

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

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

Thursday, 11 October 2012

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FIFTY-SEVENTH PARLIAMENT — FIRST SESSION

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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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Thursday, 11 October 2012

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

BALI BOMBINGS: 10TH ANNIVERSARY

Mr BAILLIEU (Premier) — I wish to make a statement on the 10th anniversary of the Bali terrorist attacks. Locally it was 12 October 2002; it was late on a soft, warm night in a truly beautiful place, a place where the tropical water is never far from the tropical landscape and where tourists and wide-eyed young people and the young at heart have long embraced a happy and warm and friendly culture. In Australia it was the early hours of 13 October, but in a moment, in a roar, Bali changed, Australia changed, and today we pause on the eve of the 10th anniversary of the Bali terrorist attack to remember.

It is sobering to reflect that this attack at Kuta Beach saw the largest loss of Australian life overseas outside of war, and so many of those were young lives. Eighty-eight Australians died, and a quarter of them were from Victoria. In all, 202 people from more than 20 countries died and scores more were injured, many of them with horrific burns. Those who survived in the Sari Club that night will never forget how that happy holiday atmosphere turned literally in a flash into a horrible inferno because of a terrorist bomb. It was an act of entirely unprovoked evil. It was an act which was intended to create a division between Australia and Indonesia, and it was an act that utterly failed in that objective.

As many have said in the lead-up to tomorrow's solemn anniversary, this act of cowardice only served to strengthen bonds between Indonesia and Australia as countries and Balinese and Australians as people. At the time the then Prime Minister, John Howard, and the opposition leader, Simon Crean, came together, as did all Australians, not only to honour those whose lives had been lost but also to show that they were determined not to bow to this act. The then security minister in the Indonesian government was Susilo Bambang Yudhoyono, who is of course now the well-respected President of Indonesia and a firm friend of Australia. On the first anniversary of the Bali bombings he made a passionate speech in which he too talked of how the ties with Australia, far from being broken, had strengthened enormously through this adversity and common grief — because the terrorists did not just kill 202 visitors; they killed many local Indonesians going about their daily work or holidaying as well. The worst of it was that one bomb was set off to make people flee into the street and then a larger,

follow-up bomb went off outside with the intention of wreaking the maximum amount of carnage.

It was not a political statement; it was mass murder. It is heart-wrenching to read the stories of those young Victorians whose lives were so savagely cut short — young people on a last trip overseas, about to start a new family with a baby on the way; team mates whose plane had been delayed and who decided to have a few last drinks before they flew home.

But there are also inspiring stories: 23-year-old Victorian Natalie Goold was on holiday with her friend Nicole McLean. When the bomb went off Natalie fled, but then went back into the flaming building to rescue her friend — a display of selflessness which earned her the Star of Courage. A few weeks ago Nicole gave birth to her second child, and Natalie is due to give birth any day. That is one inspirational story. It is one illustration of cool courage and the strength of friendship. It is a story of worrying about a mate and not yourself, but it is also a reminder that lives always and ever are refreshed and renewed.

We think, too, of the emergency services in Bali, across Australia and in Victoria. They include the Red Cross, Victoria Police and the burns unit of the Alfred hospital, all of which made huge contributions during the response. We think of those in Bali who stepped up to assist and showed unimaginable courage and commitment. They were people like Clair and David Marsh, both doctors from Victoria who were in Bali at the time. We think of them all, but they cannot be recalled without also thinking of all of those whose lives were lost.

The public reaction in Victoria was profound. The steps of this Parliament were spontaneously covered with flowers and other tributes, and there is a much cherished photograph at radio station 3AW of that garden bed on the steps. It is a reminder not only of the significance of the event and the significance of the response but also the prominence of that gesture.

There were other gentle gestures as well. The then President of the Legislative Council, the late Bruce Chamberlain, and the then Speaker of this house, Alex Andrianopoulos, who was instrumental in taking up a suggestion to light the flower beds, had an inspired idea to gather all the flowers — those not passed on to hospitals — which had been left by Victorians on the steps of Parliament and use them to form the basis of a new memorial garden. The then Premier, Steve Bracks, gracefully accepted a suggestion from then opposition leader, Robert Doyle, to gather up all the cards that had been attached to those flowers and keep them as a

memorial. With the aid of professional horticulturalists at Parliament House the garden bed was put in place and a place of quiet contemplation was established on the southern side of this building, and it remains to this day with a bench for those who want to sit quietly and reflect. Governments across Australia have since joined together to continue to pursue the notion of a permanent memorial at the Kuta Beach site, and I am sure that discussion will continue.

Tomorrow there will be services in Canberra, in Bali and in other parts of Australia, as there should be, and tomorrow we as party leaders will lay posies of flowers at the Bali memorial garden after a service here in Queen's Hall. We will not forget those lives cut short, we will not forget their families and their legacy, and we will not of course forget the evil that was done that day or those who undertook this attack. Just to know that they manifestly failed in their principal objective is important to us all.

Many Australians are determined to not only honour those who suffered but also to preserve the spirit and friendship of the Balinese people and the relationship between Bali and Australia. Many of those people quickly returned to Bali to do just that and frequently do so. We will not forget. The spirit of Australia shines through. It shone through at that time, and that light shines still 10 years on.

Mr ANDREWS (Leader of the Opposition) — I wish to echo the Premier's remarks in commemorating the anniversary of the Bali bombings and honouring those impacted by these tragic events. Ten years ago hundreds of Australians were targeted. Multiple blasts destroyed two Bali nightclubs and shattered the lives of everybody in them. They will remain some of the worst hours in our history. On this solemn anniversary we can do nothing more essential in this chamber than to remember those who died and console those who will always love them.

Twenty-two Victorians were lost in the attacks, alongside 66 of their fellow Australians, 38 Indonesians, 24 Britons and 52 others from 19 nations. In total, 202 people were killed and 240 injured in the most cruel and cowardly deed known to mankind: the wanton act of mass murder at the press of a button. Most were in their 20s or 30s, young men and women on holiday in paradise; many were mothers, fathers, old and young, many were workers and many were just passing by.

At the strike of 11.05 p.m. on 12 October, as the streets were draped in colour and the clubs were beginning to fill up, they were all cast into a nightmare, and they

were all innocent. They were citizens, not soldiers; none had enlisted to pay with their life. None deserved to be a statistic of a wretched ideology. It was an ideology instructed not by the doctrines of any faith, only by fear and ignorance. It was something from which we had hoped to be immune, yet one year and one month after September 11 we were reminded just how proximate the people of Australia are to its reach and its brutality.

We should be proud that in the immediate aftermath of the Bali bombings we avoided the urge to blame any one race of people or any one nation. We realised Indonesia too was a target of this tragedy, and we worked with the world's third-largest democracy to seize and prosecute some 750 agents of terror. Indonesia later witnessed more attacks upon its soil; dozens died, including many Australians. But in 2012 Jemaah Islamiah lies broken and isolated, its ideology subdued.

We also worked with Indonesia to fix its health system. After the bombings Sanglah Hospital was crowded and chaotic; it simply could not manage the demands of this tragedy. In December this year Sanglah is expected to become the first Indonesian hospital to meet internationally accredited standards for clinical care. This accolade will honour those doctors and nurses who saved lives at that hospital, at hospitals in Darwin and Perth, and at our own acclaimed Alfred hospital. It will be important for all of those hospitals and for recognising the work that was done amid the trauma in Bali, where bars, clubs and places of entertainment once stood.

May these achievements become lasting emblems not of the bombings but of their basic failure to weaken our civil society or impede Indonesia's efforts to reform. May we always remember the men and women we lost on 12 October — 88 ordinary Australians whose tragic fate united a nation in compassion and resolve.

Mr RYAN (Minister for Police and Emergency Services) — I join with the Premier and the Leader of the Opposition in relation to this statement marking the 10th anniversary of the tragic events that occurred in Bali 10 years ago. Those events are etched in the minds of all of us. When those bombs exploded on that terrible night in Bali, they represented, amongst other things, a further stage in the loss of innocence for Australia. Some 202 people died, and 240 people suffered physical injuries. One can only wonder how many others have been scarred forever in a way which is not necessarily represented physically but which will nevertheless remain with them for the rest of their lives. Eighty-eight of those who died were Australian, and it

is ironic to reflect that that number equates with the numbers in this very chamber. To think that the number of parliamentary members gathered here now was lost in literally the blink of an eye is a compelling thought.

Those who died included not only those who were on holidays. They were not only the old and not only the young; many of them were the Balinese people themselves. It is having regard to those terrible losses that today we remember those who were so tragically in the wrong place at the wrong time that terrible evening. We will never forget them; that is a fact. It is important that we mark today's date by remembering those who were lost, those who were injured, those who today carry the scars of those injuries and those for whom the mental anguish continues and will continue forever after. But as is the wont with these tragedies, out of the ashes came some good, including the bravery of those who conducted themselves so magnificently on that night. So many of the stories have been told, and the Premier made reference to Natalie Goold, but so many of the stories will never be told because people rose to the occasion in the events subsequent to the bombs exploding and did so in a manner where man's humanity to man was on display.

There was universal condemnation of this appalling terrorist act, because, mark my words, this was the personification of evil. The wonderful thing about that, in its own way, is that those who perpetrated this appalling act wanted to achieve a particular outcome of division, especially between Australia and Indonesia, but they failed miserably and utterly in that the act was universally condemned.

Out of this came extraordinary contributions by those who were not at the time directly involved but who became fundamental to dealing with the aftermath of the tragedy — the medical personnel, the emergency services personnel in all their forms, the police, those involved with the very difficult task of forensics, and those who not only at the time but subsequently came together to look after in various ways the people who suffered injuries at the time of the event. Further, it sealed the already strong bond between Australia and Indonesia. That is a bond which continues to this day and will do so forever.

It is important to say that the bombings demonstrated what a magnificent thing the democratic system is. We can have differences of view in this chamber and we can come here and express them passionately, but no bombs go off, no guns are fired and no-one dies or is otherwise injured. You can come here and put your point of view and have differences of view but do it in a way which is respectful of our wonderful democratic

system. For those who incited this appalling attack that night, that is a message which should never ever be lost.

Ultimately, in its own way, this was a triumph of the human spirit. People were able to rise, literally from the ashes, and deal with and continue to deal with the tragedies of that shocking evening. To that we should all pay appropriate regard, because in the end I think that is the message to be taken from these shocking events. Despite the best endeavours of those who perpetrated it, the triumph of the human spirit is such that people were able to emerge from this shocking disaster. We are able to come together now, 10 years on, to remember those dreadful events and to continue to work with and support those who suffer the consequences of what occurred. We should always remember how fragile our democratic system is but nevertheless celebrate how wonderful it is that we in this great, free country of ours can continue to live in it.

Mr SCOTT (Preston) — I will make a brief contribution to this important discussion. I take up the Leader of The Nationals's discussion of democracy. Alexander Solzhenitsyn said that the battle between good and evil takes place in the human heart, and in the aftermath of this bombing there was a real contest for the human heart between those who sought division and hate and the forces of democracy, particularly in Indonesia, and the better angels of people's natures triumphed in the human hearts of millions of Indonesians, and frankly millions of Australians who could have rejected Indonesia.

That is the legacy I would like to touch upon: the struggle that has taken place for those who believe that political conflict should be resolved through discourse and democracy rather than through violence and terror. If there is a legacy that we can help to build, it is the bond between Victoria and Bali and the bond between Australia and Indonesia. I take some issue with the Leader of The Nationals because I think democracy is strong, it is not fragile. The hearts of people in both Indonesia and Australia are willing to confront terror and violence in order to achieve a resolution for their societies that reflects the needs and desires of the people and not those who would terrorise them.

Mr KATOS (South Barwon) — It is with a great deal of sadness that I rise to make a contribution to the discussion commemorating the 10th anniversary of the Bali bombings. Two hundred and two people were killed, 88 of them Australians, by the bombings on 12 October at 11.03 p.m. Bali time. Four of those were from Geelong: Aaron Lee, 33; his brother Justin Lee, 31; Justin's wife, Stacey Lee, 30; and Bronwyn Cartwright, 28.

I will focus my contribution today on the Lees, as I knew them and went to school with them. I cast my mind back to grand final day 2002 when I had a barbecue at my home. Justin and Stacey were at the barbecue; we were watching Brisbane battle it out with Collingwood. They were enjoying the day, having a drink and were genuinely excited about their trip to Bali in a couple of weeks. They were heading off, and they were going to have a good time; Aaron's birthday celebration was going to be held there as well. As I said, they were genuinely excited about going.

The Bali bombings is one of those moments in time when you will always remember where you were. It is like the moon landings or even the death of Princess Diana: you will always remember where you were. I was camping up at Deniliquin when it happened. We got reports over the radio about bombings in Bali. The first thought I had was, 'Gee, I hope Justin and Stacey are okay'. I got on the phone and made some further inquiries in Geelong and found that they were missing. Obviously I feared the worst, but you always hold out hope. Unfortunately that hope turned to sorrow. Aaron, Justin and Stacey were in the Sari Club when the bomb went off; their bright lives were extinguished by an unspeakable act of horror.

To add to the tragedy, Stacey was pregnant, expecting her and Justin's first child. Where this really strikes home with me is that my wife, Vicki, was pregnant at the time with our first child, Zachary. I look at Zachary now; he is nine years old, is full of life and has such a bright future ahead of him. This is where this act of evil really strikes home with me, because Stacey and Justin would have had a child of similar age — a boy or a girl — and perhaps would have had more children, but their lives were taken away, as was that of their unborn child.

My thoughts and prayers go out to all of the victims' families, in particular the Lee, Thornburgh and Cartwright families. May we ever be vigilant against such acts of terror.

Mr MADDEN (Essendon) — I wish to make a very concise contribution today. Even a decade on it is hard to make sense of these bombings; how do we resolve how humanity can, in many ways, do this to itself? I am reminded of the words of the American educationalist Booker T. Washington:

I will let no man drag me down so low as to make me hate him.

Previous speakers have mentioned democracy and the human spirit, and it is important that 10 years on we reconcile this. What we make of the misery, the

emptiness, the waste and the horror of those events that took place in Bali on that night is important. It is a challenge for us: so many young people — so many people with their lives before them — lost, and there are those families and those individuals who were associated with those who lost their lives and who will continue to be scarred for the rest of their lives. Each and every day those individuals must climb a mountain in attempting to expunge the horror of those memories, but they must also try to recall the memories of those individuals they loved so much.

There are ways we are able to reassure ourselves that as civilised individuals and as a civilised society we can rise above this. One recalls Jason McCartney's great and heroic moment after the last game he played for North Melbourne, leading up to which he had spent almost 18 months trying to recover from having more than 50 per cent of his body burnt in that bombing by wearing the garments he needed to wear and undergoing the therapy he needed to undergo and doing the training he needed to do in order to play that one last game for North Melbourne on that night. That was in many ways uplifting, not only for those associated with the events in Bali but also for those who needed to feel uplifted by seeing that there could be a triumph over adversity and a triumph of the human spirit and who, as Booker T. Washington would say, no longer wanted to feel that we could be dragged down by those who might hate us.

The SPEAKER — Order! I ask members to stand in their places in silence for 1 minute to allow us to reflect on the lives of the Australians, particularly the Victorians, who died in the Bali tourist attacks 10 years ago.

Honourable members stood in their places.

WHISTLEBLOWERS PROTECTION ACT 2001

Disclosure: improper conduct

The SPEAKER — Order! I wish to advise the house that I have received a copy of a report from the Ombudsman relating to the matter I referred to him in June under the Whistleblowers Protection Act 2001. The Ombudsman has informed me that the report will be tabled in the house today.

BUSINESS OF THE HOUSE**Notices of motion: removal**

The SPEAKER — Order! I advise the house that under standing order 144 notices of motion 1 to 7 and 12 to 21 will be removed from the notice paper on the next sitting day unless members wishing their notice to remain advise the Clerk in writing before 2.00 p.m. today.

PETITIONS**Following petition presented to house:****Higher education: TAFE 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 state government's plans to cut hundreds of millions of dollars from TAFE funding.

In particular, we note:

1. the TAFE association has estimated up to 1500 jobs could be lost as a result of these cuts;
2. many courses will be dropped or scaled back and several TAFE campuses face the possibility of closure;
3. with 49 000 full-time jobs already lost in this term of government, skills training has never been more important for Victorians.

The petitioners therefore request that the Legislative Assembly urge the Baillieu state government to abandon the planned funding cuts and guarantee no further cuts will be made.

By Ms HENNESSY (Altona) (37 signatures).

Tabled.

PRIVILEGES COMMITTEE**Right of reply: Mr Emanuele Cicchiello**

Dr NAPTHINE (Minister for Ports) presented report on right of reply, together with appendices.

Tabled.

Ordered to be printed.

Right of reply: Mr Geoff Leigh

Dr NAPTHINE (Minister for Ports) presented report on right of reply, together with appendix.

Tabled.

Ordered to be printed.

DOCUMENTS**Tabled by Clerk:**

Albury Wodonga Health — Report 2011–12

Alfred Health — Report 2011–12

Ambulance Victoria — Report 2011–12

Austin Health — Report 2011–12

Ballarat Health Services — Report 2011–12

Barwon Health — Report 2011–12

Bendigo Health Care Group — Report 2011–12

Community Visitors — Report 2011–12 under s 35 of the *Disability Act 2006*, s 116A of the *Mental Health Act 1986* and s 195 of the *Supported Residential Services (Private Proprietors) Act 2010* — Ordered to be printed

Confiscation Act 1997 — Report 2011–12 under s 139A

Corangamite Catchment Management Authority — Report 2011–12

Coronial Council of Victoria — Report 2011–12

Dental Health Services Victoria — Report 2011–12

East Gippsland Catchment Management Authority — Report 2011–12

Eastern Health — Report 2011–12

Environment Protection Authority — Report 2011–12

Financial Management Act 1994 — Reports from the Minister for Health that he had received the reports 2011–12 of:

Health Purchasing Victoria

Medical Radiation Practitioners Board of Victoria

Victorian Assisted Reproductive Treatment Authority

Victorian Pharmacy Authority

Genelg Hopkins Catchment Management Authority — Report 2011–12

Goulburn Broken Catchment Management Authority — Report 2011–12

Goulburn Valley Health — Report 2011–12

Harness Racing Victoria — Report 2011–12

Health, Department of — Report 2011–12

Health Services Commissioner, Office of — Report 2011–12

Human Services, Department of — Report 2011–12

Justice, Department of — Report 2011–12

Latrobe Regional Hospital — Report 2011–12

Mallee Catchment Management Authority — Report 2011–12

Melbourne Health — Report 2011–12

Mercy Public Hospitals Inc. — Report 2011–12

North Central Catchment Management Authority — Report 2011–12

North East Catchment Management Authority — Report 2011–12

Northern Health — Report 2011–12

Ombudsman — *Whistleblowers Protection Act 2001*: Investigation into allegations against Mr Geoff Shaw MP — Ordered to be printed

Parliamentary Committees Act 2003 — Government response to the Law Reform Committee's Report on the Inquiry into access by donor-conceived persons to information about donors

Peninsula Health — Report 2011–12 (two documents)

Peter MacCallum Cancer Centre — Report 2011–12

Port of Melbourne Corporation — Report 2011–12

Port Phillip and Westernport Catchment Management Authority — Report 2011–12

Public Record Office Victoria — Report 2011–12

Radiation Advisory Committee — Report 2011–12

Royal Children's Hospital — Report 2011–12

Royal Victorian Eye and Ear Hospital — Report 2011–12

Royal Women's Hospital — Report 2011–12

Sentencing Advisory Council — Report 2011–12

Southern Health — Report 2011–12

St Vincent's Hospital Melbourne Ltd — Report 2011–12

State Trustees Ltd — Report 2011–12

Sustainability and Environment, Department of — Report 2011–12

Sustainability Victoria — Report 2011–12

Terrorism (Community Protection) Act 2003 — Reports 2011–12 under ss 13, 13ZR and 21M

Transport, Department of — Report 2011–12

Victims of Crime Assistance Tribunal — Report 2011–12

Victoria Legal Aid — Report 2011–12

Victorian Funds Management Corporation — Report 2011–12

Victorian Health Promotion Foundation — Report 2011–12

Victorian Industry Participation Policy — Report 2011–12

Victorian WorkCover Authority — Report 2011–12

West Gippsland Catchment Management Authority — Report 2011–12

Western Health — Report 2011–12

Wimmera Catchment Management Authority — Report 2011–12.

