularly on what is happening for women workers. I have talked about nurses already, but I refer as well to teachers and others working in TAFE whose jobs are under threat. This government has failed to understand the integral part our teaching and technical and further education systems play in improving skills and therefore productivity in this state. Investment in human capital is pivotal to a strong economy and to driving investment and productivity. I refer also to women working and striving for equal pay in the community sector. This relates to another untruth told by those opposite.

We had the broken promise to teachers — that they would be made the highest paid in the country. We had the broken promise relating to women in the community sector having equal pay. We have had child-care workers losing their jobs through the cut to the Take a Break program. We now find that 950 public servants in the education department will be affected — and probably the majority of those are women. We even read recently that this unfair government will be forcing those on maternity leave to reapply for their jobs. One of the fundamental rights of women and fundamental protections for families — the capacity to have maternity leave and return to a job — is going to be ignored by this government.

In relation to health and safety, one of the things unions in this country and internationally have striven for — and that I am proud to say as part of the broader labour movement I have striven for — is appropriate and safe workplaces that will drive productivity and growth and mean workers come home safely to their families. It is an indictment of this government in terms of where its priorities are that we would have the diatribe from those on the other side about one industrial dispute — one that is working its way through the system and the legal processes which we on this side support — and that it would be a matter of more public importance than the deaths of two workers on a gas platform off Port Campbell this week. That is an absolute indictment.

Whenever industrial relations or health and safety are referred to in this place there is condemnation of unions. I am proud to say I am a member of the Australian Workers Union. I have been a union official. I was the vice-president of the State Public Services Federation between 1993 and 1996 during the time the Kennett government presided over the development of its own industrial relations system. We know what the playbook is. It is the unfair Employee Relations Act 1992, which made it illegal for public servants who were sitting next to each other to even tell each other what salary they were getting. What that meant was a huge disparity in women's pay, which had to be resolved when we got back into government in 1999.

Those on the other side are not about fairness. Their attitude to workers and to public servants was summed up by their leader at that time, Jeff Kennett, who held public servants in such contempt that he said he could run public services with six people and his two Weimaraner dogs. The architect of the Employee

Relations Act, the then industrial relations minister, Phil Gude, proudly claimed that he had dreamt up that act, had drawn up that piece of legislation, over a bottle of Scotch — that unfair and biased document, which did not allow workers to come to the table and negotiate with their employers; there was no means of conciliation and no forced arbitration so things could be decided upon. That is how much those on the other side think about the working people of this state.

The child-protection workers of this state and those who have retired will not forget that they had to strike for 22 days during those dark years of the Kennett era. That strike was not just about their pay; it was about their ability and their desire to work with the most vulnerable people in Victoria — and the then Premier and the then industrial relations minister refused to negotiate with those workers.

When those opposite are talking about industrial relations systems and when they propose a matter of public importance, we know that with an Abbott government in Canberra they would want to replicate features of that unfair industrial relations system. I recall that at the time there was no protection of freedom of association and that shop stewards had to put union notices on the backs of toilet doors in the public sector because they were torn down by apparatchiks of those opposite. I do not want a return to those times. I do not want to return to times when good, honest and hardworking men like my stepfather, Ron Hayes, passed away from that horrible disease mesothelioma.

Those opposite would have you believe that the only thing unions do is undermine a good civil society. Unions do not do that; the marker of a good civil society is a free trade union movement and a good industrial relations system.

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

Mr ANGUS (Forest Hill) — I am very pleased to rise this afternoon to speak strongly in favour of the matter of public importance that has been submitted by the member for Box Hill:

> That this house strongly supports an industrial relations system operating in Victoria which provides opportunities for jobs and investment for Victorians, improves productivity and is governed by respect for the rule of law.

The MPI that is before us has four components, and I will address those. They are, firstly, opportunities for jobs; secondly, investment for Victorians; thirdly, the improvement of productivity; and fourthly and very importantly, respect for the rule of law.

I want to start my contribution this afternoon with that fourth point. We have seen events in our great city of Melbourne in the last 24 hours that have shocked all Victorians. They have been shocked to see the thuggery that has gone on on the streets of Melbourne. We have heard very little from those opposite in terms of condemnation of that thuggish behaviour, and we realise that is essentially because they are beholden to the unions as they are funded by the unions. I will be talking more about that in a few minutes.

One example of this thuggery is a flier that has been circulating headed 'Grocon's scabs named and shamed'. It has on it the photographs and names of six individuals, and it finishes with the words 'Get rid of these scabs out of our industry. They will never be forgotten'. That has been put out by the CFMEU (Construction, Forestry, Mining and Energy Union). The thing about this flier I want to raise is that it says in the bottom right-hand corner of the piece of paper 'brought to you by scab hunter' and the little logo, if you like, shows a double-barrelled shotgun pointed at the reader. That is an absolutely outrageous piece of intimidation that I think those opposite should surely be condemning. But alas, we have heard nothing from them in relation to that.

It is not the first time I have seen examples of such thuggery. I have had firsthand experience of it going back a number of years now in relation to a client of my former firm in the 1980s. There was a family business in Clayton that incurred the wrath of the Builders Labourers Federation (BLF), as it was back in those days, which was then running the construction industry in Victoria. That business not only had picket-line issues to deal with at the delivery end, at the site to which it was taking the material it had constructed — and the violent behaviour that appeared on the evening news as the trucks and drivers were attacked by union heavyweights and thugs was incredible — but also the outrageous storming of its office in Clayton.

I remember talking to some of the principals of that business about how they and their staff had been absolutely traumatised by that event, about how they looked up their driveway out into the street and saw the milling union members, who then came running down their driveway to the office, where they gained entry not only to the reception area but also then into the back of the office, where they ran amok. The damage that did to those individuals and the trauma that it caused them were absolutely outrageous.

That company eventually went out of business. It succumbed to the kiss of death that it received from the BLF back in the '80s. It was a perfectly lawful business making a wonderful contribution to the economic structure of Victoria. It employed many people in the heavy steel construction industry in its factory out the back. One can compare that incident with what is happening now. Yesterday we again saw a situation reminiscent of the bad old days on the streets of Melbourne. The fact that there has been no condemnation of that thuggery from those on the other side speaks volumes. It is an outrageous situation.

If we look into it further and join the dots we can look at the return lodged by the Australian Labor Party with the Australian Electoral Commission for the 2010–11 financial year in terms of funding and note a couple of lines related to amounts received from the Construction, Forestry, Mining and Energy Union's construction and general division and forestry and furnishing products division. The fact that those amounts add up to a figure in excess of $156 000 going into the Labor Party coffers probably explains the whole situation. It explains why there has been such silence from the other side in relation to the outrageous behaviour we saw yesterday.

We cannot have a situation where we have lawful employees wanting to go to work and at the same time have thugs on the streets in defiance of a Supreme Court order made in accordance with the prevailing laws of the state that is being completely ignored. Not only that, workers who want to do an honest day's work are being intimidated. We have also witnessed that violence at work through attacks on sworn police officers, men and women, who are doing a wonderful job in protecting us. It is an outrage that those officers and their horses were attacked in the way that they were. It is something that members of the Labor Party should be condemning, as all lawfully minded Victorians would.

Others have had very clear views about some of the reforms the coalition is undertaking. A media release of 19 May from the Master Builders Association of Victoria (MBAV) headed 'State opposition puts union mates ahead of Victorian construction jobs' states:

> Today's announcement by opposition leader Daniel Andrews to change the state's construction site industrial relations regime could jeopardise Victorian jobs and investment, according to master builders.

The media release goes on to quote the executive director, Brian Welch:

> Allowing unions to run rampant over Victorian construction sites will only detract from the state's ability to have major projects delivered on time and on budget …

He is further quoted as saying:

> What is the opposition leader more interested in? Standing up for Victorian jobs or serving the Trades Hall Council's sectional interests?

There we have a good summary of the whole situation from an independent party. There is no doubt that the sort of behaviour we have seen in recent times does affect construction costs. It means that projects are not delivered on time and on budget. I suppose the silence from members on the other side reflects the fact that we have had countless examples over the last 11 years of projects not being delivered on time or anywhere near on-budget. That is pretty much par for the course and that is why there is so much silence from those opposite.

In another MBAV media release of 2 July Mr Welch is quoted as saying:

> Victorians should not be forced to foot the bill of unlawful activity on our construction sites.
>
> Our industry needs a tough cop on the beat to ensure building projects are delivered in a responsible and effective manner.
>
> There is nothing in these rules for unions to fear unless they are intentionally and wilfully intending on breaking the law.

That really highlights and essentially sums up the situation and the attitude being taken by those opposite. I ask again: what are state Labor members saying about yesterday's unlawful behaviour by members of the CFMEU? I answer by saying that they are condemned by their silence. They are saying nothing. They should be standing up for law and order in Victoria. They should be standing up for Victoria Police members and they should be standing up for productivity and for a lawful construction project to proceed in an orderly manner.

In conclusion, I congratulate the Premier and the Minister for Police and Emergency Services for their very strong stance on this matter. They have unequivocally come out and dealt with this matter head on. They have made very clear to the people of Victoria what their view is on this outrageous behaviour.

Mr HERBERT (Eltham) — It is a pleasure to make a contribution, albeit short, on this matter of public importance (MPI). What a disgraceful contribution we have just heard from those opposite on an MPI that they submitted themselves about jobs, investment and productivity. All they can do is fixate on one industrial dispute. If there had not been a dispute this week they

would have had absolutely nothing to say about jobs, about investment or about productivity. When is this government going to wake up to itself, stop being fixated on its anti-union agenda and start being fixated on the issues that are affecting ordinary families and millions of Victorians who want to keep their jobs, who want to see investment in this state and who want to see productivity improved at a time when we are seeing unemployment in Victoria rising rapidly and seeing youth employment escalating?

I notice that the member for Frankston was just here. There are disgraceful levels of youth unemployment in Frankston. We are seeing apprenticeships for young people dropping off all over the state, and nowhere more than on the Mornington Peninsula. In Gippsland where the Minister for Police and Emergency Services has his seat, apprentices are being put out of work and young kids are not being taken on. When industries are closing down and companies are crying out for a proper jobs and investment strategy, what do we get from this government? We get absolutely nothing.

The ACTING SPEAKER (**Mr Morris**) — Order! The time for consideration of matters of public importance has concluded.

STATEMENTS ON REPORTS

Public Accounts and Estimates Committee: budget estimates 2012–13 (part 1)

Mr PALLAS (Tarneit) — I refer to page 8 of the Public Accounts and Estimates Committee *Report on the 2012–13 Budget Estimates — Part One* and in particular to section 2.3.1 entitled 'Budget challenges'. In response to the challenges of the high Australian dollar, the global economy and reduced GST revenue, the Treasurer indicated that:

> … the government is taking decisive action to strengthen the state's finances, boost state-funded infrastructure to record levels (with a focus on productivity-enhancing infrastructure) while protecting the most vulnerable.

Further, the Treasurer is reported at page 4 of the transcript of the Public Accounts and Estimates hearing of 4 May as saying, 'We have been able to allocate $5.8 billion in 12–13'. The Treasurer should explain the discrepancies between the so-called record infrastructure spend in the 2012–13 state budget and the actual numbers that appear in the official budget papers.

Members of this government have not been shy about announcing that they have delivered a record infrastructure spend of $5.8 billion in their most recent budget. The Treasurer told this house on 2 May that he had delivered 'a record state-funded capital works program of $5.8 billion', and the next day in this house the Premier confidently called this investment '$5.8 billion worth of jobs'. But the question that needs to be asked is: where does this $5.8 billion come from?

The budget papers themselves show that the general capital spend for both departments and public non-financial corporations totals $5.6 billion for this year's infrastructure spend — that is a $200 million discrepancy. How much of that money is really infrastructure spend? The general capital program, as I have said, is $200 million shy of the claimed amount.

Let us look at particular projects. In that total there are commonwealth-funded projects. Twelve road projects in this budget are being fully funded by the commonwealth, accounting for $316 million of this year's infrastructure spend. Trade training centres are being fully funded by the commonwealth to the tune of $105 million. In health infrastructure, $600 000 of the funding for the Coleraine hospital redevelopment came out of the Western District Health Service's own budget. We see the same thing with the Leongatha hospital. MonashLink Community Health Service is paying $3.6 million of the $9.1 million being spent on its infrastructure. The government is taking credit for a $350 000 donation from Ronald McDonald House to expand Monash Children's hospital. Construction of the Ballarat Regional Integrated Cancer Centre is worth $55 million, $42 million of which is being provided by the commonwealth. In total the commonwealth will contribute about $145 million to the health infrastructure spend of this budget.

Some things in the budget the government is calling 'infrastructure investment' are highly spurious. The Department of Justice is spending $8.9 million on speed cameras for Peninsula Link; an amount of $4.2 million is being spent on station upgrades for protective services officers (PSOs); $16.7 million is being spent on police station upgrades, which the police commissioner admitted are partially being used to accommodate PSOs; $1.2 million is being spent on billboard advertising by VicTrack; and $30 million is going on 'regional rail network periodic maintenance'.

The Treasurer says the government is investing $5.8 billion in infrastructure this financial year. In fact there is a $200 million discrepancy. We can essentially see the taking of credit for things that could be described only in the broadest terms as infrastructure. Maintenance of the existing railway tracks is not new infrastructure; it is maintenance. Billboard advertising is not infrastructure, and speed cameras make a lot more money than they cost.

I know the Treasurer has had some issues articulating definitions in this house; his struggles with the domestic abatement are well documented. But it is important that the Treasurer be clear and honest about what the $5.8 billion figure actually is. This is on top of the constant claiming of credit on the part of this government for projects it inherited from the previous government, such as when the Minister for Employment and Industrial Relations was reported in the *Herald Sun* of 3 August as spruiking the supposed $5.8 billion worth of infrastructure and boasting of this 'record state infrastructure spend of $5.8 billion, with projects such as the regional rail link'. He was effectively taking credit for the long tail of infrastructure investment by the previous government.

This is nothing but misleading, boasting about nothing and claiming credit for Labor projects. In many ways it demonstrates that this government not only cannot add up but takes credit for projects that are not its own and that do not fit within the broad definition of infrastructure. It is important that the Treasurer clarify what his so-called infrastructure spend is and be honest with the people of Victoria. He needs to highlight the paltry nature of the real infrastructure spend — the new infrastructure spend — that this government is making.

Family and Community Development Committee: opportunities for participation of Victorian seniors

Mr WAKELING (Ferntree Gully) — It gives me pleasure to speak on the report of the Family and Community Development Committee's inquiry into opportunities for participation of Victorian seniors. I am pleased to see that four members of the committee are in the house. I would like to acknowledge Georgie Crozier, the chair, a member for Southern Metropolitan Region in the other place; the member for Broadmeadows, the deputy chair; and two of my colleagues, the members for Carrum and Thomastown, for their work on the committee.

I think all of us involved with the inquiry would be of the view that we undertook an important piece of research. Many of those who participated in the inquiry indicated that such work had not been undertaken for many years. We had the capacity to look at a whole range of issues affecting Victorian seniors and the opportunity to meet with representatives of various organisations overseas to look at the way in which other jurisdictions have dealt with the issue. I am pleased with the plethora of recommendations identified in the report that was recently tabled.

In the time allocated I would like to identify four key areas. The first area, and one of the most significant, relates to recommendation 3.6, which is to establish a commissioner for older people. The significance of that role, if such a position were established, would be that for the first time a specific body would be entrusted to oversee the operation of government departments across the spectrum and ensure that all the various government departments look at issues of specific concern to Victorian seniors. As we know, responsibility for seniors has historically fallen under the health portfolio, but that is not to say there is not a range of other government departments that have significant concern for seniors. But there is clearly a silo mentality within government departments, and if the position of commissioner were established, it would help overcome those problems.

Committee members had the opportunity to meet the Commissioner for Older People in Wales and hear firsthand of the work that has been undertaken by that individual and their successor and also meet with a number of key stakeholders in Wales who have worked with the commissioner. It was pleasing to see how these operate. It would certainly be a boon for Victoria if such a position were to be established here.

Secondly, recommendation 4.7 looks at the establishment of an older citizens assembly. That would give senior Victorians a real opportunity to feed their views on a range of issues directly to governments. That would be separate to the process that currently operates — namely, through government departments but also through key advisory bodies such as the Council on the Ageing et cetera. It would provide people with another opportunity to have their views heard. Committee members had the capacity to hear of the operations in Canberra and also in Scotland to see how similar bodies operate. The establishment of an assembly would certainly be of benefit.

Thirdly, I refer to recommendation 3.2, which examines the operation of the World Health Organisation Global Network of Age-friendly Cities and Communities in Victoria. Currently it operates in Canberra. It is an opportunity for networking for cities around the world who are working towards best practice and redesigning their cities and services to make them age friendly. We believe there would be great benefit in Victorian local councils and the state government looking at how they could embrace that.

The fourth area I would like to cover in the time left is a matter raised in the inquiry that is certainly dear to my heart, and I think my committee colleagues would also identify it as being important — that is, the

intergenerational potential. Recommendation 5.4 identifies a number of strategies with regard to intergenerational activities. We heard some remarkable stories of how seniors are working with young people and how that not only aids young people but, more importantly, is of great assistance to seniors throughout the world. Any action that can be taken to strengthen the operation of inter-generational contributions would be a boon for not only Victorian young people but, more importantly, Victorian seniors. I hope this report is duly adopted.

Family and Community Development Committee: opportunities for participation of Victorian seniors

Ms HALFPENNY (Thomastown) — I also rise to speak on the report into opportunities for participation of Victorian seniors and also advise that I am a member of the committee which conducted the inquiry that resulted in this report.

It is acknowledged throughout the Western world and beyond that on the whole people are living longer, birth rates are lower and across the world governments are putting in place policies and strategies to accommodate an ageing population. This is not a bad thing. Sometimes I listen in despair to commentators and public figures who seem to suggest that an ageing population is somehow a problem or a phenomenon that will become a burden on our society, but this is not true. We should celebrate and congratulate ourselves as a society for the achievements we have made to improve living standards and quality of life over the last 100 years or more; better health, education, safety and nutrition, for example, have resulted in people living longer and better lives.

Whilst our society is much wealthier and better off we cannot ignore that these benefits are not shared equally. There are many people in our society who face extreme disadvantage, including older Victorians, whether it is through poor health, low income, homelessness, language and cultural barriers, dispossession — in the case of Aboriginal people — or a combination of these things. Population demographics are forever changing, and it is the responsibility and indeed the obligation of government to ensure the policies, the vision, the mechanisms and the infrastructure are in place to cater for whatever the population make-up is at the time and to provide for its future. This is government's core business.

I believe this report should assist the government in forming policies and ideas to support older Victorians and planning for their future needs. It is an informative document bringing together the fantastic ideas and views of a wide range of organisations, individuals who made written submissions and people who presented to the committee. A point that repeatedly came up in the evidence was the desire older people have to continue to contribute to their community in a meaningful and valuable way and the observation that because of improvements in lifestyle, health and knowledge, a person who retires at the age of 67 is likely to live for a further 20 or 30 years beyond that.

It could be said that we have not adjusted to our better living standards and still view retirement as the time to put up our feet and see out what little bit of life is left to us before we die, but, as was highlighted in the evidence to the committee and in the report, we could be talking about another 30 years of life in some cases. Often people cannot continue in formal paid employment, particularly if the work is very physical, but the problem raised in submissions was what people do with the time they have left after retirement with the often inadequate levels of retirement income?

This report contains recommendations to review and develop an overall strategy for community transport, government regulation for minimum standards of universal housing design, low-cost alternative housing options and support for ageing in place. It recommends an age commissioner to promote and oversee the rights of older people and contains many other recommendations on how older people can fully participate in society.

Overall it was found that the participation of older Victorians is essential to the future vitality of Victorian society and its economy and that the government must develop programs and policies to encourage and facilitate participation. If that does not happen, the consequences will be dire. Unfortunately I am quite pessimistic about the government's reaction to this report, because we have already seen a number of cuts to programs that support older Victorians, such as the home and community care program and the concessions pensioners receive on their utility bills.

I urge the government to take note of this report, to look at the great ideas that have been provided by the many people who made submissions to the committee and to fund the resources needed to support older Victorians.

Family and Community Development Committee: opportunities for participation of Victorian seniors

Mrs BAUER (Carrum) — I am pleased to have the opportunity to speak on the inquiry into opportunities

for participation of Victorian seniors. It is a great pleasure to be part of the Family and Community Development Committee and to have been part of this very important inquiry. The report highlights the significant contributions that older people make to the Victorian economy. I vividly recall from my childhood the response my grandfather, Douglas Coleman, always gave when I asked him how he was. He would say, 'Don't complain about growing old; growing old is a privilege denied to many'. I was fortunate to have grandparents who were great role models, and I looked up to them. They had a positive attitude and always looked on the bright side of life. They were active volunteers and involved in their community. They lived life to the full and contributed to the workforce, the economy and society.

This inquiry encapsulates all of the contributions senior Victorians make. We all have a vested interest in this inquiry. The recommendations that were made affect and benefit all Victorians in both metropolitan Melbourne and regional locations. In the terms of reference we looked firstly at the definition of 'seniors' and found many variations. We found that being over 60, 55 or even 45 is perceived as a starting point for senior Victorians. I was certainly surprised to learn that I am nearing the first stage of being a senior.

Increased longevity and an ageing population is not only a Victorian phenomenon but also an Australian and international trend. All governments across the world are trying to encourage older people to participate economically and to get more involved and active through community participation. Governments are looking at innovative programs to keep older people connected and participating. The report makes a series of 35 recommendations to government to maximise the benefits of this participation, and it also looks at the barriers to participation.

We acknowledge as a committee that a coordinated strategy from all three levels of government is required. We recommend a lead minister, a commissioner for older people and also an older persons assembly, and the member for Ferntree Gully touched on this issue during his contribution. The inquiry process was comprehensive. It was well received and embraced by the whole Victorian community. The committee received 93 submissions from a diverse range of individuals and organisations, and 108 witnesses presented to us at public hearings, some of which were conducted in regional areas, including Bendigo and Geelong, to gain a regional perspective. Committee members also undertook a study tour to the United Kingdom and the Netherlands to look at innovative strategies for best practice in ageing well.

I would like to touch on my electorate of Carrum, which has many great examples of positive ageing. Some 14 860 people in Carrum are aged over 55 years. In my electorate I see on a weekly basis if not a daily basis a great smorgasbord of activities and ways in which older people are becoming involved in their community. Community involvement keeps people young. It was only this week that I was told at a bowling club, 'It is better to be over the hill than under the hill, dear'. During our inquiry committee members heard about and saw some great examples of intergenerational activities, and I have terrific examples in my electorate. Sharing talents, fostering relationships and promoting the transmission of cultural tradition across generations need to be fostered and encouraged.

I thank the other members of the committee — the member for Ferntree Gully; Andrea Coote, a member for Southern Metropolitan Region in the Council; George Crozier, also a member for Southern Metropolitan Region and our chair; the member for Broadmeadows, our deputy chair; and the member for Thomastown — for their contributions, as well as Dr Janine Bush and the committee secretariat for all the terrific support they provided to us.

I will finish with a quote from Abraham Lincoln that highlights what we are talking about:

> And in the end, it's not the years in your life that count. It's the life in your years.

I look forward to the government reviewing the committee's report and its recommendations on such an important issue for all Victorians.

Economic Development and Infrastructure Committee: greenfields mineral exploration and project development in Victoria

Mr FOLEY (Albert Park) — Once again I rise to make a few brief comments on the Economic Development and Infrastructure Committee's report on its inquiry into greenfields mineral exploration and project development in Victoria, which was tabled in this place in May. I do so because this very significant report deals with both the challenges and the opportunities for minerals energy exploration in this state.

Currently the government is considering this significant report and its many important recommendations. It would seem that one of those recommendations, which deals with issues of conflict on land management, has indeed been considered by the government. I will return to that presently. This has come about following a humiliating backflip last Friday by the Minister for

Energy and Resources in his coming to terms with the policy leadership in this area provided by the opposition. He announced that he would end his support for fracking for coal seam gas exploration. I am sure we need not point out to the minister and those opposite that the minister was all for fracking for coal seam gas. In his undergraduate boofhead style, the minister pooh-poohed opposition to fracking for coal seam gas in this place and in a media release. It is indeed encouraging to see that the minister has listened to what members of the opposition say.

This is a very significant report. In one aspect it deals with the substantial issue of conflict on land use and resource allocation, which is very significant for many communities right across Australia, particularly those along the eastern seaboard. I refer to the emerging issue of whether coal seam gas is a legitimate and significant area for energy development in the future. The issue of coal seam gas exploration has been at the forefront of much public policy debate. Essentially this report calls for an audit of how conflicting land uses can be prioritised. In the case of coal seam gas exploration, one issue is energy production versus food production, but it is not necessarily as simple as that. It can also be reflected in opportunities for urban expansion of regional cities, nature-based values versus energy, implications for water resources and a whole range of other issues.

Obviously this point has been considered by the Victorian Farmers Federation, which is the most influential union in this place. Its members occupy the front benches on the other side in both houses. It is interesting to note that the VFF came out very forcefully during the time of this inquiry and established clearly that, as far as the farmers union and its messengers on the front bench of the government are concerned, farmers have a right of veto on exploration on their land and that position needs to be delivered in policy.

No sooner had this report come out and the opposition's position made clear by the member for Mill Park than we had the Minister for Energy and Resources describe the opposition's position in all sorts of derogatory terms, including antibusiness terms. I send a message to the minister that his capitulation to The Nationals on this issue just in time for their national conference is the minister's most humiliating time in public service in this state. It is clear why he is the second-best adviser Peter Costello ever had — because based on his recent performance he certainly is not the best.

In terms of how the minister has had to eat humble pie, he must have got an absolute shellacking at the cabinet table at the hands of The Nationals. This just shows that The Nationals' tail is wagging this government to the point where as recently as the weekend investors in this industry pointed to the fact that, as far as they are concerned, Victoria is closed for business. We have all had the letter from the Victorian division of the Minerals Council of Australia pointing to that same conclusion, based clearly on the heads-up the council was given that this government is not serious about investment in resources.

I urge the government to take the opportunity of using the recommendations made in this report to prioritise land use.

Drugs and Crime Prevention Committee: locally based approaches to community safety and crime prevention

Mr McCURDY (Murray Valley) — I rise to speak on the report of the Drugs and Crime Prevention Committee on its inquiry into locally based approaches to community safety and crime prevention. Unlike the previous speaker, I will try to stick with the facts and stay away from the spin and the rubbish.

I am delighted to rise to make a statement on this report, which was tabled recently by the Drugs and Crime Prevention Committee. The law and order platform is one that this government continues to take very seriously. This was the first government ever to appoint a Minister for Crime Prevention in this state, and Minister McIntosh is providing excellent leadership in this area as we bring accountability to those who offend. The minister's work in communities is already implementing some of the report's recommendations, which shows that he truly understands how important it is to get people involved in crime prevention.

We have worked with local councils across the state, because they are at the coalface or front line and they understand our neighbourhoods better than most. It is paramount to have the local government associations on side if we really want to implement crime prevention programs. Clearly their input is essential. Different councils have different needs. In particular the rural and regional councils suggested that their crime prevention issues were vastly different from those in metropolitan areas.

To ensure the best results, the Drugs and Crime Prevention Committee employed a consultant on crime prevention to work with the committee. He is Professor Peter Homel, the principal criminologist in

the crime prevention unit of the Australian Institute of Criminology. Peter's input into this inquiry was absolutely outstanding. He went to great lengths to survey every council. All in all, councils replied to the survey sent out — actually all but one replied. That is an outstanding result in relation to crime prevention and demonstrates that councils across the state understand how important crime prevention is and that they appreciate our proactive approach to its facilitation.

Of the many recommendations made in the report, I want to discuss a couple briefly. Firstly the report recommends the creation of a Victorian crime prevention and community safety framework, which would include a crime prevention unit within the state of Victoria, and putting in place some ideas and options for the crime prevention unit to actively involve itself with non-government organisations and community groups to get all the information together and ensure that we have the best opportunities and the best information at our fingertips to have safer communities.

The development and publication of a crime prevention and community safety framework would include a community engagement strategy to indicate how the public, including community organisations and the public sector, can have ongoing input into crime prevention policy. That is particularly important in this instance. When a crime prevention document is being put together it is a living, breathing document that needs flexibility to change and develop over time. Attitudes change and technology changes. Opportunities to commit crime change. It is imperative that we work with community groups and the private sector to get all of that information to the table.

A major obstacle we encountered whilst doing research into community programs was the fact that there are very few evidence-based programs. Many programs have received funding from state governments or via councils but have not produced a large evidence base to show what they have been achieving. They have set their goals out very early, but later on when they have spent the money on the programs they aimed to implement, we have been unable to ascertain the results of those programs.

We have established community programs like Neighbourhood Watch. Victoria Police and other non-government organisations can channel resources into something like a crime prevention unit and produce some very good programs and crime prevention methods. Crime prevention using environmental design is another fine example of what may suit a particular area, group or demographic. It is not a one-size-fits-all approach, and it may not suit all regional or metropolitan areas, but different groups will have the opportunity to take some of these ideas and mould and shape them into what suits their individual needs.

The committee recommended that any funding provided to crime prevention be linked to an assessment so that programs that receive funding must provide feedback to the government on what they have achieved. In terms of accountability, I do not think that is too much to ask in relation to these programs. It is no longer good enough to consider spending money on what we hope to achieve; demonstrating viable results is far more beneficial. I look forward to the government's response to this report.

The ACTING SPEAKER (**Mr Morris**) — Order! The time set aside for speaking on committee reports has concluded.

COMMUNITY BASED SENTENCES (TRANSFER) BILL 2012

Second reading

Debate resumed from 28 August; motion of Mr McINTOSH (Minister for Corrections).

Mr ANGUS (Forest Hill) — I am very pleased to rise to speak this afternoon in support of the Community Based Sentences (Transfer) Bill 2012. Members can see that this is a very straightforward bill. Clause 1, which contains the purpose of the bill, says:

> The purpose of this Act is to allow community based sentences imposed in participating jurisdictions to be transferred, by registration, between participating jurisdictions.

This is reflective of another law and order based initiative of the coalition government. As an aside I note that we have implemented and continue to implement a very comprehensive plan of attack in relation to our strong stance on law and order, which was sorely needed in the state of Victoria.

We can see that the purpose of the bill is relatively straightforward from reading it. The bill allows offenders on community-based orders to transfer their order from the jurisdiction in which the order was originally made to another jurisdiction, where the offender can then complete the terms of that order. The bill arose originally from a decision made at a 2007 corrective services ministers conference which followed from earlier discussions in relation to this particular matter. The decision was that all states and territories would enact legislation based on a New South Wales model which would enable the formal

transfer of community-based sentences between jurisdictions. As an aside I say that this was decided in 2007 but the government at that time, the state Labor government, did nothing. It is just another example of something left to drift for all of those years leading up to the 2010 election.

We can see what other jurisdictions are doing in relation to this issue. We can see that, as I said, all states and territories have agreed to enact legislation based on the New South Wales model. So far New South Wales, the Australian Capital Territory, Tasmania and Western Australia have all introduced corresponding legislation. Victoria will be yet another jurisdiction in this process that introduces legislation along these lines.

I want to turn to the key features of the scheme that are established by the bill. I want to touch on four points. Firstly, an offender who is subject to a community-based sentence can request the formal transfer of that sentence to another participating jurisdiction. It is a completely voluntary matter that has to be initiated by the offender. Secondly, certain criteria must be met before an order can be transferred, but even if the criteria are met, the decision by the proposed transferee jurisdiction to accept the transfer is discretionary. I will digress for a moment and deal with some of the transfer criteria that are listed. I will quickly go through those.

Basically there are four registration criterion that have to be met before a sentence can be transferred. Firstly, as I said, there must be a community-based sentence under the law of Victoria that corresponds to the community-based sentence the offender is serving. The sentence under the interstate legislation does not have to be exactly the same, but the Victorian community correction order under the Sentencing Act 1991 must have a penalty and conditions of substantially the same nature as those that have been imposed in relation to the interstate sentence. Members can see that a match-up has to be there. It is not just a chance for an offender to get out of or be released from some of their obligations. There has to be a match to enable the transfer to be fulfilled.

The second criterion is that the offender must consent to the transfer. That is a very important aspect. There is no compulsion in relation to this issue. The transfer must be initiated by the offender.

The third criterion that has to be met is that the offender must also be able to comply with a sentence in Victoria. There may be certain obligations imposed on the offender that form part of their sentence. For example, if the offender must reside at a particular interstate address, then it would clearly be physically impossible for that condition to be met in Victoria. That would preclude the transfer of that sentence. However, the offender will be able to seek a variation of their original sentence, and that will enable that transfer to take place for the certain reasons that they have proposed.

The fourth criterion is that the interstate sentence must be able to be safely, efficiently and effectively administered in Victoria. That means that complex, high-needs or high-risk offenders would be unlikely to be approved for transfer. That makes it very clear that we do not want to import problem offenders, but we are prepared to take back offenders who have sentences and needs that can be administered and dealt with under our current arrangements. Overall the intention is to facilitate the positive behavioural change that we seek from offenders. We want to make things easier for them and enable them to serve their time or serve out their order in an environment that is more conducive and better for them than the other jurisdiction.

The third key feature of the scheme that the bill establishes is that for Victoria the community-based sentencing order that can be transferred is a community correction order under the Sentencing Act 1991. There is a very narrow focus there, and it is important to note that to be eligible for this a particular sentence has to fall within that jurisdiction.

The fourth key feature of the scheme is that once the transfer has taken place in the other jurisdiction, the community-based sentencing order is treated as if it had been imposed by the court in the transferee jurisdiction, so the consequences of any subsequent breach of that order are set out in the relevant legislation in that particular jurisdiction. If the offender is resentenced as a result of a breach, the penalty that may have been imposed in the original jurisdiction may be imposed by the court in the transferee jurisdiction. That clearly sets out the requirements that would come into play should an offender breach their particular community correction order.

The community correction order is a single flexible order that was introduced by the coalition government last year. It is another plank in the law and order regime and policy initiatives that this government has continued to implement since coming to office. The coalition has provided an additional 150 front-line workers to support the community correction services. There are a range of occupations involved in that, but it is a significant initiative inasmuch as we want to support offenders in their transition back into the community so they can once again make a positive contribution to their particular community.

I note also that this bill does not apply to federal offenders, because the scheme is incompatible and inconsistent with the commonwealth Crimes Act 1914. That will not come up under this particular bill.

In terms of why an offender might want to transfer, I suppose there can be a range of reasons, but one of the more predominant ones would be that they want to be in a position where they can reconnect or reunite with family members. Proximity to that very important support network cannot be underestimated, so we need to make sure that can be facilitated. Another common reason is that the offender may be a resident of the state to which they wish to transfer. In other words, an offender may be in another jurisdiction and want to serve out their sentence in the jurisdiction that they ordinarily resided in. Similarly they might be employed in another jurisdiction, so having to serve an order in an interstate jurisdiction may be prohibitive or complicated for them. That is another reason why an offender might want to be part of this particular initiative.

The scheme requires the offender to initiate a request for transfer through the authorities in their own jurisdiction, and there are clear parameters around who makes the decisions in relation to whether or not to accept a transfer into Victoria; that is clearly articulated in the bill. Any costs associated with this are borne by the offender.

In conclusion I commend this bill to the house. It is a good initiative. It will simplify certain procedures that are already in place.

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

Business interrupted pursuant to standing orders.

QUESTIONS WITHOUT NOTICE

Emergency services: vehicle registration

Mr ANDREWS (Leader of the Opposition) — My question is to the Premier, and I ask: can the Premier confirm that at 5.00 p.m. yesterday Country Fire Authority brigades across Victoria, including those in Moe, Melton, Stawell and Maryborough, were informed that approximately 20 CFA firefighting vehicles had been found to be unregistered with VicRoads, resulting in those vehicles being immediately taken out of service and remaining out of service, and therefore unavailable to protect Victorian families?