BUSINESS OF THE HOUSE

Adjournment

Mr McINTOSH (Minister for Corrections) — I move:

That the house, at its rising, adjourns until Tuesday, 23 October 2012.

Motion agreed to.

MEMBERS STATEMENTS

Swinburne University of Technology: Lilydale campus

Mr MERLINO (Monbulk) — Swinburne University of Technology's Lilydale campus is closing as a direct result of unprecedented funding cuts by the Baillieu government. At a public meeting organised by Yarra Ranges Shire Council on 26 September residents unanimously supported a motion to retain the Swinburne site for community, TAFE and university education.

I want to commend council on its submission to government. The recommendations made in that submission include:

That the ... state government ... supports securing the site for the ongoing delivery of tertiary education and skills training as a community educational asset in outer eastern Melbourne ...

That the ... state government ... acknowledge the unique social disadvantage of the outer east that constitutes the need for a regional tertiary

Paragraph 1.2 of the submission goes on to state:

Council submits that the impact on Swinburne ... of government cuts ... is stated to be \$35 million in 2012–13 ... The pending loss of this dual-sector tertiary education campus for the outer east creates a significant gap in fulfilling the needs of the community.

In paragraph 3.2 it states:

Programs at the TAFE campus were separately and specifically designed to meet the needs of the region with a strong focus on the key industries of services, tourism and viticulture.

The ill-informed Premier should take note of that.

Paragraph 3.13 contains the statement that:

With far fewer young people completing secondary education in the Yarra Ranges than the eastern metropolitan region access to a relatively close TAFE provider is critical to provide young people with access to training to ensure their success in a labour market requiring a higher skilled workforce. The greatest impact of the loss of a TAFE facility at Lilydale will be felt by those with the most to gain from its presence.

In paragraph 3.7 it states:

The enrolments also give cause to question the claims that enrolments are in decline and that the campus therefore needs to close ...

The table on page 10 shows that enrolments in 2011 totalled 2536 students, compared to 2245 in 2010 and 2048 in 2009. The only reason Swinburne Lilydale is closing is because of the actions of this government.

Peter Ross-Edwards, AM

Mr RYAN (Minister for Police and Emergency Services) — I rise to advise the house that Peter Ross-Edwards died yesterday, 10 October 2012.

Peter Ross-Edwards was a wonderful gentleman and a great statesman. He was in his 90th year, having celebrated his 90th birthday on 11 July. He had a proud history of service in the Australian armed forces during the Second World War. He was a solicitor by profession, and he served in this Parliament as the member for Shepparton from 29 April 1967 until 19 August 1991. He led the Country Party, as it then was, for something in the order of 18 years.

First and foremost, Peter Ross-Edwards was a great gentleman. He was a wonderful statesman both within and beyond this Parliament. Without reflecting on it now because of constraints of time, Shaun Carney wrote a fabulous article on the occasion of Peter leaving this place in August 1991. The article said much about the high regard in which Peter was held in this place and beyond it. I offer my sincere condolences to Joy, his wife of 59 years, to their family and to the many people who knew and loved this great man.

Narre Warren South electorate: student leaders

Ms GRALEY (Narre Warren South) — Each year I present my community spirit and leadership award to a grade 4 student from each primary school in my electorate. Teachers select as award winners those who are regarded as having the potential to play a future leadership role in our community and who display a

range of qualities such as being considerate of others, being civic minded and showing initiative.

James Bell, the principal of Brentwood Park Primary School, nominated Apryl Tonkin and described her as a highly self-motivated student who displays strong leadership qualities both at school and at the Berwick district girl guides.

Belinda Harrington, grade 4 coordinator at Courtenay Gardens Primary School, nominated Brodie Grigg. Brodie has a strong sense of world issues, works hard to inform others and helps out where she can.

The teachers at Berwick Fields Primary School nominated Vy Hoang as she is an eager helper, is constantly supporting her classmates and participates in regular fundraising activities. Jacob Goicoa was the nominee from Don Bosco Catholic Primary School. Jacob's teachers described him as a kind, loyal and studious young man who is always keen to assist and support others. The teachers at St Kevin's School were once again unable to decide upon just the one winner. They found there were three very deserving and caring students — Siluni Hewa Dewage, Sarah Fritchley and Gaurish Sekar.

Other award winners included Yebin Yang from Trinity Catholic Primary School, Kyesha Hosking-Gregory from Kilberry Valley Primary School and Kaaviyan Pathmasiri from Berwick Lodge Primary School. All of them are young stars who will continue to use their talents and commendable qualities to play important leadership roles at their schools and in their local communities. Well done to the winners and a big thankyou to their parents and teachers for guiding and supporting such terrific young people. We are in good hands.

Multicultural affairs: racial stereotyping

Mr KOTSIRAS (Minister for Multicultural Affairs and Citizenship) — I once again call on all community members, religious leaders and the media to not link ethnicity with violence and antisocial behaviour. Victoria is a proud multicultural state. We are proud of the contributions made by young Victorians. While some young people need additional support to fully participate in our society and achieve their maximum potential, we cannot and should not link ethnicity with antisocial behaviour, because all that does, apart from creating the headline of the day, is to stereotype all members of a community, including the vast majority who are law-abiding citizens of the state.

This type of stereotyping only helps to marginalise and alienate individuals who might rebel to fit those stereotypes. Let us give our young Victorians a fair go and the respect they deserve; let us give those who take part in antisocial behaviour the scrutiny and punishment they deserve.

Tatura Italian Social Club: salami night

Mr KOTSIRAS — Last week I had the pleasure of attending the eighth annual salami competition night at the Tatura Italian Social Club. It is the club's most popular event, with both locals and the wider community entering homemade salami in the competition to be judged. It was a great night. The first prize winner was Tony Veschio, the second prize went to brothers-in-law Ward and Cardillo, and the third prize went to Tony Scrimizzi.

The SPEAKER — Order! The member survived, and that is good!

Football: Albert Park electorate

Mr FOLEY (Albert Park) — The district of Albert Park has long been seen as the home of Australian Rules football, but unfortunately over the last few weeks of the grand final season the Albert Park electorate has experienced mixed results. Although having departed 30 years ago, the Sydney Swans Football Club, South Melbourne's original club, was a local resident for 120 years and proudly upheld the true spirit of the Bloods by defeating Hawthorn — I note that the Premier and other prominent Liberals warmly predicted that Hawthorn would be the easy winner. The Bloods victory certainly wiped the smiles off a few faces around town.

Sadly the same could not be said about the Victorian Football League grand final, where Gary Ayres's mighty brave Port Melbourne Boroughs — the stand-alone small guys — took on the powerhouse of the AFL Geelong Football Club seconds. That classic match only served to prove the differences between the underresourced Port Melbourne team, which held out until the last 15 minutes of the last quarter only to be run over, and those AFL big guys.

Whilst this was not the result we were looking for, at our end of town we will honour the promise we made to the honourable member for Geelong that the losing team would fly the winning team's banner from their local town hall. I thank the member for Geelong for going to some trouble and effort to make sure that the Geelong flag will, in due course, fly over the Port Melbourne town hall for a week.

Police: Somerville station

Mr BURGESS (Hastings) — What a great day 17 September was for the Somerville community. On 17 September the Deputy Premier and Minister for Police and Emergency Services and I visited Somerville to unveil the site of the new 24-hour Somerville police station. Somerville has for many years both needed and deserved its own 24-hour police station. Prior to the 2010 state election I had the honour of announcing that a coalition government would build a 24-hour police station for Somerville. I would like to thank the Deputy Premier for ensuring that this critically important election commitment has progressed to the stage where we were able to unveil the site that has been purchased to build the Somerville police station at the corner of Eramosa Road West and Coolart Road in Somerville.

Gas: Hastings electorate supply

Mr BURGESS — The Deputy Premier and I visited Tooradin on 17 September to announce a \$150 000 feasibility study into the provision of natural gas to the coastal village townships of Cannons Creek, Blind Bight, Warneet and Tooradin. The availability of natural gas will significantly reduce the cost of energy for the coastal villages community.

Hastings: jetty redevelopment

Mr BURGESS (Hastings) — On 25 September the Minister for Ports joined me in Hastings to officially open the fully refurbished Hastings jetty. The previous Labor government planned to tear down the iconic Hastings jetty and replace it with nothing more than two flat concrete floating pontoons. Prior to the 2010 election I made the commitment that a coalition government would fully rebuild the jetty in keeping with its historic character and iconic nature. The official opening of this \$900 000 project marked another election commitment being delivered in full.

Langwarrin Park Kindergarten: extension

Mr BURGESS — On 20 September I joined the Minister for Children and Early Childhood Development, the Honourable Wendy Lovell, as she officially opened the Langwarrin Park Kindergarten maternal and child health centre extension.

Thelma Barnes and Charles Newman

Ms GARRETT (Brunswick) — It was a pleasure this week to accompany two of my constituents who are over 100 years old to the centenarians afternoon tea held by the government in Queen's Hall. Thelma

Barnes, who is 101 and was born on 23 June 1911, and Charles Ormsby Newman, who is 102 and was born on 11 June 1910, both attended the event. They have over 200 years of history in the Brunswick electorate between them. Thelma has lived in Brunswick her entire life, and Charles has lived in both Coburg and Brunswick.

Charles spoke of his life history. He lost his mother a week after he was born, and then his father died in Korea of pneumonia. He was raised by his grandmother in Coburg and went on to have a very close and tight-knit family. Thelma has lived in Brunswick her whole life. Her son was mayor of Brunswick at one point, and with a quick wit and a real sense of humour she spoke of being the 'lady mayoress'. I asked Charles the secret to his longevity. He said to get a lot of sleep and that when he went to the doctor and was asked how he was, he said, 'Well, I woke up today and therefore it's a good day'. I kept stumbling and calling them centurions instead of centenarians. Their response demonstrated their great humour — they both saw the joke in that. It was a wonderful afternoon, and I pay tribute to both of them.

Mental health: Gippsland services

Mr NORTHE (Morwell) — This week, 7 to 13 October, is Mental Health Week, and I wish to reflect on the initiatives and investment in mental health in the Morwell electorate that the coalition government has provided in this term of Parliament. This includes \$3.2 million in funding toward the Doorway project, which is a partnership between the Mental Illness Fellowship of Victoria, Latrobe Regional Hospital and local real estate agents to provide private rental accommodation to people with a mental illness. A \$50 000 contribution to Latrobe Regional Hospital will assist in the construction of a women-only area of the Flynn unit. The government has also committed to funding a five-bed mother-baby unit at the hospital, which importantly will mean that new mothers experiencing mental health issues can remain in the local region whilst receiving treatment, thus keeping the all-important family unit intact.

In the most recent budget \$100 000 has been allocated to the well-regarded Gippsland mental health advocates Barrier Breakers, and more recently mental health service provider Mind Australia has been allocated \$348 000 in funding to deliver more mental health services in our region. With major policy reforms proposed for a new Mental Health Act, it was pleasing to hear of comments from Mind Australia chief executive Dr Gerry Naughtin, who congratulated the Baillieu government on the proposal and described the

reforms as welcome and necessary. I congratulate the Minister for Mental Health on her ongoing commitment to improving mental health services across our great state, and I know members of the Gippsland community hold the minister in the highest regard.

***South Asia Times*: 10th anniversary**

Mr DONNELLAN (Narre Warren North) — Last Saturday I was fortunate enough to attend the celebration of the 10th anniversary of the *South Asia Times*, a community, foreign affairs and news service for the South Asian community. The *South Asia Times* has been run for 10 years by Niraj Nanda, who has done a marvellous job. It is a quality newspaper which contains great analyses of foreign affairs throughout the region. It was a great privilege to be invited to the event, and I congratulate the newspaper on achieving the difficult task of lasting 10 years, including finding advertising and doing the enormous amount of work that is required.

Timbarra Community Stadium, Berwick: opening

Mr DONNELLAN — On Friday, 21 September, at 3.00 p.m. I was fortunate enough to attend the opening of the Timbarra Community Stadium in Berwick. The stadium was opened by federal minister Simon Crean. Various governments funded the stadium. The majority of funding came from state and federal governments, even though it is a basketball facility, which is not something that a state government would usually fund the majority of directly. The federal government put in \$2 million, the former Labor state government put in \$1 million of land and an extra \$1.5 million for the facility, and I think the City of Casey contributed \$900 000. Realistically it was its responsibility all along. I congratulate Peter Reimer from the Oatlands Basketball Club, which is one of the largest in Victoria, Rob Wilson and others for getting this great facility together and finding the funding.

Rail: protective services officers

Mr HODGETT (Kilsyth) — I rise today to congratulate the Baillieu coalition government on its continued commitment to improving the way of life of the people of Victoria and in particular those in my electorate of Kilsyth. Recently I was on hand to celebrate the first shift of the protective service officers (PSOs) at Croydon railway station. These officers have been given weapons training as well as training in conflict resolution, dealing with vulnerable people and dealing with agitated, drunk or drug-affected people.

The presence of PSOs will help make night travel safer for commuters right across the rail network as part of the \$212 million coalition government program to introduce PSOs to every station from 6.00 p.m. until the last train every night. PSOs have now been deployed at Lilydale, Croydon and Ringwood, with East Ringwood and Mooroolbark to follow. This will ensure the safety and security of commuters right along our end of the Lilydale line. I have received fantastic feedback from local residents about the positive impact the PSOs have had at the station.

Maroondah Hospital: redevelopment

Mr HODGETT — The Baillieu government has also reaffirmed its commitment to improving health services in my electorate and indeed across Victoria by injecting \$22 million into a redevelopment at Maroondah Hospital. Work has commenced on the expansion, which will create a new intensive care unit with 16 beds as well as a new acute ward with 22 additional beds. I was joined at the site last week by the Minister for Health, and I am thrilled by the boost that the project will give to Maroondah Hospital. The extra intensive care and acute care beds will help reduce waiting times and improve health services for residents in the outer east. These projects are part of a long list of examples of how the Baillieu coalition government is delivering on its election commitments and improving basic services for all Victorians.

Ballarat Regional Multicultural Council: dinner dance

Mr HOWARD (Ballarat East) — On Friday, 28 September, I was pleased to attend the Goldminers Dinner Dance, a fundraising event for the Ballarat Regional Multicultural Council. The event was organised by long-term supporter of BRMC Georgina Vagg, who despite recent ill health again ensured that this event held at Sovereign Hill was very well organised and a great success. The entertainment provided by Barrie Currie and Friends also ensured that many attendees were up and dancing after the sumptuous meal. Congratulations to Georgina Vagg, Doug Sarah, who was master of ceremonies for the evening, and all who assisted. I continue to wish Ballarat Regional Multicultural Council the very best for a great future in supporting the broad range of cultural groups across the Ballarat region.

Central Highlands Bioenergy Expo

Mr HOWARD — I was also very encouraged by the attendance at the Central Highlands Bioenergy Expo held in Ballarat last Friday. Organised by the

Central Highlands Agribusiness Forum, in conjunction with a range of sponsors including the City of Ballarat, the University of Ballarat and Sustainability Victoria, the all-day event attracted nearly 100 attendees, who demonstrated their interest in and commitment to progressing opportunities for utilising biomass options to produce electricity and heat. This would see us not only reducing our dependence on greenhouse gas-emitting fossil fuels but also providing many opportunities for rural and regional communities to generate new sources of income and jobs. All the presentations, including the tour of Ballarat's waste management facilities and the Berrybank Piggery, were very inspiring. I congratulate the organisers and hope the forum leads to more action in this important area.

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

Elmore Field Days

Mr WELLER (Rodney) — We are very lucky in the Rodney electorate to have a long list of successful festivals and events to both attract visitors to our region and advertise what a great part of the state we live in. An estimated 40 000 people visited the 49th annual Elmore Field Days last week, and organisers were thrilled to match last year's attendance figures at an event that has become known for much more than just farm machinery. The field days site was reinvented when at last year's event the Deputy Premier officially opened a new agribusiness pavilion, which was partially funded by the Regional Infrastructure Development Fund. I was at the field days, and as always it was a perfect opportunity to talk to local farmers and visitors to our region about farming issues. With both our state Minister for Agriculture and Food Security and federal shadow minister for agriculture and food security, John Cobb, in attendance, it also gave the general public an opportunity to speak one on one with both state and federal members of Parliament.

Heathcote: Shiraz Heaven festival

Mr WELLER — On the weekend Heathcote turned on its charm, despite the wet weather, and attracted 3500 people to its annual Shiraz Heaven wine and food festival. Food and wine lovers from our local area as well as a large contingent of Melbourne-based visitors braved the wet and wintery conditions to enjoy a great weekend filled with sampling award-winning wines and locally grown produce, participation in activities for children and live music. I praise the event organisers for their continued dedication to promoting the Rodney electorate as the place to be.

Nancy Millis

Mr HELPER (Ripon) — As many members would be aware, Nancy Millis, AC, MBE, died last weekend at age 90. She was a true hero of this state. She was not a sporting hero or a hero as a consequence of deeds performed in war or conflict; she was a hero because of her tireless contribution to science, more specifically the biosciences. In a previous life as Minister for Agriculture I had the extraordinary privilege of meeting her at a number of agriculture department science award events. An annual postgraduate science award was her ongoing contribution to the scientists of the department in which she worked for a number of years.

In a day and age when so much community debate about critically important issues appears to come straight from an era predating the Enlightenment, the opportunity to occasionally exchange just a few words with somebody like Nancy was most revitalising. One immediately understood that she had with conviction dedicated much of her life in pursuit of rational debate — debate based on real science. She made many contributions to the biosciences in this state for the benefit of the world — too many to list here. But one important contribution that needs to be acknowledged is her encouragement of women in the sciences. To Nancy's family and friends I extend my heartfelt condolences. Like them, I will miss her.

The Man from Snowy River Bush Festival

Mr TILLEY (Benambra) — To quote Banjo Paterson:

There was movement at the station, for the word had passed around
That the colt from old Regret had got away,
And had joined the wild bush horses — he was worth a thousand pound,
So all the cracks had gathered to the fray.
All the tried and noted riders from the stations near and far
Had mustered at the homestead overnight,
For the bushmen love hard riding where the wild bush horses are,
And the stockhorse snuffs the battle with delight.

The Man from Snowy River Bush Festival will be on again over the weekend of 4 to 7 April next year. With just under 175 days to go, plans are well advanced. I am aware of the strong and continued commitment to the festival by the coalition government, with \$22 500 contributed from the Tourism Victoria event program to assist with the marketing of the 2013 event.

This year's successful event attracted over 10 500 people, an increase in attendance of around 19 per cent. We hope to increase that next year. This

year's success was also encouraged by support and assistance through a contribution to provide additional fencing and viewing banks around the arenas. The level of participation in some of the events and the strong community support for the festival, with about 450 volunteers supporting the event, makes it the greatest fundraiser in the north-east, the high country and Corryong. Events include the Man from Snowy River Challenge for the most skilled and professional riders, bush poetry readings, photographic displays and the high country rodeo — come one, come all.

Cyril 'Nobby' Clark

Ms KNIGHT (Ballarat West) — I would like to take this opportunity to acknowledge and honour the life of Cyril Clark, known to all as Nobby. Nobby Clark was born in 1939 and during the course of his life worked hard, married Marjorie and cared for his children, Robert, David and Patrick. Nobby was a loving husband, father and grandpa. He died on 1 September. I first met Nobby during my preselection and found him to be a warm and engaging man. Following my preselection and during the election campaign, and then as a member of Parliament, I always found him to be the sensible voice. He was a true Labor man, and he was always generous with his time and his opinions. He had a wealth of knowledge about the party and was a staunch advocate for and believer in its core values — and he always came back to those values.

I will miss his company, and I will miss his intellect. I will miss his experience, and I will miss his presence. My thoughts and sympathy go to his family. I would also like to take this opportunity to thank Nobby's wife and children for sharing him with the Labor Party. We are a better and stronger party because of men and women such as Nobby, who remind us of why we are committed to the task of seeking equality and opportunity for all — equality and opportunity that is not determined by life's circumstances.

Bill Holligan

Mr WAKELING (Ferntree Gully) — I would like to congratulate Ferntree Gully resident Bill Holligan on his dedication and commitment to Emmaus College. Bill recently retired after more than 20 years of loyal service to the school community as junior school principal. Emmaus College has renamed its performing arts centre the Bill Holligan Hall in his honour. A special presentation was conducted on 9 October.

Country Fire Authority: Rowville brigade

Mr WAKELING — I would like to congratulate the Rowville Country Fire Authority brigade on serving our local community for 70 years. At its recent presentation dinner, John Farrer, Eddie McDade, Ian Atherton and Neil Robinson were honoured with life membership of the brigade. On behalf of Rowville residents I pay tribute to their many years of dedicated service to the local community.

Tormore–Boronia roads, Boronia: traffic lights

Mr WAKELING — Through the hard work of the Boronia community, I was pleased to see that the coalition government's commitment to install traffic lights at the Tormore–Boronia roads intersection in Boronia has commenced. The \$1.3 million upgrade is due for completion in February 2013.

St Mina and St Marina Coptic Orthodox Church

Mr WAKELING — I would like to congratulate the members of the St Mina and St Marina Coptic Orthodox Church on the opening of its new facility in Hallam. The opening is the culmination of many years of fundraising and commitment by the church members to provide a wonderful facility for the Coptic community. I was honoured to be part of the ceremony, which was attended by church leaders, including His Grace Bishop Suriel.

Rowville Secondary College: debutante ball

Mr WAKELING — I extend my congratulations to the students of Rowville Secondary College on their recent debutante ball celebrations. I would like to thank the staff, and particularly Jane Zaal, for a wonderful evening.

H. V. Jones Reserve, Ferntree Gully: facilities

Mr WAKELING — I was honoured to officially open the new veranda at the H. V. Jones Reserve in Mountain Gate. It is a wonderful improvement, and I am pleased that the \$30 000 state coalition government investment will provide a much-needed facility for the Mountain Gate Cricket Club, Knox United Soccer Club and Boronia senior and junior soccer clubs. I congratulate Mark Burrige in particular for his hard work to ensure that the project was completed.

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

Oakleigh Amateur Football Club: premiership

Ms BARKER (Oakleigh) — Congratulations to the Oakleigh Amateur Football Club under-18s, who convincingly won the Victorian Amateur Football Association under-18s grand final against Werribee. Special thanks to coach Ash Lever, team manager Peter Ciaveralla, trainer Brigid Hogan and runner Ash Minchin.

It was a great team effort by all, but a special mention to Aaron Cloke, who capped off a best-on-ground performance with six goals. Aaron finished the season by also winning the under-18s best and fairest which was awarded at the presentation night held last Friday evening. Congratulations also to the winner of the seniors best and fairest, Chris Lamb, and the reserves best and fairest, Andrew Murray.

While the players, coaches and support staff are always important to success, we are extremely lucky to also have James Podesta, known to all as JPod, who has taken a very strong role in supporting and mentoring the Oakleigh Amateurs under-18s. JPod's commitment to the young men who play for Oakleigh Amateurs at this level is solid and ongoing, and we are very grateful for his time and dedication. The seniors did not have such a good year, but with our new coach, Martin Stillman, we are confident we can continue to rebuild and play with commitment in 2013.

We are also very fortunate at Oakleigh Amateurs to have so many fantastic volunteers, led by President Barry Alexander, who continues to give so much to the club we all love. I would like to thank particularly Lyn, Mark, Jo, Christine, James and Louise Chapple, Barb and Bernie Monaghan, Shane Kitts, Brendan Fitzgerald, Mick Costigan, Dana Spinks and Mark Coppock for the magnificent effort they made to support the Krushers this year. I am the very proud no. 1 ticket-holder for the Oakleigh Amateur Football Club, and to all at the Krushers I say, 'On to 2013 and a successful year'.

Major projects: management

Ms RYALL (Mitcham) — In today's newspapers we saw how the Labor opposition resides in some parallel universe and is completely out of touch with everyday Victorians, with the former Labor major projects minister claiming that having a number of projects on the go at one time is an excuse to blow the budget and the completion time on major projects. In acknowledging that mistakes had been made he argued that if the finished product is a good one, then it is also okay to blow the budget — never mind the fact that you

are planning and paying for a good outcome in the first place. Labor should just fess up and admit it is not qualified to manage the major projects necessary for this state.

Loud Shirt Day

Ms RYALL — I thank members of Parliament who showed their support for our deaf children by wearing loud shirts and ties for Loud Shirt Day yesterday. Loud Shirt Day is a national initiative to raise awareness and funds to help change the lives of deaf children. I congratulate Taralye in Blackburn on the wonderful service and expertise it provides through its early intervention and kindergarten programs.

Family violence: Men Making Change

Ms RYALL — I am pleased to see the announcement that the future of the successful family violence program in Whitehorse has been secured. Thanks to funding from the Baillieu government, Anglicare Victoria is taking over the administration of Men Making Change from Whitehorse Community Health Service. The men's behavioural change program has worked with men to address violent and abusive behaviour within the home for more than 20 years.

Jacquie Allen

Ms RYALL — Congratulations to unsung hero Jacquie Allen of Mitcham Football Club, who has worked tirelessly on both the junior and senior football teams' canteens for many years. I was very pleased recently to present her with the Victoria award.

Roads: truck action plan

Ms THOMSON (Footscray) — People choose to live in the inner west because they love it. It provides a great opportunity to be close to facilities and it has a multicultural community. There is a lot to enjoy about living in the west. But the state government has abandoned the people of the west with its failure to implement the truck action plan. For residents in Yarraville and in Buckley and Moore streets in Footscray, the increasing frequency of big trucks making a huge noise powering through their streets and disrupting their neighbourhoods is totally unacceptable.

I wonder if the Minister for Public Transport lived in any of these streets how quickly he would act to implement the truck action plan, given the experience of residents. They want that truck action plan now. There still remains a budget line in budget paper 4 for the truck action plan, with money allocated by the Labor government still being spent on property

acquisition for a project the Baillieu government is doing nothing to commence. It should have already started construction. The plans were done, but the Baillieu government has done nothing. It has declared it will build an east–west link, which, when and if it ever begins, will start in the east and provide no answers for residents in the west. Environment Protection Authority monitoring in Francis Street has revealed high noise levels of 77 decibels on weekdays and 73 decibels on weekends.

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

Glen Eira Stonnington District Scouts

Mr NEWTON-BROWN (Prahran) — With the members for Caulfield and Bentleigh I recently attended a presentation evening for the Glen Eira Stonnington District Scouts. Scouting is the largest youth movement in this country and teaches its young members leadership and values that will help make them good citizens within our community. The Glen Eira Stonnington District is going from strength to strength, and I look forward to hosting the scouts in Parliament soon.

St James the Great Anglican Church, East St Kilda: animal blessing

Mr NEWTON-BROWN — I recently attended the 19th annual blessing of animals at St James the Great, East St Kilda, with the member for Caulfield. This event is celebrated on the feast day of St Francis of Assisi, who is the patron saint of creatures great and small. John-Michael Howson, OAM, patron of this community festival, spoke at the service, which was followed by a street procession to the churchyard gardens where the festival was held, and every pet received an individual blessing and a St Francis medal.

Royal Botanic Gardens Melbourne: water recycling system

Mr NEWTON-BROWN — Along with the Minister for Environment and Climate Change I attended our magnificent Royal Botanic Gardens to launch a state-of-the-art water recycling system. The Royal Botanic Gardens is now able to harvest, treat and recycle stormwater from the surrounding streets, using water that would otherwise have been flushed out into Port Phillip Bay. This system will ensure that our beautiful gardens are able to survive and be largely self-sufficient when drought next hits Victoria.

Melbourne International Film Festival

Mr NEWTON-BROWN — The 2012 Melbourne International Film Festival has now finished, and what an event it was! The opening night film, *The Sapphires*, is a brilliant local film, and the closing night film, *Mental*, now on general release, is doing really well. *Save Your Legs* is a feelgood ‘bromance’ based loosely on the real-life experiences of the Abbotsford Anglers cricket club’s not-so-illustrious cricket tour of India.

In addition to showing the films, the Melbourne International Film Festival is also about the business of film-making. Due to the standing of our festival we are able to run in parallel with the 37 degrees market — —

The DEPUTY SPEAKER — Order! The member’s time has expired. The member for Clayton has 27 seconds.

Chinese community: celebrations

Mr LIM (Clayton) — On Tuesday, 2 October, I attended the celebrations arranged by the Federation of Chinese Organisations from Vietnam, Cambodia and Laos to celebrate the 40th anniversary of the Australia-China diplomatic relationship, the 63rd National Day of the People’s Republic of China and the lunar autumn festival. The celebrations featured performances from more than 30 local and overseas artists led by the Guangzhou Federation of Returned Overseas Chinese in the presence of more than 400 guests — —

The DEPUTY SPEAKER — Order! The time for making statements by members has expired.

RESOURCES LEGISLATION AMENDMENT (GENERAL) BILL 2012

Second reading

Debate resumed from 29 August; motion of Mr O’BRIEN (Minister for Energy and Resources).

Ms D’AMBROSIO (Mill Park) — I rise to speak on the Resources Legislation Amendment (General) Bill 2012, and I say from the outset that the opposition does not oppose this legislation. The bill amends several acts with respect to earth resources, including the Mineral Resources (Sustainable Development) Act 1990, the Geothermal Energy Resources Act 2005, the Pipelines Act 2005, the Offshore Petroleum and Greenhouse Gas Storage Act 2010, the Petroleum Act 1998, the Greenhouse Gas Geological Sequestration Act 2008, the Resources Legislation Amendment Act 2011 and the Interpretation of Legislation Act 1984.

Many of these amendments are technical or minor, but there are some important features of the bill which I would like to comment on.

The bill seeks to allow for geothermal exploration permits over non-continuous parcels of land. The provisions that currently apply in the Petroleum Act 1998 will apply for the purposes of geothermal exploration. Special drilling authority was provided for in changes to the Petroleum Act in 2009. These changes served to facilitate the activity of accessing a resource from outside the area. Special drilling authority provides a cheaper option for exploration and can sometimes be a more environmentally acceptable form of accessing a resource.

The departmental briefing provided to the opposition confirmed that the primary authorisation is certainly still required before a secondary licence can be granted. The secondary licence in geothermal exploration allows for a target area to be accessed from a different land area. We understand that, in the absence of primary offshore legislation in Victoria, this cannot apply to offshore geothermal exploration. Holders of either a special access authorisation or special drilling authorisation will not be required to also obtain a planning permit, which aligns with the existing provisions of the Petroleum Act. As can be seen, the bill attempts to align a range of provisions across acts that deal with the management of earth resources, and this is one example of that.

The Petroleum Act was amended in 2009 by the then Minister for Energy and Resources, Peter Batchelor. In his second-reading speech of 12 August that year he said:

The bill also amends the Petroleum Act 1998 to create a new authorisation called a special drilling authorisation. A special drilling authorisation will enable the holder of a petroleum licence, lease or permit under either the Petroleum Act 1998 or the Petroleum (Submerged Lands) Act 1982, to access their licence, lease or permit area from an adjoining piece of land in onshore Victoria, by way of directionally drilling from the adjoining land to the other area. This amendment has the potential to deliver cost savings to industry and reduce impact on environmentally sensitive areas. The special drilling authorisation will be subject to the existing approvals, planning, Aboriginal heritage, and environment protection and rehabilitation frameworks in the act.

Those comments were made in the second-reading speech by the former minister with respect to changes to the legislation at the time. The special drilling authorisation and the special access authority do not confer any rights regarding the resources in a given area.

The bill also seeks to allow permits to be issued over portions of land less than what is applied for. The departmental briefing indicated that this will provide some flexibility to excise land from an exploration area where native title has not been extinguished. Staff giving the departmental briefing provided assurances to the opposition that this provision would not adversely impact native title land, and it certainly appears that that would not occur.

I note that Aboriginal heritage and cultural rights are protected under the existing provisions in section 87 of the Geothermal Energy Resources Act. These provisions expressly state that no geothermal energy undertaking must contravene the Aboriginal Heritage Act 2006. Similarly, section 10 of the Greenhouse Gas Geological Sequestration Act 2008 expressly provides for protection against contraventions of the Aboriginal Heritage Act 2006. The bill amends the Geothermal Energy Resources Act 2005 and the Greenhouse Gas Geological Sequestration Act 2008 so that they contain the same provisions as the Petroleum Act with respect to special drilling authorisations and special access authority. It inserts a new part 5A and a new part 8A respectively in those two acts.

The government has indicated that this series of amendments provides for consistency across acts of Parliament as they relate to earth resources. If we can reduce a lack of consistency through these types of measures, that is always a positive thing to achieve. It makes it easier to understand legislation and ensure that there is equal treatment across acts with respect to the management of resources.

I wish to make some comments on the amendments to the Mineral Resources (Sustainable Development) Act 1990. The amendments to this act concern the disposal of tailings by prospecting licence-holders. The licence-holders will be able to dispose of tailings with the consent of the minister. Amendments in the bill also clarify that royalties must be paid by prospecting licence-holders. At the moment royalties apply to the disposal of tailings resulting from work undertaken on Crown land. However, clause 14 of the bill clarifies that royalties are also payable by prospectors whose activities are limited to an area of 5 hectares, in essence small licence-holders.

This clarification is necessary and has arisen from the introduction of the new prospecting licence by the government earlier this year, which replaced the small mining licence, being a licence for activities within an area of less than 5 hectares. At the time tailings were subject to royalties. It appears there was an oversight in the changes made earlier this year and this bill fixes the

problem to ensure that royalties continue to apply to tailings.

There is one key exception to this which continues — that is, gold prospecting remains royalty free. It is important to note that most prospectors who engage in prospecting do so in the hope they strike gold, and good on them if they do. However, some people do not vest too much hope in the activity and engage in it for fun or as a pastime, so it has been recognised for quite some time that it is not desirable to have royalties apply to gold prospecting. Nevertheless, there are a few prospectors who search for resources other than gold and royalties will still apply to tailings with respect to those types of prospecting. This includes such resources as gypsum, and opposition members have no difficulty with that.

The government has also taken the opportunity to provide for a more orderly method of assessing competing licence applications. As we understand it, as a result of changes being made in this bill applications will be ranked according to merit, which is defined in part 2 of the Mineral Resources (Sustainable Development) Act. If there is an aggrieved party under this new system, the matter can be appealed to the Victorian Civil and Administrative Tribunal. It seems like a reasonable and orderly method of assessing competing licence applications rather than whoever manages to get to the counter first, so that is a sensible measure.

Further amendments being made to this act relate to reportable events. One amendment seeks to broaden the existing requirement that licence-holders are obliged to report to the chief inspector an event that occurs at a mine to also include an event that arises from exploration or mining activities. This is a sensible broadening of the existing requirement in terms of reportable events. The designated reportable events themselves will not be altered by this bill. The existing regulations describe reportable events as including such matters as progressive slope collapse and unusual, abnormal or unexpected events that could have a deleterious effect on, for example, infrastructure, community safety or the environment.

Further amendments are proposed to the Petroleum Act 1998, and these concern compensation provisions. Currently different compensation provisions apply to surveys and drilling undertaken on private land by government and the same activities undertaken by the private sector; the two sectors are treated differently with respect to compensation. The bill provides that the same compensation would apply where private land is entered by persons authorised by the minister for the

purposes of conducting petroleum exploration. As I said, this will be aligned to the compensation payable in the case of private businesses undertaking such activities. That compensation is contained within part 8 of the act, and that is what will apply to government-sponsored undertakings on private land.

The Pipelines Act 2005 is also proposed to be amended for minor and technical reasons. The bill clarifies that a proponent wishing to undertake a survey on Crown land for a proposed pipeline must seek and gain the consent of a public authority where the Crown land is vested in a public authority. That is to clarify that sometimes Crown land is vested in a public authority. The way the act is constructed at the moment begs for clarification in that it should be specifically required that proponents of pipelines seek the consent of the body that has the authority for the management of that Crown land.

Further, the minister will not be required to make a referral determination regarding a submission for a proposed pipeline where matters have already been considered in an environment effects statement. I wish to state on the record that opposition members have the express intention of monitoring how this change will work. We hope there will not be any slippage of consideration of environmental impacts that could arise from this. We are not suggesting they would arise, but it is worth putting our concerns on the record as a matter of interest to be monitored over time. We hope there will be no adverse slippage in terms of the consideration of environmental impacts.

Clause 62 of the bill provides that the Offshore Petroleum and Greenhouse Gas Storage Act will be amended to clarify that a petroleum access authority can allow a registered holder to make a deviation well in an adjacent onshore permit area in order to provide the shortest drilling path to the offshore petroleum field. Opposition members are advised that this will not have any impact on the rights of other offshore tenement holders. If this measure provides for easier access to a petroleum field through cheaper costs and less extensive drilling, then it is worth considering through the changes presented here.

Clause 68 of the Offshore Petroleum and Greenhouse Gas Storage Act pertains to penalty units, which are set by regulation. The maximum penalty units will be increased so they will correspond with the commonwealth Offshore Petroleum and Greenhouse Gas Storage Act 2006. These are the essential elements of the bill.

I wish to make some other comments in passing before I conclude. As I said earlier, the opposition does not oppose the bill, which makes many technical amendments to make more consistent the provisions of numerous acts that govern resources with respect to exploration and extraction activities, and that is a positive thing. Where governments can improve consistency across acts, that can only lead to greater accessibility of laws and how they are understood more broadly by the public.

Sometimes this kind of omnibus bill, as I could describe this, is served up when a government is seen to be struggling to come up with some more substantial policies. I hope that is not the case with this bill. In fact we are debating a similar bill to one that was served up to the Parliament last year, and I wish to make a comment on that. I hope this is not a sign of a government that is struggling to produce policies that could drive mining investment in new energy technologies. We have seen two bills in consecutive years that fairly much deal — on the whole although not in every respect — with minor and technical changes. I hope the opportunities that are available for governments to more readily drive investment in new energy technologies in the resources area will come before us at some stage in the not-too-distant future.

I want to comment on some other matters with respect to new types of energy technologies and the like. The bill deals with ways of assisting with geothermal exploration, and that is a positive thing. But I note that the countervailing weight of evidence on the actions of this government in the last almost two years with respect to the promotion of new energy technologies has been very much lacking in terms of real commitment and drive. The government's extreme wind energy policy is strangling an industry that would otherwise be bringing millions of dollars in investment and jobs, especially to regional Victoria. With Victoria's loss other states will be benefiting from governments that embrace new technologies rather than constraining them or indeed strangling them, which is what has been happening in Victoria.

South Australia is one notable case with its promotion of wind energy. It has certainly got a pipeline of investment that is worth in the hundreds of millions of dollars, and the jobs that come out of that are very important. With energy technologies such as solar energy we have a government that has done its best to remove stimulus from the industry. We now have a situation which is contrary to what the government committed to at the last election. It committed to continuing the solar premium feed-in tariff until it had a replacement gross feed-in tariff in place. Both of those

promises have been dumped, and we now have a situation where solar feed-in tariffs are causing households to provide benefits through very cheap surplus electricity that is fed back into the grid, so that benefits that probably should be enjoyed by consumers are now being enjoyed by the energy retailers in the on-sale of energy produced by householders.

The tariff that is being offered now is a very small one of 8 cents a kilowatt hour. The opposition contends that that is not a fair price; the government says it is a fair price. We believe that —

Mr O'Brien interjected.

Ms D'AMBROSIO — The Victorian Competition and Efficiency Commission (VCEC) and your government have said that you wanted to introduce a gross feed-in tariff.

Mr O'Brien interjected.

Ms D'AMBROSIO — You didn't give them that, did you?

Mr O'Brien interjected.

Ms D'AMBROSIO — You did not. The government set it up to produce the result it wanted, which was a broken promise of dumping a gross feed-in tariff —

Mr O'Brien — That is offensive to VCEC.

Ms D'AMBROSIO — I can see you are very upset by that — and by the dumping of the government's commitment to maintaining a solar premium feed-in tariff until it introduced a gross feed-in tariff. That was the government's election commitment, which it has ignored. It has turned its back without any concern whatsoever.

This is the record of the government when it comes to new energy technologies. In just under two years the government has managed to walk away from some key commitments to new energy technologies, and it has yet to explain why it has done it. But the record speaks for itself. When it comes to new energy technologies, this government has closed the door. It has closed the door on investment in Victoria, which is now at risk of going to other states.

Mr O'Brien — On a point of order, Acting Speaker, while the member for Mill Park's fantasies about the government's policies are entertaining from a fictional point of view, they are completely away from the bill, which is a resources bill. It is not an energy bill. It may

be that the member for Mill Park has not read the bill, but this is not an energy bill, it is a resources bill, and while latitude is allowed to a lead speaker, that does not enable her to stretch across into a different area of the portfolio.