Mr BAILLIEU (Premier) — I thank the Leader of the Opposition for his question. I am unaware of the details of the matter that the Leader of the Opposition raises. I am happy to take that question on notice and get back to him, but if I can make comment in general terms, the Country Fire Authority (CFA) does a magnificent job. The vehicles — —

Honourable members interjecting.

Mr BAILLIEU — The government has been committed to the purchase of new vehicles and to providing more funding, and indeed ensuring that funding is on a stable basis by introducing a fire services levy on an equitable basis. If there is a problem with registration, I am sure the CFA will be moving quickly to fix that. I recall that under the previous government there were significant problems far beyond registration issues which occurred with vehicles purchased by that government. I thank the Leader of the Opposition for his question. If there is an issue with registration, I am sure the CFA will be dealing with it.

Building industry: industrial action

Mr WATT (Burwood) — My question is to the Premier. Can the Premier outline to the house the importance of the building and construction industry to the Victorian economy and is he aware of any risks to productivity and investment in that area?

Mr BAILLIEU (Premier) — I thank the member for his question. As I have said before, this is an issue of great significance to all Victorians. The building and construction industry in Victoria is a significant industry. In 2011–12, on the Building Commission's figures, it was worth more than $23 billion. Indeed the Property Council of Australia said in a release in April that the property industry is the largest industry in Victoria and the second largest employer. Of course backing up the property industry is the construction industry. The domestic industry is worth around $11 billion in Victoria; residentially the high-rise sector is around $4 billion and the commercial sector is around $3 billion.

I think it is apparent to most members in this house that the building and construction industry in Victoria is a very significant industry, it is a very significant employer, it is a significant investor, and indeed it is a part of the great resources that the Victorian community puts out into the economy.

As members would know, there has been a blockade of a number of sites, but in particular a blockade of the Myer site, or Grocon site, in Lonsdale Street. I am advised that this morning more than 1000 people turned up to blockade the Myer site. That blockade has continued with fewer numbers, but it has continued.

That blockade has been declared unlawful by the Supreme Court, and it remains unlawful. That blockade is coming at a cost to the Victorian economy, at a cost to jobs, at a cost to the building industry, at a cost to reputation, at a cost to the builders, at a cost to other builders from whose sites workers walked off the job yesterday, and this is at a cost to other businesses in the area.

It is time that those running this blockade — the CFMEU (Construction, Forestry, Mining and Energy Union) leadership — backed off. Those people should withdraw and move on; those people seeking to blockade workers going about their daily business in a lawful manner should move on.

It is plain this would not be happening if the Office of the Australian Building and Construction Commissioner (ABCC) had not been abolished. It would not be happening if the Building and Construction Industry Improvement Act 2005 had not been neutered. It would not be happening if the Fair Work Act 2009 had not been watered down. Who did that? The commonwealth government did that, and that has allowed thuggery and intimidation and standover tactics to persist in the Victorian building industry. The Federal Court said last year that efforts to reduce this sort of thing from the commonwealth with the CFMEU in Victoria had failed. There are very few people in Victoria who would support the leadership of the CFMEU on this issue.

Mick Gatto today has said that he supports the CFMEU and its leadership. Indeed some people have said they strongly endorse the work of the CFMEU. Some people have said that there should be no watchdog and that the Victorian watchdog should be scrapped. Some people have said that the ABCC should not be brought down. Some people have said there should be no construction code in Victoria. Some people have said there should be no compliance unit in Victoria. Some people have stood shoulder to shoulder with the CFMEU and failed all Victorians. Some people are not mates of the CFMEU but the CFMEU are masters of them. Of whom do I speak? The Leader of the Opposition.

Questions interrupted.

DISTINGUISHED VISITORS

The SPEAKER — Order! Before I call the Leader of the Opposition I would like to acknowledge Robin Cooper, former Minister for Transport in the Kennett government. It is good to see you here, Robin. You are welcome.

QUESTIONS WITHOUT NOTICE

Questions resumed.

Emergency services: vehicle registration

Mr ANDREWS (Leader of the Opposition) — My question is to Minister for Police and Emergency Services. I refer the minister to the 20 Country Fire Authority vehicles that have been found to be unregistered and therefore unavailable to protect Victorian families, and I ask: can the minister provide a guarantee to the house and all Victorians that no other emergency services vehicles are similarly unregistered and unavailable for active service?

Mr RYAN (Minister for Police and Emergency Services) — I thank the Leader of the Opposition for his question. As the house would know, the Liberal-Nationals coalition government is resourcing our emergency services in a manner that they have never seen before in the state of Victoria. That not only extends to the CFA (Country Fire Authority), it also extends to the State Emergency Service (SES) and to the many other volunteer agencies that do such great work in the protection of Victorians right across our wonderful state.

Only recently I had the great pleasure of making further announcements regarding the Victorian volunteer emergency services equipment grants, which have been made not only to the CFA but also to the SES and to various other entities, such as Life Saving Victoria. Indeed there were 261 individual grants totalling $9.5 million, which is by far a record amount of money that has been made available.

Mr Merlino — On a point of order, Speaker, the minister is not being relevant to the question. It is of no use if these emergency vehicles are not on the road. That is the question he needs to answer: can he guarantee that there are not any more unregistered vehicles?

Dr Napthine — On the point of order, Speaker, as I recall the question, towards the end it the person posing the question canvassed the wider emergency services when he asked if other parts of the emergency services were similarly affected. Therefore the question included the canvassing of the wider emergency services spectrum, and the minister is addressing that part of the question.

Mr Andrews — On the point of order, Speaker, I think the Minister for Ports is of a view that the question was wide ranging. That is not the case at all; it

was about whether this minister, who is responsible for — —

An honourable member interjected.

Mr Andrews — Directly on the point of order and the point that the minister has made, the question did not invite the minister to give us a lecture on emergency services. The question was simply this: in his capacity as the minister for not just for the CFA but all emergency services, was he aware of any other unregistered vehicles? If he has provided a grant for registration, he should say so; if not, he should answer the question.

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

Mr RYAN — Among these emergency services agencies, in the vast arsenal of equipment that we have now provided for them, there are literally thousands of vehicles. I am confident that the respective agencies have systems in place which deal with issues that go to the registration of those thousands of vehicles. If it is the case that there are vehicles within the emergency services that have expired registration — I am not certain that that is the case, but if it is the case — I will ensure that appropriate inquiries are made of those respective agencies to ascertain that, and secondly, I will take appropriate steps to ensure that those registration deficiencies, if there are any, are accommodated as soon as possible.

The basic thing about this is that at this point in time we have a series of agencies that are better resourced than ever because they have record funding available to them. Accordingly, the matter that has been raised will be addressed as soon as possible.

Building industry: industrial action

Mr WELLER (Rodney) — My question is to the Deputy Premier and Minister for Police and Emergency Services. Can the minister advise the house on the disruption caused by recent unlawful industrial action diverting members of Victoria Police from their usual duties?

Mr RYAN (Minister for Police and Emergency Services) — I thank the member for his very relevant question. Victorians will have been absolutely appalled by the vision on their television screens over the course of the past 24 hours that has comprised in particular industrial thuggery being undertaken in the streets of Victoria and, very particularly, at the Myer Emporium site in central Melbourne.

This completely unlawful activity has been led by the Construction, Forestry, Mining and Energy Union. This rogue organisation obviously regards itself as being completely above the law. All Victorians are subject to the rule of law, and the CFMEU is in no different a circumstance. The fact is that this activity on behalf of the CFMEU and the other union members involved has been unlawful, unnecessary and completely unjustified. This is the same CFMEU that was so warmly embraced by the Leader of the Opposition in the course of the Labor Party state conference only a few weeks ago.

One of the unfortunate consequences, amongst many others, of this style of activity is the drain on police resources. As we observed yesterday, hundreds of police have been involved and, accordingly, front-line numbers have had to be dedicated to it. Police horses have been engaged and the dog squad has been involved as well as vehicles and equipment, but primarily it has engaged police personnel.

All of this is at a time when the Liberal-Nationals coalition government is making sure that it can do everything possible to build the numbers of front-line operational police. We are doing so in a circumstance where when we came to government we had fewer front-line operational police per capita than any other state in the Australian nation. It was a circumstance where Labor had allowed the situation to reach the point where as a state we were spending less per capita on police resourcing than any other state in the Australian nation.

Only last week I announced, together with police command, that 350 additional police will be on the front line by 30 June 2013. That will bring the number to an additional 1200 police officers since we came to government. Not only through metropolitan Melbourne but through the regional areas we are seeing command deploy those police, and all of this is intended to ensure the safety of Victorians. We want to see police who are involved in active and proactive policing. People want to see the high visibility of police out on the streets. People want to see the resources dedicated and targeted towards illegal activity.

What have we got instead? What we saw yesterday was absolutely disgraceful and inexcusable. Police have had to be taken away from front-line activity and from the special task force activities in which they are involved and engaged in doing what they could to deal with what is patently completely inappropriate and illegal activity on behalf of the CFMEU and its associates. I call on

those in the union movement to behave themselves, to desist from the activity in which they are involved and, very particularly, not to expose the people of Victoria and our members of the police force to the sorts of industrial thuggery which we saw on our streets yesterday.

Places Victoria: chairperson

Mr ANDREWS (Leader of the Opposition) — My question is to the Premier. I refer the Premier to the decision of his friend and political appointee, Mr Peter Clarke, to step aside as chairman of Places Victoria due to an ASIC (Australian Securities and Investments Commission) investigation into Australian Property Custodian Holdings, and I ask: has the Premier or any member of his staff discussed Mr Clarke's decision to step down with Mr Clarke and, if so, when?

Mr BAILLIEU (Premier) — I thank the Leader of the Opposition for his question. He is correct; the chairman of Places Victoria has advised the government in a letter that he is stepping aside while the ASIC investigation takes place. He advised my office of that yesterday.

Building industry: industrial action

Ms WREFORD (Mordialloc) — My question is to the Treasurer. Can the Treasurer outline to the house the importance of productivity and new investment to the Victorian economy and whether he is aware of any policies which threaten our state's economic growth?

Mr WELLS (Treasurer) — I thank the member for Mordialloc for her concern about productivity. Productivity was a key issue facing the Baillieu government when it came to office in 2010. During the Kennett years, from 1992 to 1999, Victoria had the proud record of being above the national average when it came to productivity. Under the Bracks and Brumby governments productivity fell below the national average. Why did that happen? It was because state Labor would never stand up to its union masters.

One of the big issues when it comes to productivity in this state is the lack of productivity in the construction industry. The Premier has raised this issue with the Prime Minister on numerous occasions and at the Council of Australian Governments to get something done. If you look at the performance in the construction industry and its productivity, in the 1990s Australia's construction industry's productivity levels were at 77 per cent of US levels. In 2005 it had fallen to just 52 per cent. Costs in the construction industry have grown faster than across the economy. Construction costs have increased by 51 per cent over the last decade compared with 29 per cent for the general economy.

The cost impact of union thuggery can be measured by looking at the cost escalation that occurs when builders are building units or buildings that exceed three storeys. The cost estimate per square metre to build a medium standard unit if it is less than three storeys is $2500, but if it goes above three storeys — in other words, it is a union site — the costs increase from $2500 per square metre to $3370 per square metre. For every type of building, construction costs in Victoria are more than they are in New South Wales.

It is interesting to note that working days lost from industrial action in the construction industry were well above levels for other industries until 2006 when the ABCC (Office of the Australian Building and Construction Commissioner) clamped down on union rorting and thuggery. Working days lost in the construction industry fell from more than 80 days per thousand employees each quarter in the early 2000s to fewer than 10 days in 2007 and 2008.

Guess what? The Gillard government wants to nobble the ABCC. What a disgraceful situation. What we saw yesterday with the union movement and its thuggery on the streets of Melbourne was a disgrace. The Supreme Court handed down a decision, and we expect everyone, whether they be individuals, companies or trade unions, to abide by its decisions. State Labor members should hang their heads in shame for supporting the Construction, Forestry, Mining and Energy Union.

Places Victoria: chairperson

Mr ANDREWS (Leader of the Opposition) — My question is again to the Premier. Can the Premier confirm that his friend and political appointee, Peter Clarke, remains on full pay while he has stood down pending the outcome of an Australian Securities and Investments Commission investigation?

Mr BAILLIEU (Premier) — As I advised before, Mr Clarke has stepped aside as chairman of Places Victoria. He has done that as a result of an ASIC investigation, and he has done that in the same terms as occurred under previous governments.

Criminal bikie gangs: government action

Mr NEWTON-BROWN (Prahran) — My question is to the Attorney-General. Will the Attorney-General update the house as to what the coalition government is doing in relation to criminal outlaw bikie gangs?

Mr CLARK (Attorney-General) — I thank the honourable member for Prahran for his question. I am pleased to be able to inform him and the house that there have been significant new developments in recent weeks in achieving strong and effective laws to enable the outlawing of criminal bikie gangs. As the honourable member and the house will recall, the coalition committed while in opposition to legislate to allow criminal bikie and other gangs to be outlawed. We committed to take that action to tackle criminal bikie and other gangs despite the failure of the Labor to government take such action for more than a decade.

The tactics of those gangs are well known. They seek to infiltrate businesses and organisations or to hold businesses, organisations and individuals to ransom. To do this they seek to intimidate and subdue by threats, by thuggery and by violence, which are their stock in trade. These gangs then exploit those they have coerced by forcing them to pay exorbitant prices or to engage in or turn a blind eye to unlawful practices. Some of these gang exploits are well known — the dealing in drugs, gambling and other illegal commodities.

Perhaps less well known is the role the members of these gangs play as enforcers or as guns for hire who use unlawful means, including violence and standover tactics, to intimidate their hirer's opponents during a dispute or to send competitors to the wall. There are signs that bikie gangs are increasingly infiltrating and becoming associated with a wide range of businesses and industrial activities and organisations. Strong action is therefore needed to tackle the criminal activity of these gangs, and it is action the coalition government is prepared to take, despite the refusal to act of our predecessors, a refusal for which they failed ever to provide a convincing explanation.

Under the laws we will bring to Parliament police will be able to make application to the Supreme Court to have a bikie or other gang declared a criminal organisation. The Supreme Court will be able to make such a declaration whenever it is satisfied that members of the organisation are using it to associate for the purpose of organising, facilitating or engaging in serious criminal activity and that the continued existence of the organisation represents a serious threat to public safety and order. Once a gang is declared illegal the court will have power to make a range of orders restricting members of a gang, or prohibiting them from operating, and placing a wide range of prohibitions on their activities.

I am pleased to be able to inform the house that earlier this month at a meeting of state and territory attorneys-general agreement was reached with other jurisdictions on collaboration to ensure that anti-bikie-gang legislation around Australia will include strong and effective provisions to allow the enforcement of interstate declarations and orders. This will enable police in Victoria to enforce orders that courts in other states have made against criminal bikie gangs so that interstate gangs cannot simply move across the border into Victoria to escape the law. It will also allow Victorian courts to make additional orders to restrict the activity of gang members in Victoria if a gang has been declared an illegal organisation interstate.

We have been prepared to give our police strong additional powers to act against criminal bikie gangs, powers the previous Labor government refused to give them. We recognise the destructive influence of criminal gangs on the community and on the rule of law, and we will not sit idly by while these criminal organisations seek to entrench themselves even further in the community. In short, law-abiding Victorians can be assured that this government is committed to fighting organised crime and the corrosive influence it exerts wherever that influence may extend.

City of Casey chief executive officer: Parliament House meeting

Mr WYNNE (Richmond) — My question is to the Minister for Local Government. I refer to the minister's responsibilities under the Local Government Act 1989 and to ongoing inquiries relating to allegations of sexual harassment against the CEO of Casey council, Mike Tyler, alleged unauthorised expenditure of council funds and the conduct of the then mayor of Casey, the member for Mordialloc, and I ask: will the minister refer to the appropriate investigatory bodies the attendance of Mr Mike Tyler at a recent Liberal Party fundraiser held here at Parliament House, a fundraiser in support of the member for Mordialloc?

Mrs POWELL (Minister for Local Government) — I thank the member for his question. As I have answered previously on these matters, the matters of Casey council are before the courts and they are being determined by the appropriate authorities.

Building industry: industrial relations guidelines

Mr WAKELING (Ferntree Gully) — My question is to the Minister for Major Projects. Can the minister outline to the house how the building and construction code will assist building major public infrastructure projects in Victoria, and is he aware of any threats — —

Honourable members interjecting.

The SPEAKER — Order! The house will remain silent. I would like to hear the question and I would like to hear an answer.

Mr WAKELING — My question is to the Minister for Major Projects. Can the minister outline to the house how the building and construction code will assist with building major public infrastructure projects in Victoria, and is he aware of any threats to the code?

Ms Thomson — On a point of order, Speaker, I would say that this question is hypothetical and should be ruled out.

The SPEAKER — Order! I do not take it as being hypothetical.

Dr NAPTHINE (Minister for Major Projects) — I thank the member for Ferntree Gully for his question and congratulate him on his excellent contribution to the debate this morning. The Baillieu coalition government announced in the recent state budget a $5.8 billion investment in key infrastructure projects in Victoria. This is a record level of investment in infrastructure projects. Some of those key projects include: the $5 billion regional rail project, the $630 million Bendigo hospital project, the $1.6 billion expanding port capacity project, the $1 billion Victorian Comprehensive Cancer Centre, the $366 million redevelopment of the Melbourne tennis centre, the redevelopment of the Shrine, the $109 million new Metropolitan Fire Brigade training centre at Craigieburn — —

Honourable members interjecting.

The SPEAKER — Order! I asked the house for some order so I could hear the question and hear the answer. I have heard nothing of the answer and I want to hear it. Members should show some respect to the house, show some respect to the minister and show some respect to the Chair.

Dr NAPTHINE — These projects are vital for all Victorians, and it is important that major projects like these are delivered on time and on budget. Unfortunately Victoria has experienced a decade under the previous Labor government of major projects that were never delivered on time and never delivered on budget. We only have to look at the desalination plant and the Melbourne fruit and vegetable market up at Epping to know that the previous Labor government simply could not manage any major projects.

Mr Pallas interjected.

Questions interrupted.

SUSPENSION OF MEMBER

Member for Tarneit

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

Honourable member for Tarneit withdrew from chamber.

QUESTIONS WITHOUT NOTICE

Building industry: industrial relations guidelines

Questions resumed.

Dr NAPTHINE (Minister for Major Projects) — There is no doubt that the recent illegal, violent and thuggish — —

Mr Merlino — On a point of order, Speaker, the minister is clearly reading from a document. I ask him to table it.

The SPEAKER — Order! He says he is referring to notes.

Dr NAPTHINE — It is clear that the recent illegal, thuggish, militant union behaviour on building sites in Melbourne, supported by those opposite, poses a serious threat to the government's major project agenda — —

Mr Foley interjected.

Questions interrupted.

SUSPENSION OF MEMBER

Member for Albert Park

The SPEAKER — Order! The member for Albert Park can leave the chamber for an hour as well, under standing order 124.

Honourable member for Albert Park withdrew from chamber.

QUESTIONS WITHOUT NOTICE

Building industry: industrial relations guidelines

Questions resumed.

Dr NAPTHINE (Minister for Major Projects) — Tragically the federal Labor government, led by Prime Minister Julia Gillard and the Minister for Employment and Workplace Relations, Bill Shorten, have abolished the Office of the Australian Building and Construction Commissioner, allowing their union mates to run rampant on Victorian building sites and forcing up construction costs. Therefore it is absolutely essential that Victoria have its own construction industry guidelines and a compliance unit to protect our major projects and the interests of all Victorians. This is absolutely essential, but it is clear that some people want to abolish these protections — they want to abolish these important protections for Victorian taxpayers and the future of Victoria. They want to make sure that our projects cannot be delivered on time and on budget, they want to support thuggish, militant union activity ahead of the interests of Victoria.

What we are finding is that the Labor Party is again prepared to sell out Victoria, to sell out vital infrastructure projects, because in return it gets hundreds of thousands of dollars from its union mates, its union masters, to pad its political campaigns. We know from the Australian Electoral Commission returns that in 2011 the Construction, Forestry, Mining and Energy Union donated over $200 000 to the Labor Party, the Electrical Trades Union nearly $300 000 — —

Mr Nardella — On a point of order, Speaker, the minister is debating the question. I ask you to bring him back to answering the question about government business.

The SPEAKER — Order! I uphold the point of order. I ask the minister to return to answering the question.

Dr NAPTHINE — The Baillieu government will stand up for Victorians, will stand up for delivering major projects on time and on budget, because we have a proper compliance unit. We have proper systems to deal with thuggish Labor bullies and union mates.

COMMUNITY BASED SENTENCES (TRANSFER) BILL 2012

Second reading

Debate resumed.

Mr GIDLEY (Mount Waverley) — It gives me great pleasure to rise to make a contribution on the Community Based Sentences (Transfer) Bill 2012. The bill builds on the coalition's commitment to a fairer criminal justice system and its commitment to rebalance the scales in our justice system to put victims' rights and appropriate sentencing front and centre. It does that by making provision for those who have been issued with a community-based order to look at serving that order or part of that order in another jurisdiction. The purpose of the bill is to allow offenders on community-based orders to transfer from the jurisdiction in which an order was made to Victoria or alternatively from Victoria to another participating jurisdiction.

The context of this bill relates back to the decisions that came out of the corrective services ministers conference in 2007, when ministers came to an in-principal agreement that people who are serving a community-based order should have the opportunity to transfer, similar to those who might be serving a sentence for another crime. There has been an informal arrangement where community-based orders have been served in other jurisdictions. However, one of the problems that has arisen out of that informal arrangement with other states is that there have been times when a community-based order may have been breached in another jurisdiction, but because there was no formal arrangement and no proper process or system it was difficult for another jurisdiction to enforce that community-based order unless the offender came back to Victoria. There was a shortcoming in the system which the coalition government is rectifying to improve the criminal justice system.

I am pleased to note that all states and territories have agreed to cooperate and enact legislation which should ensure that this is a smooth arrangement. I note that to date New South Wales, the Australian Capital Territory, Tasmania and Western Australia have all introduced incorporating legislation as a result of that in-principal agreement of 2007.

It is important to note that, as I mentioned, for an offender who is serving a community-based order to be able to be transferred, the jurisdiction receiving them has to be a participating jurisdiction. It has to have the ability to enforce the principles of the community-based order. That is a pretty sensible approach which should ensure that Victorian taxpayers can have confidence that if somebody is issued with a community-based order, all aspects of the order will be served, monitored and enforced in another jurisdiction if the person transfers. As I mentioned, it is important that that criteria is in place so that a community-based order is not diminished.

I am also pleased to see that the Attorney-General has ensured that the corresponding community-based

sentencing order in another jurisdiction has to be the same. It does not have to be exactly the same but it has to be substantially the same. That means that somebody who is undertaking a community-based order in another jurisdiction has to have substantially the same time to serve. The order must have substantially the same conditions and the other jurisdiction must have the ability to enforce them.

That should give everybody in Victoria confidence that when somebody is transferring interstate on a community-based order — or give confidence to another jurisdiction if an offender is transferring to Victoria — there will be no lesser serving of that community-based order. There will not be a situation where somebody can choose not to comply with a community-based order in another state. As I said, one of the challenges with informally based agreements between states has been that sometimes the order has not been able to be enforced.

This arrangement builds on the sensible history of a national legislative scheme for the interstate transfer of prisoners and parolees that has existed since 1983. The coalition has indicated that it makes sense, if community-based orders can be consistent with that national legislative scheme for parolees, for Victoria to move to that scheme.

Another important aspect of the bill is that this is another step in the coalition's program to bring a fairer and more balanced approach to our criminal justice system. It would be remiss of me, when we are looking at community correction orders, if I did not also highlight the dramatic improvements the coalition has made to date in improving these orders.

One of the things the Attorney-General did shortly after being elected to office was implement fundamental reform of community-based orders in Victoria. That was to ensure there was a single option with greater flexibility available to the judiciary so that somebody who is sentenced in Victoria could have a single community-based order. For example, I refer to suspended sentences, which the coalition moved quickly to abolish. One of the key reasons why suspended sentences were overused was the inflexibility of previous community-based order systems.

In part 2 of its final report on suspended sentences, the Sentencing Advisory Council noted that the overuse of suspended sentences in Victoria was at least partly due to the failings of intermediate sentencing options under the previous regime before the improvements to community-based orders were introduced. It is important to note those improvements. The new community-based orders give the judiciary more flexibility. They allow the judiciary to tailor the length of an order rather than limiting it to a fixed time. As members know, a community-based order in a Magistrates Court can be for up to two years, but in the higher courts the judiciary has the flexibility to look at the maximum duration of a sentence. If it is appropriate that a community-based order is imposed when somebody has served their sentence, the maximum duration of the sentence can be reflected upon if it is the wish of the judiciary to ensure that the community correction order is appropriate to the crime.

In addition, in the context of looking at transfer options with other states and at participating jurisdictions, we note that the community-based orders operating in this state under the coalition government and this Attorney-General are not only more flexible but are also fairer to victims. They ensure that an offender contributes to the community in a real way — by doing real work to repay the community for the harm they have done. Under the community-based orders which have been implemented by this government, there are also options of including things such as curfews and banning somebody from going to a particular place where they may have committed a crime. I note that under these orders the judiciary can impose up to 600 hours of community work, curfews and no-go zones. They all reflect the principle that this government is determined to rebalance our justice system to put victims' rights and issues relating to fairness for victims front and centre, and rebalance our criminal justice system.

Whether it is the abolition of suspended sentences for serious crimes — heinous crimes like rape, sexual assault or others — additional front-line police officers on the beat or more appropriate, tougher and fairer community correction orders, those are part of our strategy. It is important to ensure that the work being done on community-based orders under this Attorney-General and this government in Victoria is not lost by putting in place something which transfers an opportunity for an offender to serve a community-based order in another state. That is important. With this bill we are retaining those important milestones that the coalition government has put in place — in a very short time, I must say — but an offender will be able to serve their community-based order in another jurisdiction. It is part of our plan to rebalance the criminal justice system. I commend the bill to the house.

Debate adjourned on motion of Mr MULDER (Minister for Public Transport).

Debate adjourned until later this day.

RESIDENTIAL TENANCIES AND OTHER CONSUMER ACTS AMENDMENT BILL 2012

Second reading

Debate resumed from 15 August; motion of Mr O'BRIEN (Minister for Consumer Affairs).

Ms D'AMBROSIO (Mill Park) — I rise to make a contribution to the debate on the Residential Tenancies and Other Consumer Acts Amendment Bill 2012. From the outset I wish to state that the opposition has some significant concerns about the failure of the government to include in the bill a rooming house operator registration or licensing scheme. Instead the government has chosen to implement only that part of the Rooming House Standards Taskforce recommendation 15 which relates to the establishment of a rooming house register — and even that will not be implemented fully in the spirit of the task force recommendation.

This bill fails to address the fundamental issues facing many vulnerable tenants of rooming houses in terms of exploitation and their exposure to exploitative and unscrupulous rooming house operators who continue to exist in the sector. The bill fails to establish a regulatory regime for operators. That is a critical deficiency and therefore the bill will do very little to flush out from the sector those rogue operators, despite the coronial recommendations that arose from a touchstone inquest in 2009 into the tragic deaths of two very young people in a tragic rooming house fire. Shortly thereafter in 2009 the Rooming House Standards Taskforce report was released.

I will elaborate further on the details, but first I indicate that the opposition will not be opposing the bill at this point, and reserves its right to debate it in the Legislative Council. I give notice that we will move in the other house to have the bill referred to the Legislative Council Legislation Committee for closer scrutiny and for some answers to questions about the bill that we hope to receive from the government.

I add that the government has failed to offer the key stakeholders in the sector a briefing on the contents of the bill. That is a major concern. I and other members on this side of the house would have thought that, given the great public attention, debate and discourse over recent years about the need to dramatically lift the standards of rooming houses in terms of the premises and the behaviour of operators, the key stakeholders who have invested a lot of time and expert knowledge to come up with a set of recommendations through the work of the task force would have been afforded, through due process and out of courtesy, a proper briefing on the bill. But there we have it. It is an appalling situation and an appalling disregard on the part of this government.

The opposition seeks fuller discussions with those organisations that have worked tirelessly to bring about real and effective reform for tenants in rooming houses. We have been on the cusp of implementing effective and life-enhancing — indeed, life-saving — reform, but it has been held up by this government. Two years in, this government has done little to move on the recommendations of the task force.

This bill addresses a range of areas, but its main purpose is to establish a rooming house register. It is important to remind the house of the background to rooming house reforms in this state. We are well aware of the coronial inquest into the 2006 deaths of Leigh Sinclair and Christopher Giorgi, which resulted in a record of investigation report which was released in 2009. In the report the coroner, Mr Peter White, recommended sweeping improvements to Victoria's laws so that lives could be saved. That is the ultimate objective underpinning the recommendations that arose from the record of investigation report by that coroner.

A key recommendation of coroner Mr Peter White in his report into the tragic deaths by fire was very clear. I refer to recommendation 3 in the coroner's report, which says:

> That the director, CAV —

Consumer Affairs Victoria —

> implement a licensing system for all rooming house operators with each such business to be managed by a nominee who shall be the person in charge, with such persons to be fit and proper persons having regard to criteria to be established by the director.

That is an important, salutary recommendation against which the actions of this government need to be tested. The Brumby government, notably the member for Richmond, who was the former housing minister, and the former Minister for Consumer Affairs, Tony Robinson, did fine work in steering the establishment of a task force which led to some groundbreaking recommendations for reform. They acted swiftly to establish the Rooming House Standards Taskforce, which was chaired by the member for Albert Park. The member for Albert Park has many rooming houses in his electorate, but, importantly, he is also a passionate advocate for vulnerable people, and I know from firsthand experience that he has lived and breathed that for many decades. I wish to note and congratulate the

member for Albert Park and the previous ministers for their work in bringing us thus far.

The task force brought together key industry players with the shared objective, which remains to this day, of raising the standards of rooming house accommodation and the practices of operators so that tragedies such as befell Leigh Sinclair and Christopher Giorgi could never be repeated and the exploitative practices experienced by many tenants at the hands of predatory operators could be ended. Such expectations continue to this day.

A key component of the recommendations of the task force was that rooming house premises and operators be better regulated through a registration system under Consumer Affairs Victoria's Business Licensing Authority Victoria, that minimum standards to premises be adopted and importantly that sanctions and penalties for non-compliance be imposed so that the unscrupulous offenders amongst rooming house operators could be deregistered or banned from operating rooming houses. That was a critical facet of the findings of the coroner's report and the recommendations of the task force.

I refer to the Rooming House Standards Taskforce report's recommendation 15, which says:

> State government introduce a system of registration for rooming house operators in Victoria through the Business Licensing Authority. As a result, to operate a rooming house legally in Victoria premises must be registered with local government and operators must be registered with the state government. This system will include sanctions against unregistered operators and reflect increased penalties for non-compliance with other applicable legislation operating in the sector (e.g., the Public Health and Wellbeing Act 2008).

The task force set down 32 recommendations for reform of the industry. I note that this government, whose members cried publicly and made astounding noises of support for reform in this area, has after almost two years in government made very little progress towards implementing these recommendations. After indicating bipartisan support for the task force recommendations and expressing public outrage for months while in opposition, this government in its failure to seriously tackle predatory operators with this bill has now itself become the outrage.

Let us be reminded of what the then opposition said at the time. I refer to comments made by the then shadow Minister for Housing, now the minister, Wendy Lovell. According to the *Whittlesea Leader* of 8 June, 2009, the shadow minister was reported to have labelled rogue rooming house operators, including the Victorian Accommodation Centre, as 'vultures'. She was reported to have said government amendments requiring rooming house operators to register their properties with local councils were 'a bandaid fix and a farce'. I note the member's insistence on something being done about the operators — the vultures, as she called them. Where is the response to that outrage in the bill? The fact remains that there is no such response now that the then opposition are in government with the power to deliver on its demonstrated public outrage of the past.

On the occasion of a matter raised for the attention of the Minister for Housing at the time in October 2009, Ms Lovell stated:

> Unfortunately there are hundreds of vulnerable Victorians who are currently living in similar circumstances, and more must be done to stamp out rogue rooming house operators …

Again, the bill fails to make any reference whatsoever to changes which will force the rogue and predatory operators out of business. We know what the expert position of Coroner Peter White is. I am paraphrasing him in saying if you want to expunge the rogue operators from the sector, you must implement a strong legislative and regulatory scheme, with clear eligibility criteria to operate a rooming house and with sanctions and penalties. Consequences are very important. This is, in a nutshell, what the coroner's recommendation amounted to.

The task force understood that and recommended accordingly. The Brumby government understood that and committed to implementing every recommendation of that task force and had commenced work to that end before the 2010 election. The good member for Richmond to my right, the previous Minister for Housing, understood that and was a concerted driver with the previous Minister for Consumer Affairs in making this happen. Now we have a situation where, government having been on the cusp of implementing significant and major sweeping reforms in this sector, we have teetered backwards, not knowing where these matters begin and where they end.

I mentioned earlier that this bill establishes a register of rooming house premises to include the addresses and names of the business owners and their Australian business or company numbers. In fact all the government is doing in this respect is playing host to a central website to which councils will mandatorily belong, as they will have a statutory obligation to provide information about rooming houses within their municipal boundaries. This provision will take effect from 1 July 2014, as I have described. Little action has

been committed to by 2014, almost four years into government and very late in the piece.

As I said earlier, this register goes part of the way to implementing some of the task force recommendations contained in recommendation 15. Some information that will exist on the central register can be shared, which can and will be helpful. The bill also sets out the grounds for the cancellation, suspension or variation of a registered rooming house, which again is a positive. However, the applicability of these actions — that is, cancellation, suspension, transfer or variation — is limited to the physical conditions principles or public health aspects, which are founded on the control of diseases and which are contained in the Public Health and Wellbeing Act 2008.

This register is being established, and the possible sanctions or actions that can arise from the registration process on this centrally located website are being done through the purview of the Public Health and Wellbeing Act, but the sanctions process will not apply to the behaviour and actions of rooming house operators. The registration process fails to reflect a vital fact that goes to the heart of the problem — the terrible behaviour of operators in the sector. The critical missing link in the bill is what it fails to do, and that has caused the opposition grave concern.

As the coroner and the task force both found, private rooming house businesses often adopt a business model that tends to separate the owner of the premises from the operation of the business, hence no amount of regulation of the premises can ever deal satisfactorily with the key issue of regulating any poor behaviour of the operators of the business. This is something that is very important for us to reflect upon.

Sadly the business model that existed in the case of the deaths of Leigh Sinclair and Christopher Giorgi was indeed the business model I have described, and it is that business model within which operators can continue to seek protection and which the bill will do nothing to flush out and remedy.

We need to pause and reflect upon this when we consider the work of this Parliament in recent years and the comments and commitments made on the public record by members of the opposition and the government alike, which have been to implement change and root out rogue and predatory operators in the sector. This is the vital missing piece of this legislation.

Under the government's proposal the worst operators of rooming houses, such as the ones identified in the coroner's report and in the task force report, can continue to operate rooming houses in Victoria, and it is often extremely difficult to identify these people. This is where the complexity of the business model arrangements come into play, something which the government has failed to grasp or act upon. Government members were saying the same things in opposition, but they are now failing to implement reform or do anything about it.

It is important to understand that it is difficult to identify exactly who the owner of a rooming house business is. A registration system, or a licensing system as some people would like to call it, with sanctions and penalties under the authority of the Business Licensing Authority, as was recommended by the task force, would untangle the deliberately confusing web of ownership and control and assist in the proper regulation of the sector.

The bill before us provides no role for the BLA to this effect. The task force report contains a graph of a typical set of business arrangements, to which I will refer. I recommend that all members of this house look at and revisit that report to see how it is that there is a major disconnect between what this bill does and the tangled business model arrangements that commonly exist in the sector. I refer members to page 24 of the report.