Ms D'AMBROSIO — On the point of order, Acting Speaker, the bill deals with new energy technologies such as geothermal energy. It has been a longstanding practice of this house for lead speakers to deal with broad issues that are related to the bill in question, and that is what I am doing.

The ACTING SPEAKER (Mr Blackwood) — Order! I do not uphold the point of order. However, I ask the member to keep her comments to the bill.

Ms D'AMBROSIO — I have another 4 minutes, so I will take your advice, Acting Speaker. I will speak as other lead speakers have spoken, but thank you very much for your assistance, Acting Speaker.

What we have in the area are natural resources such as solar and wind — and the last time I looked they were new technology resources — that have assisted in producing opportunities for greater investment by the private sector and certainly in growing jobs, which has been very important to Victoria. Jobs are something that we have gone the other way with here in Victoria, and I would contend that new energy technologies, whether they be geothermal, solar or wind, are new industries that can assist in driving investment and in growing jobs for Victoria, and I would have thought that that was something that ought be supported by everyone.

I repeat that the opposition will not be opposing the bill. We would certainly hope, however, that broadly speaking this government would see its way to producing more meaningful policies to drive greater investment in new energy technologies, whether they be geothermal, solar or wind, and also to ensure that we grow the jobs these industries have proven they can produce and should be allowed to continue to produce in this state rather than being hamstrung and strangled, as this government's record shows they have been, in a variety of areas. With those few comments, I conclude my remarks.

Mr KATOS (South Barwon) — I am pleased to rise this morning and make a contribution in support of the Resources Legislation Amendment (General) Bill 2012. This bill makes a number of minor and technical changes to various pieces of legislation within the energy and resources portfolio. The amendments provide greater consistency, improve the effectiveness

of regulations and reduce red tape. The reduction of red tape is something this side of the house understands. Often when we come into government we have to reduce the red tape that has been placed on business by those on the other side of the house when they were in government. That is an absolute commitment of coalition governments — to reduce red tape.

In summary, the bill makes the following changes: it clarifies the provisions for access authorisations and drilling authorisations; it allows greater flexibility in dealing with native title obligations by allowing land where native title has not been extinguished to be excised from an exploration permit application; and it increases the maximum penalty units that can be prescribed under the offshore petroleum and greenhouse storage regulations — this is part of Victoria's commitment to bringing its rules into line with commonwealth offshore regulations, again providing consistency. The bill also enables drilling from onshore through to adjacent offshore areas to provide for the shortest drilling path to petroleum resources, it addresses anomalies identified following the introduction of prospecting and retention licences earlier this year and it removes some redundant provisions.

The Geothermal Energy Resources Act 2005 is being amended by this bill to permit activities that are beneficial to the geothermal industry by assisting in the monitoring of wells and the drilling from outside a licensed area to access a geothermal resource. Sometimes it is not practical or possible to drill from within an area to access a resource, so sometimes directional drilling will be permitted. That is a sensible outcome.

The Mineral Resources (Sustainable Development) Act 1990 is being amended to enable the holder of a prospecting licence to dispose of tailings with the consent of the Minister for Energy and Resources. Again this provides consistency between mining and prospecting licences. A licensee will also be required to report to the chief inspector a reportable event arising from a mining or exploration activity; this is instead of being required to report an event occurring at a mine. As the member for Mill Park mentioned earlier, an event that is required to be reported might be, for example, a slope collapse or leakage of a harmful substance that could have an impact on public safety, the environment or infrastructure.

The mineral resources act is also being amended to clarify that sections relating to the payment of royalties apply to prospecting licences and that planning rules that apply to mining licences also apply to mining

carried out on a prospecting licence, again providing consistency. The amendments will also clarify that the Minister for Energy and Resources has the power to refuse to renew a licence where the minister is satisfied that the licensee no longer complies with the necessary requirements.

The Greenhouse Gas Geological Sequestration Act 2008 is being amended in a similar way to the Geothermal Energy Resources Act — that is, basically to assist in the monitoring of wells and in enabling directional drilling to access greenhouse gas geological sequestration sites. That is a similar amendment.

The Offshore Petroleum and Greenhouse Gas Storage Act 2010 is being amended to increase the maximum penalty units that can be prescribed by regulation to 600 penalty units for corporations and 120 penalty units for individuals. This aligns Victoria with commonwealth legislation and maintains consistency.

This amending legislation will allow holders of a petroleum access authority or a greenhouse gas special authority to drill a deviation well to enable drilling from onshore to an adjacent offshore area where they hold a licence. It is particularly pertinent to provide for the shortest drilling path to a petroleum resource, which, again, can help with reducing the costs involved in accessing that resource.

The Pipelines Act 2005 is also being amended. Where Crown land is vested in a public authority, rather than the minister having to be approached for permission to conduct a survey for, say, a pipeline — that is, rather than all the trouble of going through the minister — the consent of the public authority would be required. Also the minister will not have to refer a submission relating to a pipeline to a panel as long as any potential environmental effects have already been considered by an environment effects statement.

The earth resources sector is very important to Victoria. In 2010–11 it contributed \$7.3 billion to Victoria's gross state product. The coalition very much acknowledges the value of this sector and also recognises that the development of this sector has fallen behind that of other states in recent times, under the watch of the previous government. This has affected economic and employment opportunities, which have been lost through these sectors not being developed. The government is keen to develop the energy and resources sector.

As we saw late last year, Alcoa's lease at Anglesea was extended for another 50 years, with conditions placed around that permit. That was very important to assisting in securing jobs at Alcoa's Point Henry plant. We were

absolutely committed to that legislation. It was curious that the opposition, however, simply said that it did not oppose the bill. There were some 1100 jobs on the line at Point Henry, yet Labor simply said it did not oppose the bill. Labor should have been overwhelming in support of that bill. I suppose, however, that supporting a new mine might not look so good with Labor's inner city Greens preferences on the line.

We are also reviewing prospecting in national parks. In August this year the government announced that the Victorian Environmental Assessment Council would investigate under what circumstances it is appropriate to provide greater access for low-impact prospecting as long as the heritage and environmental values of our national parks are taken into consideration. The opposition was also very negative about that, saying we were going to put a mine in every national park. That is an absolute nonsense, and it is hypocritical because the previous government allowed prospecting and fossicking in national parks such as St Arnaud Range National Park, Castlemaine Diggings National Heritage Park, Greater Bendigo National Park and Heathcote-Graytown National Park.

The Prospectors and Miners Association of Victoria in its journal, the *Eureka ECHO*, was quite critical of the opposition's response. I will quote from page 7 of the *Eureka ECHO* of winter 2012, which is basically about a visit by Mr Lenders, a member for Southern Metropolitan Region in the other place. The article says:

It all started nicely with homemade muffins, we then travelled to the Paddys Ranges State Park where we explained in detail what prospectors do and how they do it. We explained in detail the difference between prospecting and mining. We detected and panned while Lenders, we thought, took it all in.

...

Then, just a week later, his colleague Lisa Neville — the ALP shadow environment minister — made a media release that indicated either that ALP members don't talk to each other or we had totally wasted our time!

Lisa Neville stated that the coalition government has basically given the go-ahead for smaller scale mining in national parks. This release was in response to the good news regarding the review of prospecting in parks. Lisa Neville's release was full of lies!

We checked with the ALP who assured us that Lenders had seen the release before it was made public.

So, five people took a day off work — and lost money as a result — and Lenders forgot all about it when he went home.

Shame!

That is a quote from that article.

This is sensible legislation. It will reduce red tape. It will make life easier for people in this sector. That is

what this government is all about — making access to these resources easier. Victoria is endowed, for example, with one of the largest deposits of brown coal in the world, so we should be making access to that resource, where possible, easier and not tying up that sector in red tape, and in turn we can generate jobs and employment. With those words, I am very happy to commend the bill to the house.

Mr NOONAN (Williamstown) — I am very pleased to rise to make a contribution to this debate on the Resources Legislation Amendment (General) Bill 2012 — and it will be very general in nature, because, as the member for South Barwon indicated right from the outset of his contribution, it is a bill that deals with some small and technical changes to a number of acts, in fact five acts: the Geothermal Energy Resources Act 2005, the Greenhouse Gas Geological Sequestration Act 2008, the Mineral Resources (Sustainable Development) Act 1990, the Offshore Petroleum and Greenhouse Gas Storage Act 2010, and the Pipelines Act 2005.

You need a reasonably well-trained eye and a pretty solid understanding of the Victorian earth resources sector in order to explain these amendments in detail, and the contribution made by the member for Mill Park was pretty substantial in terms of its explanation of the impact of each of the amendments as they stand, so I congratulate her on her contribution. I do not think any of these amendments have created any controversy, and I suspect they have probably all been recommended to the minister by staff who are here with us in the chamber today.

I think in making a contribution of any substance to this debate it is important to respond to the minister's opening statement from his second-reading speech for this bill. In that speech the minister stated:

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.

That statement needs to be read in two parts. The first component speaks to the need for a modern regulatory framework, whilst the second part talks about the government's desire to increase activity in the minerals industry and in doing so generate benefits for all Victorians. I think these are both worthy pursuits, but let me deal with each part of that statement separately, beginning with the need to maintain a modern regulatory framework for the earth resources sector.

This is not new territory. Anyone who knows anything about the earth resources sector in Victoria will

understand that a major review of the principal act, the Mineral Resources (Sustainable Development) Act, commenced in 2009 in the time of the former Labor government. This was, and still is, a major review involving a two-stage process. The first stage of the review resulted in amendments to the act which were designed to reform and modernise Victoria's licensing arrangements for the mineral and extractive industries.

According to a report tabled in this Parliament in May by the Economic Development and Infrastructure Committee, which I was a member of, key amendments to the act included:

the introduction of two new licenses — a retention licence and a prospecting licence;

restrictions on exploration licence renewals and additional licence area relinquishment requirements;

requiring mineral resources to be identified before granting or renewing a mining licence;

statutory endorsement of work plans;

clarification of the 'fit and proper person' criteria to assist determine who licences should be granted to.

These were the amendments from the stage 1 review process. Stage 2 of the review relates to the work authorisation approvals process and maintaining efficient and effective regulation of the overall sector.

I note that in this sitting week the minister has introduced a new bill into the Parliament which will obviously be the subject of debate in forthcoming weeks, but I think when we are talking about regulation we have really got to look at that piece of legislation to make a broader assessment about whether the government is on track to deliver the sort of regulatory reform or the cutting of red tape, as others refer to it, the sector might be looking for. Earth resources, or mining as we know it in layman's terms, is very much a global industry, and it is important that our regulatory framework be competitive and not overly burdensome compared with other jurisdictions.

I will move now to the second part of the minister's stated objective in his second-reading speech, which is to increase activity in the minerals industry to benefit all Victorians. This is an interesting statement from the minister. It is interesting on a number of levels, not least because the minister chose not to explain how important the Victorian earth resources sector is to our statewide or local regional economies. He did not talk about the prospects for the earth resources sector in this state nor outline his government's strategy to capitalise on growing areas of mineral exploration in Victoria, such as mineral sands. There was complete and utter

silence on the issue of the value of this sector to the Victorian economy.

In the absence of the minister's interest let me inform the house of a couple of key facts about the earth resources sector — and it was pleasing that the member for South Barwon at least touched on this — first and foremost, this is a diverse sector that is highly valuable to the Victorian economy. In 2009–10 the earth resources sector contributed \$5.9 billion to the economy and in 2010–11 that figure increased to \$7.3 billion. While the majority of that contribution to the economy is derived from the offshore production of oil and gas, the value of minerals produced in Victoria topped half a billion dollars during the 2009–10 period, and that figure excludes brown coal.

There are more than 6000 people employed in the earth resources sector in Victoria, and over half of those people live and work in regional Victoria. There are a further 5000 people employed in mining company head offices and service providers located in Melbourne. But according to the Victorian Treasurer's recent comments Victoria is not a mining state. We may never be a mining state on the scale of Western Australia, but it is simply wrong to dismiss Victoria as a non-mining state.

An example of the value of mining can be seen in the area of mineral sands, which has a production value in Victoria of about \$200 million per annum. According to the Economic Development and Infrastructure Committee report:

DPI analysis indicates that Victoria's identified resources alone are sufficient to supply 25 years of current world production of chloride titanium feedstock and 20 years for zircon.

...

Since 2000, there has been an increase in the number of exploration licences granted for mineral sands ... during the past 10 years, an average 11 licences were granted each year.

This suggests major opportunities for Victoria, but you did not hear that from the minister within the context of his brief second-reading speech on this bill. That leads me to place on record recommendation 3 from the report entitled *Report on the Inquiry into Greenfields Mineral Exploration and Project Development in Victoria*. It states:

That the Victorian government adopts an integrated, whole-of-government approach to the state's resources sector, supported by clear and consistent policies, and that this policy be widely communicated to the resources sector and the broader Victorian community to demonstrate strong support for the sector and its future.

Of course we are yet to receive a response to that recommendation from the minister.

I want to finish by focusing on the minister's desire to increase activity in the mining sector in Victoria. There are many ways you can do that, but one of the best is to adopt a well-resourced and appropriately staffed geoscience arm of government. Put simply, the role of geoscience within government has been to provide exploration businesses with pre-competitive geoscience data, such as geophysical surveys and other analyses, that will help them to determine the mineral potential of an area.

Victoria had always had a world-class geoscience function until the change of government. That was confirmed in an article by Tom Arup published in the *Age* of 23 May, which stated that 13 longstanding staff had quit the department, leaving it depleted and lacking direction. Around this time I received an email from Geoff O'Brien, who confirmed the problems being experienced by GeoScience Victoria. In his email of 23 May he wrote:

The situation is actually even less functional, and more dismaying, than was reported. I left GSV in December last year and have taken up a great job with the commonwealth. Virtually all of the staff who have left are employed in much better positions, at much higher salaries than when they were at GSV, but alas, no-one is working on Victoria.

I also received an email from Dr Vincent Morand, which read:

Until last year GeoScience Victoria was regarded highly both nationally and internationally, but now its reputation has suffered badly, and with the freeze on public service positions the outlook is grim.

I hear the member for South Barwon talking up this government's desire to increase investment and exploration in mineral sands and other earth resources extractives, but the evidence shows that the minister cannot even manage his department. We are losing geoscientists, as was exposed in the *Age*, and this state will continue to go backwards in terms of earth resources exploration whilst this minister focuses on the carbon tax rather than managing what is happening in his own department. He should get real and get on with the job.

Mr CRISP (Mildura) — I rise to make a contribution on the Resources Legislation Amendment (General) Bill 2012, and I will pick up from where the member for Williamstown left off. Mineral sands mines are found predominantly in my electorate, and just to show that the minister does care, he is coming to Mildura next Wednesday and we will visit the Woorack, Rownack and Pirro mineral sands mine.

This government is interested in the mining industry and in mineral sands. The resources are well mapped across the Murray-Darling Basin by companies who are in the process of developing their mineral zones mines, and we will continue to support those companies as their mines come on stream.

I will talk more about mineral sands later. First I will talk about some of the other earth resources found in Victoria. We have geothermal resources located west of Mildura which represent another possible source of energy. We also have some hot rocks, according to my colleague the member for Rodney. Unfortunately they are a long way from Mildura and are not as hot as we would like, but it is another resource and the Victorian government has supported various companies in exploring and developing those resources.

The bill tidies up the consistency of the drilling acts, and this is important. To have different sets of rules is contrary to productivity, so consistency is important, particularly in terms of greenhouse gas geosequestration. This relies on energy, because the greenhouse gases are produced from energy. We cannot live without electricity: if the lights go out, nobody is very happy. There are a lot of sources of energy — and I will talk about solar in a moment in response to what the member for Mill Park said — but we are going to be dependent on coal for some time, so we are going to have to manage our CO₂ (carbon dioxide). Geosequestration is one of the methods of managing CO₂.

I also note that CO₂ is food for algae, so we will have to make sure we know where we put it, because we are going to want it back as we develop biosequestration, which uses CO₂ and freshwater or saltwater cell nutrition to produce what constitutes the beginning of the food chain. It is important that we have a consistent set of rules if we are going to use geosequestration, that we make sure we know where we put our CO₂ and that we monitor where we put it, because I think we are going to want it back.

The member for Mill Park made some comments about the government's energy policy, and I reject her comments in their entirety. This government has been supporting the solar energy industry, no more so than in the Mildura region, where we have had a number of competitive bids. In fact what the member for Mill Park could do to help Victoria with energy is talk to her federal colleagues about what the heck went on in the federal government with its solar flagships program and its transition to the Australian Renewable Energy Agency in relation to the TRUenergy Mallee solar park bid. This bid came second twice with the federal

government. It was highly commended, and the new body invited TRUenergy to put in an out-of-sessions bid. However, since TRUenergy received that invitation we have heard silence in relation to it. I am genuinely worried about that bid. This is a very substantial investment in Mildura. I do not know what the commonwealth government is doing about it, but the fact that it has raised expectations by offering the opportunity for an out-of-sessions bid and then responded with silence concerns me greatly.

The solar sector is moving to be competitive. That is why the government's policy has moved with the changes in technology. In regard to the cost of all energy types, it has to be remembered that if you are subsidising one sector, you have to amortise that or put it across to working families to pay for in another sector. That is a matter of fairness. As the solar energy sector becomes more competitive, that can then take the pressure off those families who cannot put solar panels on their roofs or do not have the right conditions.

I see the member for Ballarat East opposite. I have spent some time in Ballarat. Some days are good for solar, but many are not so good. You have to have a fair policy. That is what this government has been developing. We have not walked away from solar. We have continued to support the Silex solar system development. Silex, after many years of testing and development at its Bridgewater facility, is about to get under way in Mildura.

The solar sector is strong. It will continue to grow. As I travel around, I see solar panels appearing on roofs. People having solar panels on their roofs is not so much about their wanting to make money out of others but about their wanting to lower their exposure to the future cost of energy. It is more about people working out their energy use at home and then looking at how they can best meet that use with solar panels on their roofs. People are not investing as much as they did in the early stages of solar to have it as an income stream; it is just cost risk management for the future.

In regard to mineral sands, the reportable events are part of this legislation. This is important, because mining and some of the consequences of it need to be monitored. I do not expect there to be any trouble with mineral sands. It is a very simple mining process. There are no rivers or highways nearby, unlike the situation in the electorate of the member for Morwell. However, tailings are interesting, because part of this bill talks about tailings. The history with tailings is that you need to remember where you put them. Most of us have heard the stories about the number of times tailings

have been reworked in Victoria and elsewhere. In mineral sands we do have tailings.

The member for Williamstown went through some of the technical aspects of mining, but the principal components of mineral sands are ilmenite, zircon and rutile. The ilmenite is principally used for titanium dioxide paint pigments.

Mr Howard interjected.

Mr CRISP — I say to the member for Ballarat East that it probably ends up at the Haymes paint factory. However, in regard to mineral sands, in the on-site separation process where you separate magnetic and non-magnetic materials there is some low-grade ilmenite that is in fact a tailing. Quite wisely, Iluka put that all back in one place at its Kulwin mine before it moved to its new WRP — Wornack, Rownack and Pirro — site, because now it is extracting it again. There is a market for it, and although Iluka moves it through its system to Hamilton, to market and north of Mildura, there is also significant mining by the Bemax corporation, and that lower grade magnetic product now goes through Ken Wakefield's site at Merbein. So Victoria is getting the benefit there. It is containerised, put on trains and sent out through the port of Melbourne to be processed overseas. That issue of tailings is very important. The market will no doubt change. There will be times when tailings will have to go back in the mine, but, as I said, put them where you can find them, because you might need them.

Gold is another interesting area. For whatever reason geologists decided that there are some interesting bedrock formations under Mildura. They are very similar to those at Stawell. There has been some drilling done there, and, yes, this is gold-bearing rock.

Mr Weller — There is gold in Mildura!

Mr CRISP — There sure is! Most of the gold interest in Mildura is among fossickers and prospectors who travel, and once again anything they find remains royalty free. Before any prospectors in my region suddenly decide to go digging for gold, I advise them that it is 480 metres down, so it is going to be one heck of a hole! Put the shovel away, get the metal detector out and continue to go south to those goldfield areas to do your fossicking. If you get lucky, you are not going to have to pay a royalty on your find, and occasionally they do get lucky.

With those words, I think I will wrap up by saying that the amendments to the Petroleum Act 1998, including the non-continuous provisions, are common sense. The drilling compensation provisions in this are consistent

and common sense, and the Offshore Petroleum and Greenhouse Gas Storage Act 2010 provisions are common sense and will harmonise with the commonwealth legislation. You do not see that too often! With those words, I commend the bill to the house.

Mr HOWARD (Ballarat East) — I am certainly pleased to also speak in regard to mining and the Resources Legislation Amendment (General) Bill 2012. As we have heard from other members, the bill makes some relatively minor changes to a number of pieces of legislation that already exist. As an opening comment, I have to say that as the member for Ballarat East I am all too aware of how important mining has been to this state. I know that it can continue to be very important and that it needs to be appropriately supported.

Of course, coming from the Ballarat East electorate, I know that goldmining in particular has been very important to the development of the city of Ballarat and the surrounding region since the 1850s when gold was first discovered there. It brought so many people who wanted to take advantage of the gold rush to Victoria and the Ballarat region. Towards the end of the 19th century we saw less of the small-scale goldmining and prospecting taking place as larger scale goldmining companies took over in order to dig deeper to get at the gold that was further underneath Ballarat and other cities and towns nearby.

This continued on until the earlier part of the 20th century when the technology became more limited in terms of its ability to access the gold for those mining companies, which were either getting deeper or accessing ore bodies that were of poorer quality. So for a significant time we saw goldmining tail off, but I am pleased that in Ballarat in the last 10 years we have seen a renewal of goldmining happening in Ballarat itself as new technologies have enabled the significant mining companies to access the old goldmining leads and dig further right under the city of Ballarat, as they are doing at the moment. Gold is being produced again in Ballarat as a result of that recent work.

Clearly people in Ballarat are supportive of goldmining. They know it can bring great benefits to the Ballarat region and the state. However, during my time as the member for Ballarat East the issue of goldmining has caused residents much concern on a number of occasions. We have seen new leases pegged out for the purposes of initial exploration and mining in some areas, particularly in Gordon and Mount Egerton. The residents of those areas have approached me, the government and the Department of Primary Industries asking, 'What are our rights in the cases when

somebody moves into our area and pegs out land leases near us? How do we know what they are able to do and will do? How might this impact on our lives?' It was pleasing that our government tried to develop ways for community consultation to be built into the development of mining plans. We worked to ensure that the mining industry was professional and became more professional when dealing with communities and their concerns.

In recent times an issue has arisen that has been of much concern to many residents in my electorate who live in and around the Wombat State Forest. We understand that a mining operation is about to commence. The issue is that without the residents' knowledge a mining work plan was approved under this minister. The work plan has enabled this operation to take place. We understand it will involve an open-cut mining situation south of Bullarto that will take up an area smaller than 5 hectares, but it is significant. The residents are concerned. They had not been made aware that this operation was about to start; they found out by accident. They want to know more about this issue and environmental safeguards, including safeguards in relation to the water catchment in the area.

Honourable members interjecting.

Mr HOWARD — I hear members on the other side of the chamber raise the question, as they did earlier this morning, of who issued the licence. We know that licences have been issued across the state in a range of areas. However, under our government no mining took place in the Wombat State Forest and no mining can take place — —

Honourable members interjecting.

Mr HOWARD — Members on the other side of the house clearly do not understand how mining operates. Nobody can mine in an area until a work plan is approved by the minister. No work plan to mine in the Wombat State Forest was approved by the minister under our government, therefore no mining took place under our government. Members on the other side of the house who want to make a menace of this issue by asking, 'Who provided the licences or when were the licences provided?', would know these things if they understood the Mines Act 1958. Nobody can mine unless a relevant work plan is approved. No work plan was approved under our government, but a work plan was approved under this government. The minister has not responded to the concerns of community members about the environment and the protection of the water catchment. I again call on the minister, as I have on numerous occasions, to respond to community

members who live around the Wombat State Forest to enable them to understand the work that has been done and the environmental and water catchment issues. I do not want to say too much about that at the moment, because I want to return to addressing the bill.

The bill makes a number of relatively minor changes, which other members of the house have recognised. The bill amends two acts that relate to geothermal energy resources and greenhouse gas geological sequestration. We know these are two new areas in relation to mining that have been progressed because of concerns about global warming and climate change. The former government introduced legislation about geothermal energy resources and greenhouse gas sequestration. It is appropriate that we continue to support those opportunities for geothermal energy and geological sequestration and ensure that they are progressed as well as possible. The unfortunate thing is that there is still a lot of technology that needs to be advanced before geothermal energy and geological sequestration can address climate change. While I would love to see geothermal energy used much more extensively to provide both electricity and heat in the state, the opportunity to do that is still some way off.

Recently I went to Europe to look at what is happening in the alternative energy field there. Even in Europe geothermal energy is a very small-scale energy provider compared to other alternative energy sources. I found that in Spain, Germany and Denmark wind energy is by far the most significant form of alternative energy being developed there. I am sad to see that under the current Minister for Energy and Resources the development of wind energy has gone substantially backwards. This is a great opportunity lost. The no. 1 available technology to address climate change at the moment is being pushed out of the areas under development in this state. We are not seeing progress in this area. I am very disappointed about that.

As the members for Mill Park and Williamstown pointed out, geothermal energy is not being supported and neither are developments in regard to photovoltaic cells. When we were in government we introduced premium feed-in tariff scheme prices of over 60 cents per kilowatt hour. Under this government that has gone down to 25 cents per kilowatt hour and that will go down further to 8 cents per kilowatt hour. The incentive for people to use photovoltaic electricity in their houses has been significantly reduced. I will be watching that space with interest. I continue to see this as an area that needs to be supported. I look forward to support being given in other areas.

I noted that the member for Mildura was pleased about the development of a new photovoltaic power station on the back of the Silex development at Bridgwater. I look forward to that continuing to develop. I fear that the possibility of the regular use of photovoltaic power and wind power has gone backwards. For a minister who supports these areas, that is very unfortunate.

Ms McLEISH (Seymour) — I rise to make a contribution to the Resources Legislation Amendment (General) Bill 2012. Although this bill involves many minor and technical amendments, it is important because it concerns the resources industry in this state, which is very much worth supporting and developing to its full extent. Members are well aware that each portfolio is governed by a number of different acts, and this is true of the energy and resources portfolio. With this bill, the government is making a series of minor and technical amendments to various pieces of legislation within the energy and resources portfolio. This bill demonstrates the coalition's commitment to fostering the efficient and responsible operation of the mining sector in Victoria. It is important that this sector thrives for the benefit of this state's economy.

Although many of these amendments are minor, they are necessary for the proper functioning of the law. A number of them also produce consistency across several acts of Parliament. Individuals and organisations whose work is affected by several acts benefit if there is consistency across these acts. It is easier to plan and develop a workforce if there is one set of rules and if people do not have to juggle time and waste energy looking at several different scenarios. I am pleased that the opposition does not oppose this bill and that it supports this industry and recognises that it is an important part of Victoria's economy.

As I said, a number of acts are amended by the bill before the house. None of these acts is more important than any other, but I will list them. They are: the Geothermal Energy Resources Act 2005, the Greenhouse Gas Geological Sequestration Act 2008, the Mineral Resources (Sustainable Development) Act 1990, the Petroleum Act 1998 and the Offshore Petroleum and Greenhouse Gas Storage Act 2010. The amendments to the acts I have just mentioned have a bit more substance to them than the minor amendments to the other acts amended by the bill: the Pipelines Act 2005, the Interpretation of Legislation Act 1984 and the Resources Legislation Amendment Act 2011. The minor amendments to these acts involve the clarification of provisions, the removal of some redundant references and the repealing of provisions that are no longer required.

The issue of resources and mining is often contentious, but this does not need to be the case. The coalition government is looking to strike a balance by supporting the industry and ensuring that it successfully and happily coexists with local communities and other industries. That is particularly important.

I want to talk for a moment about my experience in the mining sector. I was a consultant to this sector in all states except Victoria and Tasmania in relation to developing leadership and installing values. Although Victoria has different resources to other states, this does not mean our resources cannot be utilised to benefit our state. We might not have the bauxite or iron ore mines that exist in Queensland, the Northern Territory or Western Australia, for example, but we do have resources we can mine, and we can make sure these resources benefit the state.

I want to talk about some of the values held by companies that are involved in mining. These companies are often criticised and told that they do not care and that they are not concerned about the environment or people. That is not the truth at all. The companies I worked with — and I worked with many — were very focused on health and safety and on environmental issues. They had strategies in place, and their values included engaging with local communities. It was important for these companies to have local communities on board so they could coexist, because many people from local areas worked at these companies. The work these companies did with Indigenous communities and their efforts to respect native title and work with elders was second to none, as was the corporate responsibility these organisations undertook. The types of values that demonstrate this include: Leighton Contractors' value statement 'Respect for the community and environment'; respect for our environment, one of BHP's values; and respect for the environment, health and safety, one of Alcoa's values. Many of these large companies are concerned about issues people believe they ignore. This cannot be forgotten or neglected.

Victoria has had a very strong mining history since the mid-1880s, beginning with the gold rush. Earlier today we heard that the sector has a good future in this state. In 2010–11 the earth resources sector contributed \$7.3 billion to the gross state product, which is pretty significant. There are 6000 jobs that are directly involved in the industry in regional areas, which is terrific. Ongoing investment in this area is particularly important because it will continue to grow the state's economy and increase employment opportunities. As a coalition we have done some great things in this area — for example, the market assessment and interest in

Latrobe Valley brown coal. The Minerals Council of Australia is a voice for both the sector and community representatives, which is terrific.

I want to touch on a couple of aspects of the bill. One of these relates to the amendments to the Greenhouse Gas Geological Sequestration Act 2008, which deal with access and drilling authorisations. The amendments bring these authorisations into line with the Petroleum Act 1998, and this is one of the areas that needed to be improved with regard to consistency and reducing red tape across earth resources legislation, which I discussed earlier. Finally I will mention the Petroleum Act 1998 and the issue of exploration permits over non-continuous packages of land. The amendments in this bill provide much more flexibility for people who have a resource on their property and are looking to make use of horizontal drilling, which is a newer form of technology.

With that I commend the bill to the house and commend the government for pursuing opportunities to continue to advance this area.

Mr McGUIRE (Broadmeadows) — I rise to make a contribution on the Resources Legislation Amendment (General) Bill 2012. As other contributors have stated, the changes are minor and non-controversial, so they will not be opposed. The opposition looks at this as taking care of the administrative issues concerning a whole range of different parts of the portfolio of the Minister for Energy and Resources.

I will put on record what the bill does. The bill before the house makes changes to several acts across the earth resources portfolio. It requires licensees under the Mineral Resources (Sustainable Development) Act 1990 (MRSDA) to report to the chief inspector a reportable incident arising from exploration or mining operations, such as slope collapse or the leaking of a potentially harmful substance. That is necessary and is required to make sure that on safety all of these issues are taken care of. That concern is worth supporting.

The bill also enables holders of prospecting licences to dispose of tailings with the consent of the minister and clarifies that holders of prospecting licences must pay royalties. Other contributors have raised the issue of what to do with tailings and how they should be dealt with. The bill will make sure that with the consent of the minister and with the necessary regulations the health and safety and environmental aspects of that will also be taken care of. As the lead speaker for the opposition pointed out, Labor will monitor the impact of all these parts of the legislation and come back at the appropriate time or will make public commentary at the

appropriate time if they are not being enacted. But clearly from what the minister is saying, the intent is to make sure that the safety aspect is taken care of and that the environmental aspects are safe and sound. The opposition will look at that and how it plays out. The bill also clarifies that the holders of prospecting licences must pay royalties. That speaks for itself, and I am sure the minister will give due diligence to that aspect of the legislation as well.

The bill will also allow exploration permits to be granted over non-continuous parcels of land or over an area less than applied for to excise native title land from the permit area. It will allow for compensation for government exploration on private land in line with private company exploration. That is again an administrative issue that needs to be taken care of. It will also ensure that where Crown land is vested in a public authority, the proponents must seek and gain permission from that public authority before exploration can occur. It seems the intent there is to make sure that everybody is complying, and that is also non-controversial.

The government's intent is also to align penalty units across similar acts. That is fair enough; it is for consistency, so that people know exactly where they stand and what happens and what the penalties will be. The bill also allows for deviation outside a permit area in line with advances in drilling technology and techniques when that is required to gain access to a resource. With that part of the bill the government asks: how do we facilitate investment and jobs and get the balance right between exploration and the environment? They are issues that must be handled with due diligence and with prudence. That is what the government is trying to do, and that is why we are not opposed to it.

However, in saying that, I also point out that there are other issues this legislation raises. They include questions such as: what is the bigger picture of what is happening with the government as well as on exploration and on investment and on jobs and on the environment? The debate on this matter is timely. It demonstrates what the *Age* has called a two-year struggle to 'create a sense of momentum and direction' under this government. As the state political editor, Josh Gordon, wrote on 4 October:

Liberals who had front-row seats during the Kennett government nostalgically recall an era of bold reform, action and vision. There were difficult decisions, but there was also a clearly articulated plan for the state. Not only this, they say, but it was actually delivered. And for all the controversy, division and anger Kennett caused, it was rarely unclear what he stood for.

This goes to the bigger picture issue; as we approach the halfway mark of this government we get to see the bigger picture vision unfold. Even in this minister's portfolio there have been promises that we will see a massive new development in the Latrobe Valley. Multibillion-dollar projects are being proposed, with the consequent jobs. We need to see that, and we need to see that they will be done with the support of new innovation and new technology. I am a big supporter of innovation and technology; they are really important. But with the promise of innovation and technology we need to have proof of concept. That is critical.

I want to refer to this because the Minister for Energy and Resources is reported in a page 1 story in the *Herald Sun* of 20 March as saying that he:

... confirmed the coalition was seeking expressions of interest for new allocations of coal that were hoped to deliver hundreds of millions of dollars in royalties, as well as billions of dollars of investment in mines, processing and infrastructure.

This is down in the Latrobe Valley. As I have said, it is important that we get the balance right between how we handle our resources, how we take care of the environment and how we create investment and jobs. Even in the *Herald Sun* report itself, in the spillover on page 6, state political reporter Grant McArthur was sceptical about how this can be done. He reported:

But there are doubts about whether the technology needed to dry brown coal — which has a high water content — is advanced enough.

This goes to a long-running issue in Victoria about how we take care of our resources, how we maximise investment and how we take care of mining.

It brings me back to a memory of when a long time ago, as a young political reporter, I first started out here. I remember that former Premier Sir Rupert Hamer foreshadowed about a \$9 billion investment in coal liquefaction programs in Victoria within the following 10 years. That multibillion-dollar bonanza was supposed to be happening for Victoria down in the Latrobe Valley. I remember because I reported it myself. I went to Morwell and checked out what was going on. There were grave reservations about what could happen. Again that was a promise of a new technology as the saviour.

As I have said, I am a supporter of technology, and we need innovation. That is really important to help with jobs and growth and investment, and it is also important how these conflicting interests are balanced by the government. That is a critical point that we really need

to address. On this bill in particular the minister boldly claims in his second-reading speech:

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.

That is an admirable piece of rhetoric, but the proof will be in the reality of what can happen.

A government press release of 5 July 2011 declares:

Global survey names Victoria as top spot for oil and gas investment.

Victoria has been named as one of the best places in the world for petroleum companies to do business by a respected independent survey of the oil and gas industry ...

The respected independent survey the press release referred to is the Fraser Institute Global Petroleum Survey. This is an annual survey, usually published around June. What is most interesting about the annual survey — and telling of the government's media story — is that according to this, and I quote the government's own words 'respected independent survey of the oil and gas industry' the barriers to investment have consistently increased under the coalition government. I will say that again: the barriers to investment have increased for every year the coalition has been in government. The 2012 report shows that Victoria currently has the highest barriers to investment in this sector since figures have been recorded in this format.

Debate adjourned on motion of Dr SYKES (Benalla).

Debate adjourned until later this day.

PRIVILEGES COMMITTEE

Reference

Ms ASHER (Minister for Innovation, Services and Small Business) — I desire to move, by leave:

That, in relation to the report of the Ombudsman, *Investigation into Allegations against Mr Geoff Shaw MP — Whistleblowers Protection Act 2001*, this house refers recommendation 2 to the Privileges Committee for investigation and report.

The SPEAKER — Order! Is leave granted?

Honourable members interjecting.

Mr O'Brien — On a point of order, Speaker, the Ombudsman's report is crystal clear. The opposition is frustrating the implementation of the Ombudsman's

recommendations. This is appalling. How can it possibly stop the Ombudsman's recommendations being implemented today?

Mr Andrews — On the point of order, Speaker, very clearly leave was sought and has not been granted at this time. If the government wants to come back and seek leave on a future date, we will consider the request on its merits. The disgrace in this is that the member for Frankston remains a member of the parliamentary Liberal Party, supporting this government — —

Honourable members interjecting.

Mr Ryan — On the point of order, Speaker, this is utterly outrageous. For the very reason the Leader of the Opposition mentioned, this should be a matter for the Privileges Committee.

Honourable members interjecting.

The SPEAKER — Order! Sit down. The member for Narre Warren North! The house will come to order. I have always insisted that points of order will be heard in silence, and I am not changing that position. The next person who interjects from either side of the house will be thrown out.

Mr Ryan — This matter has been a subject of conjecture for some time. A report has been tabled this day in which the Ombudsman has made a clear recommendation, and that recommendation is that this matter ought to be dealt with by the Privileges Committee. The debate should be had now. The reference ought to be made and we ought to get on and do exactly what the Ombudsman has recommended and deal with this matter as expeditiously as possible. That is what should happen.

Ms Hennessy — On the point of order, Speaker, only about 20 minutes ago the leader of government business approached the opposition in respect of this motion. This is a motion that requires leave for a reason: it pertains to a very serious matter. The report was only tabled this morning. The Privileges Committee referral relating to the member for Mount Waverley was the subject of negotiation and discussion.

We are open to the concept of a referral to the Privileges Committee, but we require time to consider and interrogate this report, and we will not accept this government's attempt to try to close down scrutiny of the important issues contained in this report in respect of the member for Frankston, particularly before question time, which is exactly its agenda.

Mr Mulder — On the point of order, Speaker, time and again in this house the opposition has interrogated this matter, each and every time opposition members have had an opportunity to get to their feet. They have raised this matter in the Parliament time and again. It is quite clear: the Ombudsman has handed down his report. He has asked that that report be handed to the Privileges Committee, and the opposition, which has attacked time and again, should support the Ombudsman's recommendation.

Mr Merlino — On the point of order, Speaker, this is an absolutely desperate attempt to shut down scrutiny and to shut down opposition questions during question time today. The Ombudsman's report was handed down this morning. Referral of matters to the Privileges Committee is done by negotiation or by a substantive motion that is debated in this chamber. This is a trick to avoid scrutiny and questions in question time today, and leave is refused by the opposition. The government is not going to get away with this stupid trick.

The SPEAKER — Order! Leave has been refused.

Leave refused.

RESOURCES LEGISLATION AMENDMENT (GENERAL) BILL 2012

Second reading

Debate resumed from earlier this day; motion of Mr O'BRIEN (Minister for Energy and Resources).

Dr SYKES (Benalla) — I rise to contribute to the Resources Legislation Amendment (General) Bill 2012 and wish first of all to compliment the minister for introducing another piece of legislation which is about reducing red tape and facilitating responsible utilisation of our earth resources and minerals.

I highlight to the house that in the electorate of Benalla we have a very good balance of agricultural use of our land and mineral exploration. We have the Morning Star mine at Woods Point. This is a goldmine with a long history. It is currently in temporary recess but it is a very important part of our local history and has the potential to again be a significant wealth generator. Also in that region we have the A1 mine near Gaffneys Creek. The commercial utilisation of our resources is appreciated, and those companies have been a great boon to the local communities.

We also have mineral exploration being undertaken in our area by a company called Mecrus that has generated some issues in relation to the exploration process, and we have another group called Victorian

Iron that is also exploring in the area. This bill is very relevant to the electorate of Benalla, as is mining in general.

The broader context of the bill is about encouraging and facilitating responsible mining and marketing of our products. It is about further clearly defining the rights and responsibilities of mineral explorers, miners and land-holders, and it complements other initiatives taken by our government, including the recent announcement of the establishment of a ministerial advisory council on earth resources. Membership of the council will include representatives of the Minerals Council of Australia, land-holders through the Victorian Farmers Federation, and representatives of Landcare groups. It is part of an overall package which is about facilitating responsible utilisation of our resources while protecting prime agricultural and other land and the environment.