The bill also pushes onto councils the responsibility to update and maintain the central rooming house register with very little support from the government. The coroner's report into the 2006 deaths highlights and is critical of the local council involved for having failed to enforce existing regulations and subsequently recommended that Consumer Affairs Victoria play a key or a lead role in ensuring the enforcement of minimum standards of premises as well as the registration system of operators.

I will continue my contribution in terms of the bill as it relates to the issue of rooming houses, and I will allow myself some time later to discuss other elements of the bill that pertain to other issues. I acknowledge that in 2011 and 2012 the Baillieu government introduced some minimum standards for rooming house premises, as was recommended by the task force, but these are not due to be operational until March next year. Certainly the minister did increase fines for individuals and companies that breach regulations and introduced reporting requirements for landlords and for agents who are aware of unregistered rooming houses. These small but important steps build on the work undertaken by the previous government, and that is important to acknowledge.

Yesterday I received a letter from the major tenant support groups in Victoria about this bill. These groups are the Tenants Union of Victoria, the Council to Homeless Persons, the Homeless Persons Legal Clinic and the Community Housing Federation of Victoria. Those groups represent amongst the most vulnerable people in our community, including low-income renters, people with mental illnesses, single mothers and their children — people struggling to live life from day to day. By virtue of their situation they are almost the most attractive targets for exploitation by rogue operators in the business. I refer to a letter I received yesterday. It states:

> We have a number of concerns about the bill in its current form. We have written to Minister O'Brien outlining these concerns so as to ensure that the government's stated desire to properly regulate unregistered rooming houses is achieved.
>
> As we understand it, the bill seeks to create a statewide register based on information held by local councils on registered rooming houses. This information, which is collected pursuant to the Public Health and Wellbeing Act 2008 … will then be provided to Consumer Affairs Victoria. The bill does not appear to create any role for the Director of Consumer Affairs Victoria beyond collecting the information and collating it into an online register.
>
> A significant problem in the rooming house sector is identifying the operators of rooming houses, both registered and unregistered, to ensure that they comply with their legal obligations. This problem was identified by the Victorian Coroner in the inquest into the deaths of Leigh Sinclair and Christopher Giorgi in an unregistered rooming house.
>
> The proposed register does nothing to resolve this problem. Our organisations support the recommendations of the rooming house task force on registration and enforcement and have urged the government to consider revising the bill to reflect the proposals contained in the task force's report.
>
> As you are aware, the task force advocated a system of statewide registration of operators through the Business Licensing Authority. Information collected by councils pursuant to the Public Health and Wellbeing Act … is concerned with registration of rooming houses, not their operators. The bill does not create in Consumer Affairs Victoria any new role in registering rooming house operators or powers to identify and force those operating illegally to comply with the regulations. We believe that such a system of statewide registration of operators is a more effective mechanism to ensure compliance than relying on underresourced local councils to identify rogue operators.
>
> While we welcome the government's recent announcement of minimum standards for rooming houses, we also fear that these standards cannot be effective without a robust enforcement regime, the core of which is registration by a state government department.
>
> As has been repeatedly documented in the media, many unregistered rooming house proprietors prey on vulnerable residents. These proprietors are not always people of good character. They often have little regard for the wellbeing of their residents and fail to maintain properties which meet basic safety requirements, as we witnessed with the tragic deaths of Leigh Sinclair and Christopher Giorgi.
>
> The last thing any of our organisations, or indeed the state government, would wish to see is a repeat of such a tragedy due to laws which do not properly address unscrupulous operators who can evade their legal responsibilities to register and maintain their properties.

I have quite fully read that letter, and I appreciate the will of the house to allow me to do that. But it is vitally important for this government to understand what it is doing or failing to do. The consequence are extraordinarily grim.

I will also refer to the views of the Municipal Association of Victoria on this bill. The MAV usually releases a bulletin at the end of each week. I will quote from the weekly bulletin of the week ending 24 August, which states:

> The MAV is seeking advice from CAV about the proposed changes and their impact on councils as the statewide register may not work if councils do not have the capacity to support it. We will also continue to advocate for the introduction of licensing of rooming house proprietors because it would better fill the current regulatory gap than establishing a register of premises.

The Real Estate Institute of Victoria also wrote a letter to me, which I received yesterday. It states:

> The REIV would, however, like to indicate its concern that the bill does not fully advance recommendation 15 of the task force, specifically that the:
>
> > state government introduces a system of registration for rooming house operators in Victoria through the Business Licensing Authority (BLA). As a result, to operate a rooming house legally in Victoria premises must be registered with local government and operators must be registered with state government.
>
> It is important to note that the REIV supported the recommendations of the task force and is concerned to see them fully implemented. Measures that improve consumer protection, transparency and enforcement within the rooming house sector were critical components of the task force's prescriptions to improve this form of housing. That is why the REIV supported specific legal requirements of its members to report suspected rooming houses. In light of that, it also seems sensible that a specific register of the owners and operators be operated by the BLA.
>
> It is also arguable that the operator of a rooming house has a similar role to the manager of an owners corporation and, as such, they should be registered with the BLA. This form of 'negative licensing' may be a useful model that could be applied to rooming house owners and operators.
>
> The REIV has requested that the government reviews the operation of the rooming house register and, importantly, the quality and utility of the information on owners and operators after it has been in place for 12 months. The outcome of that review would enable the government to consider what form of registration with the BLA would be most effective.

That is a salutary cross-representation of the views of people and organisations that have committed time, expertise and resources to the commonly shared objective of rooting out rogue, predatory operators from the sector. This bill fails to do that; this government has failed to do that. We have not heard a peep from either the Minister for Consumer Affairs —

Mr Wynne interjected.

Ms D'AMBROSIO — or the Minister for Housing, as the member for Richmond adds — I thank him for that — regarding the registration or licensing arrangements for operators.

In the short time I have left to make a contribution I will skip over a few other matters I wish to raise. My duties require me to deal with some of the other changes to other parts of the bill that are not related to rooming houses.

The bill makes changes to part 4A of the Residential Tenancies Act 1997, which deals with caravan parks. The bill extends the cooling-off period to the purchase of movable dwellings. This issue follows on from the cooling-off periods regarding site agreements that were introduced by the previous Labor government. Potential residential park tenants usually consider two separate contracts: firstly, the contract for the purchase of a caravan or a movable unit — their home — and, secondly, the contract for their land agreement or site agreement. While caravans traditionally are very easy to move around, dwellings sold in residential parks are not usually on wheels and costs tens of thousands of dollars if not hundreds of thousands of dollars. Residential park owners can exert significant pressure on residents in subsequent site agreement negotiations if a consumer has already purchased a movable dwelling.

This proposal in the bill is to allow potential residential park tenants to have the option to rescind a dwelling purchase if the resident rejects a subsequent site agreement proposal or exercises the right to rescind the site agreement contract in the cooling-off period. The opposition is concerned that the bill restricts the cooling-off period only to consumers who purchase a dwelling and enter into a site agreement when the site owner is the seller of the dwelling. This will not apply, unfortunately, to a scenario where a prospective tenant purchases a dwelling from someone who is not related in a business sense to the site owner. This person could be an estate agent who has no relationship in a business sense with the site owner, or this person could be another seller, tenant or owner of a dwelling at the actual site in question. That is a consumer protection that falls somewhat short of what needs to be done.

Changes have been proposed to the Sale of Land Act 1962 in relation to warnings about signing off-the-plan contracts. Currently a consumer protection warning must be displayed on the front pages of contracts. This bill makes changes to this; a conspicuous notice can appear in some other part of the contract, not necessarily on the front page. We find it difficult to understand. This appears to be a watering down of a consumer protection, given that notices, warnings, rights and entitlements that are on the front page of documents — it might be text about section 32 of the Sale of Land Act 1962 — give greater opportunities for consumers to become aware of them and hopefully lead to a better and more informed decision about entering into arrangements.

I will sum up in the seconds I have left to speak. I hope the Minister for Consumer Affairs affords us the opportunity to sum up and provide answers to the questions about why he has failed to deliver the registration of operators of businesses in this bill.

Mr NORTHE (Morwell) — It gives me pleasure to rise this afternoon to speak on the Residential Tenancies and Other Consumer Acts Amendment Bill 2012. I want to refer principally to four key elements of the bill. Firstly, the Business Licensing Authority Act 1998 is amended to provide for delegation powers. Secondly, there are amendments to the Consumer Affairs Legislation Amendment (Reform) Act 2010 and the Sale of Land Act 1962, with further provisions with regard to contracts for off-the-plan sales of land. Thirdly, there are provisions around rooming houses, as the previous member spoke about — that is, the Public Health and Wellbeing Act 2008 is amended with regard to the registration of rooming houses and provides that councils will record information on rooming houses on a statewide register. Fourthly, changes to the Residential Tenancies Act 1997 provide for a statewide register of rooming houses. There are further provisions in the bill relating to site agreements and part 4A dwellings, such as caravan parks et cetera, and the bill imposes further duties on rooming house owners.

I listened respectfully to the contribution of the member for Mill Park, and I must say that I found it somewhat hypocritical in relation to the timing of some of the issues that she raised. During the period of the noughties, if you like, from 2000 to 2010, one would have thought there was ample opportunity to strengthen, amend and improve legislation, regulations and standards in regard to rooming houses. In my contribution I will refer to some of those time lines and

show that there was opportunity to improve the various aspects of the law relating to rooming houses.

As members know, rooming houses are very important in Victoria. They are particularly important for vulnerable Victorians. It is imperative that we have adequate standards in place to ensure that those tenants are able to reside in those rooming houses without experiencing negative impacts.

As the member for Mill Park said, in October 2006, during the 55th Parliament, we had the terrible tragedy of two fatalities when unfortunately Leigh Sinclair and Chris Giorgi died in a fire in a rooming house in Brunswick. After that there was a coronial inquiry and subsequently we had the Rooming House Standards Taskforce, of which the current member for Albert Park was the chair. On 18 September 2009 the task force handed down 32 recommendations. Without dwelling too much on that particular aspect, those time lines are important to see that there were opportunities for the previous government to undertake some improvements.

Interestingly an article in the *Age* of 14 August 2011 headed 'New rules on rooming houses key in on safety' covers some of the plans the current government has in place to improve the minimum safety standards in rooming houses. They include key minimum safety standards for rooming houses such as making sure that there are fire-safe locks on bedroom doors, switchboard circuit breakers, fire escape plans, keyless locks on all toilets and bathrooms and proper ventilation and light, amongst other things. There are 11 safety standards in total. Part of those standards include making sure that if there is a failure to comply there will be hefty penalties, which would be in excess of $7000 for individuals and in excess of $35 000 for body corporates.

Rooming house duty provisions were regulated in March 2012, with the minimum standards for rooming houses to become enforceable by 31 March. The member for Mill Park referred to the time elapsed since that date. In response to that I say that we want to make sure that rooming house operators have time to implement the new standards. It is about making sure that they have 12 months to get their house in order — pardon the pun. We really want to make sure that those minimum safety standards are very strong. We are talking about making sure that there are regular gas and electricity safety checks, that there are adequate power outlets in each of the rooms, that there are door locks that can be opened from the inside and that there are basic standards around adequate window coverings and hot water and cooking facilities.

Under the act, in the event of non-compliance the director of Consumer Affairs Victoria can take legal action. Currently a resident is not able to take legal action on breaches of standards. One of the important amendments the bill makes is that it allows rooming house residents to take individual action on a breach of standards. Maybe they could do that in concert with tenants group representatives. In doing so there would be a requirement that a breach be rectified within a specified time frame. If a resolution is not reached, a dispute could be taken to the Victorian Civil and Administrative Tribunal. Residents can do that with support from either the Tenants Union of Victoria or even Consumer Affairs Victoria. It is important to note on this point that Consumer Affairs Victoria will still be able to prosecute a breach. However, this bill makes sure that tenants have rights in that regard.

In regard to the rooming house register, currently councils have responsibility for registering rooming houses under the Public Health and Wellbeing Act 2008. The establishment of a statewide rooming house register is a key aspect of this bill. It will be hosted by Consumer Affairs Victoria. The data held by councils will be on the statewide register. It is important for members of the public to have access to the register. If need be, the register could also direct members of the public to rooming houses.

We are making sure that we have greater scrutiny and monitoring of rooming houses that exist in Victoria. It is important that Consumer Affairs Victoria will retain its responsibility for enforcement. Minor amendments are made to the Public Health and Wellbeing Act 2008 that will give greater consideration of compliance by councils in determining whether they will register a rooming house and whether registering a rooming house will be subject to certain conditions. That is another important part of the bill.

With regard to residential parks, we have seen significant growth around people entering into two different contractual arrangements. For example, one might be a site agreement with a caravan park owner and the other a separate agreement, such as a contract of sale for a caravan. We are making changes to simplify the current regulations around those arrangements. The bill provides for the right to rescind a sale contract where the purchaser decides not to sign a related site agreement. The word 'related' is pretty important there. That was well articulated by the member for Mill Park in her contribution.

There are also changes to off-the-plan sales of land. Warning provisions exist in those particular contracts. There are certain stipulations that those warnings must

be on the front page of those contracts. There has been some confusion if, for example, somebody is sending a fax with those particular contracts as to whether the fax would actually be the front page. Representatives of the legal profession have sought some changes in this regard, so two changes are made to the off-the-plan sale contracts. The front-page requirement has been removed. However, those warnings are still required and they must be conspicuous. The bill also removes the right to rescind on that basis alone.

Finally, I will make some comments about changes to the Business Licensing Authority. Currently any licensing decisions must be made by the BLA chair, a deputy chair or an ordinary member — that is, somebody such as a real estate agent, conveyancer or otherwise. Those simple matters must be determined by those particular people. In straightforward applications we are simply changing those powers that can be delegated to senior officers or experienced staff, which is another step in the right direction.

In closing, I consider these to be very sensible provisions. It is a great step in the right direction. I commend the minister, and I commend the bill to the house.

Mr WYNNE (Richmond) — I rise to make a contribution to the debate on the Residential Tenancies and Other Consumer Acts Amendment Bill 2012 following my colleague the member for Mill Park, who in her usual thorough way has used her time to fully expose all aspects of the bill and to indicate where the opposition still has some serious concerns and where we believe there are challenges that it is not too late for this government to take up if it has the will.

I commend to the house and to those who intend to contribute to the debate the research brief that has been provided to us by the library staff. It is an excellent base document. In particular I refer to the excellent work of Chris Chamberlain from RMIT University, who is part of the Australian Housing and Urban Research Institute, a research organisation, and who in his research into rooming houses, of which he has extensive knowledge, gives us some idea of how we have had such an explosion in the number of such establishments in the last 8 to 10 years. He estimated that in 2006 there were somewhere between 2946 and 3739 people living in rooming houses and that that figure had blown out to 12 568 by 2011, with quite a different cohort of people now living in rooming houses. As he indicated, there is a greater diversity of welfare recipients, including single parents, students, the unemployed and aged beneficiaries.

As the member for Mill Park indicated also, we had the dreadful deaths of two young people in an illegal rooming house in Sydney Road, Brunswick, which was extensively dealt with by the coroner. I met the mother of one of those victims, and not surprisingly she was utterly devastated by the death of her child in such circumstances. But I think hoped that governments would enact both a regulatory regime and a licensing regime that would seek to ensure that in the future we did not have such tragic deaths. I will not forget that conversation with her for a very long time. She was a very brave person. She was trying to draw out from this extraordinary devastation that she and her family have had to ensure something positive in terms of trying to make a difference in the rooming house area.

Recommendation 3 of the coroner's report specifically goes to the question that the member for Mill Park has raised, and that is the whole issue of the licensing system. It is again reflected in the excellent report which as the then minister I asked the member for Albert Park to convene. The member for Prahran is with us today listening to this debate, as is the member for Albert Park. In my own area we host a very significant number of rooming houses, but not exclusively. They are also in Footscray and various other places, but a very large component of them have traditionally been in the inner city.

The member for Albert Park did an extraordinary job. He brought together all of the key players. He had at the table the Real Estate Institute of Victoria, the welfare organisations, a private rooming house operators group, Consumer Affairs Victoria and representatives of the various consumer groups. The report he put together contained 32 recommendations. Reflecting back on that report of September 2009, when he brought it before the government, you realise it is substantial and very robust and not surprisingly was adopted by the government in full. We thought not only that all those recommendations were worthy of being fully implemented but also that we ought to get on with it.

Obviously we had the election after that and the new government came to power, but over that interregnum of the last 20-odd months, whilst we have had some incremental change and incremental improvements in the circumstances, it has been incredibly slow. Whilst we have now seen some minimum standards established, which have gone through a regulatory — —

Mr Mulder interjected.

Mr WYNNE — I thought you were ill. Settle down.

The ACTING SPEAKER (**Mr Languiller**) — Order! The member for Richmond and the minister at the table will come to order.

Mr WYNNE — I am trying to protect him; he says he is ill. We have now seen some minimum standards established which have gone through a regulatory impact statement process, and it is appropriate that they do so. These minimum standards will not be implemented before March of next year, so that will be getting close to two and a half years since the government came to power. These minimum standards are absolutely minimum standards. We are talking about a lock on a door. We are talking about a blind on the window. We are talking about being able to have locking bathroom doors. We are talking about minimum standards for fire safety; how you evacuate the place. We are talking about safety switches.

These are the sorts of things that we all enjoy in our own homes, so why should rooming house tenants not have at least these minimum standards? They ought to have been implemented earlier. I know the department will say, 'We are always concerned about issues of supply; if you regulate the market so heavily, rooming house operators will simply leave the marketplace'.

The alternative position I put is simply that if you do not put minimum standards in place and if you do not have a regulatory environment in place that is strong and robust, as recommended by the Foley task force, then you leave yourself vulnerable to potential disastrous outcomes such as the course we saw in the tragic circumstances of the coroner's report in relation to the Sydney Road fires. None of us wants to go back to that tragedy and the terrible burden that was inflicted upon those families.

However, the real issue is that of licensing. The licensing issue was fundamental to the coroner and fundamental to the chairperson's report of the Rooming House Standards Taskforce. The government has simply ducked this question. I do not understand why it has ducked this question, because the Business Licensing Authority is the right regulatory framework from within which the issue — as was so eloquently put by the member for Mill Park — of rogue operators who seek to exploit the most vulnerable people in our community can be addressed.

There was an article in the *Age* a couple of years ago which talked about a man who died of natural causes in a rooming house. I knew that man. He used to sell newspapers. He died in a rooming house, and he was not found for a number of days. The only reason he was found was because of the foul smell emanating from his room. His room was no bigger than a cupboard. He could literally just open a door wide enough to crawl into the bed, which consumed the whole of his space. That was his life. What a terrible death — to die in an unregistered and unregulated rooming house with nobody around you, in a space no bigger than a cupboard. That was that man's life, and tragically that was that man's death as well.

We, as a Parliament, have to do better than that. I believe through fully implementing all of the recommendations of the Rooming House Standards Taskforce we will ensure that those two young people in Sydney Road, Brunswick, did not die in vain and that that poor man who died and was left for days unfound did not die in vain. He had been living in a space no bigger than a cupboard, and he should not have died in those circumstances.

We implore the government to come back to us in a bipartisan way. Let us get the business licensing aspect of this sorted out for the dignity of people living in rooming houses.

Mr NEWTON-BROWN (Prahran) — The State Coroner's report of case 3727/06 details the circumstances of the death of Leigh Sinclair and Christopher Giorgi, who died in a house fire in a rooming house. The report states that these two young people lost their lives against a backdrop which included a failure in the administration of applicable building code fire safety, a failure in planning and rooming house regulations and a failure in maintenance of the property in question.

Leigh and Christopher lived in Sydney Road, Brunswick, above a pizza shop. The evidence at the inquiry was that there were two types of wiring in the premises, which ran above the pizza oven and in the space between the oven and the restaurant ceiling. This wiring incorporated vulcanised India rubber wiring dating back to the 1930s. Typically this type of wiring is covered in cloth and runs through timber conduits. There were also four fluorescent lights in the restaurant where the wiring ran next to the range hood of the pizza oven. It was an accident waiting to happen. The fuse box did not contain a circuit breaker and there were two different types of fuses.

The actual room where Leigh and Christopher lived was bedroom no. 3, and it needed a key to lock and unlock the room. Such a key could be used from either side of the door, but when the door was closed it was not possible to enter or exit without a key, so clearly there were impediments to a quick exit from the bedroom.

The coroner also found that in general terms there were deficiencies in the smoke alarms that were in the premises and deficiencies in the construction of the bedroom doors, and that the separation between the various rooms and the tenancy below did not have any fire rating. On top of that, a history of the building and planning permits in relation to the building showed that there had not been a lawful change of use for the first floor, which had changed in effect from dwelling to boarding house. A search of the council records by the coronial inquiry established that the boarding house was not registered in accordance with the act.

With regard to the business of rooming houses, there are certainly rogue operators out there, and that has been referred to by various speakers. Some of these rogue operators do not even own the buildings that they operate their businesses from. They rent them and then they sublet that building room by room. In this case the business operated 60 to 70 homes. This was one of those 60 to 70 homes. They accommodated 200 to 300 people. The company's income was around $40 000 per week. So it was quite an operation, but it was an operation which was run clearly with an eye to profit rather than to the welfare of the tenants.

A witness on the night of the fire testified that they saw smoke and that they got along the floor and crawled to where the bedrooms were. They could see flames through the roof and a glow under the bedroom door at room 3. They knocked on the door and tried the handle. The handle was hot, and they noticed that the door had a round handle and a deadlock, which they could not open. Clearly it was a terrible situation for the occupants, who could not escape from bedroom 3.

The Metropolitan Fire Brigade investigation noted that the fire travelled upwards from the ceiling space of the restaurant below bedroom 3. As far as the findings of the coroner go, it was found that had there been operating and correctly located smoke alarms there would have been an early warning system whereby the occupants could have made an escape. As it was, the bodies were found with lethal carbon monoxide levels in their lungs, and it was clear from where they were found that the people had been trying to get out of the room but could not find the key to the deadlock. It was a terrible situation.

The coroner was very critical of the operation of the rooming house and, in particular, recommended that Consumer Affairs Victoria henceforth play a leading role in the administration of rooming houses, and that is where we are today. I understand that the previous government, in what was referred to as the Foley task force, investigated the situation, and I am pleased that it is with bipartisan support that the Parliament is working towards the safety of tenants in rooming houses.

Not all rooming houses are bad. Thousands of people live in rooming houses, and for many people it is a good option. Many rooming houses are furnished, and they provide a roof over people's heads in circumstances where they may not otherwise have one. RMIT University research has shown that the figure has risen to 12 500 people in Victoria who live in rooming houses, so let us not demonise them all. The bill enhances the regulations to make rogue operators clean up their acts for the good of their tenants.

The current regime needs to be cleaned up. The bill establishes a statewide register to consolidate information held by each council so that standard information is available and, for the first time, we will be able to identify the large-scale rooming house operators. If they are running one bad premises, the chances are that they may be running other bad premises, and with this register we will be able to identify them quickly. Duties will fall to not just property owners but also those who run the businesses of rooming houses. People who do not buy properties but are operators will also be under scrutiny. Consumer Affairs Victoria will hold the rooming house register, and councils will have access to it. They will be able to consider compliance issues when deciding whether to issue rooming house registrations.

Residents will be able to serve rooming house operators with a breach of duty notice, which to some extent will put some power back into the hands of the tenants so they can also take control of their housing situation. Consumer Affairs Victoria will be able to prosecute and seek fines, injunctions and other orders. There will be new minimum standards for all rooming houses such as the availability of hot water, window coverings, seating for meals, door locks that can be opened from the inside and regular gas and electricity checks.

In conclusion, it has taken some years for this bill to arrive here following the deaths of the two people in Sydney Road, Brunswick. In some way it recognises that the deaths of Leigh Sinclair and Christopher Giorgi have brought about a positive change in what the Victorian government considers is acceptable housing for the most vulnerable and marginalised in our community. It is extremely sad that it took the deaths of two people for action to be taken to make rooming houses a safer option. I commend the Minister for Consumer Affairs for acting to address the situation by bringing the bill to the house. I also note the work of the former government in this space.

Mr NOONAN (Williamstown) — I am very pleased to rise to make a contribution to the debate on the Residential Tenancies and Other Consumer Acts Amendment Bill 2012. I congratulate the members for Mill Park and Richmond. The member for Mill Park made a substantial contribution. She put on the record all the issues in relation to the opposition's view about the bill and broader issues. In my view the member for Richmond is a great warrior for people who live in a vulnerable state and particularly those who rely on public housing and find themselves in rooming houses. It is not unusual for him to come into this place and present the human face of the bills we debate, and I congratulate him on his contribution.

I note that the background of the bill very much goes to the contribution made by my colleague the member for Albert Park, who is in the chamber and who chaired the Rooming House Standards Taskforce. What a wonderful job he did. The member for Richmond talked about all the key stakeholders being brought together for the task force with a view to bringing about substantial change. The task force was ably led by the member for Albert Park, who brought together a very good set of recommendations, which were agreed to in full by the previous Labor government.

In preparing for this debate I found it interesting to search for the work of the member for Albert Park, and I noticed it has been taken off the government website. It has been whited out. I suspect this is very much a part of the government's secrecy agenda or, as it is referred to in Tuesday's *Age*, 'website erosion'. I am sure it is part of a policy to delete what might be embarrassing or contrary to the so-called government interest in relation to this issue.

The bill and the associated Residential Tenancies (Rooming House Standards) Regulations 2012 are the key provisions for the registration of rooming houses and for rooming house owners to comply with certain standards. My colleagues the members for Mill Park and Richmond have raised concerns about features of this bill and the regulations, in particular the bill's omissions in respect of standards and their enforcement and aspects of the key registration processes. I share their concerns. Like other members, I have read the new regulations, and I have also read the coroner's report from 2009 into the tragic deaths of two young people in a Brunswick rooming house back in 2006.

I note with some approval that the recommendation regarding door locks is picked up in paragraph 6 of the new regulations. However, I also note that the director of Consumer Affairs Victoria can provide exemptions to many, or indeed most, of the standards that have been brought in through regulations.

Mr Wynne — Why would you do that?

Mr NOONAN — The member for Richmond asks why you would exempt them, and I think that is a very reasonable question. I am sure my Labor colleagues who sit on the Public Accounts and Estimates Committee will examine the *Government Gazette* from time to time in relation to the use of those potential powers by the director of Consumer Affairs Victoria and perhaps scrutinise them to a level which will be of use to this house.

With regard to the register, I am concerned about how it will work in practice. There are a couple of questions that arise more broadly out of the implementation of the regulations and the bill, and government members might like to address some of them in their contributions. The four questions I have are: what sort of additional impost will there be on councils in relation to this register; will councils be able to enforce minimum standards in relation to rooming houses; how easy will it be for the general public to access the register, especially as we are talking about the most vulnerable people in society; and, most critically, why did the government balk at having all rooming houses licensed under the Business Licensing Authority Victoria?

I am sure other members have many more questions they would like to raise during the course of the debate, and I am acutely aware that many members would like to make a contribution to the debate on the bill, so with those few words I am going to give other members an opportunity to speak. But I certainly hope that government members pick up some of the questions I have raised during my contribution and enlighten this house about them.

Ms WREFORD (Mordialloc) — I rise in support of the Residential Tenancies and Other Consumer Acts Amendment Bill 2012. We are getting on with the job. This is the second bill this year to improve real estate regulation. The key elements of the bill are the creation of a statewide register for rooming houses; the requirement for rooming house owners to have their houses meet minimum standards or tenants can take legal action; minor amendments relating to the registration of rooming houses; and the protection of purchasers of manufactured dwellings from undue pressure to enter into leases for sites in long-stay residential parks. Further the bill makes minor changes to the powers of the Business Licensing Authority

Victoria and improves the warnings that are to be included in off-the-plan land sale contracts.

If we look at rooming houses — and that has been the major area discussed in contributions by all speakers today — we see that they definitely play a very important part in providing accommodation for people in our community, especially the most vulnerable people. We have heard from other speakers that often single parents, aged pensioners and many other vulnerable people choose to go to rooming houses — —

Mr Foley — They choose to go?

Ms WREFORD — They do choose, mostly because it is an affordable option. Currently rooming houses have to be registered with local councils. As we know, this state has 79 councils, and in theory we might have 79 registers. I do not think all councils have rooming houses, although many do.

Some rooming house operators have multiple rooming houses in different municipalities. The bill will see the creation of a centralised online statewide register, which I think will be called the rooming house register. This will consolidate information so that if an owner moves, they will be able to update their details once centrally rather than having to contact every council in whose area they own rooming houses. Consumer Affairs Victoria will host the register, but councils will provide the data. The register will be available to councils and relevant government departments at any time. The public will have access to some aspects of the online register, but privacy will be protected, and I think that is of paramount importance.

The main benefits will be for councils, rooming house residents and government departments whose staff may need to find houses or need data to make enforcement decisions. It will be easier to check whether rooming houses are registered or not. That addresses one of the big problems many people have noticed. Certainly in local government — and I spent eight years in local government — rooming houses were a continual issue. Knowing which ones are registered will be of great benefit. There will also be a big benefit to rooming house residents, as the statutory minimum conditions standards will be easier to check. This bill strengthens those standards by allowing rooming house residents to take legal action in relation to them.

Earlier this year we delivered legislation to enforce minimum privacy, safety, security and amenity standards. Rooming houses will have to meet standards relating to cooking facilities, hot water, window coverings and seating for meals. The standards will specify that there must be two power sockets, a door lock that can be opened from the inside and regular gas and electricity safety checks and so on. These are all things we take for granted; however, rogue operators have often let their standards lapse.

That all comes into effect in March next year, giving rooming house operators time to get their establishments up to scratch. As the legislation stands, the director of Consumer Affairs Victoria can take legal action to enforce the requirements. The enforcement will therefore not be through local government but through the director. The bill also allows tenants to take their own legal action if necessary. It does this by introducing a duty on rooming house owners to comply with minimum standards. Rooming house residents can issue a breach-of-duty notice to the rooming house owner, requiring a resolution in a particular time frame. This notice can be taken to the Victorian Civil and Administrative Tribunal (VCAT).

The bill also makes minor amendments relating to the registration of rooming houses. Among these are that councils can now consider the compliance with the minimum conditions standards in assessing the registration of rooming houses.

The bill also fixes an anomaly with residential parks relating to when people buy into movable premises attached to a site. In many cases residential parks sell a package of a site and a movable home together. In 2010 conditions were applied to residential park site sales to provide 20 days for consideration of the contract and 5 days for cooling off. This provision, however, does not apply to the movable premises. Where there is a package there is in effect no time to consider the contract and no cooling-off period. That is inconsistent. This bill allows for people buying such a package to rescind their decision on the movable home. They can go to VCAT to seek a refund.

Next the bill broadens the delegation powers of the Business Licensing Authority Victoria. The authority is responsible for licensing real estate agents, motor car traders and sex work service providers. Currently there are no delegation powers, so all decisions about licensing and permits must be made by members of the authority. They cannot delegate even minor and straightforward requests to staff. This bill will fix that. There are many decisions the authority clearly needs authority members to determine, and the bill provides that some decisions cannot be delegated.

The bill also improves the contractual certainty of off-the-plan land purchases. It makes warnings clearer

by providing that a notice will be included stating that purchasers can negotiate the deposit amount payable under the contract up to a maximum of 10 per cent of the purchase price, that there may be a lengthy period between signing the contract and becoming the registered proprietor of the land and that the value of the land may change in that time. It was proposed to put this notice on the front of the contract, but it is better legally to include it in the body of the contract as a conspicuous notice. Over time we have certainly heard plenty about people who have had bad experiences when buying off the plan, and I am pleased we are addressing these issues.

In conclusion, we are getting on with this job. This is the second bill this year to improve the real estate regulations. This bill has a number of components: it creates a statewide register of rooming houses, it provides for tenants to take legal action if rooming houses do not meet minimum standards, it makes minor amendments relating to the registration of rooming houses, it protects purchasers of manufactured dwellings from undue pressure to enter into leases for sites in long-stay residential parks, it makes minor changes to the powers of the Business Licensing Authority, and it also improves the warnings to be included in off-the-plan land sale contracts. With those words, I commend the bill to the house.

Mr LIM (Clayton) — I rise to speak on the Residential Tenancies and Other Consumer Acts Amendment Bill 2012. As a member who spoke on the Residential Tenancies (Further Amendment) Bill 2005 in this house, I welcome the opportunity to revisit the issues facing tenants in residential parks. In the few minutes available to me I will focus my contribution on clause 8 of this bill, which inserts new section 206JA into the Residential Tenancies Act 1997. This clause contains provisions related to the purchasing of dwellings in residential parks.

In the 2005 debate I made the point that some people are drawn to residential parks as a more affordable option than a retirement village. However, the reason they are cheaper is that while the resident owns the dwelling, sometimes referred to as a demountable or movable dwelling — that is to say, the home in which they live — they lease the land on which it sits. These parks are technically caravan parks, but the owner could hardly tow their home to another caravan park should something go wrong at the residential park in which they are living. This bill extends in some circumstances the cooling-off period for the purchase of the dwelling to 20 days, but in my view it is limited and will not protect purchasers in all circumstances. I will go into this issue now.

The underlying problem is that there is an imbalance in the relationship between the owner or operator of the residential park and the resident or tenant. The imbalance occurs precisely because the resident leases the land but cannot easily relocate their dwelling. In 2010 the previous Labor government through the Residential Tenancies Amendment Bill 2010 extended the notice to vacate period from 120 days to 365 days to provide residents with some security. We also provided in respect of the lease a precontractual period of at least 20 business days to consider the site agreement and a cooling-off period of 5 days. This bill extends the cooling-off period on the purchase of the dwelling to 20 days, but only where it is bought from or through the operator of the residential park. This is welcome as far as it goes, but it is not going to protect all purchasers.

Some owners of dwellings choose to sell them directly or through estate agents rather than through the operator of the residential park. Some vendors have very good reasons not to sell their dwelling through the residential park operator. You might recall, Acting Speaker, that in the 2005 debate I referred to the rogue operator of the Summerhill Residential Park in Reservoir, a Mr Steve Wellard. In part of my contribution to the debate, which I would like to quote, I said:

> But Mr Wellard is no Robin Hood, stealing from the rich to give to the poor. He is not even in the mould of Ned Kelly, who arguably was standing up for the rights of poor farmers. He does not even steal from the poor to give to the rich, as the Liberals are wont to do with acts of Parliament, such as the original Residential Tenancies Act. No, Steve Wellard takes from the poor to feed his own inflated ego, his own monstrous megalomania. What sort of man screws his elderly pensioner tenants for more than they can afford to pay and openly displays his ill-gotten wealth in the form of not one or two but three top-of-the-range Mercedes-Benz cars? That man has no morals or even any good sense. What greater obscenity can there be than parading his gross wealth in this way, in front of his pension tenants? …
>
> The man is a greater schemer and a worse villain than Ebenezer Scrooge, who at least played by the rules. Steve Wellard likes to make up his own rules.

I also pointed out in that debate that Mr Wellard was defended by the then member for Hawthorn, which is not surprising when one considers that Mr Wellard was an architect from Hawthorn. I would have hoped that there were some decent operators of residential parks, but Mr Wellard was not one of them. Because he would force owners to sell their dwellings through him but not necessarily promote those dwellings to prospective purchasers, owners took to selling their dwellings through real estate agents.

That is where this bill is deficient. If a prospective resident signs a lease with an operator such as Wellard,

they will have a cooling-off period of 20 days. However, if at the same time they have signed a purchase contract through an estate agent or directly with the owner of the dwelling, then they can be forced to go through with the purchase of the dwelling. To take this a step further, they could be forced to purchase the dwelling even if the lease for the land on which it was located had fallen through. The government really should look at extending the cooling-off period for the purchase of the dwelling to people who buy in a way other than from or through the operator of the residential park.