This bill, which is looking in particular at making amendments to the Geothermal Energy Resources Act 2005 and the Mineral Resources (Sustainable Development) Act 1990, is about making things simpler; it is about clarification. In the case of mineral resources there is reference to mining royalties and clarification of those. Interestingly I note that in our area in addition to the commercial mines I have made mention of we also have a lot of prospectors who are a great boon to the local community because they buy locally and who are also out there enjoying our wonderful natural lands. One of the good things for those prospectors, as is mentioned in the second-reading speech, is that if they are lucky enough to find gold in them there hills, no royalties are payable on that gold. That is a continuation of the common-sense encouragement of people to be out there enjoying our natural bushland and living in hope of finding gold.

It is also interesting in relation to the further history of goldmining in our area that this Saturday I am going up to Wandiligong to celebrate the history of goldmining. Similarly, in the Harrietville area there is a long goldmining history associated with a Chinese presence. Further up into the mountains around Mount Hotham, a year or so ago I opened the Cobungra ditch walk, which recognises our rich goldmining history. It is interesting that in mineral exploration and mining not only is there a commercial benefit to our area at the time the mining is being undertaken but 150 years on we are still getting a social and economic benefit from that mining — and that is important.

With respect to the other things that are going on in the broader sense, it is interesting to note that people get very nervous about mineral exploration and the

harnessing of our resources. People should keep in mind that only 1 in 1000 of the areas that are licensed for exploration actually end up having a mine. When people raise concerns about mineral exploration and mining in general it is really important to put that into perspective — it is not the end of the world. You can have responsible development. This legislation is about encouraging and facilitating responsible development. It is about people just thinking clearly and not responding to misinformation. Linked with that is the fact that the Minerals Council of Australia is quite active in providing packages of information so that people can understand the implications of mining in their area. In that context there is a template agreement available which has been worked out between the Minerals Council of Australia and the Victorian Farmers Federation to put in place an arrangement that provides certainty for the future while mineral exploration is going on.

We have also had a lot of interest in coal seam gas mining. In my area there was an application that caused a lot of anxiety because of concerns about the process of fracking. Again, once information was provided to the community there was a settling down of the concern. We know that more recently in Gippsland there has been an issue with coal seam gas, and the government has acted responsibly by putting in place a moratorium on that process until there is further clarification. Again, as with this piece of legislation, which is facilitating responsible development, we have shown that where we as a government are nervous about the exploitation of natural resources, we are prepared to say, 'Steady up, stop, reflect, check the science and then proceed with the appropriate level of care and caution'.

Mining is very important to the Victorian economy, particularly in the Latrobe Valley. As the member for Morwell mentioned, the brown coal deposits in the valley will be an extremely significant energy source for Victoria and Australia for many years to come, and the economic and social wellbeing of the many inhabitants of the Latrobe Valley are heavily dependent on brown coal. We continue to seek better utilisation of that resource while being mindful of and trying to minimise greenhouse gas and carbon emissions in that area. I commend the minister on bringing this bill before the house. I wish it a speedy passage.

Mr NARDELLA (Melton) — I rise to speak in the debate on the Resources Legislation Amendment (General) Bill 2012. I listened to what the member for Benalla said. In terms of the legislation before the house, especially the amendments to the mineral resources aspect of the legislation, he said that people

need to get full information about any exploration or activity occurring close to them or within their community. Certainly that is the case. However, he then went on to talk about certainty with respect to coal seam gas and coal exploration.

My great problem is that within the Bacchus Marsh community, from Bacchus Marsh all the way to Werribee, some coal exploration is being carried out by Mantle Mining. This activity does not give my constituents and residents any certainty that they will be able to remain on their land, keep on farming and look after their horses and animals. It gives them no certainty whatsoever in terms of how they live their lives and make their livelihoods. This legislation does not give them the certainty the member for Benalla talked about. It is fine to talk in generalities about the effects of mining, and opposition members do encourage mining in appropriate places. For example, the mining of mineral sands has been talked about by other speakers during this debate. Sand mining occurs in isolated areas away from people, and, because people do not live in the areas where mineral sands are mined, the land is planned and zoned in that way, so there is some certainty.

However, in and around Bacchus Marsh there are families and companies who make their living off the land, and people are absolutely concerned about what is going to happen to them. This bill gives them no certainty. Whether it relates to coal seam gas or coal for export, which is what is being proposed by Mantle Mining, uncertainty affects the whole community. There have been public meetings in Bacchus Marsh about this issue, and those meetings have been attended by hundreds of people who are concerned about their livelihoods and their community. They are also concerned about pollution and air quality and about what effects mining could have on Melbourne's food bowl.

As members may be aware, Bacchus Marsh is one of the prime irrigation areas in the vicinity of the Melbourne metropolitan area, and it produces lettuces and other vegetables. Tripod Farmers is one of the prime companies based in the township of Bacchus Marsh that not only sells its produce to the Melbourne market but also exports it. Lettuces, carrots and other vegetables are grown in the area, yet there is uncertainty about Mantle Mining. Some 660 people and their families rely on the production of good clean food from the Bacchus Marsh irrigation area to make their living, and providing certainty for those people is of absolute concern to me.

On the subject of mining and exploration, the second-reading speech refers to reportable events arising out of exploration and mining operations and also to how essential health and safety are, not only for the workers at those sites but also within the wider community. The health and safety of the people who work in the Bacchus Marsh area are absolutely paramount, not only within the local region and the local district but also within the context of the broader communities of Melbourne, Victoria and Australia.

Food needs to be of the highest standard and free from contamination. Often mining activity produces dust. Efforts can be made to try to suppress dust and other effects of coal extraction, but it can still be detrimental to people's health. Such efforts to combat the effects of coal extraction are not always 100 per cent successful. Sometimes there are windy days and sometimes there are flooding events when contamination can occur within a food bowl.

I put to the house that at the moment there is no work plan in terms of extracting coal through mining at Bacchus Marsh, and I certainly would oppose such a plan. However, the government needs to keep in mind that mining should not occur in the communities of the Bacchus Marsh area. Mining would be absolutely detrimental to my community, which is a fantastic community, the members of which are trying to look after their families and their businesses.

Deb Porter and Kate Tubbs of the Moorabool Environment Group appeared before the Economic Development and Infrastructure Committee during its inquiry into greenfields mineral exploration and project development in Victoria, and they spoke about mining and other issues.

Mr Noonan — They did a great job.

Mr NARDELLA — I thank the member for Williamstown. They did do a great job; they are very articulate in terms of this legislation, and they are extremely passionate about their community. They are extremely passionate about the environmental, commercial and social effects that mining could have on the Bacchus Marsh community.

The population of Bacchus Marsh is growing at around 1.9 per cent each year. It is the highest growth in the country for a peri-urban municipality, so a lot of people are moving into the area. It is a fantastic township and a fantastic area. The Melton South, Rowsley and Parwan area is a great place to live. Mining would be incompatible with development in this area, particularly the West Maddingley development that is occurring in

this particular district. Mining would also be incompatible with Bacchus Marsh Grammar, which is located next to the special use zone where investigations by Mantle Mining are occurring. For Kate Tubbs, Deb Porter and the others within the Moorabool Environment Group, the prospect of mining is very real.

I urge members to think about the effects mining could have on the families of people who live and work in the Bacchus Marsh area. When we discuss this type of legislation it is very easy for us all to support legislation because it is good for the state, but the issue is very real for the people in the area whose lives will be affected. Kate Tubbs has said publicly, and to me personally, that she never wanted to be out campaigning, speaking in public and trying to look after her community. All she wants to do is be on her land looking after her horses, being there with her family and having a life that we all crave.

Opposition members support this legislation, but I urge the government to consider the real effects that mining can have on families and businesses, especially those around Bacchus Marsh.

Mr GIDLEY (Mount Waverley) — I rise to make a contribution to the debate on the Resources Legislation Amendment (General) Bill 2012. I do so in the context of the action the Liberal-Nationals coalition government is taking to secure Victoria's future prosperity. A key part of that is first and foremost about having a growing economy. Having a growing economy is important because it advances the future of our state and provides Victorians with employment along with the financial and social capital benefits of employment and dividends for our community. As I said, a key part of this government's approach is to grow the prosperity of our state. In that context I very much welcome this bill as I reflect upon the importance of mining and agriculture in our state.

Indeed mining and agriculture have coexisted in Victoria since the 1800s. That is an impressive feat, although I acknowledge that it is not always an easy feat. There are always challenges in any government policy that involves economic development. They are challenges whether it is in planning or in balancing agriculture and resource development. But this government is striking the right balance and ensuring that we continue to grow our economy through mineral extraction and other elements — value in the ground — and contributing that to the Victorian economy.

In 2010–11 the earth resources sector contributed \$7.3 billion to gross state product, and that is a

significant figure in the context of the importance of economic growth — that is, employment, social dividend and capital dividend. The coalition went to the 2010 election with a policy that recognised that in many ways under the Labor government the development of the minerals and resources industry had fallen behind other states, and the consequence was that we lost opportunities. If there is one thing this government is taking action on, it is ensuring opportunities in this state are greater than in other states wherever possible.

One of the first steps the government took on its election was to launch a parliamentary inquiry into the barriers to greenfields mineral exploration and project development in Victoria. One of the government's first steps was to recognise that our state had fallen behind other states in relation to mineral exploration. The Economic Development and Infrastructure Committee undertook that inquiry and reported to Parliament in May. The government is considering its response, although it has welcomed the general tenor of the report. We support a greater role for mineral extraction in our state for the reasons that I have outlined.

Although the bill contains a series of minor and technical amendments to other legislation across the energy and resources portfolio, it is about the signals it sends — that is, the intangible signals that can never be measured on their own about a government that understands the importance of a successful mineral and resource development industry in our state, and a government that, because it understands the importance of that industry and because it has a competent and effective minister, is able to implement policy which gives the mining and resources sector confidence that it can come to our state ahead of other states and invest in it, and that is very important. It is well understood in the industry that under 11 years of Labor, although to be fair not throughout the whole time, Victoria lost opportunities in mining to other states; it fell behind.

The bill will amend the Geothermal Energy Resources Act 2005 and the Greenhouse Gas Geological Sequestration Act 2008 to clarify provisions for access authorisations and drilling authorisations in order to bring those acts into line with the Petroleum Act 1998. This gives consistency and creates confidence in the industry. There is consistency in bringing the legislation into line with the Petroleum Act.

Honourable members interjecting.

Mr GIDLEY — I hear others on the other side of the house laughing about consistency, and that does not surprise me: they would not understand the importance of consistency in creating confidence in industry. If you

do not have consistency and if you do not have that opportunity to ensure that industry has confidence in government, then you will lose those opportunities, as we saw under the former Labor government.

The bill will make some changes to the Mineral Resources (Sustainable Development) Act 1990. It will enable the holder of a prospecting licence to dispose of tailings with the consent of the Minister for Energy and Resources. It provides that a licensee must report a reportable event arising out of exploration and mining operations to the chief inspector and clarifies that holders of prospecting licences must pay royalties. As I indicated previously, it also makes changes to the Petroleum Act 1998, which is important in terms of sending a signal to industry that we are determined to ensure that while we cannot right all the wrongs of Labor in the past and the missed opportunities in the industry, we will do everything we can to provide industry with confidence and certainty to invest here rather than investing in other states. We believe that is very important.

In addition to the bill, the government has acted in other areas. For example, the government is getting on with supporting industry with a market assessment of interest in opening up more of the Latrobe Valley's brown coal for development. An announcement regarding any coal allocation will be made in the second half of the year. The government has indicated that it has a responsibility to future generations to develop that resource sustainably and sensibly. We are not going to have the same missed opportunities as we had under the previous government.

The government has announced the establishment of an earth resources ministerial advisory council to ensure that the views of the mining and agricultural sectors, as well as community representatives, can be addressed to promote cooperation in this area. I acknowledge that those views are sometimes challenging to manage, but we will ensure that those sectors have community representation and can cooperate for the benefit of our state.

The Victorian and commonwealth governments recently announced joint funding of a \$90 million advanced lignite development program, which will target projects that can demonstrate the potential to upgrade the value of coal and show a plausible pathway to the commercial market. This is a significant signal to industry that this government is doing all it can to promote a sustainable, sensitive and sensible mineral exploration industry. To be fair, the commonwealth government has come on board in aspects of this and the Victorian and commonwealth governments are

currently providing \$100 million to fully test the commercial and technical feasibility of CarbonNet, which is a carbon capture and storage network. The Department of Primary Industries is working on a number of other areas to reduce red tape. There is also supported investment in geoscience, with \$625 000 allocated in the last budget.

The government is getting on with the job of taking fast and firm action to improve the mineral resources and exploration sector and sending the signals to industry that it can be confident that it will see sustainable, clear and consistent government in this area. With the technical amendments and the other programs that I outlined we are putting aside the lost opportunities of the past under Labor. We are working to secure Victoria's future.

Honourable members interjecting.

Mr GIDLEY — The laughing that we hear and the misunderstanding of the importance of certainty by the opposition does not surprise me. It is probably just another reason why after 11 sorry, long years it was kicked out of office by the people of Victoria. I commend the bill to the house.

Mr FOLEY (Albert Park) — It is a great pleasure to rise to contribute to the Resources Legislation Amendment (General) Bill 2012, particularly given the contribution of the member for Mount Waverley, who has faithfully — —

Mr Brooks interjected.

Mr FOLEY — The member for Waverley or the member for Syndal or the member for Lawrence Road — —

The ACTING SPEAKER (Mr Morris) — Order! The member should return to the bill.

Mr FOLEY — Thank you, Acting Speaker. The member for Waverley needs to understand — —

The ACTING SPEAKER (Mr Morris) — Order!

Mr FOLEY — Mount Waverley, my error, although I understand the Speaker may have a different view to the Acting Speaker on the matter, but that is a matter for — —

The ACTING SPEAKER (Mr Morris) — Order! The standing orders are quite clear about the manner in which members should address their colleagues in the house, so the member should abide by the standing orders.

Mr FOLEY — I appreciate your guidance on this very important issue, Acting Speaker, and I look forward to its consistent application in all forms of the activities of this Parliament.

The ACTING SPEAKER (Mr Morris) — Order! You will get it from me.

Mr FOLEY — With respect to the member's contribution, he needs to learn the lesson that the mindless regurgitation of the notes given to a member by the minister's office is not a parliamentary debate contribution. He needs to understand that delivering up drivel that bears little relationship to what industry deals with day in and day out in this mineral exploration and earth resources sector does not constitute a valuable contribution to public policy in this state. It is not possible, however, to tell the member for Mount Waverley much at all as to how to go about his business. That is an issue for him and for the Victorian parliamentary Liberal Party with its ever decreasing standards.

On one level this is a routine bill that says much about the government's position on the relationship between resources and energy policy, as we increasingly see the blurring of relevant boundaries. We live increasingly in a world where both as a nation and a state we seek to secure sustainable energy resources for our own community and to determine how this state can make a contribution to energy, mineral and earth resources security around the world, and particularly to that of our trading partners, which rightly seek that same energy security as the basis for improving their people's standards of living. While this bill deals predominantly with the resources sector, it contributes to the regulatory framework which is seeing the energy sector and the resources sector come closer together in a number of strategic areas. While, as I say, this bill seeks to contribute to that regulatory framework for the earth resources and minerals sector in a seemingly routine way, it is in fact set against that broader change in public policy position in both Victoria and Australia.

In many ways it is sad that against that broader picture the activities this bill reflects do little credit to the minister who has brought the bill before us. The bill deals with a number of acts: the Geothermal Energy Resources Act 2005, the Greenhouse Gas Geological Sequestration Act 2008, the Mineral Resources (Sustainable Development) Act 1990, the Petroleum Act 1998, the Pipelines Act 2005, the Offshore Petroleum and Greenhouse Gas Storage Act 2010 and in that respect is very much an omnibus bill, but I want to focus my brief comments on the areas of the bill that apply particularly to the geothermal aspect of Victoria's

relationship with resources, regulation and energy security.

The public policy framework of this bill as it contributes to geothermal issues is important because this is a space that quite rightly should be seen as one of a number of alternative energy sources in our increasingly carbon constrained future. It is an important area that should continue to grow into the future, given the unconscionable and premature strangulation of other parts of the energy sector, such as wind, which this government has sought to bring to a premature end. Wind is of course not the subject of this bill, whereas geothermal is.

I will focus on one of the most important contributions in that geothermal area. A leading company based in Victoria, Greenerth Energy Ltd, looks at geothermal exploration investment in renewable energy and energy efficiency technologies. It is a significant player that is struggling to make its way in the regulatory framework that Victoria offers, a regulatory framework made more difficult for it in recent times by the activities of this government, which, despite what the member for Mount Waverley has indicated to the house, result in greater complexity. This is the result of the layers of difficulty this government is putting in the way of the sector. If the member would choose to go a few kilometres beyond the railway lines and stop hassling people he might run into in those areas, he would understand that this is a significant issue that relates to how Victoria is to place itself in an energy secure future.

In November 2011 Greenerth Energy secured a rollover, initially allocated in 2009, from the energy technology innovation strategy program established by the former Bracks and Brumby governments, whereby the company re-executed a \$25 million funding agreement for its flagship conventional energy project, more prominently known as the Geelong geothermal power project. That project is well under way in terms of its research and development, particularly in the Geelong-Anglesea region. With its different technologies that company does not need to have its life made more difficult by bills like this one, and legislation should contribute to a substantially easier regulatory framework. That company has resecured, as I said, that \$25 million protection for its activities as a result of the current minister rolling over the decisions of his predecessor, the former Minister for Energy and Resources, Peter Batchelor.

It is important to note that that money will fund two further stages of the Greenerth Energy project. There is a \$5 million contribution to establishing the proof of

the resource. Subject to establishing the hot rocks technology and the related materials for what are quite substantial drilling projects, the project will move on to its second stage, involving a \$20 million contribution, in which 12 megawatts of energy from a demonstration geothermal plant will be linked to the energy grid of Victoria and indeed south-eastern Australia. In May the Geelong project moved closer to success, with the proposed site being selected at the Moriac quarry site.

The question this bill raises, which the minister must deal with, is how he will ensure that the regulatory framework the bill contributes to in this important area makes for a successful contribution from that project, one where that \$25 million contribution by the Victorian government will result in the outcomes the company is obviously committed to — in other words, how he will ensure that the arrangements are in place to enable this significant Victorian company to be able to deliver. Will the minister ensure that this company and its very real, demonstrated potential to contribute to Victoria's clean and secure energy future after substantial hard work and support from both sides of this chamber over a number of years achieves success? Will it be nurtured through to a successful outcome?

These are important questions for the minister to deal with in regard to this regulatory framework, because, despite what some members opposite might think, oddly enough the issue has not been addressed by members of The Nationals in their contributions. There are tensions to be played out in how this comes together. There are issues about how earth resources and competing land use claims are properly dealt with. Perhaps they are not best dealt with by yet another level of bureaucracy being forced on the industry. Perhaps they are not best dealt with by picking winners and favouring the largest multinational companies in the world at the expense of Victorian companies. Perhaps that is not the way that this issue should be dealt with, and these are questions we would ask the honourable minister to consider.

Mr BULL (Gippsland East) — It is with great pleasure that I rise to speak in support of the Resources Legislation Amendment (General) Bill 2012. As we have heard from other speakers on this side of the chamber, this government is committed to maintaining an efficient regulatory framework for the earth resources sector and increasing activity in the minerals industry for the benefit of all Victorians right across the board.

The earth resources sector is one that is very important economically to my region of Gippsland. We presently have a number of mining and resource projects, both in

operation and on the drawing board, which will be very beneficial to not only our region's economy but also the wider Victorian economy. They include mineral sands mining prospects at Glenaladale just west of Bairnsdale. We also have mining operations north of Orbost and up north of Omeo in the Benambra district. Then of course we have the extensive gas fields that run along Bass Strait, pretty much following the expanse of Ninety Mile Beach.

These projects are key economic drivers in our region. They provide a great opportunity for expansion and more employment and are of enormous benefit to our region. It is important that we have an up-to-date regulatory framework in place to support these operations. This bill makes a number of necessary amendments to legislation in this area and ensures consistency right across our resources legislation.

The bill amends 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. That requirement applies to any occurrences in the wider area as well as those within the mine itself. Reportable events as prescribed by the regulations include slope collapse, leakage of potentially harmful substances and unexpected or abnormal events that may have significant impacts on either public safety or the environment. It is obviously common sense to bring these sorts of events in under the scope of the legislation.

The bill also amends that act to enable the holders of prospecting licences to dispose of tailings with the consent of the Minister for Energy and Resources, and it clarifies that the licence-holders must pay royalties for that opportunity. The prospecting licence which was introduced in early 2012 replaced what was the small — 5 hectares or less — mining licence, which was subject to royalties. Gold, which as we know is the primary focus of the majority of prospectors, remains royalty free.

The bill amends the Petroleum Act 1998 to provide that an exploration permit may be granted over a non-continuous parcel of land and over an area of land smaller than that originally applied for. This approach is used for minerals titles and will allow some flexibility in dealing with native title obligations, which are clearly always an extremely strong consideration in any prospective mining or natural resource operation.

The legislation aligns the compensation provisions that apply to government surveys and drilling with those applying in the private sector for similar activities. This

is again a common-sense approach and a very reasonable change to propose. 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 DPI to enter private land to carry out what may be petroleum exploration, the compensation provisions set out in part 8 of the Petroleum Act 1998 will apply.

The bill also makes a number of minor and technical amendments to the Pipelines Act 2005, including clarifying that where Crown land is vested in a public authority the proponent must seek the consent of the relevant public authority before conducting a survey for a proposed pipeline. Once again this is a very common-sense approach.

The bill also amends the Offshore Petroleum and Greenhouse Gas Storage Act 2010. Greenhouse gas storage is something that has been debated in a number of areas, including Gippsland, in recent times. The bill will increase the maximum number of penalty units that can be prescribed by the regulations to align with the penalties in the commonwealth Offshore Petroleum and Greenhouse Gas Storage Act 2006. Bringing us into line with the federal requirements is certainly a sensible approach. 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.

Finally, this bill amends 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 and also allows for a deviation on top of a permit area, a lease area or licence area if that area is held by the registered licence-holder. This will obviously increase options.

The amendment is necessary to deal with these technological advances in drilling, such as directional drilling which enables drilling from onshore to an adjacent offshore area and is important where it is necessary to provide the shortest drilling path to that 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. The amendment will encourage viable development and growth of the petroleum recovery sector in Victoria.

Before I finish I would like to take up some comments made by the member for Melton, who expressed grave concerns over exploration licences for the potential

development of brown coal mining in the Bacchus Marsh area. Interestingly his comments do not align with some of the comments made by his colleagues in the past, including those of former Premier Steve Bracks, who in 2005 said that he was pleased to announce that there was \$85 million to look for more greenhouse gas-friendly brown coal and that breakthroughs in this area would be enormously beneficial to our power generation.

In 2006 the member for Melton said construction had begun on a commercial plant at the Maddingley Brown Coal mine in Bacchus Marsh and that it would be ready to produce Coldry pellets early in 2007. The member claimed that Environmental Clean Technologies Limited aimed to process and export 20 million tonnes of brown coal pellets per annum by 2020 and harvest more than 20 million kilolitres of distilled water. These comments were welcomed at the time.

A former Minister for Energy Industries and Resources, Theo Theophanous, said at the time that a reduction in the coal protection zone around the Maddingley Brown Coal resource would allow for the development of Bacchus Marsh while preserving the use of the coal reserves into the future. It seems that the development of brown coal operations was welcomed at that time by the member for Melton, who I see has left the chamber, and many of his colleagues. Indeed we had comments from the likes of federal MP Greg Combet and Victoria upper house Labor member Candy Broad, a member for Northern Victoria Region, that were conducive and very welcoming to brown coal exploration and resources.

Given the time, I think I have made that point, and I commend the bill to the house.

Sitting suspended 1.02 p.m. until 2.03 p.m.

Business interrupted pursuant to standing orders.

DISTINGUISHED VISITORS

The SPEAKER — Order! Before calling for questions I would like to acknowledge in the gallery today the Honourable James Keuth Chuol, MP, from South Sudan, and his delegation. I welcome him to the Parliament of Victoria.

We also have former member of the Legislative Assembly Phil Honeywood, who was not only a member of this house but also a minister. We welcome him.

QUESTIONS WITHOUT NOTICE

Member for Frankston: conduct

Mr ANDREWS (Leader of the Opposition) — My question is to the Premier, and I ask: was it appropriate for the member for Frankston to use or allow the use of his taxpayer-funded vehicle to travel to locations across Australia, including Sale, Lakes Entrance, Phillip Island, Traralgon, Yarrawonga, Stawell, Warrenheip, Warrnambool, Mornington, Pakenham and Rosebud, as well as Elizabeth Vale and Adelaide in South Australia and Albury and Wagga Wagga in New South Wales, for his own personal profit and commercial purposes?

Mr BAILLIEU (Premier) — I thank the Leader of the Opposition for his question. The day this issue was first raised by the media I had it referred to the Speaker, as is appropriate. That was the right step. As you, Speaker, would be aware, and as I understand it, on receipt of certain disclosures you in turn referred the matter to the Ombudsman. That was the correct decision too. Today the Ombudsman has tabled his report on this matter, and I am sure that report is in the hands of members.

The Ombudsman has made two recommendations, and I can advise that the government accepts both of those recommendations. One of those recommendations is to ensure that the Department of Parliamentary Services reviews the motor vehicle plan that is available to members of Parliament. The second recommendation is that this matter be referred to the Privileges Committee. That is what we accept as a government, and that is what should happen. We have sought to make that happen already. Unfortunately, the opposition prevented the government from referring this matter — —

Honourable members interjecting.

Mr Merlino — On a point of order, Speaker, the Premier is not being relevant to the question. The question was about whether it was appropriate for the member for Frankston to travel around the state and interstate for commercial purposes. Government members have spent the day trying to hide from — —

The SPEAKER — Order! As to the member's point in regard to relevance, the answer was relevant to the question that was asked.

Mr BAILLIEU — I make the point again: today we have sought to do exactly what the independent Ombudsman has asked us to do.

Mr Andrews — On a point of order, Speaker, the question, which was allowed by you, related to whether the Premier deemed it appropriate for the member for Frankston to travel to that long list of locations. The Premier is not being relevant to the substance of the question. He ought to answer the question instead of trying to convince Victorians that the only inappropriate act was the opposition denying leave. The member for Frankston's conduct is what he is accountable for, and he ought to answer — —

The SPEAKER — Order! The Deputy Premier, on the point of order.

Mr Ryan — On the point of order, Speaker, the Premier's question is entirely appropriate to the question he has been asked. The answer that he is giving is entirely in accordance with the standing orders. What has been sought is that the matters to which the honourable member's question referred be considered by the Privileges Committee, as is appropriate. That was the intention of the recommendation of the Ombudsman, and the only reason that is not happening is because the Labor opposition — —

Honourable members interjecting.

The SPEAKER — Order! The Deputy Premier will be seated.

Ms Hennessy — On the point of order, Speaker, the Premier was asked whether or not he considers that those commercial visitations were appropriate. He can choose to try to hide behind process, but in fact the Premier is the minister responsible for the code of conduct that the Ombudsman — —

Honourable members interjecting.

The SPEAKER — Order! The house will come to order. The answer was relevant to the question asked.

Ms Hennessy interjected.

The SPEAKER — Order! If the member for Altona keeps that up, she will be out of the house.

Mr BAILLIEU — All members of this Parliament have obligations. They have obligations to act within the law, and they have obligations to act within the requirements of the Parliament — all members. The matter that has been raised by the Leader of the Opposition has been referred by the Speaker to the Ombudsman. The Ombudsman has reported to the Parliament, and he has made the recommendation that this matter be referred to the Privileges Committee.

That is where these decisions should be made. He has also recommended that a report be made to the Parliament.

Honourable members interjecting.

Questions interrupted.

SUSPENSION OF MEMBER

Member for Mill Park

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

Honourable member for Mill Park withdrew from chamber.

QUESTIONS WITHOUT NOTICE

Member for Frankston: conduct

Questions resumed.

Mr BAILLIEU (Premier) — I say again: the government accepts the recommendation of the independent party here — that is, the Ombudsman. The Ombudsman has concluded that the use of the motor vehicle was inconsistent with the plan. He has recommended that this matter now go to the Privileges Committee for consideration and report to the Parliament. That is what should happen. Each and every member of this Parliament has an obligation to act within the law, and above that members have obligations to act within the requirements of Parliament. Every member of this Parliament also has an obligation to observe the requirements and recommendations of the Ombudsman. That is exactly what we will be doing.

Port of Melbourne: redevelopment

Mr WAKELING (Ferntree Gully) — My question is to the Premier. Can the Premier outline any recent figures that show the volume of trade through the port of Melbourne and how the port will handle future growth?

Mr BAILLIEU (Premier) — The Port of Melbourne Corporation 2011–12 annual report was tabled earlier today. It sets a very solid foundation for the \$1.5 billion port capacity project. This project is essential to the future of the Victorian economy and the port, which is the biggest and busiest port in Australia.

The Port of Melbourne Corporation reported increases across all cargo types in 2011–12, leading to a record

overall throughput of more than \$85 million revenue tonnes. That included total trade going up by more than 9 per cent, total container throughput going up by 7.8 per cent to more than 2.5 million 20-foot equivalent units, full container exports going up by 9.8 per cent, and full container imports going up by over 7 per cent. There were 56 cruise ship visits.

The amount of trade services is a solid foundation for the port as we embark on this exciting period of growth with the port capacity project. That will see increased container capacity at the existing Swanson Dock terminals, the construction of new, state-of-the-art container and automotive terminals at Webb Dock, and a new on-site pre-delivery inspection hub at the port for all export and import motor vehicles. The Port of Melbourne Corporation facilitates the movements of more than \$80 million worth of cargo and generates employment for more than 15 000 Victorians. It is at the gateway of the Victorian economy. It is a vital project.

I was delighted to be there with the Minister for Ports to officially invite expressions of interest from operators for the new Webb Dock container terminal, the new automotive terminal and the pre-delivery inspection (PDI) hub. This expression of interest process is the first stage in a competitive bidding process for each of the three components of the Webb Dock terminal: the container terminal, the automotive terminal and the PDI hub.

We are very confident. We know these announcements have been warmly welcomed by the industry. We know how important they are to the future of the port. They raise the prospect of generating 3000 jobs and will secure the port's reputation as Australia's leading container port. They will provide a third container terminal and the new automotive terminal. The project will cement Victoria's reputation as the freight and logistics capital of Australia. That is as it should be. It is a generational project; it is the biggest land-side expansion of the port since the early 1970s.

The expansion project will ensure that the port continues to be the key economic asset that it is for this state for many decades to come. We have got on with this project. The industry is waiting to do this as soon as possible. We look forward to this project proceeding as soon as possible.

Members: vehicle plan

Mr ANDREWS (Leader of the Opposition) — My question is to the Premier. I refer the Premier to the members of Parliament vehicle plan, and I ask: was it

appropriate for a member of Parliament to use their taxpayer-funded vehicle for private commercial purposes, yes or no?

Dr Napthine — On a point of order, Speaker, I put it to you that the question as asked is seeking an opinion. I ask you to ask the Leader of the Opposition to rephrase the question.

Mr Andrews — On the point of order, Speaker, the previous question I asked, which you allowed, sought from the Premier — —

Dr Napthine interjected.

Mr Andrews — The Speaker was wrong? Is that what you are saying?

Dr Napthine interjected.

Mr Andrews — That is what you just said. He should not have allowed it; that is what you just said.

On the point of order raised by the minister, Speaker, the question you duly allowed sought from the Premier whether he deemed certain conduct to be appropriate. You, Speaker, allowed that question. This question is no different. I simply ask you to be consistent, uphold the question and rule out of order the point of order raised by the minister.

The SPEAKER — Order! I uphold the question.

Mr BAILLIEU (Premier) — I thank the Leader of the Opposition for his question. In regard to this matter, the Ombudsman concluded that the use of the vehicle was inconsistent with the motor vehicle plan to which Leader of the Opposition referred. The Ombudsman also concluded that the plan was unclear, poorly based and should be reviewed.

Mr Andrews interjected.

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

Honourable members interjecting.

The SPEAKER — Order! I do not wish to continue to have to get to my feet to ask for silence in the house.

Mr BAILLIEU — As I said, the Ombudsman also concluded that the plan was unclear, that it was poorly based and that it should be reviewed. He made two recommendations, which the government accepts. One is to have that plan reviewed by the Department of Parliamentary Services — —

Mr Andrews — On a point of order, Speaker, the question asked: is it appropriate for a member of Parliament to use their vehicle for private commercial purposes? That is what the Premier should address in his answer. I then indicated that a yes or no answer would be just fine by the opposition and by the people of Victoria. It is a simple question, and there should be a simple answer.

Mr Ryan — On the point of order, Speaker, the Premier's answer is entirely appropriate to the question that he has been asked. In addition to that, were this matter referred, as the Ombudsman has already recommended and the government has accepted will happen, these matters would be fully investigated and there would be an even more fulsome answer to the question which the Leader of the Opposition has put. Unless there is agreement from the opposition that that course be followed it will be another two weeks before this can be investigated. The government wants the examination undertaken to provide the answer which the Leader of the Opposition has put.

Mr Merlino — On the point of order, Speaker, this is a very simple question that requires just a yes or no answer. The Premier is the minister responsible for the code of conduct. Is it appropriate or is it not — —

The SPEAKER — Order! What is the member for Monbulk's point of order? I do not know how many times I have to say to the house that the raising of points of order is not an opportunity for members to repeat the question. I will not allow it to happen. Members will be cut off. I do not uphold the point of order.

Mr BAILLIEU — I say again that each and every member of this Parliament has an obligation to act within the law and to observe the requirements of the Parliament. In addition to that, each and every member of this Parliament has an obligation to observe due process in this matter. The Ombudsman has made a recommendation that this matter go to the Privileges Committee, and I will meet my obligations — —

Ms Hennessy — On a point of order, Speaker, the Premier is debating the question. The question went to whether or not the Premier believes, as the leader of this state and the minister responsible for the code of conduct, it is lawful, appropriate and acceptable to misuse one's car — —

The SPEAKER — Order! I have warned members. I will be cutting points of order off. I do not uphold the point of order.

Mr BAILLIEU — As I was saying, I will observe the obligations across the board, including respecting the process in this matter. The Ombudsman has made it clear in his recommendations how this matter should now be dealt with. We will observe that. We have sought to observe that this morning, and we have only been prevented by the Labor opposition. I am reminded — —

Mr Merlino — On a point of order, Speaker, the Premier is debating the question. The only thing the Premier needs reminding of is the member — —

The SPEAKER — Order! The member for Monbulk has been turned off. I suggest he sit down.

Dr Napthine — On the point of order, Speaker, it is disappointing that all we are getting from the opposition is bullyboy tactics.

The SPEAKER — Order! The Minister for Ports will resume his seat. I do not uphold the point of order.

Mr BAILLIEU — As I was saying, we have this morning sought to implement the Ombudsman's recommendations. The only reason that did not happen was that the opposition did not give leave.

Mr Trezise interjected.

Questions interrupted.

SUSPENSION OF MEMBER

Member for Geelong

The SPEAKER — Order! Under standing order 124, I ask the member for Geelong to leave the chamber for half an hour.

Honourable member for Geelong withdrew from chamber.

QUESTIONS WITHOUT NOTICE

Members: vehicle plan

Questions resumed.

Mr BAILLIEU (Premier) — I am reminded of the attitude of some people to these processes. There is only one time recorded in Westminster history anywhere in the world where a prima facie case of misleading the house that was to be sent to the Privileges Committee was knocked back by a government. Guess who that was! It was the then Labor government.

Ms Hennessy — On a point of order, Speaker, the Premier is clearly debating the question. He has simply been asked whether or not using a parliamentary provided car —

The SPEAKER — Order! I ask the Premier to conclude his answer.

Mr BAILLIEU — I have made it very clear that it is the obligation of every member of Parliament to observe the law and to observe the requirements of the Parliament. The Ombudsman has addressed these issues, and he has made recommendations. Those recommendations are clear, and we want to get on with it.

Regional Growth Fund: benefits

Mr WELLER (Rodney) — My question is to the Deputy Premier, who is also the Minister for Regional and Rural Development. Can the minister advise the house how the coalition government's regional and rural investment strategy is equitably benefiting all regions of Victoria to drive economic and jobs growth?

Mr RYAN (Minister for Regional and Rural Development) — I thank the member for his very pertinent question. As the house knows, the coalition government has a strong regional and rural investment strategy. It is intended to build better infrastructure and facilities for all the regions and to drive economic growth and create more jobs right across the regional cities and through the regional areas.

As the house also knows, the centrepiece of this fine policy is the \$1 billion Regional Growth Fund. The governance arrangements for the growth fund have been designed to ensure that all regions across the state share in the benefits brought about by this policy. Twenty per cent of the Regional Growth Fund has been allocated to the local government infrastructure program. Under this program \$100 million has been distributed to the 48 regional councils according to an agreed formula that ensures that all 10 of the regional cities, which are so ably represented ministerially by the Minister for Regional Cities, and the other 38 regional municipalities have a share of that \$100 million. The regional cities appreciate that they, by their very dimension, will enjoy the benefits of much of that funding.

The remaining 80 per cent of the Regional Growth Fund has been allocated to key projects in communities throughout the state, including: \$5.2 million for the upgrade of the Mildura Airport in the Loddon Mallee region; \$3 million for the Sandhurst theatre

development in Bendigo; \$15 million for the Geelong library and heritage centre in the Barwon-south western region; in the Grampians region, \$1.1 million for the Beaufort economic growth project and \$1.7 million for the Yaaapeet line grain development project, an initiative I know all members of the house are delighted to see proceed; in the Hume region, \$2.2 million to Bruck Textiles for a wastewater treatment plant and \$1.6 million for the Wodonga fatigue management and trailer interchange; and in Gippsland, \$2 million for the Great Southern rail trail extension project and \$460 000 for the Flavorite water efficiency project at Warragul.

In allocating these moneys the government is actively seeking good projects throughout the regions right across the state to generate jobs and to drive economic growth. In this context it was disappointing to see that there has been comment from the member for Ballarat West claiming that Ballarat is missing out on funding under the Regional Growth Fund. Ballarat is one of the great cities of our state that is sharing in the allocation of money from the fund. I can tell the house that since we came to government and this great policy was given effect to, some \$4.2 million from the Regional Growth Fund has been allocated to the great city of Ballarat, including the \$835 000 that was announced by the Premier at the recent parliamentary sitting in Ballarat. This is apart from the approximately \$38 million that has gone towards the Ballarat West Employment Zone project from funding outside the Regional Growth Fund.

This nonsense about political considerations having an influence on this is just that — it is nonsense. We have a formula whereby these moneys are equitably distributed throughout the state. I can tell the house that on not one single occasion has a recommendation that has been brought to me on behalf of the citizens of Ballarat for approval under the fund been refuted — not once. If the member wants to concern herself with inequitable allocations of funds, she should look at the money that Ballarat has not received under the federal government's regional funding arrangements. Ballarat has not received a single cracker of that money.

Members: vehicle plan

Mr ANDREWS (Leader of the Opposition) — My question is to the Premier. I again refer the Premier to the members of Parliament vehicle plan, and I ask: was it appropriate for a member of Parliament to use their taxpayer-funded petrol card for private vehicles? It is a simple question: yes or no?

Mr BAILLIEU (Premier) — As I have said already, the obligation of every single member of this

Parliament is to comply with the requirements of the Parliament.

Schools: Koori pathways review

Mr BLACKWOOD (Narracan) — My question is to the Minister for Education. Can the minister inform the house of the outcomes of the review into Koori pathways schools?

Mr DIXON (Minister for Education) — I thank the member for Narracan for his question and for his interest in Koori education. As part of the Premier's commitment to closing the gap, I am determined to get better outcomes for the Koori students in our government schools — in fact all our schools — but that has to be based on practical outcomes, real improvement and programs that actually work.

Last year the Auditor-General recommended that there be an independent review of the Koori pathways schools. That review has been carried out, and four Koori pathways schools have been reviewed. The review found that none of those schools was meeting the educational outcomes or the educational vision that were expected of those schools. The review found:

The disproportionate level of resourcing allocated to the —
Koori pathways schools —

... is not sustainable. Compared with other alternative settings and engagement programs the KPS do not provide value for money.

The review also states:

The process was flawed from the beginning.

I know that those who have been involved in these schools had the very best of intentions when setting them up, and I know there was and still is some community support for the schools. But the fact is that 17 per cent of our Koori education money was being spent on 0.7 per cent of Koori students in Victoria, and that is just not sustainable.