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

Mr WATT (Burwood) — I take great delight in rising to speak in the debate on the Residential Tenancies and Other Consumer Acts Amendment Bill 2012, which amends the Residential Tenancies Act 1997, the Public Health and Wellbeing Act 2008 and the Business Licensing Authority Act 1998. In my contribution to the debate I would like to concentrate on the rooming house aspect of the bill. Before I get too far into what I was planning to say I thought I would follow up on some of the things other members have said. I found it interesting that the member for Clayton did not concentrate too much on rooming houses, even though from my personal experience there are an awful lot of rooming houses in his electorate. I find it strange that those opposite would jump up and down about all the rooming houses that — —

An honourable member interjected.

Mr WATT — There are lots of rooming house operators out there who are doing a great job and there are lots of good rooming houses, some of which are centred around Monash University and some of which are located near Deakin University in my electorate. There are a lot of good operators out there. I hope we on this side would not do so, but those opposite seem to be tarring all rooming house operators with the same brush. I would hazard a guess that I have probably visited more rooming houses than any other member in this chamber. In my previous occupation I regularly visited rooming houses — some good and some bad — and I want to put on the record that not all rooming houses are bad.

The member for Mordialloc commented that some people choose to move into rooming houses. I would agree that some do because it is a cheap form of accommodation, and if they have a good landlord there are no issues, and they do — —

Ms Kairouz interjected.

Mr WATT — It is true. The member for Kororoit might say it is not true, and I understand that in her electorate — —

Ms Kairouz interjected.

Mr WATT — There are some that are cheap; that is the point. Not all rooming houses are bad rooming houses. If some members were to get their heads out of the sand and go to some rooming houses they might know that.

I want to get to the issue that the member for Mill Park raised about licences. I am not making any derogatory comments about the member for Richmond; I think his heart is in the right place. I think most people's hearts are in the right place but some people are misguided. When it comes to licences for rooming houses the problem is that if you have an operator who will not register their business, why would they get a licence? It dumbfounds me that people think that licensing is the panacea for people who would not even register a rooming house. I find that interesting. The proposal to introduce a licence for rooming houses would decrease the availability of rooming houses and increase the cost to some people who use them, so just having a licensing regime is not something I think people should be hanging their hat on.

I do not want to go too far into the incident at 211 to 213A Sydney Road, Brunswick, that many members have made a contribution on. I note that that incident occurred seven years after the Labor government was elected, and at that time nothing was done. It was not until three years later that the government decided to set up an inquiry. I find it interesting that the people who had been in government for 10 years when that report came out did absolutely nothing but that within two years of this government acting and getting things done they are out there saying we are not doing enough. I find it disappointing that they would mention that incident.

The member for Mill Park also mentioned consultation, and I note that on this bill there was quite a bit of consultation. Consultation took place with 20 councils across the state, with numbers of rooming houses, with different kinds of rooming houses — —

An honourable member interjected.

Mr WATT — The Municipal Association of Victoria was consulted, for the information of people on the other side who have their heads in the sand. The

Victorian Council of Social Service was also consulted on this report.

As far as rooming houses are concerned the government has already enacted legislation on minimum standards and regulations for them, and although I know some speakers have already gone through them, I thought I would also examine them. Of the hundreds of rooming houses I have visited I would say that most would meet the prescribed standards. Some of those standards are basic and common, and I would say that of the hundreds of rooming houses I have been to most had already complied with the standards before they were even enacted. These are things such as having a door lock which is operated by a key from the outside and may be unlocked from the inside without a key.

Then there is the matter of power outlets in the residents' rooms. Of the hundreds of rooming houses I have been to, most have power outlets. Another requirement is a window in the resident's room. Most have windows that can be opened and closed while affording privacy to a resident. That is one of the standards. Most rooming houses have bathroom and kitchen facilities that are in quite good working order.

One thing I want to say again is that just because there is a small element of operators in this sector who are doing the wrong thing does not mean that we should try to put the sector out of business. There are lots of people who require accommodation, and after 11 years of the previous government they still have not got that accommodation so they use the rooming house sector. There are people who do charge too much, I have seen that, but that does not mean they are all in that category. The bill will set up a housing register so that when people go looking for a rooming house they will be able to look at the register to find out whether a particular facility is registered with their local council. That will give them some comfort about the quality of the provider of that accommodation.

I note that the number of inspections of registered rooming houses undertaken by Consumer Affairs Victoria increased from 42 in 2008–09 to 610 in 2011–12. So the government is doing quite a bit of work to make sure it brings rooming houses up to standard. I also note that the Minister for Consumer Affairs has made the standards infringeable, such that owners and operators could face on-the-spot fines of up to $2800. The bill also makes minor amendments to the Public Health and Wellbeing Act to enable councils to also consider compliance with minimum standards in a decision about whether or not to register a rooming house. If a rooming house does not meet the standards, it may not be registered.

Clause 4 of the bill inserts new section 120A in the Residential Tenancies Act 1997. New section 120A will enable a rooming house resident to serve the owner of a rooming house — the definition of which includes 'a person who conducts the business of operating the rooming house' — with a breach notice requiring the breach of any applicable rooming house standard to be rectified within the required time period. In the event that a breach is not rectified as required, a resident may apply to the Victorian Civil and Administrative Tribunal for a compensation and compliance order relating to the breach of section 120A. That has not been able to happen before, and it is a great addition to this area of the legislation.

I commend the government for doing the work. I hope that those opposite will see the light and accept the fact that this government is doing something after 11 long, dark, miserable years of hard Labor. It is surprising that it took them so long to get off their backsides and do something in the sector; all they did was talk about it.

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

Ms EDWARDS (Bendigo West) — I am pleased to make a brief contribution to the debate on the Residential Tenancies and Other Consumer Acts Amendment Bill 2012. I would like to make some brief comments on the previous member's contribution. I was pleased to hear him say that he has seen inside hundreds and hundreds of rooming houses. Potentially his next job, in 2014, might be as a rooming house inspector.

Following the findings and recommendations of the 2009 coronial investigation into the deaths of two rooming house residents — which was an extremely sad and tragic event, and one we all recall with great shock — the former Labor government backed every single one of the recommendations of the Rooming House Standards Taskforce and committed to establishing appropriate criteria for who could become a rooming house operator. At the time the coalition, then in opposition, indicated total bipartisan support. It was an important bipartisan arrangement that it agreed to back then because, as we know, typically residents who occupy rooming houses are some of the most disadvantaged and vulnerable members of our communities. Of concern to me in particular are the women who are fleeing domestic violence and are in hiding from an abusive partner and who have absolutely no other choice but to go to a rooming house

with their children and hope that it is a satisfactory one. It is imperative that the government supports and protects these citizens.

As we know, hundreds of rooming houses have been failing to meet minimum safety standards — not just a few, but hundreds — and this has been widely reported in the media. Figures released from the Department of Human Services last year revealed the appalling state of many privately run rooming houses, with less than half having adequate security, four out of five being without an evacuation plan and more than half being without fire-safe locks on bedroom doors and proper insulation and heating and with no regular gas or electricity checks.

Unfortunately this bill does not implement a licensing regime for rooming house operators, as recommended by the task force. In its current form it seeks to create a statewide register based on information held by local councils on registered rooming houses rather than the operator licensing system, which was a significant recommendation of the task force.

Of serious concern is that registration alone will not stop shonky rooming house operators. I would like to refer to some comments made by the former Minister for Housing, the member for Richmond, who is very passionate about this issue. Back in September 2011 he is reported in the *Age* as saying — and I think he hit the nail on the head:

> A register does nothing to address rogue operators when you don't hit them at their heart, which is their business operation.

Pursuant to the Public Health and Wellbeing Act 2008 the registration information will be provided to Consumer Affairs Victoria. However, the bill does not appear to create any role for the director of Consumer Affairs Victoria in the registration of information, as the director will only be able to collect and collate this information in an online register. This task alone might be quite challenging, given the number of public servants being sacked across Victoria, many in the Department of Justice. Also, local councils will be faced with another administrative burden — not unlike the administrative burden facing them with the introduction of the new fire services levy — without any financial support from the government to update and maintain the rooming house register.

What is concerning is that under the government's proposals the very worst rooming house operators, as identified in the coroner's report and the task force report, could and probably will continue to operate rooming houses in Victoria. Strict control of rooming houses will not threaten the supply of such accommodation and is more likely to restrict the operation of unsafe and dubious rooming houses. If the government were genuinely concerned about the homeless, the disadvantaged or the vulnerable, it would address this issue full on with the licensing system. Not only that, it would not back away from supporting public housing tenants who are being neglected by it. The government's failure to invest one new cent in public housing since it has come to office speaks volumes about its priorities.

The Tenants Union of Victoria and other organisations have voiced serious concerns about the bill. One of the concerns is about the compliance of rooming house operators with their legal obligations.

I will not go on much longer because I know there are a number of members who also want to speak on this bill. However, I will say that it is imperative that the government gets the message that it must, for the sake of our most vulnerable and disadvantaged citizens, implement — as promised — all of the Rooming House Standards Taskforce recommendations and stop tiptoeing around the edges of this very important matter.

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

Mr CRISP (Mildura) — I rise to make a contribution to the debate on the Residential Tenancies and Other Consumer Acts Amendment Bill 2012. The Nationals in coalition are supporting this bill. I will speak briefly on it, as I know a large number of people wish to make a contribution on this topic.

The purpose of the bill is to amend the Residential Tenancies Act 1997 to impose further duties on rooming house owners, to provide for a statewide register of rooming houses and to make further provision for matters relating to site agreements and part 4A dwellings; to amend the Public Health and Wellbeing Act 2008 to make further provision for the registration of rooming houses under that act and to provide for municipal councils to enter information in relation to rooming houses in the register of rooming houses established under the Residential Tenancies Act 1997.

Its purpose is also to amend the Business Licensing Authority Act 1998 to make further provision for delegation powers under the act; and to amend the Consumer Affairs Legislation Amendment (Reform) Act 2010 to make further provision for contracts for the sale of lots in a plan of subdivision; and to amend the

Sale of Land Act 1962 to make further provision for contracts for the sale of lots in a plan of subdivision.

This bill falls into two parts. I will talk about rooming houses first. For many reasons we need to define what a rooming house is. A rooming house is where someone occupies or shares a room that has communal facilities — such as kitchen, toilet and bathroom facilities. That definition allows us to start looking at what rooming houses are. Certainly it allows us to move on and look at the rights of those who occupy rooming houses.

Local government is required to operate and keep a register of all rooming houses. There will now be a statewide register which will be held by Consumer Affairs Victoria. It will allow for monitoring, including trends with statewide operators, because if there is a problem with a statewide operator in one area there may well be a problem in another area. The government has already in the past made improvements to privacy, safety, security, amenities and other standards.

The bill also clearly recognises the separation between owners and operators of rooming houses and defines the distinct responsibilities of each. Owners and operators both have and must accept their responsibilities. Not only can local government and Consumer Affairs Victoria take action against substandard operators but residents can also take action. The bill allows those who are aggrieved to take action.

The difference between a rooming house and a hostel is important. In my electorate there is some confusion about what constitutes a rooming house and what constitutes a hostel. A typical evolution that occurs in Mildura is of a motel that has become a little sad over time and then becomes a hostel. Public health and wellbeing regulations define hostels and rooming houses differently. Hostels are defined as accommodation for travellers while a rooming house is defined as rental accommodation. A large backpacker population comes and goes through Mildura. It might be possible for a backpacker hostel to morph into a rooming house via changed operations if the majority of customers are renters rather than travellers. If this has happened, the proprietor would do well to check with his council about changing his registration. Because of that possible evolution, this definition is very important in Mildura.

Another area we are looking at is residential parks which are popular along the Murray as retirement villages. Many of us would have seen them promoted on television as they are emerging as a popular retirement option for people. We are changing the terms and plugging up some of the gaps in the legislation, particularly around cooling-off periods. A pre-manufactured dwelling will now have a 20-day pre-contract consideration and a five-day cooling-off period, which will correct the gap.

This bill brought to Parliament by the coalition will better protect Victorians. I commend the bill to the house.

Mr FOLEY (Albert Park) — I rise to make a few brief comments in the debate on the Residential Tenancies and Other Consumer Acts Amendment Bill 2012 and I do so with a heavy heart. I commend the contribution of the honourable member for Mill Park because she most accurately summed up the issues.

This bill is in many ways a metaphor for this government, which promised much in opposition and has failed to deliver. This bill does little harm because it does little at all. It fails in what it has sought to do in the most obvious of ways because, above all else, what it fails to do is act on the 2009 central recommendations of the coroner and the Rooming House Standards Taskforce. In those days this was apparently a bipartisan issue but we heard the honourable member for Prahran refer to the Parliament moving towards a bipartisan approach to this issue. At this rate, by the year 2050 we might get some serious action on this matter, but by then of course this failed Baillieu-Ryan government will have been well and truly consigned to the waste bin of history, where it richly deserves a place.

One aspect in which this bill does some good is new section 120A of the Residential Tenancies Act 1997 which creates an obligation on rooming house operators to meet the new minimum standards for the physical conditions of rooming houses which come into effect in March 2013. Let us not overstate what those minimal conditions are; they are very minimal standards.

I have actually been in a few rooming houses, as has the honourable member for Burwood. His area went from being nowhere on the registered list of rooming houses in 2009. Through Consumer Affairs Victoria, the City of Knox, the City of Monash and others, substantial good work has been done to ensure that there is a tightening up of the existing phenomenon of rooming house operators taking over the worst house in the street in those middle and outer suburbs and turning properties which have traditionally been multi-residential homes into forms of rooming houses.

The member for Burwood is right: rooming houses can and should provide legitimate forms of available rental for those at the bottom end of the private rental market. But that bottom end of the private rental market fails in its market application in that it exploits people as the basis of its business model. It is a market failure as a result of the high demand for private sector rental getting out of control and being beyond the reach of many low-income residents of this state. This happens in other states as well but it takes a particular form in Victoria.

The government has failed to take the opportunity it committed to in opposition to resolve a key market failure. The government has also failed to take the view that there is a role for the state in regulating a key aspect of the margins of the private sector rental market. For some this is about the worst aspect of the rental market and affects a significant number of rooming house operators. The Department of Human Services regulatory impact statement showed that in 2011 over half of all rooming houses did not comply with the minimum standards that will apply come 2013. For the member for Burwood to make the assertions he made at best reflects his naivety.

This bill fails to provide an opportunity for the state, not local, government to register the business operations and essentially take on the business model identified by the coroner and the Rooming House Standards Taskforce that seeks to separate and hide behind all sorts of corporate veils the worst private sector rooming house operators.

When in opposition the then shadow Minister for Housing, now the Minister for Housing, Ms Lovell, referred to the need to make sure that investigations and action were taken against rogue rooming house operators. She is quoted in the *Whittlesea Leader* of 8 June 2009 as saying that there was a need to take action 'to protect vulnerable Victorians from these vultures'.

Ms Lovell then went on to say that the government amendments requiring rooming house operators to register their properties with local councils were 'a bandaid fix and a farce'. This bandaid fix and a farce is now government policy, which is the central element of what is proposed by this bill. By seeking to amend the Public Health and Wellbeing Act 2008, all this government is doing is placing an obligation on local government to upload data. There will be no power for Consumer Affairs Victoria to examine, monitor or enforce business operations in any way. There might be some obligation on local government to enter details of the premises in that regard, but the bill misses the point. The business model used by rogue operators needs to be taken on. The coroner and the Rooming House Standards Taskforce found that the problem occurs because of the separation of responsibility and operators hiding behind corporate veils. Businesses are closed and then opened again the next day, and that places people who are vulnerable at risk. The bill fails to take action in that regard.

The government proposes to give rooming house tenants the power to take on that worst aspect of operators for their failing to meet these fairly minimum conditions. Of course that is an improvement, but government members are living in denial if they think people who are subject to those kinds of conditions in the worst rooming houses of operators in this state are in some kind of position to take people who they do not even know or meet, people who extort money from them on a day-to-day basis, to the residential tenancies tribunal. It is simply not going to happen, and if it does it will be against operators who are probably in the margins that the member for Burwood talked about — those further up the scale of rooming house operators.

This bill is a sad reflection of the missed opportunities that the Baillieu-Ryan government continues to set loose on the people of Victoria. Whilst opposition members will not be opposing the bill, because in its own limited way it at least improves the current landscape, it does not deliver on what government members promised. The bill does not deliver in the areas that need action, and it is a sad reflection of the government. The government can rest assured that this is not the end of the issue as far as the opposition is concerned.

Mr GIDLEY (Mount Waverley) — I rise to make a contribution on the Residential Tenancies and Other Consumer Acts Amendment Bill 2012. I am pleased to do so, because this is another example of the Liberal-Nationals coalition government implementing an election commitment early on during its term. I note that the bill gives effect to our commitment to improve real estate regulation and practice. It does that by further improving the operation of residential tenancies legislation, establishing a statewide rooming house register and making some small but important amendments to promote contractual certainty in off-the-plan sales. I intend to discuss each aspect of this bill, because each aspect in its own right is an important and significant step forward, as I said, of not only implementing our election commitments in a timely manner but also improving the lives of Victorians in a range of ways.

I turn to the aspect of the bill that amends part 4A of the Residential Tenancies Act 1997 to enable purchasers of part 4A dwellings to rescind purchase agreements for those dwellings in certain circumstances. This amendment is about improving rights and protections for those Victorians who purchase a residential park area of land — a site tenant, if you like. I note that as part of this bill and part of these amendments the purchaser of a part 4A dwelling will have the ability to rescind the contract for that dwelling where the purchaser has been given, but decides not to sign, a related site agreement; or having already signed a related site agreement the purchaser exercises his or her statutory cooling-off rights and in doing so rescinds the contract. The bill confines this right to circumstances in which a tenant has purchased a part 4A dwelling from the site owner. The amendments go a long way towards addressing the risk of site owners exerting significant pressures on a prospective site tenant.

This is another example of the coalition improving consumer protection and enacting legislation which will make the lives of Victorians better because the amendments will redress that bargaining imbalance. They will address the risk of site owners exerting significant pressure on prospective site tenants to sign site agreements that are otherwise undesirable — and that can happen to Victorians — or where a site agreement has already been signed, not to exercise cooling-off rights in respect of that agreement.

The bill also amends the Residential Tenancies Act to establish a new duty on rooming house owners to ensure that a room, facility or service or common area provided to a rooming house resident complies with minimum standards. That is another important aspect of the coalition's commitment to improve the lives of Victorians — a set of standards that rooming houses need to comply with.

The amendment in particular I am pleased to see will ensure that from 31 March 2013, when minimum standards will apply to all Victorian rooming houses, rooming house residents will be able to take independent action to remedy non-compliance with those standards. If a rooming house tenant is in a situation where the minimum standards under the regulations are not being met, this bill will ensure that those residents are able to take action and ensure a more prospective bargaining position for somebody in a rooming house.

I note that as a result of amendments residents will have the ability to serve a rooming house owner with a breach of duty notice requiring a breach of standards to be remedied within three days. That will give the resident of a rooming house some certainty if they take that action. We are not talking about one, two or three months later; we are talking about having those standards remedied when the rooming house operator is in breach of regulations within three days.

I also note that the bill will amend the Residential Tenancies Act to provide for the establishment of a consolidated statewide register of rooming houses. It is another important step in improving the availability and standards of rooming houses. The register will be maintained by the director of Consumer Affairs Victoria, and the state will ensure that resources are provided so that CAV can meet its responsibilities. These measures will give all Victorians confidence that the rights of residents of rooming houses will be improved and, if the standards are breached, that residents will be able to do something about it. The people of Victoria will be able to have confidence in the standards and regulations that apply to rooming houses.

From the perspectives of all who might have friends, family members or other loved ones who are in and utilising rooming houses, which are important providers of accommodation, or of other Victorians who may be in a situation where they use rooming houses or are looking at purchasing a dwelling on a particular site, we can have confidence that this government has taken another step forward today in this chamber by creating better lives for those Victorians and ensuring that the responsibilities that the previous government did not live up to are being rectified in this bill. I commend the bill to the house.

Mr CARBINES (Ivanhoe) — I am pleased to make a contribution to the debate on the Residential Tenancies and Other Consumer Acts Amendment Bill 2012. I was pleased to be in the chamber to hear the contribution of the member for Albert Park, who chaired a task force in 2009 to reform rooming houses and protect vulnerable people in our community. There were some 32 recommendations in the report put together by that committee, which the previous government committed to in full. The report picked up recommendations the coroner made around that time. There was bipartisan support in relation to the recommendations and matters that were put forward by the Labor government. We have now been disappointed, as have so many vulnerable people in the community, by the bill introduced by the government.

In 2011 the Baillieu government indicated that minimum standards would not need to be operational until 2013 and that there would be no comprehensive action from the government outlined in the bill. The bill does not cover the issues of the registration and

licensing of rooming house operators despite many recommendations urging that course, including those in a comprehensive report put together by the member for Albert Park and others in 2009.

I will touch on some of the comments made by HomeGround Services, which is an organisation that does great work in our community providing advocacy and representation services to vulnerable people, particularly those who rely on rooming houses for their accommodation. The HomeGround Services bulletin of March 2008 contains some comments about the life of private rooming house tenants. It states:

> Scary place. Waiting to get stood over again. Oven is filthy. No standards. Threatened by other tenants.
>
> I was evicted when I complained about the terrible drainage in the bath/shower.
>
> It was the lowest place I have ever stayed in my life, which includes 10 years jail.

Can members imagine people determining that their accommodation in jail was better than the accommodation provided in a rooming house in Victoria? That is a pretty devastating comment made by a very vulnerable person in our community.

There is a case study in the bulletin involving Sarah, who is 29 years of age. It states:

> Sarah can only use the kitchen until 9.00 p.m. every day, and shares a bathroom with more than 10 others. Her concerns include the fact that the bathroom is covered in blood most days, there are no lights in the corridors, making her feel very unsafe, and she has no access to a caretaker at night.
>
> 'I can't afford to live anywhere else and public housing takes too long. Needles, blood and bedbugs everywhere in this … joint. Kitchen, what kitchen?'—

I omitted the expletive. These are the circumstances in which many vulnerable people find themselves, and they may encounter such circumstances when they are trying to find accommodation.

When I was a councillor at Banyule City Council between 2005 and 2010, we undertook a review of rooming houses in the municipality. We found that while there were 9 registered operating rooming houses that met some standards at that time, there were another 28 properties that needed to be addressed which we identified in the municipality that were operating as rogue rooming houses that were not meeting any standards and whose operators were not accountable to anybody.

Recommendations were made by the committee chaired by the member for Albert Park following its work. We would expect that legislation of this sort would provide the opportunity to pick up and deal with rogue operators who fly under the radar. Some 28 properties were examined. Can members imagine the number of beds and places being provided by these operators that are not meeting private rental standards or even rooming house standards? The government has missed an opportunity to provide Banyule City Council, other bodies in my electorate and many other councils with the opportunity to exercise greater rigour and greater enforcement giving them the ability to stand up for vulnerable people in the local community.

We endorsed the report of 27 July 2009. Improvements to legislation and the legislative change that was predicted would have provided an opportunity for the council to better represent people in rooming houses in the community, particularly those in the 28 places we identified that were operating as rooming houses but do not currently fit any particular criteria. It comes as no surprise that a government that falls back on free enterprise and looks after the capitalist system in Victoria would rather protect people who want to make a dollar than the vulnerable people in our community who need advocacy and government protection to ensure that their rights are protected and to ensure that they have a decent standard of living and are protected.

We have heard some rubbish from members on the other side about people going to see lawyers and referring to sections in acts of Parliament to protect their rights. That just shows how out of touch this government is and how little it has to do with vulnerable people in our community who rely on government advocacy and good laws to protect their aspirations and rights. This government has let them down on this occasion. We will continue to pursue these matters on behalf of vulnerable people in our community, including the electorate of Ivanhoe.

Mr WAKELING (Ferntree Gully) — It gives me great pleasure to rise to contribute to this very important debate on the Residential Tenancies and Other Consumer Acts Amendment Bill 2012. It is pleasing to see that although members opposite have sought to criticise the government during this debate in the way they do during similar debates on bills that come through this house, when it comes to the vote those members will support this important piece of legislation. That will be great to see, because this is important legislation that will go through both houses of Parliament and make a real difference to the operation of rooming houses.

Like many members, I have raised concerns about the operation of boarding houses in my local community.

In the suburb of Ferntree Gully we have had many rooming houses in operation. A number of concerns have been raised about the operation of boarding houses and the need for further regulation of their operation. That is why I am pleased to see that this bill, amongst others things, establishes a new statewide register of rooming houses. That is certainly a very positive step. It also introduces a new duty on rooming house owners to comply with minimum standards for rooming houses, which is something that clearly has been lacking. I am pleased to see these new provisions introduced.

The bill also makes a number of other amendments related to the registration of rooming houses.

The ACTING SPEAKER (**Mr Weller**) — Order! There is too much audible conversation in the chamber.

Mr WAKELING — I share the concerns of members opposite about the operation of rooming houses. Some rooming houses are in no fit state for people to reside in. We would all be aware of examples of such rooming houses in our own communities. Rooming houses are often a form of accommodation for the most vulnerable members of our communities. However, residents of rooming houses are entitled to live in an environment that is safe, clean and habitable. All members of this house would agree with that. That is why I am very pleased to see that this government is taking steps to improve the way that rooming houses will operate in the future.

The bill includes a suite of significant amendments relating to rooming houses to promote better practices in the sector. The first of these amendments is, as I have said, the introduction of a new duty on rooming house owners to comply with prescribed minimum standards. These minimum standards will be prescribed in the Residential Tenancies (Rooming House Standards) Regulations 2012. The regulations were made on 31 March 2012 and will come into operation on the same day next year, in 2013, to give owners and proprietors of rooming houses the opportunity to bring their premises up to a standard that is acceptable.

There is clearly need for an improvement in the level of quality and care in rooming houses. I have spoken to constituents of mine who have been residents in rooming houses. Many of those I have spoken to have been afflicted with a mental illness or have had drug and alcohol issues, some have had families and some have had young children. Clearly there are concerns when families are mixing in the environment of an unsavoury housing arrangement, particularly for young children. That is why it is imperative that we improve our rooming houses to make these places habitable at a level that is acceptable to community standards in 2012.

I know that this bill, when it is passed with the support of all parties, goes through both houses of Parliament and receives royal assent and is enacted, will make a real difference to the operation of rooming houses in our community. I wish it a speedy passage through the house.

Ms KNIGHT (Ballarat West) — I rise to speak in the debate on the Residential Tenancies and Other Consumer Acts Amendment Bill 2012. I acknowledge that the bill covers a range of areas. I would like to thank the member for Mill Park for articulating so well the detail of the bill and the opposition's concerns with it, but I would like to concentrate on the main purpose of the bill, which is to establish a rooming house register.

I also acknowledge the contribution of the member for Richmond, particularly his commitment and dedication to creating housing for people and opportunities for housing for all. I have said in this place before that it is so important that we have members of Parliament who are committed to assisting people to get housing. As a single mother with three kids, there was a time in my life when the only way I could get access to housing and enter the rental market was through bond assistance. I was very grateful, as were my kids, that we were able to access that assistance. I wanted to put that on the record and acknowledge the member for Richmond.

I have concerns that despite the recommendation of the coroner and the Rooming House Standards Taskforce this bill provides for the creation of a rooming house register rather than the establishment of a rooming house operator licensing system. I understand that the recommendation of the coroner followed the inquest into the 2006 deaths of Leigh Sinclair and Christopher Giorgi. It is a real indictment that we are standing here talking about this now. It demonstrates the importance of getting this right.

After talking to a lot of agencies, we are seeing more and more people needing to access housing. When it comes to rooming houses, we are talking about vulnerable people. We are talking about people who may have mental health issues or drug issues or who are facing challenges in their lives that those of us in this chamber may have never experienced ourselves but have witnessed, read about or have spoken to our constituents about. As I said, it is really important that we get this right.

This is particularly true in my area, because there are now 220 applicants on the early housing waiting list, which is a 16 per cent increase since June 2011. That is the waiting list for the most vulnerable — those who are really at risk and really need accommodation. It is the responsibility of everyone in this chamber, particularly government members in creating this legislation, that we get this right and we do it with those people in mind. It is disappointing that there was no consultation with stakeholders.

I refer to comments made by the Tenants Union of Victoria, whose role it is to represent residents of rooming houses, people experiencing homelessness and providers of housing to vulnerable and low-income renters. In a letter addressed to the member for Mill Park, the Tenants Union of Victoria states:

> A significant problem in the rooming house sector is identifying the operators of rooming houses, both registered and unregistered, to ensure that they comply with their legal obligations. This problem was identified by the Victorian coroner in the inquest into the deaths of Leigh Sinclair and Christopher Giorgi in an unregistered rooming house.
>
> The proposed register does nothing to resolve this problem.

I appeal to the government to take note of and consider these comments from an organisation whose members actually work day in and day out with people who need access to rooming houses or other forms of accommodation. I appeal to the government to implement the recommendation of the coroner and the Rooming House Standards Taskforce and establish a rooming house operating licensing system.

Mr THOMPSON (Sandringham) — I am pleased to contribute to the debate on the Residential Tenancies and Other Consumer Acts Amendment Bill 2012. The bill amends the Residential Tenancies Act 1997 to place a duty on a rooming house owner to ensure that any room, facility, service or common area provided to a resident of a rooming house complies with any applicable rooming house standard.

Within the Sandringham electorate there is a range of different housing options. There are disability homes available to people with long-term disabilities and there is a range of public housing options. A number of years ago a number of social housing units were made available for Sandringham residents. It is interesting to note that back in the 1960s and 1970s the public commitment to the provision of social housing in the Sandringham district was very strong.

As a result of strong community work and advocacy on the part of members of the Combined Pensioners Association of Victoria in the district and support at a local government level, a number of units were established for housing for low-income earners. Through fundraising at the time that was organised through the mayoral trust with support from the federal housing grants system and local fundraising, 10 units were established on Sandringham Road in Sandringham and a number of units were established in Beaumaris, on Dalgetty Road and Haldane Street. The units were furnished with the support of council and community fundraising, and these 18 units in particular have been an important source of social housing for people over the years.

In the last 12 months the council had proposed the sale of these units, believing that the time for their community use had expired. Subsequent to that decision there was a letter sent to the local council, signed by 19 former mayors of the district, supporting the retention of those houses as social housing for the benefit of local residents. To the credit of Bayside City Council and the councillors, they reversed an earlier decision and put up for tender the management and redevelopment of the units as social housing. Recently, in the last fortnight, a decision was made to transfer ownership of those units to the housing group Mecwa on the proviso that the 18 units remain, as I understand and interpret the outcome, as low-cost social housing accommodation.

This is a tremendous outcome for the bayside community. It recognises the important contribution and intent of those councillors from across the political spectrum who in the early 1970s, with the support of the federal government and community fundraising, established these units. I understand some are going to be redeveloped and that tenants will have a right of continuing occupancy, and that is an important outcome.

Rooming houses have an important role too, and the bill requires rooming house accommodation to be compliant with the relevant housing standard. There have been a number of debates in this chamber in previous years about people sleeping rough. Some people might choose to do so of their own volition, but it is important that there be a range of good accommodation options for people in Victoria which meet certain standards that contribute to wellbeing.

Not far from where we are at the present time breakfast is provided each day to people who are homeless and who sleep rough. A range of conditions and medical histories accompany the circumstances of people who sleep rough, and it is important that there be good options for those people so they have the chance to have a secure environment no matter the climatic

conditions. Housing is an important component of Maslow's hierarchy of needs, as is the prioritisation of welfare outcomes, and it is important that there be a range of options available for the community within budget parameters.

Public housing in the Sandringham area is provided at a number of sites. It has given security of residence for numbers of Sandringham electorate constituents over the years. Some people find themselves seeking public housing as a result of family tragedy, medical circumstance or a range of other factors outside their individual control. Access to affordable and good housing that is proximate to public transport, local shopping centres and community amenities and facilities can help to achieve a constructive outcome.

I commented earlier on the position of social housing in the Sandringham electorate and the recent decision by the Bayside council not to sell off units or land. It would have been helpful from a municipal point of view to discharge debt by selling the units and the land, but the council decided to retain the use of them for public housing. A prime mover in that regard, who coordinated the work of local residents and had a pivotal role in securing the signatures of 19 former mayors was Dr Sally Cockburn, and I commend her endeavours. Her role was pivotal in achieving the outcome. A historic understanding of the role of the development of those units and their importance as a continuing legacy to the community was reflected in the level of community engagement in ensuring the provision of another housing option for people in the local community. With those remarks, I support the bill.

Ms GARRETT (Brunswick) — I am pleased to rise to make a contribution to the debate on the Residential Tenancies and Other Consumer Acts Amendment Bill 2012. I am honoured to do so on behalf of the people of Brunswick. As we know, this bill has arisen out of a process that included a coronial inquest and a subsequent high-level task force into rooming houses that came about because of the tragic deaths of Leigh Sinclair and Christopher Giorgi in a fire in a rooming house in Sydney Road, in my electorate of Brunswick. At this time I think it is appropriate — and I am sure all members of the house will join me — to remember those two young lives lost and the devastation that has resulted for their families and friends.

Rooming housing is an issue that is all too familiar in inner city suburbs like Brunswick and Coburg and all through the city of Yarra, in Richmond and Fitzroy, and unfortunately there are many unscrupulous operators who prey on vulnerable and disadvantaged people in our community and provide substandard conditions at high cost to desperate people.

While this bill goes some way towards addressing the many issues surrounding rooming houses, as my colleague, friend and key advocate in this area the member for Albert Park put it so eloquently a short time ago, this bill fails in a number of key respects. Most importantly it fails in that it has not seized the opportunity to fully implement the recommendations of both the coroner and the task force.

While the opposition will not oppose this bill and welcomes the minimum standards and the requirement for local councils to upload the location of rooming houses and other data, we make the point that the government and the state have missed a vital and important opportunity to occupy a space, to take the initiative and stand up and look after some of the most vulnerable and disadvantaged people in our community.

We know that the use and abuse of rooming houses by rooming house operators is a growing problem in our community, not a shrinking one. The member for Sandringham ably described the need for social housing. People can find themselves in difficult circumstances. Unfortunately at a time when these issues are being raised the government seems determined to lay the hack into public housing. We only have to look at what is happening in Heidelberg West, in the electorate of Ivanhoe, to know this government's stance on public housing. If this approach continues, the pressure on the rooming house sector will only grow.

Honourable members interjecting.

The ACTING SPEAKER (**Mr Weller**) — Order! The member for Albert Park and the member for Burwood can carry on their conversation outside, if they would like to.

Ms GARRETT — I appreciate the member for Albert Park's passion on this issue, given his close involvement. Coronial recommendation 3 states:

> That the director, CAV, implement a licensing system for all rooming house operators with each such business to be managed by a nominee who shall be the person in charge, with such persons to be fit and proper persons having regard to criteria to be established by the director.

This is an absolutely fundamental recommendation, which has been ignored by this government.

Recommendation 15 of the high-level task force, which had bipartisan support prior to this election — —

Mr Watt interjected.

The ACTING SPEAKER (**Mr Weller**) — Order! The member for Burwood will desist.

Ms GARRETT — The former government made a commitment to implement all of the recommendations. Recommendation 15 again reinforces the need for a registration and licensing system for rooming houses in Victoria. Such a licensing system would address the key issues of the identity of rooming house operators and the conduct of such operators. We know that many rooming houses are substandard and that many of their operators are exploitative.

We have heard about the attitude of the Tenants Union of Victoria towards this bill and the attitudes of other housing and homelessness organisations. They are concerned that the government has failed to seize this opportunity to implement all of the recommendations of the Rooming House Standards Taskforce. We believe this leaves many people in Victoria still open to abuse and exploitation and still living in substandard and desperate accommodation. We call on the government to get its skates on and to act in the interests of all Victorians, including those who are suffering under terrible conditions in these rooming houses.

Mr SOUTHWICK (Caulfield) — I rise to speak in the debate on the Residential Tenancies and Other Consumer Acts Amendment Bill 2012. This bill implements another government election commitment, which was to improve real estate regulation and practice. It does so through the following: clarifying the rights of rescission in residential parks contracts; making it a duty for rooming house owners to adhere to minimum standards; creating a register for rooming houses that will benefit councils, referral agencies and most importantly residents; and improving warnings for off-the-plan sale contracts. This bill also streamlines decision making on licence applications by allowing the Business Licensing Authority to delegate decisions on straightforward applications.

We have heard a number of claims today regarding this bill. It is a very important bill which ensures that we are tightening up the law relating to residential tenancies and rooming houses and when it comes to protecting the most vulnerable in our community. Today we have heard members from both sides of the house providing important examples from their electorates of our most vulnerable people suffering from horrific circumstances because they did not have the most basic requirement of appropriate housing. This bill goes a long way to improving that situation.

We have heard that many of our most vulnerable residents live in residential parks. Both owners and renters live in these dwellings. Often two contracts are involved: the contract for the purchase of the dwelling — that is, the caravan — and another contract for the purchase of the land. This means that people are signing two documents. If one of the documents does not line up with the other, unfortunately people are left high and dry and are forced to negotiate themselves out of an agreement. We are streamlining and reducing this process, particularly with regard to when the purchase has been made. Residents can now reconsider their sale.

The Tenants Union of Victoria has warned that the current situation can leave residents feeling trapped in relation to an agreement. This bill allows consumers who rescind the signed agreement to also rescind the contract of sale. This option was not available to residents under existing legislation. Opposition members want this right extended to people who purchase caravans outside residential parks, which is drawing a long bow. The fact that we are providing protection that can be clearly monitored for contracts negotiated within a park shows that we are actually getting on with it and doing something. Actions speak louder than words, and we are delivering when it comes to this particular part of legislation.

The government has been very active in supporting the residents of rooming houses. We recognise that people living in rooming houses can be among the most vulnerable in our community and that it is important that we act to support such people. The Minister for Housing has enacted minimum standards in relation to privacy, security, safety and amenity in these rooming houses. This includes fundamental needs like locks on bedrooms and toilet doors, safety checks and evacuation points — the basic requirements that anyone operating a rooming house would expect to comply with. Recently the Minister for Consumer Affairs made these standards infringeable.

Owners and occupiers face on-the-spot fines if they do not comply with these basic standards. These fines of up to $2800 for breaches of these standards show that we as a government take this issue very seriously. If rooming house operators do not comply and do not provide the minimum standards of housing, then they will be hit with significant infringement penalties. The lease being developed by the government will also set out the rights of operators and residents. As I said, Labor has talked on this issue many times, but it has taken a coalition government to act on it.

I want to talk about the statewide rooming house register, because it is crucial to knowing what is and is

not a rooming house. In my electorate of Caulfield we have seen many people profiteering from setting up illegal rooming houses for backpackers. Many residents do not know who to go to to make a complaint or do not understand what is or is not a rooming house. Local government has also been caught up in all of this. Most importantly, those most vulnerable who enter into agreements and think they are rooming house tenants are caught up by illegal providers.

Recently in my electorate four people and a company were charged in relation to an illegal backpacker hostel, and a lot of red tape prevented council from acting immediately to shut it down. The City of Glen Eira has been very proactive in its approach to this, and I have met with the City of Port Phillip on numerous occasions to look at what it can do to identify and tighten up on some of these premises.

I pay tribute to Rochelle Hunt, who is an Australian Broadcasting Corporation reporter. She is a resident of mine who lived near one of these illegal rooming houses. She brought it to my attention. She also took it to the airwaves and made public the fact that she had moved into a new area only to discover an illegal backpacker hostel operating right next door to her where the owner was profiteering by not providing any of the services that you would expect for a rooming house.

In looking into this issue she found that the industry was growing and that more illegal operators were popping up. They were renting houses and then subletting them by dividing the rooms. On many occasions the person who owned the house would be renting it out quite innocently for a few hundred dollars, and the house would then be sublet for thousands of dollars without any minimum services being provided. There were huge occupational health and safety risks because the basic services were not provided in these forms of accommodation.

A statewide rooming house register will be really important to ensure that we know exactly what is and is not a rooming house and ensuring they comply with minimum standards. It is important to promote these elements for those who need them the most and to ensure that those people are properly accommodated and they do not face the risks that we have seen for far too long.

It is all very well for opposition members to come in here and say what they would do, but they had 11 years in government to do something about this very important issue. Now they say we have not gone far enough. It is very easy to say we have not gone far enough when you are in opposition. I would like to see them get behind this very important legislation and support it rather than just ridiculing everything we put before the house. This is important legislation. Opposition members can ridicule it and say it is not enough, but unfortunately they had their time in government and they did not take the opportunity. I commend the great work of the Minister for Consumer Affairs, and I commend the bill to the house.

Ms HALFPENNY (Thomastown) — I rise to speak on the Residential Tenancies and Other Consumer Acts Amendment Bill 2012. As I understand it, the bill seeks to amend various parts of the Residential Tenancies Act 1997, the Public Health and Wellbeing Act 2008, the Sale of Land Act 1962 and the Consumer Affairs Legislation Amendment (Reform) Act 2010.

I intend to make a short contribution focusing on the provisions of the bill that create a statewide register of rooming houses that will be kept by Consumer Affairs Victoria and based on information provided by councils. The bill is a far cry from what resident advocacy groups have called for, it is a far cry from what the Rooming House Standards Taskforce has called for and it is a far cry from the coroner's recommendations following the deaths of Leigh Sinclair and Christopher Giorgi, who were living in an unregistered rooming house where they met their untimely and most tragic deaths.

Previous government speakers have talked about how the bill will make rooming houses safer and more secure. They have gone through the history of rooming houses and talked about how they have been unregistered and have not met the interests of residents. Those members do not seem to understand what they are talking about. Why would they think this legislation is going to remedy all the ills of rooming houses and all the bad practices of the shonky operators — of course there are many good operators of rooming houses who want to do the right thing — when all the advocacy groups and all the people who deal day to day with the terrible things that happen to residents of rooming houses are unhappy and angry about what the legislation proposes?

The legislation is not going to do the things that government speakers say it will. It is not going to protect residents. Other opposition members have referred to numerous groups such as the Tenants Union of Victoria, the Council to Homeless Persons, the Homeless Persons Legal Clinic and the Community Housing Federation of Victoria which have said in a letter:

As we understand it, the bill seeks to create a statewide register based on information held by local councils on registered rooming houses. This information, which is collected pursuant to the Public Health and Wellbeing Act 2008 (Vic), will then be provided to Consumer Affairs Victoria. The bill does not appear to create any role for the director of Consumer Affairs Victoria beyond collecting the information and collating it into an online register.

We know that if we want proper regulation and we want to protect the interests and the health and wellbeing of residents of rooming houses, we need much more than an online register of rooming houses to ensure and enforce minimum standards. These very informed and active advocates of residents, who know what is and is not required in terms of regulation and enforcement to ensure rooming house residents are protected, believe there needs to be proper registration of rooming house operators and powers to enforce their compliance with the regulations. They say it is something that this legislation falls well short of.

I would like to give some examples from suburbs represented by the electorate of Thomastown. According to the records of Whittlesea City Council there are nine rooming houses in Epping and Thomastown. I am aware of one that has been the subject of complaints from neighbours — so it is not just residents but neighbours — who believe it is not kept in proper order by the owner and who are concerned with some of the conduct at the rooming house. They have no redress, no means of ensuring minimum standards and it has been very difficult for them to get a response from the owner, who is very difficult to track down, even through the council.

I have also been involved with helping a constituent find decent housing. She was too frightened to stay in the rooming house she was renting and instead was sleeping in the waiting room of her doctor's surgery when it was not in use at weekends. In both cases the residents of and the families living next to the rooming houses had very little recourse because of the inadequate legislation to ensure they are kept in a clean, safe and secure manner.

While we understand that this legislation is a slight improvement on what existed before — the fact that there will be a central register for rooming houses is a small step forward — we ask: why can the government not properly listen to the advocates of residents? Why can this government not listen to the experts — the task force that went into this and the coroner who has gone through this in detail — and do what they recommend to protect residents of rooming houses rather than what government members think should be done to protect rooming house residents, which is obviously not much and means they are not really caring about the residents?

Debate adjourned on motion of Mr BURGESS (Hastings).

Debate adjourned until later this day.

RESOURCES LEGISLATION AMENDMENT (GENERAL) 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 Resources Legislation Amendment (General) Bill 2012.

In my opinion, the Resources Legislation Amendment (General) Bill 2012 (the bill), 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 this bill is to make amendments to resources legislation that are of a minor and technical nature.

Human rights issues

I note that holders of licences and permits as discussed in this statement include corporations and that only persons have human rights (section 6(1) of the charter act). Nevertheless, an individual could be a licensee or permit holder and so the human rights issues identified and discussed below are of relevance.

Special drilling authorisations and special access authorities

Section 20 — property rights

The right not to be deprived of property other than in accordance with law is protected by section 20 of the charter act and may be engaged where the bill enables the granting of an authorisation in respect of public or private land. However, any deprivation of property under the Geothermal Energy Resources Act 2005 (GER act) or Greenhouse Gas Geological Sequestration Act 2008 (GGGS act) is in accordance with law.

Clause 4 of the bill inserts a new part 5A and 5B into the GER act to establish new authorisations called a 'special drilling authorisation' and a 'special access authority', which authorise the authority holder to carry out geothermal energy exploration but does not confer any rights in respect of resources in that area. Clause 31 of the bill inserts a new part 8A into the GGGS act to establish a new authorisation called a 'special drilling authorisation', which authorises certain authority holders to carry out greenhouse gas

sequestration formation exploration (or injection) in the drilling authorisation area but does not give the authority holder any rights in respect of resources or greenhouse gas storage formations in the area.

Both clause 4 and 42 engage but do not limit the right protected by section 20 of the charter act.

Section 88 of the GER act and section 200 of the GGGS act require a person to obtain the consent of the landowners or occupiers before operations may commence on private land. Part 8 of the GER act and part 12 of the GGGS act also provides for compensation for private landowners or occupiers and enables the Victorian Civil and Administrative Tribunal to determine the amount of compensation.

Section 19 — distinct Aboriginal cultural rights

Section 19(2) of the charter act protects the distinct cultural rights of Aboriginal persons and, in particular, the right to 'maintain their distinctive spiritual, material and economic relationship with the land and waters and other resources with which they have a connection under traditional laws and customs'.

Those cultural rights are currently protected under the GER act through section 87, which requires that a geothermal energy operation must not contravene the Aboriginal Heritage Act 2006 and section 10 of the GGGS act, which provides that nothing in that act affects the Aboriginal Heritage Act. This existing protection for Aboriginal heritage will apply to the new authorisations introduced by the bill and as a result the provisions of the bill relating to the authorisations are compatible with section 19(2) of the charter act.

Section 13 — privacy and reputation

The notice requirements outlined below engage the right to privacy and reputation.

New sections 57L and 57W of the GER act inserted by clause 4 of the bill and new section 164K of the GGGS act inserted by clause 43 of the bill requires the holder of a special access authorisation and a special drilling authorisation respectively to give information obtained as a result of activities carried out under the authorisation. New sections 57D and 57P of the GER act inserted by clause 4 of the bill provide that the minister must not grant an authorisation unless the relevant current authority holder has consented in writing to the issue of the authorisation. New section 146D of the GGGS act inserted by clause 43 of the bill provides that the minister must not grant a special drilling authorisation in respect of an area that is the subject of a permit, lease or licence not held by the applicant without the consent of the current authority holder.

Section 13(a) of the charter act protects a person's right not to have his or her privacy, family, home or correspondence unlawfully or arbitrarily interfered with. An interference with privacy will not be unlawful if it is permitted by law, certain and appropriately circumscribed. Any interference will not be arbitrary if the restrictions it imposes are reasonable in the particular circumstances and are in accordance with the provisions, aims and objectives of the charter act.

To the extent that notice of any information obtained as a result of activities or operations carried out under the authorisation contains personal information, which is highly unlikely, any interference with personal privacy would not be unlawful and not arbitrary because it allows for the proper administration of the GER act and GGGS act. Furthermore, persons seeking to participate in activities regulated by resources legislation voluntarily bring themselves within the procedures which govern that industry.

Section 12 — freedom of movement

Section 12 of the charter act protects the right of an individual to freedom of movement, specifically the right to move freely within Victoria and to enter and leave Victoria, and the freedom to choose where to live.

Currently, where an authorisation is granted under the GER act and GGGS act, that authorisation grants rights of access to land. This may result in the right to freedom of movement being limited, in respect of the authorisation area, for current authority holders (where applicable) or other people seeking to access the area, particularly during the construction phase of the operation. The purpose of the limitation created by the grant of a special drilling authorisation and special access authority is to ensure public safety, as well as the protection of infrastructure related to operations carried out under those authorisations.

Free movement may be restricted in respect of an authorisation area but only for the establishment phase of any geothermal energy or greenhouse gas sequestration facility. If the authorisation is over private land, the acts require the consent of the landowner or occupier. If the authorisation is over public land, the authorisation can only be granted with the approval of the Minister for Energy and Resources within the requirements of part 7 of the GER act and part 11 of the GGGS act. The GER act provides that a special access authorisation must not be granted unless the minister is satisfied that the geothermal energy exploration proposed to be carried out will not be detrimental to, or unduly interfere with, any current or proposed future geothermal energy exploration of the current holder of the permit, lease or licence. The GER and GGGS acts also provide that the grant of an authorisation must be in respect of the minimum area needed to carry out the proposed operation, and it is likely that any genuine restriction of movement would be limited to the construction phase.

In addition, section 108 of the GER act and section 216 of the GGGS act specifically require that the operations under an authorisation are carried out in a way that does not interfere with the activities of any other person using the land, to a greater extent than is necessary for the exercise of rights under the authorisation. The limitation in the GER act allows access to land for the purpose of allowing a person to carry out geothermal energy exploration (and geothermal energy extraction, where applicable) on that land. The limitation in the GGGS act allows access for the purpose of allowing certain authority holders to carry out greenhouse gas sequestration formation exploration (and greenhouse gas sequestration injection, where applicable) on that land. As such, the limitations are directly linked to its purposes.

Accordingly, I consider that the bill imposes reasonable limits on the right to freedom of movement.

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 government is committed to maintaining an efficient and modern regulatory framework for the earth resources sector and increasing activity in the minerals industry to benefit all Victorians.

The Resources Legislation Amendment (General) Bill 2012 will further this commitment by making a series of necessary facilitative amendments to legislation within the earth resources portfolio.

In particular, the bill will amend the Geothermal Energy Resources Act 2005 and Greenhouse Gas Geological Sequestration Act 2008 to mirror provisions of the Petroleum Act 1998 relating to special access authorities and special drilling authorisations. This will ensure consistency across earth resources legislation and facilitate activities that would be beneficial when applied in the geothermal energy and greenhouse gas sequestration industries, such as monitoring wells and drilling to access resources or sequestration off tenement, where access from the tenement is not possible or practical.

The bill will amend the Mineral Resources (Sustainable Development) Act 1990 to provide that a licensee must report to the chief inspector any reportable event arising out of exploration and mining operations, and not just an event occurring at the mine itself. Reportable events are prescribed by the regulations and include progressive slope collapse, leakage of a potentially harmful substance or an unexpected or abnormal event that results or may result in significant impacts on public safety, the environment or infrastructure.

The bill will also amend that act to enable the holders of prospecting licences to dispose of tailings with the consent of the Minister for Energy and Resources and clarifies that holders of prospecting licences must pay royalties. The prospecting licence, which was introduced in early 2012, effectively replaced the small — 5 hectares or less — mining licence, which was subject to royalties. Gold, which is the primary interest of the vast majority of prospectors, remains royalty-free.

The bill will amend the Petroleum Act 1998 to provide that an exploration permit may be granted over a non-continuous parcel of land and over an area less than applied for. This approach is used for minerals titles and will allow some flexibility in dealing with native title obligations by allowing land, where native title has not been extinguished, to be excised from the exploration permit application area.

The bill will also align the compensation provisions that apply to government surveys and drilling with those applying to the private sector for similar activities. This will be done by amending the Petroleum Act 1998 to clarify that, where the minister has authorised a Department of Primary Industries employee, or person acting on behalf of the department to enter private land to carry out petroleum exploration, the compensation provisions in part 8 of the Petroleum Act 1998 will apply.

The bill will make a number of minor and technical amendments to the Pipelines Act 2005, including clarifying that, where Crown land is vested in a public authority, a proponent must seek the consent of that public authority to conduct a survey for a proposed pipeline. The bill will also insert a penalty for failing to comply with a consultation plan that has been approved under the Pipelines Act 2005.

Further, the bill will amend the Offshore Petroleum and Greenhouse Gas Storage Act 2010 to increase the maximum penalty units that can be prescribed by the regulations to align with the commonwealth Offshore Petroleum and Greenhouse Gas Storage Act 2006. The current cap of 20 penalty units prevents Victoria from fulfilling its commitment under the Offshore Constitutional Settlement Agreement 1979 to mirror certain commonwealth offshore regulatory approaches as far as practicable.

Finally, the bill will amend the Offshore Petroleum and Greenhouse Gas Storage Act 2010 to provide that the registered holder of a petroleum access authority or a greenhouse gas special authority may make a deviation well into an adjacent permit area, lease area or licence area held by that registered holder. This amendment is necessary to deal with technological advances in drilling, such as directional drilling, which enable drilling from onshore to an adjacent offshore area, particularly where it is necessary to provide for the shortest drilling path to the petroleum resource. The rights of other offshore tenement holders will not be affected as rights to explore for petroleum and rights to offshore petroleum resources are not changed. This amendment will encourage viable development and growth in the petroleum recovery sector in Victoria.

I commend the bill to the house.

Debate adjourned on motion of Ms D'AMBROSIO (Mill Park).

Debate adjourned until Wednesday, 12 September.

PLANNING AND ENVIRONMENT AMENDMENT (VICSMART PLANNING ASSESSMENT) BILL 2012

Statement of compatibility

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

In accordance with section 28 of the Charter of Human Rights and Responsibilities Act 2006 (charter act), I make this statement of compatibility with respect to the Planning and Environment Amendment (VicSmart Planning Assessment) Bill 2012.

In my opinion, the Planning and Environment Amendment (VicSmart Planning Assessment) 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 Planning and Environment Amendment (VicSmart Planning Assessment) Bill 2012 (bill) is to amend the Planning and Environment Act 1987 (act) to introduce a dedicated assessment process — called VicSmart — for straightforward planning permit applications.

Human rights issues

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

Section 13 — privacy and reputation

Clause 5 of the bill engages but does not limit the right to privacy and reputation protected by section 13 of the charter act. Clause 5 amends an existing public register.

Clause 5 amends section 49 of the act. This section currently requires a responsible authority (usually a municipal council) to keep a register containing the prescribed information in respect of all permit applications that it is responsible for. The amendment to section 49 will enable the existing register kept by a municipal council to include the details of permit applications for which an officer of a municipal council is the responsible authority.

The amendment to section 49 is a consequential amendment to provide for the new VicSmart planning assessment process. It avoids the need for a council to keep two separate registers.

On this basis, I consider that clause 5 of the bill does not limit section 13 and is compatible with the charter act.

Conclusion

I consider that the bill is compatible with the charter act because it does not limit human rights protected by the charter act.

Robert Clark, MP
Attorney-General

Second reading

Mr CLARK (Attorney-General) — I move:

That this bill be now read a second time.

This government is committed to creating a better planning system for Victorians. A system that is efficient, easy to understand, and delivers good planning outcomes is essential to Victoria's prosperity and liveability.

Victoria's planning permit process is not as efficient as it could be. Part of the problem is that all permit applications are handled in the same way regardless of how complex they are. The other problem is that permit applicants do not know up-front what standards they need to meet. This is confusing and inefficient, and leads to delays, wasted resources and reduced productivity.

This government is introducing a dedicated permit process — called VicSmart — for simple, straightforward proposals. It will be easy to understand, it will clearly outline what standards need to be met up-front, and it will reduce delays.

VicSmart will be about cutting red tape, cutting time and eliminating delay. It is about certainty for all.

The new permit process has been designed to improve the way that we deal with those straightforward, low-impact, sensible improvements that Victorians want to make to their homes and businesses.

This bill amends the Planning and Environment Act 1987 (act) to enable the new process to be set up in planning schemes. The operational aspects of the process will be set out in detail in planning schemes, not in the act.

Under the new permit process, applications will be able to be assessed more quickly. Permit applicants will know up-front what information to submit and the standards to be met. As well, the community will have certainty about the standards to be met before a permit can be issued.

Families and small business will benefit from this process. No longer will sensible improvements to properties — like replacing a fence or building an extension — get bogged down in paperwork and delays that are out of proportion to the nature of these proposals. Decisions will now be able to be made on these matters in weeks rather than months.

The new permit process will not be suitable for all permit applications. To be suitable it must be possible

to write clear assessment criteria and to be satisfied that, if those criteria are met, a permit will be issued.

About 37 per cent of the approximately 57 000 applications lodged in Victoria each year are for buildings and works worth less than $50 000. The average time taken to assess these applications is 55 days. If applications like these can have their assessment and approval time reduced to 10 business days, then that will be a significant saving to the planning system.

The new permit process will apply to straightforward permit applications. These applications will be clearly set out in planning schemes so that councils, applicants and the community know in advance how these applications will be handled. There have been ongoing discussions with local government about the types of applications to be included in the new process, and this will continue.

All other applications will continue to proceed through the regular permit process.

Contrary to some recent suggestions, the new permit process will not be used to push through inappropriate development. That is not what the process is about. It is about facilitating sensible upgrades and improvements to our built environment.

Applications in the new process will be assessed against clear criteria set out in the planning scheme. This is important so that councils, permit applicants and the community will know how an application will be assessed, and so a permit applicant can prepare an application that conforms to the criteria and submit it with the correct documentation at the start of the process. The assessment criteria will be tailored to suit the type of development it applies to, and will include applications that are already exempt from public notice.

Council planning staff with the appropriate level of technical expertise will be responsible for assessing applications in the new process. This will ensure that timely decisions are made by the responsible authority in an effective and efficient manner.

The existing planning regulations apply a standard 60-day statutory time frame to all permit applications. This time frame will be reduced for applications in the new permit process to ensure they are dealt with quickly.

The changes to the act are the first step in the introduction of a new streamlined permit process. The full implementation of the process will require changes to planning regulations and planning schemes. The rollout of the process will be done in consultation with stakeholders.

VicSmart will be a straightforward and easy to understand mechanism that will clearly outline what conditions will need to be met up-front, and should they be satisfied, a permit can be issued without delay. This will save time, save money and improve the system for all involved.

That is an overview of the new permit process. I will now turn to the specific clauses in the bill.

Clause 3 of the bill amends section 6 of the act, which sets out what a planning scheme can provide for. The amendments will enable planning schemes to set out a different procedure for specified permit applications. A planning scheme will be able to exempt specified applications from the formal 'further information' requirements of the act and from certain decision-making criteria in the act.

Clause 5 of the bill amends section 49 of the act to avoid the need for a municipal council to keep a separate planning register for applications in the new permit process. All applications handled by the council will be recorded in a single register.

Clause 6 of the bill is linked to the change to section 6 of the act to enable specified applications to be exempted from the formal further information requirements in section 54 of the act. That section allows a responsible authority to formally request more information from a permit applicant. If a request is made, the application is put on hold and the statutory time available to the responsible authority to decide an application does not start until the required information is received. Under the new permit process, permit applicants will be expected to submit the required documentation at the start of the process so that the council can assess the application without delay.

Clauses 7 and 9 of the bill are linked to the changes to section 6 of the act to enable specified applications to be exempted from certain decision-making criteria in sections 60 and 84B of the act. These changes will ensure that decision making in the new permit process is focused on the assessment standards set out in the planning scheme rather than on broader planning issues that are not relevant to straightforward proposals.

Because the assessment of an application in the new process only involves deciding if a proposal meets the preset standards, the assessment is a technical one. Clauses 4 and 8 of the bill, therefore, enable the chief executive officer (CEO) of a council to be the responsible authority for applications for that council in

the new permit process. Although councils already delegate certain decision-making powers to council staff, this is not done consistently. Making the CEO the responsible authority will ensure that decisions on applications in the new permit process are made at the most effective level across all councils. The CEO will be able to delegate the assessment decision to a council officer suitably skilled in the matters being assessed.

Clause 4 amends section 13 of the act to clarify that a person or body can be the responsible authority for a part or parts of a planning scheme, including specific classes of permit applications.

Clause 8 applies the conflict of interest provisions in the Local Government Act 1989 to a council CEO when acting as responsible authority for applications in the new permit process. This will mirror existing requirements that apply when a council officer is delegated a function of the council.

Clause 10 of the bill is a consequential change to the act to provide for the possibility that the responsible authority for an application may change if the application ceases to be in the new permit process.

Conclusion

This bill will cut red tape, cut time and eliminate delay. It will also provide more certainty for all involved. It is a crucial reform that will boost Victoria's economic productivity, promoting economic growth and job creation.

I commend the bill to the house.

Debate adjourned on motion of Ms D'AMBROSIO (Mill Park).

Debate adjourned until Wednesday, 12 September.

RESIDENTIAL TENANCIES AND OTHER CONSUMER ACTS AMENDMENT BILL 2012

Second reading

Debate resumed from earlier this day; motion of Mr O'BRIEN (Minister for Consumer Affairs).

Mr BURGESS (Hastings) — It is a pleasure to rise to speak on this bill, which is another of the great pieces of legislation this house is putting together on behalf of this government. I certainly commend the bill to the house. There is quite a history of problems that have been created in not only this jurisdiction but many jurisdictions throughout the world with residential tenancies, particularly these types of residential tenancies. A great deal of legislation has been implemented throughout the world, and some of it is more effective than other legislation. There has also been quite a lot of feedback from the community and the various press outlets about what has happened in our jurisdictions with various 'slum landlords', as they have been referred to.

An editorial in the online version of the *Herald Sun* of 26 August, just two days ago, is headed 'Our city may not be the most liveable with report revealing dodgy landlords and overcrowded rooming houses'. It is worth referring to this in some detail because it is quite descriptive of the situation that has existed for some time. It certainly existed under the previous government, and very little was done to address the issue. This government is taking action, and that is why we are debating this bill today.

The editorial starts off:

> Victorians patted themselves on the back when Melbourne was named the world's most liveable city recently.

The editorial goes on to give quite a number of reasons why that was, but further on it says:

> However, if we are to accept this accolade with a clear conscience then Melbourne has to be liveable for all its citizens —

I interrupt my quote to say that is precisely the point which is being addressed in part by this piece of legislation —

> and our report on the rise of questionable landlords and overcrowded rooming houses suggests some of our most vulnerable residents are finding our city less 'liveable' than the rest of us.

The legislation is quite detailed in this respect and deals with a number of issues that have been brought to the attention of the present and previous governments. It provides quite a few remedies for the problems described. One of the most important things it does is to establish a rooming house register. That register will consolidate certain types of information kept on existing registers of rooming houses that are maintained by each council. The register will include important details such as the addresses of registered rooming houses, details of their proprietors and the status of those rooming house registrations. This is quite a step forward in that the register will give access to a range of bodies from the perspectives of the regulator, the rooming house proprietor, the general public and, importantly, the people who use rooming houses.

The rooming house register will be hosted by Consumer Affairs Victoria but populated by local councils. That is in keeping with local government's obligations in this area. Local councils and other government departments with a role in regulating and finding places for people who need access to these rooming houses will have the ability to contribute to this register, and in this situation information is power. This measure will empower people who have a need for these facilities. They will be able to consider what is available, where it is available and if it is appropriate. The register will ensure that members of the public will be able to identify registered rooming houses and their proprietors. It will also protect the confidential information of proprietors.

One of the key benefits of the rooming house register will be for councils and rooming house residents. Once the register commences, it will facilitate councils' capacity to share critical data. That will also provide a more holistic view across not only their own jurisdictions but across all jurisdictions about whether there are people and organisations who hold more than one of these entities, whether they are being handled well and what is the status of those entities. Members of the public are also likely to benefit from the establishment of the register because it will allow them to report suspected unregistered rooming houses. It will have an easily accessible database so they will be able to look at the rooming house register to see what rooming houses are registered compared to what rooming houses are apparently available in their area.

The regulations will also require that all rooming houses meet basic standards in relation to proper cooking facilities, adequate hot water, window coverings for privacy and seating for meals. Importantly the regulations also address safety issues, requiring that each room in a rooming house have two power outlets and a door lock that can be opened from inside the room and that the premises undergo regular gas and electricity safety checks. As members can see, this piece of legislation is quite far reaching in what it does and what it seeks to achieve with the regulation of these residences. It will enable a lot more information to be provided to not only the people who have the obligation to look after them but more importantly also to the people who have the need to use them.

As I referred to earlier, a number of newspaper articles have dealt with the issues that have been raised about rooming houses. Another one that I found quite confronting was a report in the *Sunday Herald Sun* of 26 August by Alex White under the headline 'Landlords are ripping off desperate renters living in squalid houses amid Melbourne's worsening rental crisis'. Clearly this is something that has gone on for quite a long time. It was allowed to continue under the previous government and is now being addressed by this government. The article starts by saying:

> Slum landlords are charging desperate renters hundreds of dollars to live in squalid houses as Melbourne's rental crisis worsens.
>
> Experts warned dodgy landlords were taking advantage of increasing demand, converting suburban dwellings into rooming houses.
>
> Desperate renters, including single mothers and low-income earners, were being forced to pay up to $200 a week to get a room they might be forced to share with strangers.
>
> One four-bedroom house visited by the Sunday *Herald Sun* had 16 people living in it, including six people who slept in the garage, with each tenant charged $100.

The details go on. There is a reference to a whole range of circumstances that this journalist had access to and received information about. There is evidence of enticement to get people into these rooming houses and a variety of deals that have been put in place, such as those seen in other industries, which have attracted somewhat less than desirable people to be running these types of facilities.

The legislation we are debating today is being put forward by this government to address those issues and, very importantly, to not only put in place standards that will protect the residents who have to use these residences but also put in place a situation where the authorities who have the obligation of looking after them and the duty of looking after the welfare of the people who use them can have an overview of the circumstances in particular residences and also the deficiencies in the system throughout the industry. I commend the bill to the house.

Mr PERERA (Cranbourne) — I wish to make a brief contribution to the debate on the Residential Tenancies and Other Consumer Acts Amendment Bill 2012. The bill amends a number of acts. However, I wish to focus on the amendment to the Residential Tenancies Act 1997 and speak on rooming house ownership. Rooming houses have been operating in Victoria for years and years. Reports of the Department of Human Services (DHS) and the Rooming House Standards Taskforce indicate that rooming houses have been common accommodation in the early years of the 21st century in Victoria.

The DHS report notes that in 2011 the community-managed program included around 86 properties, housing up to 1400 residents. The report states:

> Much of this growth is difficult for enforcement agencies to monitor if owners do not willingly comply with regulatory requirements, as these premises often appear indistinguishable from other forms of residential or commercial property.

Rising house prices and a competitive rental market have pushed a lot of people into the rooming house environment. Many rooming house operators lease a property from a landlord and then sublet to individuals.

The task force report used a case study of a four-bedroom house in Reservoir that had had its lounge room converted into a fifth bedroom, with four adults and six children living in the house. The house had no communal areas other than the kitchen and the bathroom. Each adult resident paid somewhere around $230 to $260 per week, which totalled around $4250 per calendar month for the property. However, the property was rented from the landlord for $1300, and the operator was making a profit of almost $3000 per month — a substantial profit. It is not a bad way to make a living.

My office dealt with a young lady with a child who was living in a rooming house in the suburb of Frankston North. Unfortunately she had to escape from family violence at her own home and had been living in a women's refuge with her daughter. She ended up in a rooming house in Frankston North which also accommodated other males and females and had limited kitchen facilities and little space. There were inadequate bathroom facilities to accommodate all the residents, and each resident had limited privacy in the house. A significant number of rooming house operators convert residential homes to accommodate a large number of tenants and charge disproportionately high rents. These providers operate outside the law and the regulatory system and may be operating in a number of locations in Victoria.

I take my hat off to my colleague the member for Albert Park for the great work he did as chair of the Premier's Rooming House Standards Taskforce in 2009. The report made 32 recommendations in four key areas: new laws to improve standards of safety and security in all Victorian rooming houses; improved compliance and enforcement; mandatory registration of all rooming house operators and premises; and leasing, buying and building more alternative, affordable rental accommodation. The Brumby government accepted all 32 recommendations. However, the provisions in the bill do not go anywhere near what the Brumby government proposed to do on the basis of those 32 recommendations.

The Brumby government allocated $77.2 million over five years to adopt all the recommendations of the report. Under the Queensland Residential Services (Accreditation) Act 2002 boarding house — rooming houses are called boarding houses in Queensland — operators must undergo a character test which includes a criminal history check. The criminal history check is also applied to any associates of the boarding house operator who will be involved in the management of the boarding house. Recommendation 19 of the Premier's Rooming House Standards Taskforce in 2009 was exactly the same, and it was accepted by the Brumby government.

This bill does not implement the recommendations of the task force in terms of registration and licensing of rooming house operators. If the government is serious about making a difference to the many tenants living in dire circumstances in rooming houses, it will have to introduce new legislation to implement a licensing regime.

I will end my contribution there.

Dr SYKES (Benalla) — It gives me pleasure to rise and make a contribution to the Residential Tenancies and Other Consumer Acts Amendment Bill 2012. I am pleased to have this legislation before the house.

To put the legislation in context it is making a number of amendments, particularly in relation to rooming houses. It provides for the establishment of a new statewide register of rooming houses, introduces a new duty on rooming house owners to comply with minimum standards for rooming houses and makes some other amendments. Other speakers have concentrated on these aspects of the bill. I would like to concentrate on the other major amendment, which provides protection for purchasers of manufactured dwellings from undue pressure to enter into leases for sites in long-stay residential parks and also improves the operation of the provisions relating to warnings included in the contracts for off-the-plan sales of land.

I would like to put this bill and these amendments in the context of my electorate of Benalla, which is in a magnificent part of north-east Victoria. But interestingly, in spite of the magnificent natural splendour and inherent wealth in our agricultural communities and other sectors, we have in fact a number of pockets of high-level social disadvantage, and linked with that is the need for low-cost accommodation. People often need other forms of support as well, but low-cost accommodation is part of the package. In the electorate of Benalla we have forms of low-cost accommodation, particularly in the form of

caravan parks in the north-east area. My colleague the member for Murray Valley will touch on the residential parks and retirement villages along the Murray River, particularly those in the beautiful location of Cobram.

Like other members who have already spoken about this matter, I often have constituents come into my office who are in need of low-cost accommodation to address their housing issues, and often they have other needs as well. I would like to take the opportunity to commend my staff for the considerate, passionate and professional manner in which they deal with people who are often feeling rather stressed. If you are concerned about having a roof over your head or if you are concerned about the security of your accommodation, it can be very stressful.

I want to particularly acknowledge the services provided by my electorate officer Kerrie Facey, who has been in this job for 10 years. She is outstanding in the way she deals with people and provides them with assistance. Similarly Rowena Sladdin, who has been with me for four or five years, is equally capable, passionate and understanding when dealing with people. I also have a young staff member, Rachel Tharrott, who is an outstanding young person.

The feature of all my staff members, but in particular Rachel, is the respectful way they greet people who come through the door, which makes people feel relaxed. It is then easier for those people who may be experiencing pressure to relate their story and for my staff to be able to help them. I also commend the staff members in the minister's offices, who are very helpful whenever we seek their assistance and guidance in dealing with these issues. Many people would think that the electorate of Benalla is quite a well-off electorate, but socially disadvantaged people in this area have issues and in fact we need to help a lot of people.

In terms of the broader packages, we have a project called Advancing Country Towns, which seeks to help people make better decisions, initially through better education options. It helps them get prepared for work and also provides a greater coordination of service delivery. We have the whole community working together on this package, and in doing so the community is delivering on the adage that it takes a village to raise a child. Interestingly, it is generally understood that if you work with young people, particularly newborn babies, and provide them with a stimulating and encouraging environment, it places them in a good position to take advantage of further educational opportunities down the track. If you back that up by providing coordinated service delivery and helping people get access to low-cost accommodation that meets their needs and provides a roof over their head and security in a friendly community, then all of that comes together.

This bill will improve the provision of low-cost accommodation, whether it be in rooming houses or residential parks. I commend the coalition government for acting on this need and delivering yet another commitment to looking after the wellbeing of all Victorians. I wish the bill a speedy passage.

Ms RICHARDSON (Northcote) — I am pleased to rise to make a contribution to the Residential Tenancies and Other Consumer Acts Amendment Bill 2012. I am making a very brief contribution, because I am aware that others want to speak this evening.

I want to take this opportunity to thank the member for Mill Park for her comprehensive contribution outlining Labor's concerns about the bill. I would also like to thank and pay tribute to the work that was undertaken by the member for Albert Park, who played a significant role in the Rooming House Standards Taskforce. The member for Richmond has also been very active in this space, and true to form he has championed these concerns and the need for reform. I thank him for his ongoing concern on these important issues.

I am afraid that is where my positive comments dry up, because the bill falls well short of where both the coroner and the Rooming House Standards Taskforce recommended we needed to go as a state in order to address the worst aspects of the rooming house industry.

Let us be clear that the people who are exploited by slumlords are more often than not already vulnerable and living on the very edge. That is why a comprehensive reform was proposed by the Rooming House Standards Taskforce in its 32 recommendations. I understand that in 2009 the recommendations enjoyed bipartisan support, so members of the then opposition embraced them. Sadly, since then support from the Liberals has dropped away, and what we have instead before the house is a bill that pays mere lip-service to the task force recommendations and the coroner's recommendations.

Instead the bill will simply extend councils' current responsibilities to register rooming house premises to include the registration of business owners' names and addresses, Australian business numbers and Australian company numbers. In short this means there will be no licensing scheme with criteria to test whether an owner

or applicant is a fit and proper person, as was recommended by the task force. Consumer Affairs Victoria will not be further empowered to act on behalf of these most vulnerable residents, so I fear that we will have to revisit reform in this space for the simple reason that the Liberal government has failed to act as it should have and once promised to do when in opposition.

As has been pointed out by previous speakers, members of the opposition will not be opposing the bill; however, we will be calling on the government to send it to the appropriate Legislative Council legislation committee for further consideration and review. This is also as a consequence of key stakeholders not having been briefed on the bill and their views sought, which is clearly a massive oversight when seeking reform in this area. There is no doubt that Labor will be very proactive in this space in the years ahead and indeed will need to right the wrong that is being committed today in the bill before the house.

Mr McCURDY (Murray Valley) — I am delighted to rise and speak in the debate on the Residential Tenancies and Other Consumer Acts Amendment Bill 2012. I have heard a lot of chatter on what this bill is about, including the many references to rooming houses, from many contributors to the debate during the afternoon.

The bill has four main objectives. Firstly, it amends the Residential Tenancies Act 1997 to ensure the purchasers of movable dwellings can rescind a contract for such a dwelling in circumstances where the purchaser either decides not to proceed with a purchase or exercises cooling-off rights under cooling-off period provisions under a related site agreement. The second part of the bill amends the Public Health and Wellbeing Act 2008 in relation to the registration of rooming houses, about which we have heard a lot this afternoon. Thirdly, the bill amends provisions relating to warnings to be included in contracts for off-the-plan sales of land. Lastly, the bill broadens the Business Licensing Authority's delegation powers. The BLA is a little restricted at the moment in what it can and cannot do, and the bill broadens the authority's powers somewhat.

I will begin with the off-the-plan land sales aspect. The Consumer Affairs Legislation Amendment (Reform) Act 2010 includes an amendment to the Sale of Land Act 1962 requiring the front page of contracts for off-the-plan sales of land to include certain warnings. Sometimes these warnings are quite scary and can override the contracts themselves, and some people get awfully frightened when they see warnings all over the front page. Certain stakeholders have been concerned about the warnings and do not believe they need to be there. Those stakeholders include members of the Law Institute of Victoria, who are probably the greatest beneficiaries of the warnings.

When people get frightened because they see a contract, they sometimes rush off to their solicitor and want to have it explained to them. As members of the law institute are beneficiaries of these warnings, it is very noble of them to express their concerns. Members of the law institute are concerned that the warnings on the front pages of the contracts can be ambiguous and can lead to litigation as well as criticism that a failure to comply with the requirement will allow a purchaser to rescind the contract under section 9AE of the Sale of Land Act.

To address this the bill amends the Consumer Affairs Legislation Amendment (Reform) Act and replaces the requirement that the warnings be included on the front page of the contracts for off-the-plan sales with a requirement that such contracts contain a conspicuous notice that includes the warnings. The bill also amends the Sale of Land Act to ensure that a failure to comply with this requirement will not give rise to a right of rescission for the purchaser of the land. As I have said, sometimes people get a little bit carried away with the warnings and are scared by them. It is fine to have those warnings, but they do not necessarily have to appear on the front page of a contract.

The next part of the bill I want to talk about is the broadening of the Building Licensing Authority's delegation power. Currently the authority is unable to delegate power to determine certain decisions relating to licensing applications, meaning that even the most straightforward applications must be determined by a member of the BLA. To address this inefficiency the bill amends the Business Licensing Authority Act 1998 to enable the BLA to delegate any of its powers or functions other than a prescribed power or function. This will enable the BLA to delegate responsibility for determining certain applications to experienced staff. Obviously the responsibility will not be delegated to the cleaner, the office girl or the tea maker, but to experienced BLA staff.

Another example of delegation is the power of the BLA to determine whether to approve an application for a sex work service provider licence. It is likely that it will still be prescribed that it is a decision a BLA member will have to make and that it cannot be delegated to anybody else. However, the bill will certainly streamline the process.

We have heard a fair bit about part 3 of the bill, which is to do with rooming houses. First I will talk about the

new responsibilities of rooming house operators to comply with the prescribed standards. This bill amends the Residential Tenancies Act 1977 to establish a new duty on rooming house owners to ensure that a room or common area provided to a rooming house resident complies with the minimum standards for those rooming houses prescribed in the Residential Tenancies (Rooming House Standards) Regulations 2012. Furthermore it ensures that from 31 March 2013, when the minimum standards will apply to all Victorian rooming houses, rooming house residents will be able to take independent action to remedy non-compliance with the standards. Residents will be able to serve a rooming house owner with a breach of duty notice, which will require a breach of the standards to be remedied within three days.

Finally, the establishment of a consolidated statewide register of rooming houses will make the process of registering a rooming house far more transparent and will help to stamp out some of the illegal rooming houses in metropolitan Melbourne. The bill amends the Residential Tenancies Act to provide for the establishment of a consolidated statewide register of rooming houses to be known as the rooming house register.

Mr Burgess interjected.

Mr McCURDY — It is a very powerful name, but I believe it is certainly descriptive of what it sets out to do. This online register will be established and maintained by the director of Consumer Affairs Victoria. However, local councils will be responsible for the register, as they process rooming house registrations. Throughout Victoria's local government areas there are more than 1100 rooming houses, so it is important that this register be up and running. Its establishment will have practical outcomes. If someone believes a property is being used as an illegal rooming house, they will be able to call Consumer Affairs Victoria or look it up online and ask if a particular property is a rooming house. If properties are being operated illegally as rooming houses, this legislation will help stamp them out. I know other members want to make a contribution to the debate on this bill, so I commend the bill to the house.

Ms KAIROUZ (Kororoit) — I rise to speak on the Residential Tenancies and Other Consumer Acts Amendment Bill 2012. This bill addresses a range of issues, but its main purpose is to establish a rooming house register in place of a rooming house operator licensing system, which was recommended by the coroner and the Rooming House Standards Taskforce. This came about following two deaths that were reported in 2006, a coronial inquest and a report that was released in 2009 that recommended improvements to laws that are designed to save lives in rooming houses.

Housing and homelessness have become major focuses of governments and particularly Labor governments. It has become a major focus of communities as well in recent years. Whilst some Victorians have gained from growth in the Victorian housing market, the costs associated with the rising market in recent years have made access to affordable housing challenging, particularly for those on single or low incomes. Increasing costs in the rental market have also placed significant pressure on members of the community. It is absolutely essential that affordable housing options be made available to the most vulnerable in our community.

The Rooming House Standards Taskforce was set up in 2009 following an inquest and numerous reports of slumlords dominating the rooming house industry and exploiting the vulnerable. During my time as a councillor at Darebin City Council and as the member for Kororoit I have had experience in dealing with rooming house landlords who exploited the vulnerable. Often people have come to me and told me about the amount of money they pay for accommodation at rooming houses and the way landlords are taking advantage of the vulnerable in our community. The people involved are usually those who need some sort of protection; they need to run away or have experienced domestic violence and have found it very difficult to find a landlord willing to lease a property to them. They may be unwell or unable to find accommodation anywhere else, and they have experienced significant disadvantage by paying a lot of money to secure accommodation.

The Brumby government set up the task force in 2009 and made 32 recommendations to reform the industry. The Brumby government at the time backed all the recommendations of the task force. I am pleased to say that the opposition at the time indicated bipartisan support for them. However, we have found there has been little action since the present government was elected. In 2011 the government introduced minimum standards for rooming houses, as recommended by the task force, but these minimum standards are not due to operate until part of the way through next year. The minister has increased fines for individuals and companies breaching regulations — which is great — and has also introduced reporting requirements for landlords and agents who are unaware of unregistered rooming houses.

However, although the Minister for Consumer Affairs has made lots of noises about catching the odd rogue operator, there has been little comprehensive action taken by him or this government to clean up the industry. To make noises and say they are unhappy about this is not enough. Actions speak louder than words. I hope as time goes by we can improve the recommended standards in many ways, because at the end of the day that will improve the lives of the most vulnerable.

This bill does not implement all the recommendations of the task force. That is quite disappointing and is a significant weakening of the previous government's position. A lot of members have spoken eloquently on this bill, given numerous examples and outlined the bill in detail — the lead speaker on the bill in particular did this. It is very important that the government and we, as legislators, protect the most vulnerable people in our community. We need to support all the recommendations of the task force.

The opposition will not be opposing the bill. I hope dodgy operators will fear this new system and will no longer be able to operate and take advantage of the most vulnerable in our community.

Mr WELLER (Rodney) — It gives me great pleasure to rise to speak on the Residential Tenancies and Other Consumer Acts Amendment Bill 2012. The member for Kororoit quite rightly pointed out that the Rooming House Standards Taskforce presented a report to the Brumby government in 2009, and said that the Brumby government purportedly supported all the report's recommendations. Now members opposite have come in here and said that the government has not gone far enough. Why is it that the Labor Party in its 2010–11 budget did not do what it now wants the government to do? The former government had time. If it was that high a priority, the former government should have done it.

I acknowledge that members opposite are not opposing the bill and that they acknowledge that the bill will improve the lot of people living in rooming houses.

The bill amends the Residential Tenancies Act 1997, the Public Health and Wellbeing Act 2008, the Business Licensing Authority Act 1998, the Consumer Affairs Legislation Amendment (Reform) Act 2010 and the Sale of Land Act 1962. It establishes a statewide register of rooming houses — the rooming house register — and it makes further provisions for the sale of manufactured dwellings located in residential parks and gives the Business Licensing Authority additional delegation powers.

I would like to spend some time talking about the manufacture of dwellings located in residential parks. In the electorate of Rodney we have the residential park called Sun River Home Park. It needs to be ensured that when people buy dwellings they are not under pressure, and indeed that is clarified in this bill. There is a 20-day cooling-off period in relation to dwellings. That is not necessarily in relation to land, but it is in relation to dwellings, which would be the more expensive part, and they are relocatable dwellings as a rule. The bill takes away some of the anomalies there.

In regard to the rooming house register, in my electorate the Uniting Church in Echuca runs a breakfast for homeless people. There are some 20 to 30 people at that breakfast every morning in Echuca. It is an issue even in electorates like mine. This bill goes a way towards improving the lot of those people, and that is why I support this bill and commend it to the house.

Debate adjourned on motion of Mr HODGETT (Kilsyth).

Debate adjourned until later this day.

Sitting suspended 6.29 p.m. until 8.01 p.m.

PERSONAL EXPLANATION

Minister for Local Government

Mrs POWELL (Minister for Local Government) — I seek to make a personal explanation under standing order 123. I want to clarify my answer to a question from the member for Richmond earlier today about Casey council. In my answer I stated these matters were before the courts. I should have said they were before the inspectorate. The central fact remains, as I previously stated, that given there are matters under investigation, it remains inappropriate for me to comment further. I thank the house.

ENERGY LEGISLATION AMENDMENT BILL 2012

Second reading

Debate resumed from 15 August; motion of Mr O'BRIEN (Minister for Energy and Resources).

Ms D'AMBROSIO (Mill Park) — I rise to make a contribution to the Energy Legislation Amendment Bill 2012, and I wish to indicate that the opposition will be supporting the bill for reasons that will become clear in my commentary.

The bill deals primarily with a loophole in the National Electricity (Victoria) Act 2005 that has arisen as a result of a transition of regulatory oversight of the performance incentives from the Essential Services Commission of Victoria to the Australian Energy Regulator. The bill also makes some other minor amendments.

The performance incentives that the bill addresses in terms of the closure of a particular loophole were introduced by the previous Labor government as part of that government's very robust rolling set of reforms in consumer protection at a time when we saw the beginnings of the privatised monopolistic environment of the electricity distribution network.

I remind the house that under the leadership of former Premier Jeff Kennett, the state's public electricity assets were sold, and at the same time no sufficient consumer protections were made available by that government in the new environment. Therefore Victorians were at the mercy of problematic behaviour within the energy sector, whether it was as a result of the monopoly of the private distribution businesses or indeed the retail arms of the energy sector. In effect what we saw was very much a scorched earth policy. When Labor was elected in 1999 it was left with having to pick up the pieces of a very much burnt approach to consumer protection in light of a privatised energy regime in Victoria.

The former Labor government then set about, as I said, introducing a very robust set of reforms to vastly improve and lift consumer protection of Victorians. What that resulted in finally was Victoria's consumer protection laws, especially as they relate to energy, being essentially the leader and the best in the country.

One of the reforms that was introduced at the time was what was commonly known for a long time as the S-factor scheme, or service factor scheme. Members will be aware that the distribution businesses were, until 2009 at least, regulated by the Victorian Essential Services Commission, so they were very much within the purview of Victoria's regulatory framework. That regulation ended up being transferred to the Australian Energy Regulator under the national energy market and the moves by various states towards that.

The S-factor scheme was a performance-based incentive scheme, and I say 'was' because under the national framework it is now known by another name. However, the scheme as it was known then was a performance-based incentive scheme, and Victoria's electricity distribution businesses — the privatised monopolies — were to receive, and indeed did receive, an incentive for exceeding reliable service targets that were set for a calendar year. The incentive was in the form that if they exceeded that service target, they would be able to receive a reward, if you like, by virtue of being able to collect greater revenue from consumers. If their performance fell below their benchmark target, they were not allowed to take additional revenue; so a poor performance towards consumers resulted in restrictions in revenues.

The Essential Services Commission had oversight of the pricing framework of those businesses, as I mentioned earlier. In 2005 the Essential Services Commission conducted a price review. Its report is entitled *Electricity Distribution Price Review 2006–10 — Final Decision — Overview*. The commission's final decision was very important because, as I said, given the privatised nature of the monopolies that we had in place, the government's regulatory role via the Essential Services Commission was a critical part of ensuring that reliable energy supply was able to be delivered in a way that was efficient in terms of what consumers would be required to pay.

I refer to the Essential Services Commission's final decision on its electricity distribution price review for the next pricing period, from 2006 to 2010. As I said, this review was done in 2005 for that forward period. The final decision report states:

> Incentive-based regulation provides incentives for distributors to achieve efficiencies in the provision of services by allowing them to retain any savings in the cost of service provision for a period. To ensure that any reductions in expenditure are due to efficiencies and not a deteriorating level of service, the commission and regulators in other jurisdictions have recognised the importance of clearly specifying service standards for the regulatory period, and monitoring and publicly reporting against the targeted levels so that distributors are accountable for achieving those standards.

Members can see from that extract that the point of the S-factor scheme was to help balance out the need for good performance measures to be achieved by the distributing businesses so that consumers were able to be sure, or close to sure, that everything possible was being done for them to be able to receive a reliable supply of energy as well ensuring responsiveness to their needs from the businesses, balanced with efficient cost pricing. That was very important. The report further states:

> One of the key features of the commission's decision on the price controls to apply for the 2006–10 regulatory period is to ensure that customers receive the service that they pay for. This is to be achieved through identifying and measuring the level of service that is expected to be provided, and outlining

clear reporting requirements, and by providing financial rewards and penalties for the service outcomes delivered.

In a nutshell, that describes the objective of the S-factor scheme.

Returning to my commentary, I mentioned that regulatory oversight was moved to the Australian Energy Regulator. That was part of the leadership shown by the Victorian Labor government at the time to achieve a well-integrated national energy market, especially across the eastern seaboard and southern parts of Australia. Victoria was the leader in that. The Labor government attempted to achieve energy efficiency in terms of infrastructure costing and augmentation, balanced with cost efficiencies for consumers.

This bill will give effect to aspects of the Australian Energy Regulator's pricing determination for the 2011–15 period. The Australian Energy Regulator went through a number of reviews and appeal processes, but that determination was for the 2011–15 pricing period. Essentially the distribution businesses put forward arguments for what they believed would be their maintenance requirements over that period of time, including their needs for augmenting the systems. A price was then attached and they anticipated or explained an anticipated cost recovery amount that they needed to achieve over that period. That is the purpose of having a pricing determination within that framework. Then within that period of time the energy distributors needed to refine a more precise estimate of what pricing outcomes they needed to recover from consumers, over one or two years, to cover the costs of infrastructure and other expenses.

In terms of the pricing determination, the AER sought to implement transitional provisions for the S-factor — or service factor — scheme. In Victoria those transitional arrangements needed to be put in place to allow the scheme, along with a number of other energy regulatory frameworks, to move to the national level. That was put to the Victorian Parliament.

The S-factor scheme was an initiative of the previous Victorian government, as I mentioned earlier. Its purpose was to ensure a secure and reliable energy supply for Victorians by providing for increases or decreases in allowable revenue for distribution businesses based on their performance in a range of measures. Victorians rightly expect that their supply of electricity will be uninterrupted and that if they attempt to get in touch with their distributor regarding service, their concerns will be dealt with quickly, comprehensively and as much as possible to their satisfaction. The S-factor scheme provided an effective financial incentive for the distributors to deliver on those expectations.

The scheme measured the distributors' performance in particular areas, including the number of minutes customers were off supply, the frequency of sustained interruptions to supply for customers, the frequency of momentary or short-term interruptions in supply for customers, and call centre performance. They were some of the key benchmarks that distributors were measured against in terms of whether they exceeded, underperformed or hit the mark. When Victoria signed up to the national system of energy market regulation, provisions were made by the Victorian Parliament to allow for the transition between this system and the new national system. Under the new national system the S-factor scheme is now called the service target performance incentive scheme.

In its pricing determination handed down on 29 October 2010 the Australian Energy Regulator (AER) sought to apply what is known as close-out arrangements to the S-factor scheme. These arrangements sought to provide regulatory certainty by allowing penalties or bonuses for the distribution businesses to apply for each year until the end of the scheme — that is, the Victorian S-factor scheme — on 31 December 2010. That was the point when the new national service target performance incentive scheme commenced.

Because penalties and bonuses under the S-factor scheme were applied over four years or from two years after the year in question the penalties and bonuses from that scheme would need to continue to be applied for six years after the last year measured. Of course performance is measured retrospectively and then incentives or penalties are applied consequential to that in the following pricing periods. This means that for the penalties or bonuses for the year 2009 to be fully implemented, pricing determinations would need to continue to be effected until 2015. In the AER's determination for the 2011–15 period those pricing determinations would need to reflect the performance of the individual distribution businesses that occurred prior to that pricing period.

In attempting to close out the scheme using its powers under the national electricity regulations, the AER continued to apply the existing penalties and bonuses accrued during the operation of the scheme until 31 December 2010, as was the intention. That was applied to the pricing determination decision by the AER for the years 2011–15. One of the distributors who had been the subject of penalties for poor performance against Victoria's S-factor scheme

appealed the decision of the regulator in 2010 to the Australian Competition Tribunal. The distributor sought to have its penalties carried over from the S-factor scheme wiped out. In effect its poor performance in part of the previous pricing year framework was to be discounted in the AER's pricing determination for the following pricing period — that is, 2011–15.

The power distribution firm sought to have the penalties that were to apply wiped out. This would have delivered additional benefit to that energy distributor by way of cost recovery from consumers, and it was certainly designed to undermine the objectives of the S-factor scheme, which was that in the event that reliability of supply and those critical performance benchmarks were not achieved, there would be better pricing outcomes for the consumer, which is interpreted as a penalty against the distributor. The tribunal heard the matter and made a determination in January. It ruled against the determination of the Australian Energy Regulator and concurred with the energy distribution business that its poor performance, if you like, under the S-factor scheme should not have been part of the determination for the forward pricing period.

It is important for us to understand that, because the bill seeks to close off that technical deficiency in the transitional arrangements and to give full weight to the S-factor scheme in terms of the benefits it delivers to consumers. It will put that right so that what was always intended to be achieved with the carryover of the S-factor scheme into the national scheme will in fact occur. That is a very important point for us to remember. It is a technical change, and no government would consider doing anything other than making this change. It is here before us, and members on this side of the house support it because the S-factor scheme, which was introduced by Labor, has produced good results for consumers, and we want that to continue.

I want to talk about a few other issues that it is important for us to reflect on in terms of the bill. I know that in the second-reading speech the minister spent some time talking about his desire to keep a lid on cost pressures in relation to energy, and it is important to reflect on other areas that the government and the minister could work at to deliver real benefits through decreased pricing to consumers. I wish the minister would spend as much time on those elements of his portfolio as he has on gloating about what is essentially a technical amendment in the bill as if he was the hero delivering a windfall, as he would put it.

I turn to some salient parts of the minister's portfolio that should have been acted on, and if they had been acted on by the minister and the government, great cost savings would already have been delivered to consumers in Victoria, in the order of hundreds of dollars a year. We need to see the return of ceiling insulation to the VEET (Victorian energy efficiency target) scheme. Insulating houses and keeping heating bills down are critical, and everyone accepts that insulation plays a vital role in energy efficiency in homes and businesses. I will not go as far as to say that I believe the minister may have had too much political motivation behind suspending ceiling insulation from the VEET scheme, but some people might consider that to have been the great driver for having removed it. That has been the case now for 18 months. For 18 months Victorian consumers have been denied an ability to access the benefits of the VEET scheme for the purposes of having ceiling insulation installed in their homes, which has the potential to save them hundreds of dollars a year.

Under this government we have seen the snatching back of energy concessions from pensioners and other concession card holders under the guise of the carbon tax and as an excuse to put its hand in the pocket of every consumer, every pensioner and every concession card holder who received a compensation payment from the federal government. I am sorry to say that the Premier's hand was in their pockets before they were able to put their own hands in their pockets.

We also have a situation where there is silence from this government when it comes to the phasing out of electric hot water systems in existing homes. What is astonishing is that if this in-principle position that all states have signed up to at some stage were to be implemented in Victoria — which by the way is lagging behind all other states when it comes to the phasing out of electric hot water systems in existing homes at the end of their lives — —

Ms Ryall interjected.

Ms D'AMBROSIO — Thanks to the Labor government for the rebate, I wish to add to that interjection. The government has turned its back on an opportunity for households to save hundreds of dollars through more energy efficient hot water services in their homes, because this government is doing nothing and saying nothing in this space. We have a minister who gloats about fixing up a technical loophole as if he is the champion of consumers and cost rises when it comes to energy. He is playing the political game; he is playing the person rather than the ball.

When it comes to the real, large areas of policy where Victorians could save hundreds of dollars each and

every year, there is absolute silence from this minister and this government, because in the end they really do not care, other than about their political point scoring, à la the ceiling insulation scheme and à la the S-factor scheme we have before us.

I also wish to comment on the fact that the bill — but I will just take a sip of water, if I may.

Mr Burgess — Oh, that sounds good.

Ms D'AMBROSIO — Maybe you can explain to us what the S-factor scheme is; I would love to hear your explanation of it!

There are some other technical — —

Honourable members interjecting.

Ms D'AMBROSIO — I don't want to remind you of the energy minister!

There are other technical amendments made by the bill, some of which in some parts are consequential and some of which in other parts stand alone. The technical amendments to the Electricity Industry Act 2000, the Gas Industry Act 2001 and the Fuel Emergency Act 1977 clarify that an energy company can comply with directions given in the event of an emergency, notwithstanding that compliance may be inconsistent with its duties under the commonwealth Corporations Act 2001. These changes will ensure that such directions cannot be invalidated, and the commonwealth legislation specifically allows state legislation to displace its obligations. That is what this bill does in respect of emergency management and orders or directions for compliance. For the sake of consistency with that, consequential changes to existing displacement provisions are also made as they apply to the energy sector's retailer of last resort scheme in emergency situations.

Another amendment in the bill stands alone. It amends the Energy Safe Victoria Act 2005 to allow Energy Safe Victoria to undertake functions under national legislation for the greenhouse and energy minimum standards scheme that are comparable with the existing Victorian scheme. That is pretty much the way the bill is structured and what it seeks to deliver.

As I said briefly earlier, the Minister for Energy and Resources has done a lot of gloating, as is his nature or wont. That is certainly something he feels comfortable doing. In my humble opinion, in presenting this bill he certainly made some overinflated comments. He certainly made himself the hero and told all of us how clever he was. I wish to refer to one statement he made, on 15 August, and I quote from a media release that was issued:

> The Victorian coalition government is fixing Labor's mess and protecting Victorian households and families from increases in regulated electricity charges of up to $13.50 in 2013.

You would have thought the minister had higher intelligence. We need to look at what this clever minister really thought right up until January this year, when the Australian Competition Tribunal ended up overturning the determination of the Australian Energy Regulator. It is very important for us to reflect on what would appear to be a Johnny-come-lately hero on this front.

I refer to an extract from the Australian Competition Tribunal's summary of its determination of 6 January on the minister's submission on this matter. I quote:

> The minister's submissions
>
> 239. The minister agreed with the AER's approach in respect of the ESCV —

that is, Essential Services Commission Victoria —

> S-factor scheme.

He agreed that the transitional arrangements made by the previous Labor government were well in order. In his capacity as minister he submitted to the effect that in his opinion they were in order. The extract continues:

> The minister submitted that …
>
> …
>
> (c) The transition of the scheme into the 2011–2015 regulatory control period was provided for under clause 6.4.3(a)(6) and clause 6.4.3(b)(6) and the STPIS.

That is, the service targets performance incentive scheme.

Further, the extract says, under (f):

> The final decision —

that is, the decision of the Australian Energy Regulator —

> incorporates a satisfactory methodology for closing out the ESCV S-factor scheme.

Under (g) the extract says:

> There are other clauses in the NER —

that is, the national energy rules —

> which suggest that the expression 'distribution determination' when used in clause 6.4.3(a)(6) and clause 6.4.3(b)(6) is not confined to determinations made by the AER.

So there we have it, Acting Speaker. We have quite clearly the minister concurring with the AER and the previous Labor government as to the way those transitional arrangements were first struck in this Parliament, taking the scheme from the state to the national level. He concurred with that right up until January this year, when the Australian Competition Tribunal found differently. What we have before us is the consequence of that different finding, which is merely to close a technical loophole, albeit a very important one.

We on this side of the house were proud to have established the S-factor scheme, and we want to make secure the benefits consumers had been able to derive from that scheme during the years the previous Labor government was in power, when it delivered the most robust reforms and consumer protection laws in all the country. That was after the dark years of the Kennett government, which sold off all the state's electricity assets and left Victorians with little or no protection at all against the privatised industry, whether it was in retail or distribution businesses. That is what those opposite cannot gloat about. They did not do this; we did it. We are prepared and very happy to ensure that the S-factor scheme in its current form continues to provide the benefits Labor always intended it to provide.

Mr NORTHE (Morwell) — It gives me great pleasure to rise this evening to speak on the Energy Legislation Amendment Bill 2012. This bill amends a number of acts, including the National Electricity (Victoria) Act 2005, the Electricity Industry Act 2000, the Gas Industry Act 2001, the Fuel Emergency Act 1977 and the Energy Safe Victoria Act 2005.

The bill has three main purposes: firstly, and most importantly, to close a legal loophole which could result in a significant financial burden being placed on energy consumers here in Victoria; secondly, to make provisions in relation to Victoria participating in a national minimum energy standards scheme — the current Victorian star-rating system will become a national scheme; and thirdly, to provide the minister with some emergency energy supply powers.

Importantly, this bill closes a loophole whereby Victorian electricity distribution companies could have potentially received $94 million if the minister and the government had not acted. I want to reinforce that point. This is very important legislation we are talking about: a cost of $94 million could have been imposed upon energy consumers in Victoria, but the will of this government and particularly the minister will see that loophole, which was a legacy of the former Labor government, closed.

In Victoria there are five electricity distribution companies. I give credit to the member for Mill Park for her comments in her contribution about the issues associated with the S-factor scheme and how electricity distribution companies are affected by that scheme. I will just outline a couple of issues in relation to the scheme. Firstly, the S-factor scheme is the existing network performance incentive scheme, which is a tool for analysing the performance of the distribution companies, considering factors such as the reliability of supply, minutes off supply, the performance of call centres and the efficiency of the grid. Under the S-factor scheme a distribution company, depending on its performance, could incur costs or receive increased revenue.

The Australian Energy Regulator has responsibility for the distribution network pricing scheme, and in 2010 it determined to continue the network performance incentive scheme in its distribution price determination for the calendar years 2011–15. That would have seen a total reduction in revenue of approximately $94 million over that five years. As the member for Mill Park said, the Australian Competition Tribunal deemed this determination invalid in January of this year as a consequence of a couple of distribution companies contesting the regulator's decision. I guess it was a curious decision, given that the scheme was designed to operate from 2011 to 2015, and the distribution companies were aware of that.

Whilst the competition tribunal's decision has not taken effect, it is very important that we introduce this legislation to prevent a windfall gain to those distribution businesses. As I said, the consequences of that for consumers in Victoria would have been dire. These amendments will preserve what was the intended operation of the network performance incentive scheme.

I want to take the member for Mill Park to task over some of the comments she made about the performance of this government with regards to cost of living expenses, particularly in relation to energy prices. This is the government that introduced all-year-round 17.5 per cent concession rates for Victorian consumers — something that the previous Labor government did not introduce or support. This all-year-round concession rate assists around 850 000 households across Victoria, and I can assure members that constituents in my electorate are thrilled

at our government's intervention in relation to that assistance.

In relation to the Energy Saver Incentive scheme, this government has doubled the greenhouse gas savings in its time in office, and part of the way we have been able to do that has been by giving small business the opportunity to participate in this space — something that has never happened before. It did not happen under the previous government. I do not think anybody can argue with the fact that the government is acting in this area at the moment. The small business sector is very pleased to have the opportunity to participate in the Energy Saver Incentive scheme.

Another point the member for Mill Park raised in her contribution that I would like to pick up on relates to ceiling insulation. If members go back and look at the facts, they will see that it was actually the previous Labor government that removed ceiling insulation from the Energy Saver Incentive scheme. Why did it do that? Because of the federal Gillard government's ceiling batts fiasco, which caused much consternation. I think there has been a little bit of a rewrite of history, and I think if you were to go back and look at the facts, Acting Speaker, you would see that it was Labor that removed ceiling insulation from the Energy Saver Incentive scheme.

In addition to that, we have made all-year-round non-mains energy rebates available to people in our community — another example of the work that this government and the minister are undertaking. Just recently we made announcements with respect to the gas heater rebate for concession card holders and the government's solar hot water rebate that is available out in the community. That particular program has been very well received.

Just last week the Minister for Environment and Climate Change made an announcement of $10 million over the next three years for the Smarter Resources, Smarter Business program, which will be of great benefit to businesses across Victoria. That program is aimed at decreasing waste and improving energy efficiency for small and medium size businesses across Victoria, and there are a number of tools and supports available for businesses across the state. That is another great example. The Minister for Energy and Resources has previously announced substantial funding — a $750 million package of investment in electricity infrastructure — as a consequence of the work of the Powerline Bushfire Safety Taskforce and the 2009 Victorian Bushfires Royal Commission. That is important across Victoria.

These are just some of the many examples. I could go on and on, but time does not allow me to do so. There are many examples of things that this government has put in place to make sure that the energy consumers of Victoria are being accommodated and considered in this government's incentives. What has Labor given us? It has given us a carbon tax that will add to the Victorian government's costs through hospitals and schools. The carbon tax will cost all of us who pay tax in Victoria because this government, through its schools and hospitals, will pay more and more as a consequence of that tax.

Some of the amendments in this bill provide for the minister to have emergency powers in the event of a proclaimed energy supply emergency. Some of our major generators, for example, many of which are based in the Latrobe Valley, might have some difficulties. One hates to say they are struggling financially, but I can speak with confidence on this topic and say that the reality is that many of our generators in the Latrobe Valley are currently struggling financially. Why? Because of the carbon tax. Those who know the region well, like I do and other community members do, would understand that some of our power generators in the Latrobe Valley have gone through a number of efficiency drives and a number of jobs have been lost already. Why? The reason is the carbon tax. Therefore the measure we are putting in place with this bill so that the minister has those emergency powers available to him is very important.

The last point I would like to make is that we are going to amend the Energy Safe Victoria Act 2005, which covers energy performance standards in Victoria. As I mentioned previously, a star-rating system exists which rates appliances such as fridges, freezers, microwaves, air conditioners, televisions and dishwashers. It is a very important scheme whereby consumers can analyse and compare products and how effective they are from an environmental and energy rating point of view. The commonwealth is going to establish a greenhouse energy minimum performance standard scheme later this year, which is something this government supports. Energy Safe Victoria employees may undertake those administrative functions and be appointed as inspectors through that scheme, which is an important provision in the bill.

In closing, I commend the minister for his work in closing a significant loophole in the legislation. This will benefit Victorian consumers at the end of the day.

Mr NARDELLA (Melton) — Opposition members support the bill before the house in that it closes a

loophole that was not foreseen by us whilst we were in government. We provided the legislation to try to protect consumers. However, neither was it foreseen by the current minister until the determination of the ACT — the Australian Competition Tribunal — on I think 6 January this year. When the minister made his submission to the ACT through the Australian Energy Regulator, he and the government believed that the legislation we had put in place was appropriate and that there was no loophole. However, the independent tribunal, the ACT, determined otherwise.

These things happen with legislation. There is no value in gloating over this loophole and trying to be the Enron of the Baillieu cabinet — that is, the smartest minister in the room — in having to amend legislation that was found by an independent tribunal not to be active and to not do what we all as a Parliament agreed it should do. The hubris in the second-reading speech and in the contribution to the second-reading debate by the member for Morwell is unwarranted and uncalled for. That was unwarranted, Acting Speaker. Legislation comes before this house and then there are determinations, whether they be in the criminal code or in other codes or areas — in road safety, for example. The Parliament makes decisions and is very clear in regard to what it wants to do, but the courts and independent tribunals may determine otherwise. Instead of gloating about it, it should just be a matter of the Parliament and the minister amending the legislation to reflect the original intent of the Parliament. That is the proposal that the member for Mill Park in her very good contribution, which I was able to follow, put before the house.

Turning to other aspects of the bill, members, including you, Acting Speaker, have spoken about concessions. I am happy to talk about concessions, because the concessions that were put in place by this government were six months late; they were months late.

Ms D'Ambrosio — They were supposed to be a Christmas present.

Mr NARDELLA — They were supposed to be a Christmas present, but they came after Christmas, and they were against the policy that was put up by the government. We have this gloating from government members that they have extended the concessions. In fact, Acting Speaker, in your contribution you did not want to refer to this — because this is the hard part — —

Mr Dixon — Don't interject, Acting Speaker!

The ACTING SPEAKER (**Mr Northe**) — No!

Mr NARDELLA — No, he cannot interject! This is a unique situation for me. In fact what the government has done is reduce concessions for pensioners, low-income earners and health-care card holders that they are gloating about. These members of the government, the Enrons of the political world, are the smartest ministers in the room, but when you look at the things they have done and what the legislation before the house is all about, you can see that they are really not that bright.

The last thing I want to talk about is powerline safety. The government stated that it would implement the recommendations of the 2009 Victorian Bushfires Royal Commission 'lock, stock and barrel', which would include putting all the powerlines underground. Is the government doing that? No, it is not. It might be putting $750 million towards it, but it is not putting in the $20 billion that was recommended by the royal commission. That statement was incorrect. The government can gloat all it wants. The role of this Parliament is to maintain the initial intent, supported by members on both sides of the house, of safeguarding consumers here in Victoria. I support that, and the government supports that. It is not about gloating; it is about doing the right thing. That is what this legislation does, and that is why we support it.

Ms RYALL (Mitcham) — I rise to speak on the Energy Legislation Amendment Bill 2012. Key aspects of the bill include that it will amend the National Electricity (Victoria) Act 2005 to modify the operation of rules regulating electricity distribution network pricing so as to preserve the intended operation of the network performance incentive schemes that were put in place by the Essential Services Commission of Victoria. The bill will also declare certain provisions of the Electricity Industry Act 2000, the Gas Industry Act 2001 and the Fuel Emergency Act 1977, which operate in relation to emergency supply situations, to be corporations legislation displacement provisions. The bill will also amend the Energy Safe Victoria Act 2005.

I want to pick up on a couple of issues raised by the member for Mill Park, in particular the hypocrisy that I heard coming through in her speech. She referred to the ceiling insulation scheme. In fact it was the government of which she was a member that got rid of that scheme. The reason was that it had been superseded, in effect, by what became known as the federal government's pink batts debacle. That was the reason. If the member for Mill Park had done a little bit more homework, she would know that the minister had called for submissions in relation to the possible reinstatement of that scheme. She refers to it as stalling, but the thing is that if we were to do what the federal government did

and just roll out a program without any consideration of the risk controls that need to be in place, it would perhaps be as ill considered as the pink batts debacle was.

The member also talked about electric hot water systems. She may also know that they are under national consideration through the Council of Australian Governments. At this point in time all governments are considering electric hot water systems. She also referred to concessions. It is interesting that the member for Mill Park has a concern about the amount of the concessions, given the increasing costs that are occurring as a result of the carbon tax. That is something she should take up with the Prime Minister.

Let me just get this debate on a straight path. The fundamental themes of this bill are: affordability, energy efficiency, making sure the lights stay on in this state, keeping the pressure off energy bills, encouraging energy efficiency and making sure the Minister for Energy and Resources can use his emergency powers effectively.

Honourable members interjecting.

Ms RYALL — The member for Mill Park carried on about keeping the lights on, but this is actually looking at the use of emergency powers. Considering the possibility of a structural change that may well occur in our coal-fired power stations as a result of the carbon tax, as the shadow minister, she of all people should know about and understand the importance of making sure that the lights can stay on through the potential structural change.

I refer to the legal loophole that exists, which this bill is looking at rectifying, wherein electricity distribution companies could have raked in $94 million in gains. The loophole needs to be closed for that reason, and that is the primary reason this bill exists.

The expectation of consumers — and rightfully so — is that they have quality services. That means reliability in their power supply, customer service which is responsive and which meets their needs, and efficient management of the grid. If the distribution companies do not provide this service, there need to be consequences. Should a distribution company offer a substandard service that is not in line with customer expectations, then the charges should reflect that substandard service. Incentives to provide such a service, in line with expectations, were in place; however, the Australian Competition Tribunal recently ruled that the regulator was unable to legally enforce revenue cuts for poorly performing service delivery. This government wants to keep pressure off energy prices and is therefore taking the appropriate action to deal with the loophole. In the United Energy and Powercor electricity distribution regions $35 million in increased distribution charges will be prevented by this bill. It is important for members of Parliament, regardless of what side of the house they sit on, to make sure they tell their constituents about some of the other measures the coalition government is taking to take upward pressure off energy bills — such as the upward pressure imposed by federal Labor through the carbon tax. I will outline the initiatives of this government. The energy concession period has doubled from six months to 12 months. Households can access free stand-by power controllers, allowing them to limit or reduce their stand-by power usage.

An honourable member interjected.

Ms RYALL — That is good thinking, absolutely. Another thing is that there is access to the Switch On website to check if they are getting the best deal from their energy suppliers.

One of the key reasons this government is acting to take pressure off energy bills is that the carbon tax put upward pressure on them. It is good to see that, although the members for Mill Park and Melton could not bear to acknowledge this, the Prime Minister wrote to the Premier of Victoria and requested his assistance in convincing other jurisdictions to adopt the changes and reforms made in Victoria under the Kennett government.

Mr Nardella — Under us!

Ms RYALL — The member for Melton would like to think it was under them, but he needs to think back a little bit further to the Kennett government's privatisation. The interesting part of this is that there are New South Wales premiers who have lost their jobs over this issue, so I do not think it has been wholeheartedly welcomed, but our Premier has been asked by a Labor Prime Minister to help convince other jurisdictions to go down this path.

What we need is certainty. We need the Prime Minister to tell us what she plans in relation to the contract for closure of our coal-fired power stations and how we will retain and maintain baseload power for this state. She also needs to make sure — —

Mr Nardella interjected.

Ms RYALL — The member for Melton seems to want to take the floor constantly. I think he has had a fair go. Sometimes they say the one who gets hit the

hardest squeals the loudest; I think that is what we are hearing here. The Prime Minister also needs to make sure that we have adequate funding for the Australian Energy Regulator, which makes decisions about network prices.

In terms of average bills in Victoria, for a home with electricity and gas a bill for 4500 kilowatts is approximately $1450. Without gas it is about $1900 a year, and with just gas it is about $1200. They are considerable and expensive bills for people to pay. All we needed at this point in time, when times are tough, was the carbon tax. I know that in the electorate of Mitcham people feel it. Everyone feels it — the older people feel it, the younger people feel it and the people who are raising families feel it. It is difficult in these times of economic uncertainty to make sure that those bills are paid.

This government is acting. This government has a number of initiatives in place. I commend the minister on this bill, and I commend the bill to the house.

Ms HALFPENNY (Thomastown) — What an amazing contribution from the member for Mitcham. I think she spent about 8 of her 10 minutes talking about what everybody else has done because there is no way she could spend 10 minutes talking about what this government has done. What an amazing effort.

I am here to speak on the Energy Legislation Amendment Bill 2012. I want to focus on one particular part of the bill but also note that there are a number of minor technical amendments — for example, ensuring that directions taken by an energy company in an emergency situation are valid notwithstanding compliance obligations under the commonwealth Corporations Act 2001.

Mr Tilley — Eyes up!

Ms HALFPENNY — The member for Benalla should tell some of his ministers that!

The main area of debate I wish to talk about is the main change contained in this amendment bill. That change amends the National Electricity (Victoria) Act 2005 by removing a loophole that electricity companies in Victoria were attempting to take advantage of — a loophole that would result in unjustified money grabs by power distribution companies that would be pocketing more profits from consumers.

In 2009 the Victorian government agreed to transfer particular state powers over electricity regulation to the federal government. As a result of this and the subsequent legislation required to transfer those powers, a loophole developed. Electricity distribution companies, it seems, were quick to try to exploit this loophole, refusing to accept financial penalties as a result of poor performance. This legislative amendment will ensure that current agreements and arrangements that power companies agreed to will continue to apply. However, it really makes you wonder — power distribution companies were taking legal action to avoid obligations to consumers which they had previously agreed to!

I would like to explain that a little bit further. Electricity distribution companies receive an incentive payment on the basis of delivering a good service which encompasses reliable supply, responsive customer service and efficient management of the electricity grid. This incentive system was introduced by the Labor government after the Kennett Liberal government privatised the Victorian electricity industry. This decimated the Latrobe Valley, with devastating effects on the people living in that area. These incentive payments through legislation meant the more reliable the service, the higher the revenue that could be collected from customers, and vice versa. Therefore a poor performance by electricity providers or distributors meant less could be taken from customers.

Now the current Liberal-Nationals government has introduced the legislation we are debating tonight which in essence protects the work of the former Labor government. Government members have been doing a lot of crowing about this ‘great deed’ of theirs, but really it is not something that adds to or improves our lives; it is something that protects an already existing right.

I would like to talk about the Thomastown electorate and the people who live in that area. In terms of protecting and improving the lives of people in Victoria, legislative regulation and good planning around electricity generation and distribution are crucial, but this government does not accept its obligations in that regard. For example, the Minister for Planning has irresponsibly approved the rezoning of land to expand the East Brunswick high voltage terminal station. The legislative amendments we are dealing with today do not allay the fears or very legitimate concerns of parents and families living in the Thomastown electorate and beyond — from Reservoir to the Thomastown area — where the increased electricity loads from this terminal will run.

Mr Clark — On a point of order, Acting Speaker, while it is in order for members to make some passing reference to other matters relating to electricity, the matter that the honourable member is embarking upon

has nothing to do with the bill before the house which relates, as she has herself indicated, to remedying a loophole in relation to the national electricity rules and has nothing to do with a substation in the northern suburbs of Melbourne.

The ACTING SPEAKER (**Mrs Victoria**) — Order! I uphold the point of order. I ask the member to come back to the bill before the house.

Ms HALFPENNY — I will go on to the bill, Acting Speaker, but it would be nice if you were equal in your judgement — —

The ACTING SPEAKER (**Mrs Victoria**) — Order! Without comment. This is my first judgement for the evening, and I ask the member to come back to the bill.

Ms HALFPENNY — I will do that. In talking about the legislative amendments in terms of distribution companies, it is obvious from the fact that the distribution companies were trying to get out of their penalties on the basis of poor performance that they do not really care about the Victorian people or their obligation to them. The lack of care demonstrated by the distribution companies is concerning to the people in the Thomastown electorate because of the moves being undertaken to increase the base power load along the high-voltage powerlines that run through the electorate.

Again, we would like to see this government take action to prevent extra electricity loads on high-voltage powerlines running through the electorate of Thomastown to make sure that families are safe and healthy. There is no consensus among those in the scientific community about the health risks posed by the overhead high-voltage powerlines which loom directly over the homes, backyards and playgrounds of the people and families living in the Thomastown electorate.

Mr Clark — On a point of order, Acting Speaker, I submit the honourable member is defying your ruling and is again attempting to canvass issues relating to matters specifically in and around her electorate that have nothing to do with the subject matter of the bill before the house, which relates to national electricity rules and the electricity distribution network pricing.

The ACTING SPEAKER (**Mrs Victoria**) — Order! I uphold the Attorney-General's point of order. I say to the member that while all bills allow quite a lot of scope, straying too far bring her under scrutiny.

Ms HALFPENNY — In closing, I ask: when will government members get serious, act together and start to bring legislation to this house that will improve our lives and protect us? This bill just dots a few more i's and crosses a few more t's. People in the Thomastown electorate demand and deserve more than this. A stop should be put to the Brunswick East high-voltage power terminal expansion and the ongoing electricity increases that may affect the health and safety of people living in the Thomastown electorate.

Mr KATOS (South Barwon) — It is my pleasure to rise this evening to make a contribution to the debate in support of the Energy Legislation Amendment Bill 2012. I will point out briefly to the previous speaker, the member for Thomastown, that I think most people in this house have high-voltage powerlines in their electorates, so it is not something that is confined to Thomastown. I will move on to the bill.

The bill makes amendments to the National Electricity (Victoria) Act 2005 in order to change the operation of the rules regarding electricity distribution network pricing for the 2011–15 period. The bill also inserts sections from the commonwealth Corporations Act 2001 into the Victorian energy industry emergency legislation and provides for Energy Safe Victoria to perform functions under the national greenhouse and energy minimum standards scheme.

The bill addresses three key areas: affordability, energy efficiency and the reduction of red tape, and Victoria's energy security. The bill reinstates incentives for energy companies to offer quality services, which include reliable power supplies, call centres that are responsive and efficient management of Victoria's power grid. Where an electricity provider does not meet these standards the people of Victoria would rightly expect that there to be some financial consequences. Unfortunately due to a loophole in the legislation if these targets were not met, there was no financial penalty. This loophole was identified by the Australian Competition Tribunal when it ruled that the Australian Energy Regulator was not able to legally enforce revenue cuts for those businesses that had not met that level of service to the consumer.

This legal anomaly was discovered by the tribunal when the former Labor government transitioned the state's powers to the national regime. This is being corrected by the Baillieu government to close that loophole and to ensure that where an electricity company does not meet these expected standards there will be a financial penalty. That was always the intention of the legislation. Closing the loophole via this amendment will stop electricity distribution companies

making windfall gains of up to $94 million. That is $94 million that will go back into the pockets of Victorian consumers. The amendment will close a loophole that the previous Labor government created in the legislation. Whether it was advertent or inadvertent, nonetheless that loophole was nonetheless there.

This move has had some media support. An article in the *Geelong Advertiser* of 15 August says:

> In a rare win for thousands of Geelong electricity users, a planned money grab from energy providers through increased power bills is set to be switched off.
>
> A new law will be introduced by the state government that forces power companies to pay financial compensation for missing performance targets.

It goes on to say:

> About 700 000 Powercor customers in Geelong, central and western Victoria and Melbourne's outer west will be saved price hikes of $10.50.
>
> In a win for the cost of living battle, the legislation will close a legal loophole that allowed power companies to avoid incurring revenue losses despite being tied to strict performance-based standards.

Obviously the *Geelong Advertiser* is very supportive of the legislation and its intent. This move by the Baillieu government shows its commitment to putting downward pressure on electricity price rises. We are also taking other steps in this space. We have extended the 17.5 per cent energy concession year round, rather than for just six months, as it was previously, which also recognises that we have heating in the winter months and cooling in the summer months. The Baillieu government has also made available to many households free stand-by power controllers and discounts on other energy-efficient products. This has been done by the expansion of the Energy Saver Incentive program, so Victoria is doing its part to try and minimise upward pressure on power prices.

After four years of silence on energy price rises it is interesting that the Prime Minister is now buying into the debate. She has sought to blame states that own their energy-generating assets for such rises, but Victoria's energy-generating assets were privatised and the retail prices are not set by the government.

This privatisation took place under the Kennett government and increased productivity in the electricity-generating sector, which has made the Victorian market one of the most competitive energy markets in the world. Another aspect that those opposite have failed to mention is that the privatisation of the Victorian electricity industry paid back the $32 billion debt the Kennett government inherited. That was also part of the privatisation regime.

If the Prime Minister were serious about minimising electricity price rises, then there are things she could do about it. Victoria is doing its bit. First and foremost she could scrap the $23 per tonne carbon tax that will increase electricity prices for households and businesses. Those opposite say, 'The sky hasn't fallen in; everything is fine and there have been no price rises', but no-one has had their September or December quarter energy bills yet. When those bills come we will see increases in prices. Businesses, particularly small businesses, are receiving no compensation and will have no recourse other than to pass costs on to consumers. We will see price rises at the end of the year and next year; that is when it will really start to bite.

The Prime Minister could also tell us which power stations will be closed under the Contract for Closure program and how this baseload power will be replaced. There is talk of closing the Hazelwood power station, which supplies 23 per cent of Victoria's power-generating capacity. If Hazelwood is closed, where will the power come from? It needs to be clearly defined which assets are being targeting for closure. Which power stations are going to close:? There should also better resourcing of the Australian Energy Regulator. It is the body which makes decisions about network pricing, so it should be better resourced as well.

Also in the bill are measures to increase energy efficiency and reduce red tape. There are amendments to the Energy Safe Victoria Act 2005, which provides for Energy Safe Victoria to undertake the functions under the greenhouse energy minimum performance standards (GEMS). We used to have the minimum energy performance standards, or star-rating stickers, which we have all seen. In effect each state had its own version of that scheme. Bringing this system under the new commonwealth legislation and having a national regime will mean that standards are the same across all Australian states. This system is more logical, easier for business and will reduce red tape.

Under the GEMS scheme, which replaces the star-rating system, Energy Safe Victoria will undertake the administrative functions, and Energy Safe Victoria employees will be appointed as GEMS inspectors to undertake compliance and enforcement activities. The bill also makes amendments to ensure that Energy Safe Victoria can take on these functions.

The bill also contains amendments regarding energy security. There is an amendment to the Electricity

Industry Act 2000, the Gas Industry Act 2001 and the Fuel Emergency Act 1977, which will ensure that the Minister for Energy and Resources will be able to use his emergency powers in the event of a proclaimed supply emergency.

Having said that, this is sensible legislation which will close a loophole. We are not saying it was a deliberate loophole — no loophole is ever deliberate — but the loophole was there and the government is acting to close it. There are potential savings of up to $94 million which will go back into the pockets of Victorians, which is a good thing. More money in the economy to spend means that $94 million will not be taken out of the pockets of consumers and businesses, which will be good for the Victorian economy. I am happy to commend the bill to the house.

Ms HUTCHINS (Keilor) — I rise to speak on the Energy Legislation Amendment Bill 2012 which amends various acts within the energy and resources portfolio. Labor supports this bill because Labor cares about families hurting from the increased cost of energy bills, which is an issue that has now been on the agenda for the past two years. I have been involved as a representative of the area of Keilor where many people come into my office and talk with me about how they can move forward and keep their head above water when it comes to energy costs.

The bill's primary purpose is to address the loophole in the National Electricity (Victoria) Act 2005 that has arisen due to the transition of regulatory oversight of performance incentives from the Essential Services Commission to the Australian Energy Regulator (AER). Electricity distribution companies receive an incentive for maintaining a reliable service over the calendar year. The incentive is in the form of an increase in the business's allowed annual revenue collected from consumers. When the regulatory body changed from the Essential Services Commission to the AER some transitional arrangements were legislated. In January these were deemed by the Australian Competition Tribunal to be technically invalid, with the result that without this amendment United Energy would be able, due to poor performance, to include an additional $35 million to be raised from its customers in its next pricing application to the AER for the 2013 year.

This bill is a positive step forward in the battle with cost of living pressures, and it is in keeping with the intent of the incentive scheme established under the Labor government. Cost of living pressures are very prominent in the area that I represent. Although it is a positive thing that the government is introducing this amending bill, there is so much more that could be done to combat the cost of living. Back in 2010 the Premier made a promise on ABC radio when he said:

> We will have that particular focus on Victorian families, particularly families struggling under cost of living pressures.

This commitment does not stop at the energy bills that come through the postbox; it also extends to the daily cost of things such as, say, motor vehicle registration, which has increased by $35, the increases in speeding fines or the slashing of the education maintenance allowance funding that has boosted so many families. Over the past two months I have received 114 signatures on a petition against the Baillieu government's increases to cost of living pressures that are affecting many families in my area.

Ms McLeish — I hope that acknowledged the carbon tax.

Ms HUTCHINS — There was an interjection from the other side about the carbon tax.

The ACTING SPEAKER (**Mrs Victoria**) — Order! Interjections are disorderly but responding to them is also disorderly. I ask the member to come back to the bill.

Ms HUTCHINS — I will come back to the bill and the Baillieu government's abysmal energy credentials. The government has cut the value of the state concessions for pensioners for gas and electricity by a total of $41 annually. The government says it has done this because the federal government has provided carbon price compensation money, but that $41 represents the value of the federal compensation component calculated to cover the cost rise for energy per household due to the carbon price. One energy retailer's letter says the state government is withholding the annual $41 in concessions because the government believes it is 'unnecessary'. This is not helpful to many families in my electorate.

The Baillieu government has axed the premium feed-in tariff for solar energy, has announced Australia's most restrictive planning laws for wind farms and seems determined to remove all incentives to invest in renewable energy. The Baillieu government is also proposing to scrap mandatory energy ratings for new homes in Victoria and it wants to expand the brown coal industry.

In conclusion, there are many ways in which the government could move to reduce the cost of living, both in relation to electricity bills and more generally, yet it has chosen not to do so. Despite the introduction

of the bill before us today, the cost of living and energy credentials of the Baillieu government are weak and they are causing high levels of stress among residents across Victoria.

Mr CRISP (Mildura) — I rise to make a contribution to the debate on the Energy Legislation Amendment Bill 2012. The purpose of the bill is to amend the Electricity Industry Act 2000, the Gas Industry Act 2001 and the Fuel Emergency Act 1977 to provide for Corporations Act 2001 displacement provisions relating to directions of emergency supply situations; to amend the Electricity Industry Act 2000 and the Gas Industry Act 2001 to align the existing Corporations Act displacement provisions relating to suppliers of last resort with the proposed new displacement provisions relating to directions in emergency supply situations; to amend the National Electricity (Victoria) Act 2005 to specify certain building block amounts to be applied by the Australian Energy Regulator when approving the pricing proposals of Victorian distribution network service providers under the distribution determinations that apply to those providers; and to amend the Energy Safe Victoria Act 2005 to enable Energy Safe Victoria's staff to, with the approval of the minister, perform functions and duties and exercise powers under certain commonwealth laws relating to the promotion of the development and adoption of products that use less energy or produce fewer greenhouse gases.

Where should I begin in relation to all of these issues? The bill invites comments about the reliability and affordability of supply, efficiency, red tape, energy-saving devices and energy security. I will begin to address some of these issues.

Reliability of supply is something that Victorians have become very used to. Some of us in this chamber are missing enough hair and are grey and old enough to remember that you knew where the candles and matches were when you grew up. When I was in the country every time there was a decent storm you could be fairly sure that that was it for the night. You would go to bed by candlelight and someone would come along in the morning to see what the heck had happened. Things have got much better than that. Victorians would be up in arms if the power was off overnight. I remember one case when the power was off for some days after a particularly good storm and a wayward tree was found in the back of our yard. This bill allows some scope for managing emergencies — the performance that Victorians have come to expect is affected by emergency situations. It works that way.

I will talk about energy-saving devices. Most devices are okay, but I worry about what our friends at the commonwealth level are doing at times, because a few devices have been delivered to front doors and are now on lounge room floors, and most people have been fairly frustrated. In general the energy-saving system is a good one. I think when they get their energy bills most people now know exactly what the stars mean. Making ratings apply across the state is a very good idea as we need to continue to manage our energy efficiencies. That leads to energy security.

I will own up now — I am a lapsed electrical engineer. That is one of the professions I have had in my life. I think Victoria will have a problem with energy security going forward. An issue that has been debated is our rising population and rising energy usage during periods when peak power and base power is being used. Our homes have more gadgets in them and we are using more electricity. There are more of us; we are using more electricity. We need more delivery infrastructure. The poles and wires can only carry so much energy to houses. If houses need more energy, more poles and wires need to be put up and more transformers are needed.

We will inevitably need to add additional generated electricity to our network as our population grows. The difference between the current capacity of our system and what we are using is called spinning reserve. I have noted over the years that Victoria's spinning reserve is narrowing, particularly during peak times when power is being used. When we need power during peak times — typically in Victoria it is during January and February when we have very hot days and the air-conditioning load kicks in — our peak load becomes quite challenging. We saw that during the last drought when our system came under enormous stress as we pulled in energy from other states.

This will continue to be a major issue for Victoria, and we will manage it. How do we manage this? First off, we need to continue to expand our generation base, but we need to expand it in an economical way because that is what people can afford. We also need to be more efficient with what we use, and that is what we are talking about today. As the various appliances in our houses are retired, we need to pay a great deal of attention to what we replace them with, as we may well be saving the state.

There is ongoing work to be done there; however, we have a problem. I cannot see how we can retire Hazelwood off the Victorian grid. As much as everybody thinks they might well want to do it, at this stage we simply cannot take that power station off the

grid. Wind power offers some resources in Victoria, but the power loads are very determined. If members consider the 24-hour loading of power, it follows a particular curve. Wind power is occasional power, and it can be a challenge in meeting the demand in the curve. Solar power tends to follow the curve; it offers some possibilities, and we are probably moving down that cost curve.

The previous member spoke about the cost of power schemes. Victorians are struggling under the feed-in tariff load of 29 cents or 30 cents per kilowatt hour, depending on where they are. If we continue to have a 60 cents per kilowatt hour rate, how are Victorian families going to cope with that? It was amortised across our families for 100 megawatts of installed capacity. Luckily the cost of panels are coming down. They are still going up on roofs and other places. The cost of panels had to come down to a more realistic figure, otherwise we were going to compound that cost with the carbon tax and make energy more expensive.

I recently received a brochure from my electricity retailer — I do not know whether it is right or not — and for every $100 of my power bill it attributes $9 to the carbon tax, the energy I use being $20 and the poles and wires being $71. Again, the pressures on our families make that $9 carbon tax in every $100 of their power bills a rather interesting exercise at this time in our economy.

The driver behind the carbon tax is carbon dioxide, and there are a number of ways we are looking to abate that emission and make our brown coal more efficient in the way it is used. Geological sequestration offers some benefits, as does biological sequestration, but both of these processes are a long time away. In Victoria or somewhere on the east coast of Australia at some time in the future someone is going to have to make some tough decisions about our energy. I note that Victoria is expanding its supply of gas, which offers some greenhouse gas advantages.

The system we have to deal with is a complex one, and this bill is one of the steps in maintaining a very complex system. Victorians need and want reliable energy, and Victoria will not function without energy. I have often said in relation to all the problems we have that if we solve the energy conundrum, most of the other conundrums that confront us at the moment will also be solved. We need to be mindful of the costs and mindful of our competitiveness, and we need to be mindful of families paying the bills. The price per kilowatt hour is extremely important to our families.

Thus I come back to where I began, being the amendments in this bill, one of which is not to penalise retailers for obligations under their service factor when they are delivering energy and supply issues occur. If we end up with a very hot January, as we did in the drought, and start dropping transformers or dropping one of our main coal-fired power stations, it is inevitable that there will be service difficulties in Victoria. We cannot punish retailers if and when something happens in the system. We had stressful moments when a bushfire shut down our feed coming into the state through the Benalla area from the Snowy Mountains scheme. That too caused some energy issues. It is a complex system to manage, but this government is going to manage it well, and it will continue to maintain our energy system for Victorians. I support the bill.

Mr CARBINES (Ivanhoe) — I am pleased to make a few comments with regard to the Energy Legislation Amendment Bill 2012, which does not do much more than preserve the intent of the incentive scheme established under the previous Labor government. Of course Labor supports all actions that restrict price rises in electricity. The Baillieu Liberal government has swiped back a number of energy concessions from pensioners and other concession card holders in Victoria, just as the government has stolen pension increases provided by the federal Labor government by jacking up the rent for public housing tenants in West Heidelberg. This is another example of a concession provided to lower income people that has been stolen by this Liberal Baillieu government. That is the record of this government and the way in which it treats concession card holders. I will come to more of that shortly.

There is a significant percentage of complaints that are made against electricity companies. I would say that probably 70 per cent to 75 per cent of the interactions I have in my electorate office in West Heidelberg relate to public housing concerns and to very serious issues that my constituents have with utility companies and energy companies in particular. I was not surprised by what I read in the 2011 annual report of the Victorian energy and water ombudsman, which has some staggering statistics in relation to energy companies and electricity companies in particular. When we have a government that seeks to pat itself on the back for the way in which it has sought to regulate energy companies, it is important that we look at the figures that relate to what the energy and water ombudsman is dealing with in Victoria.

Let us have a look at some of those figures. Complaints to the energy and water ombudsman were up across all

three industries. As reported in the 2010–11 annual report, electricity complaints were up 33 per cent and gas complaints were up 25 per cent. A record 54 289 Victorian energy and water customers sought assistance from the energy and water ombudsman in 2010–11. That is 28 per cent more than in 2009–10 and 197 per cent more than five years ago. These are salient facts that this government needs to consider before it pats itself on the back about the way in which it thinks it is doing justice to low-income people in Victoria in the way it seeks to regulate energy companies.

I turn to some of the key issues that residents in my electorate have raised concerning what they expect the government to deal with in relation to energy companies and how they can be regulated. Those matters will add to the concerns reported by the energy and water ombudsman, which include a significant increase in energy prices, associated affordability issues and billing issues. The latter are a common complaint of people who come to my electorate office. Many people on low incomes come to my office to use the phones to pursue complaints with these companies because they do not have phones themselves. These are people who are living on the margins and for whom every cent counts. They are very disappointed with the energy companies. They have very clearly raised their concerns about their disenchantment, their disenfranchisement and their disempowerment when it comes to dealing with energy companies and getting a fair go.

It is no surprise that these are some of the key issues that people in my electorate have raised when it comes to regulating energy companies and the prices that this government allows them to charge in relation to their energy bills. When we have the opportunity through a federal Labor government to increase the pensions of these people, the Victorian government has taken this money away from them by increasing public housing rent, energy costs and bills.

I also want to draw the attention of the house to Foodbank Victoria's *End Hunger Report 2012*, which makes the point:

> People in low economic resource households earn around half of the disposable income of the average Australian and have around 13 per cent of the net worth of the average. Spending on goods and services by this group is around 65 per cent of the Australian average, indicating much lower consumption.

Of course a critical issue in this is that the prices of both shelter and warmth have risen significantly over the past two years. This puts extra pressure on people in relation to their energy bills, particularly those who are less well off. These are points that this government needs to reflect on very seriously, particularly the massive increase in the numbers of complaints to the energy and water ombudsman in the 2011–12 report, which clearly show a significant dissatisfaction and disenchantment by low-income Victorians with the way that this government seeks to deal with and advocate for their issues on energy pricing and the complaints that are raised by those who feel they have been treated poorly.

I note that, while the government seeks to pat itself on the back in relation to this bill, these matters remain outstanding. On this side of the house the Labor Party will continue to advocate for greater accountability by energy companies and by this government, which seeks to con people into thinking that it is standing up for low-income people when it increases their public housing rents and when it refuses to act on the significant increase of some 250 per cent over more than five years of the numbers of complaints to the energy and water ombudsman about people's concerns about their energy bills. We on this side of the house will continue to be a voice for those low-income people.

Mr THOMPSON (Sandringham) — In contributing to a debate on energy legislation in Victoria, it is important to understand the key focus that energy has in the delivery of services to Victorian households and the importance of maintaining costs at as low a level as possible. Over the past 20 years there has been a number of important reform processes in Australia, some of which were adopted in Victoria and some of which were mooted in other states but have not as yet been delivered. It is important to note also that in improving energy efficiency, the reform process to a cleaner, greener energy supply in this state has not met the aspirations of former governments.

An Auditor-General's report detailed the failure of the former government to deliver energy reform where there was a greater uptake of power by renewable energy suppliers in the form of solar energy and wind power energy. Those reforms were not realised over an eight-year period or so between 2002 and 2010. The objective had been to lift the renewable supply or contribution to Victoria's energy supply in the case of renewables from 3.6 per cent to 10 per cent over that eight-year period, but it was only lifted from 3.6 per cent to 3.9 per cent. This is a very significant fact as we consider the fundamental importance of baseload power supply to Victoria and the inability in the development of photovoltaics in the case of solar power and the inability of wind power to provide that important driver for Victorian industry.

The bill focuses on a number of areas of reform which are outlined in the purpose of the bill. The first subclause is:

> (a) to amend the Electricity Industry Act 2000, the Gas Industry Act 2001 and the Fuel Emergency Act 1977 to provide for Corporations Act displacement provisions relating to directions in emergency supply situations …

I will not make further comment on that provision but instead rest upon the detail outlined in the second-reading speech of the Minister for Energy and Resources.

Subclause 1(b) of the purpose is:

> (b) to amend the Electricity Industry Act 2000 and the Gas Industry Act 2001 to align the existing Corporations Act displacement provisions relating to suppliers of last resort with the proposed new displacement provisions relating to directions in emergency supply situations.

Again I will rely upon the contributions on that subclause made by members earlier in this debate.

There are two other subclauses I would like to spend a bit more time on. They are:

> (c) to amend the National Electricity (Victoria) Act 2005 to specify certain building block amounts to be applied by the Australian Energy Regulator when approving the pricing proposals of Victorian distribution network service providers under the distribution determinations that apply to those providers; and
>
> (d) to amend the Energy Safe Victoria Act 2005 to enable Energy Safe Victoria's staff to, with the approval of the Minister, perform functions and duties and exercise powers under certain Commonwealth laws relating to the promotion of the development and adoption of products that use less energy or produce fewer greenhouse gases.

Dealing with that last particular topic, there has been widespread interest on the part of Victorians to have energy-efficient products to make sure that they are able to save as much energy as they can to reduce the carbon footprint and otherwise to deliver important savings to household budgets. In light of the reduced earnings from investment income for self-funded retirees or people reliant upon investment income and in relation to those on fixed incomes in pension schemes where the rate of pension increase may not meet cost of living increases, it is important that every endeavour be made to ensure good savings outcomes for people on fixed incomes.

A number of schemes have been introduced. It is important to note that the government has a keen commitment to improving the affordability of energy for a number of Victorian citizens, and the 17.5 per cent energy concession for eligible householders was extended to cover not just a 6-month period of time but a 12-month period of time. This is an important saving for many fixed-income households in Victoria. It is an important reform introduced by the coalition government which reduces the net cost of energy for Victorian households with fixed incomes. I commend the work of the coalition government in delivering this fundamental reform to Victorian consumers.

The next point I would like to make is that there have been a number of energy saver schemes and the reform of a number of green subsidies which unfairly favoured some groups. There has also been the Switch On campaign, and there has been an endeavour to educate communities on how they can better utilise energy and still meet their power needs at the same time on a cost-efficient basis.

One impost on the Victorian taxpayer has been the carbon tax at $23 per tonne of carbon dioxide. This represents a significant cost impost. There have been suggestions that there are compensations available, but not every entity or enterprise will be the beneficiary of compensation. We can look at public hospitals, local government and schools where increased costs incurred will be borne through other measures.

Victoria has been reliant upon baseload power from the Latrobe Valley for over 50 years — over 80 years in a sense with the great work of Monash in the Latrobe Valley and the online commissioning of a number of power stations using our brown coal reserves, which are amongst the largest reserves in the world and have a lifetime of 500 years. This enabled important industries to be developed in this state. Those industries brought great employment opportunities for households across the state, and the manufacturing sector of south-east Melbourne has underpinned employment for many people within the electorate of Sandringham, but I am cognisant of focusing on the broad terms of the bill.

It is pivotal to this debate to understand the importance of low-cost energy supply to ensure the competitiveness of Australia's manufacturers. One of the main industries in Victoria is the motor vehicle industry where a few years ago this state exported 100 000 vehicles out of the Toyota plant in Altona to the Middle East, and the number of jobs that ripple through the Victorian economy has been outstanding over a long period of time, but we cannot take this for granted. Unless we maintain our competitive position as a state and as a nation and build industries that are reliant upon competitive inputs, unless we can maintain that competitive advantage, there will be an ongoing

shift offshore of our manufacturing industry, and that will impact upon real jobs for Victorians.

I note that the Prime Minister wrote to the Premier a letter dated 7 August 2012 stating:

> I am specially seeking Victoria's help in demonstrating to other jurisdictions the positive experiences that you have been able to deliver from your reform agenda.

A number of positive reforms have been undertaken in Victoria to inform consumers about good options that might be available. I note from the bill that there is an amendment that I alluded to earlier on — the amendment of the Energy Safe (Victoria) Act 2005 to insert a new section 9A. It says that:

> Subject to the approval of the Minister and any conditions on that approval, an employee of Energy Safe Victoria may perform a function or duty, or exercise a power, under a law of the Commonwealth —
>
> (a) related to the promotion of the development and adoption of products that —
>
> (i) use less energy; or
>
> (ii) produce fewer greenhouse gases; or
>
> (iii) contribute to reducing the amount of energy used, or greenhouse gases produced, by other products …

There is scope for there to be constructive work done in aid of the utilisation of less energy on the basis of there being a better informed consumer base. Consumers can make their judgements in light of the Energy Safe Victoria information that is otherwise available. In my electorate there is also an informed group of retired electrical engineers who are providing keen commentary on the savings that could or should be delivered through this process.

Ms CAMPBELL (Pascoe Vale) — I rise to support the Energy Legislation Amendment Bill 2012. There are four points I want to cover in my contribution. Firstly, I want to cover technical aspects; secondly, I will speak on why this bill is important in continuing Labor's good work on the security of energy supply; thirdly, I will cover the cost impost; and fourthly, I will cover a little of the important work of rewarding good distributors over those that decide not to provide good-quality service to the residents of this state.

First of all, in relation to the technical matters, the Energy Legislation Amendment Bill makes a number of technical amendments that have been outlined in the Scrutiny of Acts and Regulations Committee *Alert Digest* No. 12 of 2012. They are documented in that report on pages 1 and 2, and in the interests of time I will just refer to those. There were no issues that were brought to our attention, or to the Parliament's, in relation to technical matters in this bill.

The second point I want to cover is that I support this legislation because Labor is absolutely committed to security of supply. The ongoing work of this Parliament in relation to energy legislation, I am pleased to say, does back Labor's commitment to good energy supply in this state.

The third point is on the cost impost. I am glad the member for Sandringham is still in the chamber, because I did interject during his contribution. He ignored my interjections, but I did try to correct him in one of the less intellectually rigourous contributions he has made in this house. He tried to have us believe that the Baillieu government is committed to ensuring that energy costs are reduced and that there is an understanding about pressures on the cost of living. He obviously has not benefited from the wisdom of his constituents like I have from mine. My constituents bring in their energy bills, and on page 2 in microscopic print is a statement that the Baillieu government is ripping $41 from each customer, including pensioners, to go into the Victorian Treasury coffers.

I want to compliment Mrs Pat Ostenreid, who came into my office and brought this to my attention. She is a very astute lady who has a number of children and grandchildren and, as she was explaining, is on the way to also having great-grandchildren. She said, 'This $41 is really important to me as a pensioner, because any pressure on my income means that I can't buy my children or grandchildren the presents that I want to buy them. That is discretionary income, and I have to cut down on those things. I have to pay for rates, utility bills and food, but unfortunately the kids are going to miss out. I blame the Baillieu government for that'. Quite frankly, I do too.

The member for Sandringham needs to have the benefit of a few members of his constituency coming in and showing him the microscopic print on page 2 of their bills. The Baillieu government did not put out a media release stating 'We are about to rip off $41 from pensioners'. Instead it put out this crummy media release of 15 August saying, 'Golly gosh, aren't we good. We're going to make sure that United Energy customers avoid an increase of $13 in their power bills and SP AusNet customers an increase of around $3'. Big deal when you take $41 out of the pockets, purses and wallets of pensioners in this state! I would like a bit of intellectual honesty, not only from the member for Sandringham but also from others on the other side of this house.

The final point I want to make is to congratulate the good power companies. I am happy to belt around the ears those that do the wrong thing, but we need to give accolades to those that do the right thing. When you look at United Energy's performance you understand why it is important that we penalise companies that do the wrong thing compared with those such as Jemena, in my electorate, which has provided outstanding service to every one of my constituents who I have taken to it. As I said, it is important to place on record good workers and good companies.

I particularly want to single out one man who has never failed any of my constituents whenever there has been an issue or a complaint, and that is Shane Fairlie from Jemena. When there were a number of issues in relation to smart meters he conscientiously followed up with every single one of the residents personally. There was quite a media storm around what were claimed to be issues with smart meters. Quite frankly I did not believe Jemena until I had independent evidence that what it was telling me was absolutely accurate. I went to Energy Safe Victoria and was reassured that the claims made by Jemena were accurate. Therefore I was able to give that assurance to my residents. Shane spent a lot of time with individuals in my electorate, and he even put on a forum for anyone who was believing the beat-up going on in our local paper — a Murdoch paper, I might say, just as an aside. How I love Mr Murdoch and his empire!

Back on the legislation, it is important that Labor's good work with energy-saving measures is continued. It is important that we support Labor's strong policy of security of supply. Again I place on record my appreciation to Shane Fairlie and the folk at Jemena.

Ms McLEISH (Seymour) — It is with pleasure that I rise to speak on the bill before the house this evening, the Energy Legislation Amendment Bill 2012. As we have heard from other speakers, this bill will amend various acts within the energy and resources portfolio. Those acts include the Electricity Industry Act 2000, the Gas Industry Act 2001, the Fuel Emergency Act 1977, the Energy Safe Victoria Act 2005 and the one that I will discuss initially, which is the National Electricity (Victoria) Act 2005. I am pleased that these amendments are being supported by the opposition. One of the main drivers for this legislation is to close off a loophole that could have seen a windfall of between $35 million and around $94 million for energy distributors.

I want to spend a moment talking about the importance of energy. Everybody realises the importance of energy to almost everything in our lives. We are all also very aware of the increased cost of utilities and in particular energy costs to consumers. Everybody talks about being interested in containing the rising costs, because the cost of living impacts on all of us. There are people who are more vulnerable than others. There are those on lower incomes, single-parent families and pensioners and many mums and dads who are struggling to pay day-to-day bills and get on with the job. This government is committed to trying to decrease the cost of living pressures on those people.

This range of amendments contains a degree of consumer protection in the containment of energy prices that are being passed on to the end users, who are people like us and all our constituents. When I say 'us' sometimes I have to forget that I am a little bit removed from some of the issues relating to energy bills, because our house on the farm is 100 per cent solar powered. I have mentioned before that we are not within cooee of a powerline. When power is out elsewhere and the power is on at our place, it is always a good thing.

Ms D'Ambrosio interjected.

Ms McLEISH — When I say there is not a powerline within cooee, I mean there is not one within cooee. The power is 100 per cent solar.

I want to talk first of all about the National Electricity (Victoria) Act 2005, which is really the focus here. One of its main aims was to modify the operation of rules regulating the electricity distribution network prices. The original intent has not really been played out. It was not intended at all for the incentive scheme to be opened up in a way that could be exploited and have enormous windfalls for the distributors. What the amendments in the bill are doing is preserving the intent of the network performance incentive scheme as set out by the Essential Services Commission.

As with many organisations and businesses there are rewards for great service and penalties for poor service. We are certainly looking at having great services. Everybody expects good service, and we expect reliability of our electricity supply. We expect that the call centres we deal with in relation to our energy bills will be responsive and that the grid will be managed efficiently.

On that subject, I want to tell a story about something that happened quite a number of years ago when the power was off. It was a day on which the temperature was about 35 degrees. Work was being done outside my house in town. I saw two or three guys from the electricity company, in overalls, work virtually all night. They came back again the next day and worked

hard and diligently in trying conditions. It was a sweltering day and night, and they were sweating like anything, but it was important to them to get the power on, because we all expect a reliable service. It was a very difficult time for them. I applauded the work they did and even took them out a glass of water and tried to make things a little bit better for them.

When organisations and distribution businesses perform well we expect that there will be rewards for that, but at the same time when there is a loophole in the legislation that can open up a windfall of perhaps $94 million over the next four years, that loophole needs to be closed. What the government is doing here to get on top of this early is important.

Members might be aware that the Australian Competition Tribunal recently ruled that the regulator could not legally enforce revenue cuts for businesses delivering poor services. It pointed to this legal loophole that developed in the transition of a subset of state powers to the new Australian Energy Regulator. We need to step in and correct this anomaly. I am pleased that everybody is on board to support this, because when a windfall of up to $94 million is paid to the electricity distributors we know where that money comes from in the first place to cover the cost — out of the pockets of mums and dads, pensioners and everybody. Covering such schemes might mean that the cost of our services needs to increase, which puts upward pressure on our utility bills. That is something that we are not keen on seeing happen, and we are looking at providing a degree of consumer protection through the amendments in this bill.

As I have mentioned, the bill amends a number of acts, including the Electricity Industry Act 2000 and the Gas Industry Act 2001.

The ACTING SPEAKER (Mr Nardella) — Order! The time has come for me to interrupt the business of the house. The honourable member will have the call when the bill is next before the house.

Business interrupted pursuant to sessional orders.

ADJOURNMENT

The ACTING SPEAKER (**Mr Nardella**) — Order! The question is:

That the house now adjourns.

Wombat State Forest: mining

Mr HOWARD (Ballarat East) — I raise a matter for the attention of the Minister for Energy and Resources, and I ask the minister to take immediate action to activate a moratorium on any mining proposed for the Wombat State Forest until full community consultation regarding proposals to commence mining operations can occur and a full assessment of the biodiversity within the forest is undertaken.

Recently I met with members of Wombat Forestcare because, along with a very significant number of community members, they were very concerned to learn that mining is proposed to commence in the Wombat State Forest. Their initial concern relates to an open-cut mining operation proposed to commence at a site south of Bullarto, but the group is also concerned about a number of other current mining licences in the Wombat forest. Following community awareness of the impending commencement of the mining operation proposed for the Bullarto area, a community meeting held on 15 July saw the Bullarto hall filled to capacity with concerned community members. Those at the meeting unanimously called for a moratorium on any mining operations in the forest until further assessments can be done and genuine community consultation takes place.

In regard to the Bullarto site, members of Wombat Forestcare have advised me of the considerable significance of this site, and indeed all primary water catchments within the Wombat State Forest, for the provision of abundant unpolluted water to the people of Victoria and the need for protection for the purposes of water and food security into the future. They believe there is a pressing need to protect this site and other forest water catchments from mining operations, and this view was strongly expressed across the broad spectrum of the local community.

Wombat Forestcare members advise that mines at the top of the Great Dividing Range are in maturing forest where rainfall is at its greatest. They are on sites where there is the greatest likely risk for harm to stream flow, domestic water supply, biodiversity, mineral springs and aquifer recharges and irrigation waters. They believe water and food security in Victoria would be better served into the future by conserving the Wombat forest now.

Not only is the community concerned by the lack of consultation at present, but it has also clearly expressed that it does not want this or any other mines in the Wombat forest. I understand that Wombat Forestcare wrote to the minister on 12 July asking for recision of the work plan for the mining lease, and I have also written to the minister. We are waiting for a response, but again we urge the minister to take immediate action

in line with the requests made to have this moratorium and to get further information to the community.

Murray Regional Tourism Board: industry leadership program

Mr WELLER (Rodney) — My matter is for the Deputy Premier and Minister for Regional and Rural Development, and it is in relation to funding for a tourism-based leadership program. I ask the minister to fund this very important tourism leadership program to allow individuals in our community to have the opportunity of learning and gaining beneficial experience in what is a very important sector for our region and for the state.

The Murray Regional Tourism Board's industry leadership program aims to provide practical learning and network-building opportunities for tourism industry leaders. The program aims to establish industry leaders who will drive the future of tourism at a local level, act as mentors for new entrants to the industry and assist in unifying and collaborating to grow the awareness of and passion for tourism across the region.

Tourism is a significant economic driver for our region and the state, and in 2010–11 it was estimated to be worth $15.9 billion to Victoria's economy. The primary focus of this tourism-oriented program will be on giving people the tools they need to be more effective leaders in the industry. Many areas of the Rodney electorate will benefit from state government funding for this program, including the Campaspe, Moira and Gannawarra shire regions.

Tourism is an integral part of our local economies and this leadership program will support businesses and industry leaders to shape and secure the future of our tourism industry. Participants chosen to take part in the program will work together on a group project for the duration of the program, which will create a unique environment of togetherness and teamwork. They will also benefit from the experience of working with various stakeholders from varied backgrounds and gain skills to work together in a united and cohesive manner.

The year-long joint project will include program marketing recruitment, an official launch, five sessions incorporating two full-day workshops, three two-day residential workshops, a graduation ceremony and a program evaluation of up to 25 participants. Each program day will be run in a different location throughout the region, which will benefit many local communities, and will include familiarisation activities to provide hands-on industry learning and insights. Local participants will learn lifelong skills and gain additional insight from guest speakers, personal leadership development workshops and networking opportunities from like-minded people.

There is no doubt that this program will have a positive flow-on effect as participants bring a wealth of knowledge and experience back to their communities. It has been identified by the Minister for Regional and Rural Development that regional development increasingly requires strong leadership at local and regional levels. I believe the program can fulfil this requirement. Acknowledging that often business leaders in rural and regional Victoria are also leaders in their communities underpins the importance of funding for this program.

Alpine resorts: wheel chains

Mr HOLDING (Lyndhurst) — I raise a matter for the attention of the Minister for Environment and Climate Change. The action I seek is that he exercise his powers under the Alpine Resorts (Management) Regulations 2009 to ensure a uniform approach to the carriage of vehicle wheel chains which are required for access to Victoria's alpine resorts during the snow season. Under the Alpine Resorts (Management) Regulations 2009 any person in charge of a vehicle who enters an alpine resort must, at all times during the snow season, carry wheel chains suitable to be properly fitted to that vehicle.

Two weeks ago the Mount Hotham resort experienced a significant weather event during which non-compliance with this requirement became apparent. This and other factors caused considerable traffic issues over many hours. As a consequence, the resort has issued new compliance criteria. Amongst the criteria, ladder-pattern wheel chains have been banned and so-called spider wheel chains are not recommended. I understand the resort's concern that the particular conditions at Mount Hotham, which has a very exposed road access into the resort from the Harrietville side, mean that the resort needs to take a more prescriptive approach in terms of what is acceptable in order to meet its obligations to ensure the safe passage of two-wheel and four-wheel-drive vehicles to and from the resort.

However, it is my view that it is very difficult for motorists seeking to do the right thing to comply with the requirements of the regulations if the rules as to what constitutes an appropriate set of chains varies from resort to resort. I believe it would be helpful if a collective decision on what constitutes appropriate chains were made and applied uniformly across all Victorian resorts. Further, if certain chains are not

deemed suitable, it may be necessary to provide advice to retailers and companies that provide chain-hiring services so that only acceptable chains are provided or at least motorists are warned at the time of hiring or purchase that particular chains are not suitable for Victorian resorts. Given that failing to carry suitable chains carries a penalty of 20 penalty units, it would seem reasonable that a uniform approach be adopted across our fabulous alpine resorts.

In making this suggestion, I do not for a moment suggest that where, for example at Mount Buller, on occasions days are declared where no chains are required at all for day access, those arrangements should be changed. It is important that a uniform approach to what constitutes appropriate chains be adopted across all Victoria's alpine resorts. It would also be appropriate for information in languages other than English to be provided at the point of sale or hire of wheel chains as more and more people accessing our alpine resorts come from backgrounds where English is not the first language. In addressing this issue about uniformity of wheel chains, it might also be useful for the minister to provide some guidance to not just the resorts but also the retailers so that the best possible and safest experience for people attending our resorts is provided.

Planning: Braeside

Ms WREFORD (Mordialloc) — I raise a matter for the attention of the Minister for Planning and the action I seek is for the minister to visit Braeside in my electorate. Braeside is interesting because virtually the entire suburb is made up of businesses. The remaining properties are old farms that are being subdivided for business use. It is a critical business area and job base for Kingston, the south-east and Melbourne, and from a planning perspective it is quite fascinating. Braeside has a large range of lot sizes, allowing growing businesses to stay in the area as they grow, so long as they can get council permits, that is. There is a range of issues but a bigger range of opportunities. The suburb has varied business uses, and there is a huge range of manufacturers and exporters there. In just one street you can find everything from a butcher to an electronics supplier to a large manufacturing plant to home renovation studios.

Businesses related to home building and renovating are multiplying. Despite the prophets of doom in the media and opposition, it is quite clear that people are investing in their homes, and the related businesses are investing in expanded facilities. These builders, kitchen manufacturers, bathroom and plumbing stores and the like are flocking into Braeside. There is even a new housing design centre which at least 19 companies have brought to fruition and which showcases their ideas — and there are some fantastic ideas. It is quite an amazing investment and show of confidence by the construction and building industry.

The suburb's success to date also shows the demand in Melbourne's south-east. People are certainly spending time and money on their homes. I would like to introduce the minister to one or two of the businesses in the construction and development industry in Braeside so he can see what they have managed to achieve and would like to achieve in the future. There are some big dreams there, but they are dreams that can be achieved with sensible planning and some real vision, which is totally absent at the federal level and was sadly lacking in the wasted years under state Labor. These were the years when all that happened were sham consultations and ill-conceived high-density monstrosities.

Now the coalition is getting Victoria back on track, so it is a good time to plan for the bright future these businesses and this government see ahead. I look forward to a positive response.

Alcohol: energy drinks

Ms GRALEY (Narre Warren South) — I rise to express my very deep concerns about the aggressive new tactics being employed by a local corporate subsidiary in the formulation and marketing of one of the most dangerous classes of alcoholic beverages imaginable — caffeinated alcopops. These things are monster alcopops, targeted straight at our kids. The action I seek is for the Minister for Health to take immediate action, as he can, to force Asahi to honour its word and stop producing its alcopops.

A 2010 article in the *American Journal of Preventive Medicine* entitled 'Caffeinated Alcoholic Beverages — An Emerging Public Health Problem' by Jonathan Howland and others shows that bar patrons who consumed caffeinated alcoholic beverages had a threefold risk of leaving the bar highly intoxicated compared with those who consumed alcohol without caffeine and a fourfold risk of intending to drive after leaving the bar. Another study concluded that students who consumed caffeinated alcoholic beverages had approximately double the risk of experiencing or committing sexual assault, riding with an intoxicated driver, having an alcohol-related accident or requiring medical treatment.

Multiple states in the United States have banned caffeinated alcoholic beverages, and the US Food and Drug Administration has issued warnings to four

companies to remove their products from the marketplace. The FDA's key concern was that these products could lead to consumers — often young people — entering a state known as 'wide awake drunk'. The Australian Medical Association is calling for legislation to ban alcoholic energy drinks.

Responsible corporate citizens like Foster's and Lion no longer produce these diabolical drinks, choosing to pre-empt the findings of the intergovernmental task force on drugs and take the safest possible course of action. I cannot commend them enough for this decision. We understood last year that Independent Distillers had agreed informally to stop marketing its caffeinated alcopop product, Pulse, until the Intergovernmental Committee on Drugs made its recommendations. Whilst not as commendable an action as its competitors', this was still a reasonable outcome. Independent Distillers has since been purchased by multinational alcohol giant Asahi.

Independent Distillers has now trashed the agreement not to aggressively market these turbocharged alcopops while the government conducts its critical research. In fact Pulse has been reformulated with new flavours added and is now being aggressively relaunched with more shelf space in bottle shops than ever. The Asahi-Independent Distillers Pulse product now contains South American guarana, added specifically to keep drinkers awake and drinking more than they should, despite intoxication. It is no wonder there is a Facebook page called '3-Pulse-vodka-energy-drink-it-makes-me-drunk-and-hypo'.

The Minister for Health has stated that he is waiting for the intergovernmental committee to do something about it before he considers acting. Let us be clear: Asahi's licence to manufacture alcohol in Victoria is granted by the Victorian government. How many more people have to die before the government acts? I call on the minister to demand that Asahi and Independent Distillers honour their word, given prior to the Asahi takeover, and stop the wilful poisoning of our children before more lives are lost — —

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

Schools: Mildura electorate

Mr CRISP (Mildura) — I raise a matter for the attention of the Minister for Education. The action I seek is for the minister to visit the Mildura electorate to update his knowledge on the Robinvale, Ouyen and Merbein schools. It is important that the minister visit these schools to familiarise himself with the progress that has occurred since he last visited 12 months ago. Robinvale P–12 College has recently moved into new buildings, which I had the pleasure of inspecting one evening with the school council. I would like to register my appreciation to school council president Anna Zappia and school principal Ana Rees for their comprehensive tour, including of the state-of-the-art environmental measures, which are displayed simply and with interactive features, to allow students to monitor and understand energy and water use as well as the energy being generated on the roofs and the water being saved from rainfall. It was also an opportunity to look at the landscaping works the community has been able to complete in partnership with the school and the department. The central courtyard is a fantastic feature which all can be proud of. I am looking forward to showing the minister just what a community can do when everyone works together.

Ouyen P–12 College was funded in the last budget to move its primary campus to its secondary campus. During a recent sports carnival, which was held on the schoolground, I met with Simon Grigg, the school council president, and Leanne Dawes, the school principal, to talk about the progress on achieving their and the community's aim of having a new school on one campus. This school community has also settled well into its recently completed senior school section. On the day I visited there was activity on the site from those who were doing planning and other assessments to prepare for the start of construction.

The final stop in a busy day for the minister could be Merbein P–10 College campus, which is nearing the completion of its significant building program. On completion this will see the primary campus consolidated on a single site with the secondary campus. Merbein P–10 College will also benefit from the federal Trade Training Centres in Schools project, which is getting under way at secondary campuses throughout the region. It would be good if the minister could find time to meet with school council president Andrew Nemtsas and school principal Graeme Cupper.

If the minister were to visit all the schools, it would take a full day, as they are well over an hour's drive apart, but it would provide an opportunity for the minister to get an update on progress made since his last visit. I look forward to the minister's response.

Planning: North Melbourne development

Ms KANIS (Melbourne) — I wish to raise a matter for the attention of the Minister for Planning. The action I seek is his urgent intervention in the matter of the planning application for the site on Canning Street in North Melbourne, reference no. 2011 008 241,

commonly known as the Woolworths development, and for him to urgently meet with representatives of the local group called Residents About Integrated Development (RAID) and the City of Melbourne.

Over the past three or so years the City of Melbourne has been developing a new municipal strategic statement (MSS) and two new structure plans — in particular the Arden-Macaulay structure plan, which applies to the site in question. The development of the MSS and the structure plans has involved significant consultation with all stakeholders — residents, landowners, businesses and developers. All stakeholders know that there will be considerable development in the Arden-Macaulay area. The aim of the structure plan is to set agreed parameters within which development can occur in the next 10 to 20 years. The structure plan has been developed to balance the interests of residents, landowners, developers and businesses and most importantly to provide a good quality of life for future residents and workers in the area.

The councillors and officers at the City of Melbourne spent considerable time ensuring that all stakeholders worked together to develop a structure plan that allows economically viable development and plans for public open space and the provision of community infrastructure, and that sets medium-rise height limits with setbacks that allow current and new development to sit respectfully side by side. One of the aims of the structure plan is to give certainty to all stakeholders about development in the area.

When the Woolworths development proposal went before the City of Melbourne in November 2011 the unanimous decision of the council was to reject it. The key reason expressed for the decision was that the development was not sympathetic in any way to the structure plan and the framework for the future development of the area.

In a community meeting on Monday night representatives from the City of Melbourne and RAID expressed the view that the Woolworths development was so grossly outside the parameters of the structure plan that if it were to go ahead it would place the integrity of the structure plan at risk. At the meeting both the City of Melbourne and RAID expressed to me the view that a compromise position could be reached. I urge the minister to take up this goodwill, meet with RAID and the City of Melbourne and negotiate an approval for the development that provides certainty for all and develops faith in the planning process.

Corryong: campdrafting championships

Mr TILLEY (Benambra) — I wish to raise a matter for the attention of the Minister for Sport and Recreation. When it comes to ministers, he certainly is a good sport, and he is working on making more people more active more often. The action I seek from the minister is that he support the National Campdraft Council of Australia Campdraft Championships to be held in Corryong from 8 to 11 November this year.

Campdrafting is a uniquely Australian sport and the fastest growing equine sport in Australia. About 200 competitors are expected in Corryong, competing across 10 events on the program, from junior through to open. Horses, drovers and stockmen played a huge part in opening up this country. The competition over who had the best horse and who was the best rider seems to have been the basis for the beginnings of this great sport.

On a local level, local competitor Adam Wheeler has been competing in campdrafting for over 20 years, having started at just eight years of age. His family, especially his father, Robert, played an enormous role in the Corryong Campdraft Club, and the club is happy to host this year's event on behalf of the Southern Campdrafting Association, now in its 39th year. That is a long time, and hopefully the association will see a lot more years to come.

A committee of 10 dedicated volunteers who are passionate about their chosen sport will ensure that this event is a huge success. President Ted Beirs has been competing for 15 years and has just returned from the Paradise Lagoon Campdraft at Rockhampton. If you have ever been to Rocky and gone to the Great Western Hotel, you will know that there are other great legitimate sporting pursuits involving animals there, and it is a great night out up there as well.

Sharon Nankervis, another local, has the huge task of processing all entries and doing the draws at Corryong. About 2000 head of cattle will be required for the event. They will all be provided free of charge by generous local farmers and will be returned to them at the completion of the event. Competitors will pay an entry fee to all events in which they compete. About 60 to 70 per cent of all entry fees will be returned to the competitors in prize money, and another $30 000 of sponsorship money will go into prizes.

This will be a marvellous event for Corryong, providing a significant injection of funds into the local economy, from the Lions Club right through to the local shops. I urge the minister to support the event, and I urge

colleagues and the public to attend it. I certainly hope to be able to attend at some point during that weekend myself.

In the time remaining to me, I will just say, for those any urban cowboys and members who do not know the front end from the back end of a horse, that campdrafting basically involves a rider moving cattle from a small yard and around pegs in the shortest time possible. The skill and horsemanship on show as riders move cattle about in a competitive situation should see a successful future for this event.

The ACTING SPEAKER (**Mr Nardella**) — Order! I am sure that my campdrafters from Bacchus Marsh will be there as well.

Big cats: bounty

Mr HELPER (Ripon) — The matter I wish to raise is for the Minister for Agriculture and Food Security. I seek that the minister introduce a bounty on Victoria's big cats. We have had a great deal of discussion of this issue in recent times, and given that the minister is continuously espousing the virtues of the coalition government's fox and wild dog bounty, I think it is only fitting that a bounty be introduced for Victoria's big cats. I will leave the issue of how big that bounty should be to the government of the day. That is what it gets elected for: to make the big decisions, such as how big to make the bounty on Victoria's big cats.

I have seen media reports of safety concerns being expressed, for example by Dr David Waldron. Those were outlined in this week's *Weekly Times*, so members can look at those. But this government is not concerned about those safety issues because it has a wild dog and fox bounty. Clearly those concerns can be managed. I am personally of the view that the government can manage those safety concerns with the responsible shooters that we have in this state.

In the same *Weekly Times* article the minister quite regrettably ruled out such a bounty. That is somewhat disappointing and dare I say hypocritical if one thinks of the self-claimed successful bounty that the government introduced on foxes and wild dogs. What concerns me, however, is that the resources for the desk search for the big cat are to come from the wild dog program. That is of grave concern to me.

In the closing seconds I wish to make the minister aware that I worked in the same Department of Primary Industries building in which he now has his ministerial office. A desk search will not identify a big cat in that building. I worked in that building for a period of four years; there is no big cat to be found on the desks in the Department of Primary Industries, so the minister should stop looking there, introduce a bounty and get on with the task that the government set itself prior to the last election.

Esplanade, Mount Martha: cultural heritage management plan

Mr MORRIS (Mornington) — I raise a matter this evening for the Minister for Aboriginal Affairs. The action I seek from the minister is that prompt action be taken by her department or by Aboriginal Affairs Victoria (AAV), whichever is appropriate, completing a cultural heritage management plan that will enable VicRoads to proceed with repairs to the Esplanade in Mount Martha.

The Esplanade is a road unlike many along the edge of Port Phillip Bay. The country between Mount Martha and Safety Beach is quite hilly; it is mainly cliffs running down to the sea. Many years ago a road was constructed from Mount Martha to Safety Beach which was cut into the side of the cliff. In the last few years we have had far more rain than in the years before, and that has had a significant impact on the Esplanade at a number of points. In the last two or three years there have been at least two significant collapses prior to this year's collapse, which is, from what I can see, probably the worst of the lot.

The area of concern is between Hearn Road and Bradford Road just south of Hearn Road in Mount Martha. It is a particularly rugged stretch. There are not a lot of alternatives, so people travelling to Dromana have to head all the way up Hearn Road and then come all the way back down Bradford Road. People are travelling, I would suggest, three times as far as they normally would if they were able to go straight through.

As I said, this is a site of some sensitivity. I am not certain if it is registered, but it has certainly been a site of interest to AAV and the Aboriginal people for some years. We need a cultural heritage management plan prepared in order to enable VicRoads to begin to undertake the necessary repairs. Obviously the quicker the management plan can be prepared, the quicker VicRoads can start to get machinery on site and undertake works. We are now in August and rapidly approaching the summer season, so, as I am sure the Minister for Education would agree, the quicker we can get action on this, the quicker we can resolve the issue.

Responses

Mr RYAN (Minister for Regional and Rural Development) — I note the matter which has been raised for my attention by the member for Rodney regarding an application that has been lodged with the government by the Murray Regional Tourism Board. The project under consideration is the Murray Regional Tourism Board's industry leadership program. The total cost of that program is a little over $100 000, and the member seeks a contribution from the government to enable that program to be delivered.

This is a very important program because it has a focus on encouraging people who want to have a future in the tourism industry to engage in this leadership program. The program will run for a year and comprise various elements, including, in no particular order of priority, marketing and recruitment. There will be an official launch of the program. It is intended that there be five sessions, including two full-day workshops. There are to be three other events that will involve two-day residential workshops, and at the conclusion of the whole program there is intended to be a graduation ceremony.

Interestingly the program will engage guest speakers to talk about a range of personal development issues and leadership, with a focus on the tourism industry. I might say that it is particularly pertinent that this program is being run in the member for Rodney's electorate, because despite my clear bias towards the magnificence of Gippsland I am prepared to say that the Murray region is one of the most magnificent regions elsewhere in the state of Victoria.

With the encouragement of the member for Rodney, I am pleased to say that the government will contribute $30 000 towards this very laudable project. This money will be paid as another element of our $1 billion Regional Growth Fund, specifically from the Developing Regional Leaders program. I wish the member and the organisation well in the implementation of what I can see is a very important project.

Mrs POWELL (Minister for Aboriginal Affairs) — The member for Mornington raised with me the matter of the closure of the Esplanade and the impacts of that closure on his community. He seeks assurance of a proper evaluation of the site and the prompt completion of a cultural heritage management plan. The member outlined the fact that there has been some heavy rainfall in that area and that this has caused problems. I understand that following heavy rainfall in June this year a foreshore landslip affected a section of the Esplanade in Mount Martha, forcing its immediate closure to allow VicRoads to undertake remedial works. This landslip destroyed part of a registered Aboriginal place, an Aboriginal coastal midden, and left the remainder of it exposed. The midden is listed on the Aboriginal cultural heritage register as VAHR7821-0114.

Staff from the metropolitan heritage programs team at Aboriginal Affairs Victoria (AAV) attended an on-site meeting on 26 June this year along with staff from VicRoads and its cultural heritage advisor to inspect the extent of damage to the road and the impact on the registered Aboriginal place. I am advised that the works that are needed to reinstate the road will further impact on the Aboriginal midden.

VicRoads has decided to undertake a cultural heritage management plan to assist with these impacts. I am advised that the project manager from VicRoads has informed AAV that field investigations for the cultural heritage management plan have now been completed and a final analysis and consultation is under way. My department is awaiting the final submission of the cultural heritage management plan for evaluation. There is currently no registered Aboriginal party for the area where the activity is being undertaken, and under these circumstances the deputy director of AAV is delegated the authority to assess and approve the cultural heritage management plan.

The member for Mornington outlined the inconvenience that this road closure has caused for his community, and I have been assured by all parties that they are working to resolve this matter quickly. I have asked representatives of my department to process the cultural heritage management plan as quickly as possible, and they have advised me that they will be able to complete that assessment within two weeks.

I thank the member for Mornington for raising this matter with me on behalf of his constituents. He can assure his constituents that, thanks to his involvement, the matter will soon be resolved.

Mr DIXON (Minister for Education) — The member for Mildura has asked me to come to his electorate and revisit the schools at Robinvale, Merbein and Ouyen. In each case building works are under way. Since my visit to Ouyen the government has announced funding of $5 million to finish the school project there, whereby the primary and secondary schools are being merged at one site. The Calder Highway runs through the middle of the two sites, and the schools were sharing facilities, so it was totally unworkable. The member has asked me to visit those schools and see the

great work that has been done by the community. I know some great work has been done on the Robinvale project by not only the community but also the community working with the government, and I think the broader community in the area also makes the most of its building projects.

I can tell the member for Mildura that it just so happens that there is an opening in my diary next week for a whole day — because the area is not close by — and I am more than happy to facilitate that visit in the very near future. The member for Mildura does great work on behalf of the schools in his electorate, and I am more than keen to support him and our great schools up there.

Mr DELAHUNTY (Minister for Sport and Recreation) — I rise to respond to the member for Benambra, who is a very passionate and hardworking member of Parliament and is keen to give the people in his electorate every opportunity to be active in sport and recreation. A key priority of the Victorian government is to deliver sports events for all Victorians. I am informed that cattle herding is a sport recognised by the Australian Sports Commission. As members know, the national championships are held on a rotational basis around Australia. This year, as the member for Benambra mentioned, they will be held in Corryong from 8 to 11 November, and about 200 participants are expected to come to the region. That will provide an enormous stimulus to the economy and boost participation in sport and recreation at a local level.

I am proud to announce that the Victorian coalition government will be supporting the National Campdraft Council of Australia Campdraft Championships in 2012 through the significant sporting events program. As we know, sport plays a vital role in regional Victorian communities, and that is why the Victorian government continues to invest to attract the best events and talent and to inspire others to be more active in sport and recreation. I am delighted to say that this event will receive $5000 to enable Towong Shire Council to continue the great work of attracting this and other major sports events to the region, to help boost the profile of the district as an events hub recognised not only in Victoria but around Australia, to foster this unique and memorable experience and to encourage more people to return to the region.

In fact I was in the area with the member for Benambra. We went out to Cudgewa to announce some funding for a major sports facility that had received money from my department and also from the Minister for Rural and Regional Development. That was a great trip. I think it took us a bit over an hour to get there from Wodonga. It was a very cold day, but there was a hell of a crowd — I think everyone from Cudgewa was there. It highlights again that the member for Benambra is doing a lot of work in this community.

As I said, through initiatives such as the significant sporting events program we can work together to develop and support a wide range of sports events that help keep Victoria in the national and international spotlight in sport. I wish the National Campdraft Council of Australia and Towong Shire Council all the best for their event from 8 to 11 November at Corryong. I also recognise the fact that the Lions club is very heavily involved. I thank the member for Benambra for his strong advocacy for this event and for many other developments in his region.

Mr KOTSIRAS (Minister for Multicultural Affairs and Citizenship) — The member for Ballarat East raised a matter for the attention of the Minister for Energy and Resources. The action he sought was for the minister to place a moratorium on mining in the Wombat State Forest. I will refer that matter to the minister for his direct attention.

The member for Lyndhurst raised a matter for the attention of the Minister for Environment and Climate Change. The action he sought was for the minister to ensure a uniform approach to the carrying of vehicle wheel chains across our alpine resorts. I will refer that matter to the minister for his attention.

The member for Mordialloc raised a matter for the attention of the Minister for Planning. The action she sought was for the minister to visit Braeside in her electorate and speak to constituents about planning matters. I will refer that matter to the minister.

The member for Narre Warren South raised a matter for the attention of the Minister for Health. The action she sought was for the minister to stop the production of caffeinated alcopops. I will refer that matter to the minister for his direct response.

The member for Melbourne raised a matter for the attention of the Minister for Planning. The action she sought was for the minister to intervene in the planning application for the site at Canning Street, North Melbourne, and meet with local representatives. I will refer that matter to the minister for his direct response.

Finally, the member for Ripon raised a matter for the attention of the Minister for Agriculture and Food Security. The action he sought was for the minister to introduce a bounty on Victoria's big cats. I will refer that matter to the minister for his direct response.

House adjourned 10.41 p.m.