Today I announced that of the four Koori pathways schools, one has already been de-staffed and the other three will close at the end of this year. The staff of those schools, the local communities and a special task force in each of those communities will be working towards a smooth transition for all those students affected to alternative education provision next year. The member for Swan Hill, who is the Minister for Agriculture and Food Security, the member for Mildura and the member for Morwell have been working very closely with their local communities, and especially with those

schools, to ensure that the transition of those students into a better alternative pathway actually occurs. That work is starting next week; in fact some schools are already doing some work in their communities with the local members I mentioned. The most important aspect of this issue is the students and ensuring a smooth pathway into an alternative and better education fit for them all.

All the funding that was allocated to the Koori pathways schools will remain within Koori education programs. That money will go towards the transition to better alternative pathways, towards programs that we know work and into upskilling the Koori workforce. Two programs that really do work are the Clontarf Foundation football academy and the Wannik Dance Academies. They are fantastic programs that really work.

We are seeing some improvement in closing the gap. Last year the retention rate for students in years 7 to 10 had risen to 95 per cent, which is excellent. Last year we had the highest number of Koori students ever enrolled in year 12, and the retention rate from year 10 to year 12 has doubled. A record number — 38 per cent — of Indigenous students who went into year 12 have enrolled in university. I think they are good outcomes.

Recently I launched the new Koorie Academy of Excellence. I am most impressed with the young people I met with down at Marlo last week. Their families and communities are so supportive of them; they have high expectations and are expecting excellence of them. As a government we are developing a complete, overall educational strategy — about young people, about youth and about adults — and a seamless education program to achieve the best educational outcomes for members of the Koori community. We are about programs that work; the Koori pathways schools did not work. We are about programs that work because we consider those children to be so important.

Member for Frankston: conduct

Mr ANDREWS (Leader of the Opposition) — My question is again to the Premier, and I ask: is it not a fact that the most appropriate people to investigate the rotting by the member for Frankston are and have always been Victoria Police, not a committee dominated by the member for Frankston's Liberal Party and Nationals colleagues?

Honourable members interjecting.

The SPEAKER — Order! The house will come to order. The member for Macedon went out yesterday, and she will go out again today if she keeps that up.

Mr BAILLIEU (Premier) — I think what we have seen today is that the opposition — —

Honourable members interjecting.

The SPEAKER — Order! The Premier has been speaking for 2 seconds, and with the interjections across the room I cannot even hear what he is saying.

Ms Kairouz interjected.

Questions interrupted.

SUSPENSION OF MEMBER

Member for Kororoit

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

Honourable member for Kororoit withdrew from chamber.

QUESTIONS WITHOUT NOTICE

Member for Frankston: conduct

Questions resumed.

The SPEAKER — Order! I want to hear the answer, and I expect other members would like to hear the answer, so I am asking for some quiet.

Mr BAILLIEU — What is apparent from the questions today asked by the Leader of the Opposition is that the opposition does not respect the Ombudsman and nor does it respect the Ombudsman's processes.

This matter was referred in the first instance to you, Speaker, as it should have been, and you quite rightly on the receipt of certain disclosures, as I understand it, referred the matter to the Ombudsman. The Ombudsman has considered these matters for nearly five months, and the Ombudsman has drawn his conclusions and made his recommendations. We seek to respect his recommendations, and we seek to get on with it. The opposition does not want to get on with it. It has never respected this process.

Mr Merlino — On a point of order, Speaker, the Premier is not being relevant to the question. The substance of the question was in regard to Victoria Police. They will be able to get on with the job if there

is a whitewash, which will be the outcome if it is up to his Liberal and Nationals mates.

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

Mr Merlino — My point of order, Speaker, is relevance. The Premier is also debating the question.

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

Mr BAILLIEU — We seek to respect due process in this matter. We seek to respect the Ombudsman's recommendations. We sought this morning to do that.

Mr Merlino — On a point of order, Speaker, the Premier is debating the question. He was asked why Victoria Police are not investigating this matter. Due process is not a white — —

The SPEAKER — Order! The Premier was starting to debate the issue. I ask him to conclude his answer.

Mr BAILLIEU — I have made it very clear: the approach that has been taken is absolutely correct, and the Ombudsman in his recommendations confirmed that. He did not draw any other conclusions. He recommended, as is appropriate, that this matter go to the Privileges Committee, and we want to get on with that. The opposition has sought to block that. It did that this morning. We will try again after question time has finished and opposition members can again decide whether they want to block this matter from going to the Privileges Committee. They have not respected this process from the start; we will — that is what our obligation is. That is what the obligation of all members of Parliament should be.

Mr Andrews — On a point of order, Speaker, the Premier is clearly debating the issue by running a commentary on the opposition and this process. The Premier ought to answer the question in accordance with standing orders. We know he is failing the test of leadership, but he ought to — —

The SPEAKER — Order! I have some concern that members do not seem to want to listen to what I say. What I am saying is that I asked the Premier not to debate the issue. I am now asking the Premier to conclude his answer.

Mr BAILLIEU — The question that was asked of me was about the appropriate process, and this is the appropriate process, and the Ombudsman concludes exactly that way.

Community sector: wages

Ms McLEISH (Seymour) — My question is to the Minister for Community Services. Can the minister update the house on progress on implementing the Fair Work Australia decision to provide pay increases for community sector workers?

Ms WOOLDRIDGE (Minister for Community Services) — I thank the honourable member for Seymour for her question and for her longstanding interest in women and working women in her electorate. All members will be familiar with the social and community sector (SACS) pay equity decision that was made by Fair Work Australia to award community sector workers significant pay increases — increases of between 23 per cent and 45 per cent over the next decade. This commences on 1 December, which is just a few weeks away.

The commonwealth government, along with the Australian Services Union, put a position to Fair Work Australia which Fair Work Australia subsequently accepted. Community sector organisations paying SACS workers generate funding in a number of different ways. They raise their own funds, they receive direct funding from the commonwealth and state governments, and commonwealth funding is provided to the state and we then pass it on the community organisations.

The coalition government supports pay equity and has been actively involved in this process. The Baillieu government has already committed \$200 million, which, as we said in the budget, will be used over the coming years to fully fund our share of the wage increase for the services we fund directly.

Last Wednesday, many months after the decision was made by Fair Work Australia and just eight weeks before the scheme commences, the commonwealth made an offer to Victoria regarding funding through national partnerships and specific-purpose payments. I am sorry to report to the house that that offer is woefully inadequate. Our estimation is that the commonwealth contribution could be up to \$170 million over four years, which would be provided to the state to then provide to the community sector organisations. The Gillard federal Labor government has offered just \$50 million over that four-year period.

Contrary to statements from the commonwealth minister for community services in this morning's edition of the *Australian*, we told the commonwealth last Friday that its offer is clearly inadequate. There is about \$100 million missing from the commonwealth's

offer, and this is money that goes to pay people, predominantly women, who provide services for Victorians with a disability, Victorians who are homeless and members of other vulnerable groups.

Mr Foley interjected.

Questions interrupted.

SUSPENSION OF MEMBER

Member for Albert Park

The SPEAKER — Order! I ask the member for Albert Park to leave the chamber for half an hour.

Mr Foley — Under standing order?

The SPEAKER — Standing order 124. The member will go out — and he will not question me.

Honourable member for Albert Park withdrew from chamber.

QUESTIONS WITHOUT NOTICE

Community sector: wages

Questions resumed.

Ms WOOLDRIDGE (Minister for Community Services) — If the Gillard Labor government does not pay its fair share, community sector organisations will be forced to consider cutting staff and services. The commonwealth seems to be making a habit of promising the world and then seriously underdelivering to the Australian people. It is only seven weeks until we need to give these pay rises to the community sector workforce, and the commonwealth government is still \$100 million short.

The Prime Minister promised that the commonwealth would fund its fair share of the pay equity decision, and as a state government the coalition government will clearly be working very hard to make sure that the Prime Minister and the commonwealth government uphold that decision and pay their fair share for community sector workers, predominantly women.

Member for Frankston: conduct

Mr ANDREWS (Leader of the Opposition) — My question is to the Premier. In light of the extraordinary findings by the Ombudsman today, can the Premier confirm if the member for Frankston remains a member of the parliamentary Liberal Party, and will the Premier

continue to accept the member for Frankston's vote? If so, why?

Mr BAILLIEU (Premier) — My answer is yes, but I think we are all aware that the Ombudsman has tabled a report today. Should members of the opposition after question time allow us to refer this matter to the Privileges Committee, then we can get on with addressing those recommendations. However, should they again block the matter going to the Privileges Committee perhaps we should not be surprised because quite clearly the Leader of the Opposition does not wish to respect the Ombudsman's recommendations or the process in this house. We will —

Ms Hennessy — On a point of order, Speaker, the Premier is clearly debating the question. He was essentially asked whether or not he still has confidence in the member for Frankston. It is interesting that he refuses to answer that, and I ask that you direct him back to directly answering the question.

The SPEAKER — Order! It is not up to me to ask the Premier to directly answer a question in any particular way, and I have explained that to the house before. I do not uphold the point of order.

Mr BAILLIEU — It is again quite clear that opposition members are not listening. I explicitly answered the question. It is clear also that members of the opposition do not want to respect the process and do not want to respect the Ombudsman's recommendations. We will seek again after question time to refer this matter to the Privileges Committee, as the Ombudsman has suggested, and opposition members can demonstrate to the people of Victoria whether they are going to respect that process or not. So far they have not; that is their history. I am not surprised in any way. We are going to do the right thing.

Productivity: government initiatives

Mr SOUTHWICK (Caulfield) — My question is to the Treasurer. Could the Treasurer update the house on the government's progress on productivity in this state, and is he aware of any other productivity policy alternatives?

Mr WELLS (Treasurer) — I thank the member for Caulfield for his important question. 'Productivity' is a word that state Labor members hate and despise. Over the 11 years when they were in government —

The SPEAKER — Order! Would the Treasurer please answer the question.

Mr WELLS — In the 11 years of the previous Labor government it was below the national average when it came to productivity. The Baillieu government is strongly committed to productivity. Let us look at what is being achieved. There is the wages policy of 2.5 per cent plus productivity offsets. Look at the hard work that the Premier and the Minister for Police and Emergency Services did in coming to a deal with the hardworking and dedicated police force, which resulted in an increase in pay, an increase in productivity and a more efficient police force. There was also the hard work in respect of the hardworking, dedicated nurses, leading to more productivity and a pay increase. It is the same with the public service.

But there is more. The Labor government strangled small business with red tape; it made an industry out of it. We came to government promising a cut of 25 per cent in red tape. Can I say that to date the progress we have made in cutting red tape has been significant, and we will be making public announcements over the coming months. But there is even more on top of that. When it came to major projects the Labor government was incompetent at managing those large projects. We put the high-value, high-risk unit into the Treasury to put more rigour around the major projects we are coming up with. What have been the results?

The employment figures came out today, and of the 14 500 jobs created in the entire country, 9100 of them were created right here in Victoria — 62 per cent were created here in Victoria. How embarrassing for one particular member of Parliament who started tweeting and said that Victoria had lost 15 000 jobs. He read the wrong page. The member for Tarneit ought to hang his head in shame; it is embarrassing.

Let me say that if you were an organisation faced with economic challenges — with the high Australian dollar, with a drop in GST receipts or a drop in stamp duty or failing worldwide confidence — you would start to address that with a detailed plan. You would work through that detailed economic plan. There is one group in Victoria that has put together what it thinks is a detailed plan to address the economic challenges for Victoria. Can members believe it has taken almost two years to put it together, and what has it they come up with? Another public holiday! What that shows is that we have a lazy, incompetent opposition.

Mr Nardella — On a point of order, Speaker, you have already asked the Treasurer to answer his question on government business. I ask you to bring him back to government business in accordance with your ruling.

The SPEAKER — Order! I uphold the point of order, and I ask the Treasurer to come back to answering the question.

Mr WELLS — Let me tell the house that the cost of an extra public holiday is \$94 million in additional penalty rates over four years, but the cost to the economy is between \$500 million and \$700 million per year. State Labor members should hang their heads in shame.

RESOURCES LEGISLATION AMENDMENT (GENERAL) BILL 2012

Second reading

Debate resumed.

Mr PANDAZOPOULOS (Dandenong) — It is great to have a full house. I am told people enjoy my speeches, so it is good to actually see that. It is a pleasure to speak on the Resources Legislation Amendment (General) Bill 2012, a very important machinery-of-government bill.

We all realise Victoria has a range of resources and more potential to use those resources even though it is not a big state like Western Australia and Queensland. However, it is very important that on an ongoing basis we try to harness and capture opportunities available to our own economy through the use of our available natural resources. As a longstanding member of the Environment and Natural Resources Committee — in opposition, during the last term of Parliament, and in this term — I have had the opportunity to build up some knowledge in this area. Even during the Kennett years there were inquiries into extractive industries in which the committee was involved. During the last term of government we also held inquiries into available renewable energy resources and made a number of recommendations to government on how we could continue to improve and capture those opportunities.

This bill comes from the Department of Sustainability and Environment itself. It highlights, as departments do every now and then, a range of important legislative changes that need to be made to clarify certain areas of administration and regulation by government and to further capture opportunities available in areas, particularly when there may be some vagueness about the interpretation of particular parts of acts of Parliament and when industry has asked for issues to be clarified or for barriers to be removed.

For example, one area of resource use is covered by the amendments in the bill relating to Victoria's potential as a user of geothermal energy. The previous Parliament's Environment and Natural Resources Committee made a number of important recommendations around, for example, the mapping of geothermal resources for the state in order to guide investment by potential investors in these sorts of renewable opportunities that are available to us. Victoria has a number of geothermal resources, but because we have been very coal dependent — coal has been very attractive to us as a cheaper form of fuel — we have not done a lot of the work in the area of using renewable energy.

As the amendments in this bill highlight, more work in the area of geothermal energy will assist us, firstly, by identifying where potential economic resources are available in the state. Whilst we know there are some natural resources in various areas, they may not exist in commercially viable quantities or be accessible enough to be delivered to market. The amendments in this bill concerning geothermal energy are very important. Personally I would like to see more work done in that area.

There are forms of renewable resources available to the state as part of its natural resources, including solar energy and wind energy. The Environment and Natural Resources Committee had a look at those resources and made a number of recommendations. The interesting thing about the natural resource sector is that many countries in the world are taking up the opportunity to be leaders in using the new range of natural resources, particularly those which are sustainable.

I hope the amendments in this bill will strengthen our arm in these areas, because unfortunately in recent times Victoria has been criticised for having dropped the ball in relation to harnessing natural resource opportunities available in the energy sector. Surely in a modern economy a leading state in a leading country would want to be seen globally as going down this road and removing any barriers to accessing natural resources. To be seen as having a plan and a strategy for those areas will be very important. In relation to wind energy, a wind mapping project is being undertaken. Some members have mentioned the solar energy industry in previous contributions to the debate on this bill. People have realised that Victoria has natural resource potential in the solar energy area, so solar mapping is required to guide that investment.

Concerns have been raised by many people in the natural resource area about the ability of the renewable energy industry to access and harness some of the

opportunities available due to changes that are taking place in the department at the moment. We need a well-resourced department not only to provide the legislative mechanism to ensure that the economic opportunities are being harnessed around accessing natural resources but also because they impact upon the environment. We need to find a balance between protecting the environment and accessing natural resources for economic benefit to the state. That expertise is needed in the department to be able to guide public policy that might then deliver on that investment for the state so that those untapped opportunities can be exploited for public benefit.

As a member of this house for a number of years and as a former cabinet minister, I know that members of the former government saw expanding opportunities in the resources sector. One area that is doing well is mineral sands mining in the western part of the state. Some local members in that area have highlighted the opportunities available in the area and in mining other heavy and precious metals that are available in the state. At the end of the day our state is built from a major natural resource: gold. Our heritage was founded on goldmining; the wealth and culture of this state is based upon it.

Due to population growth and land settlement it can be very hard to access resources in some parts of the state, sometimes because they are near residential communities or because they affect other things of value, such as our national park system or areas of high environmental value. Sometimes other economically valuable assets and industries compete with the resources sector. As a compact state it can be a difficult issue for us to acknowledge how to harness economically available opportunities in the resources sector. We have all heard some of the debates about coal seam gas that are being conducted in many electorates. The issue is generating a lot of interest in many communities. Certainly land-holders and mining companies see opportunities that might be available to them, but if we are to be successful in these areas, as other jurisdictions have been around the world, it would mean taking the public with you in supporting some of these new areas of resource use.

That is most likely why governments end up going not only to where there are valuable economic benefits in the expansion of and tapping into the resource sector but also into areas where there is more popular support. I think there is considerable popular support for governments harnessing the renewable energy area of the resource sector, more so than we have had in the past.

Part of the challenge the government will continue to have is to convince not only the public but sometimes also itself that there are real economic opportunities available in this area. We have a huge amount of knowledge and wealth in our state, in both the public and private sectors, about the resource opportunities that are available to our state. I think at times and for a number of reasons government acts as a barrier to accessing this resource potential. At the moment some sectors are seeing government as a barrier, certainly in the renewable energy area but also in relation to the reorganisation of the department and the agencies that help guide the public policy areas of this industry and provide feedback and confidence to the industry as investors in this very important resource for our state.

As a state we earn megamillions of dollars from the resources sector, and I think that goes unvalued at times by the public. I hope these amendments help strengthen this industry.

Debate adjourned on motion of Mr McINTOSH (Minister for Corrections).

Debate adjourned until later this day.

PRIVILEGES COMMITTEE

Reference

Ms ASHER (Minister for Innovation, Services and Small Business) — I desire to move, by leave:

That, in relation to the report of the Ombudsman, *Investigation into Allegations against Mr Geoff Shaw MP — Whistleblowers Protection Act 2001*, this house refers recommendation 2 to the Privileges Committee for investigation and report.

The SPEAKER — Order! Is leave granted?

Honourable members interjecting.

Mr O'Brien — On a point of order, Speaker, when the Minister for Innovation, Services and Small Business raised this matter earlier today the refusal to grant leave was based on the fact that the opposition wanted to have this matter dealt with in question time. That has now been done, and there is now no excuse for failing to give leave other than to frustrate the Ombudsman's recommendations and frustrate the proper processes.

Ms Thomson — On a point of order, Speaker, my understanding of the standing orders is that when leave is not granted the discussion is ended. There are no points of order. That is the procedure of the house, and there should be no points of order taken on the matter.

The SPEAKER — Order! Leave has been denied.

Leave refused.

Mr Ryan — On a further point of order, Speaker, on the question of relevance, the issue here is that a report has been tabled today, and we are anxious to proceed — —

The SPEAKER — Order! I say to the Deputy Premier that it is not a matter of relevance; it is a matter that the issue has now been put to bed with leave being denied.

RESOURCES LEGISLATION AMENDMENT (GENERAL) BILL 2012

Second reading

Debate resumed from earlier this day; motion of Mr O'BRIEN (Minister for Energy and Resources).

Mr WAKELING (Ferntree Gully) — It gives me pleasure to rise to contribute to the debate on the Resources Legislation Amendment (General) Bill 2012. This important legislation will make a series of minor and technical amendments to various pieces of legislation within the energy and resources portfolio. The amendments are necessary for the proper functioning of the law. Mining and exploration has a strong future in Victoria and in particular the potential to bring jobs and investment growth to our regions. The coalition government is committed to the responsible development of a sustainable mining and extractive industry that successfully coexists with local communities and existing industries.

In my electorate of Ferntree Gully we have a significant extractive industry operated by Boral and Hanson in Lysterfield. It is significant not only to the extractive industries but also to the Victorian economy. I am very pleased to see that it is this side of politics that supports our extractive industries. We are working hard with our extractive industries to ensure that they can continue to flourish. That was demonstrated with the Extractive Industries (Lysterfield) Amendment Bill 2011, which went through the house last year. In relation to that legislation the government worked with industry, the local community and the relevant council authorities to identify solutions to vary the operation of that important quarry to ensure its ongoing operation.

The Boral quarry in Lysterfield commenced operation in 1923, and Boral assumed ownership of the site in 1966. Boral operates four businesses at the site: its main quarrying business, a transport depot, a concrete plant and an asphalt spray crew depot. Currently the quarry

produces around 1.2 million tonnes a year and employs 26 full-time, casual and contract staff. It is Boral's second largest quarry within metropolitan Melbourne.

More importantly, because of its location so close to the Melbourne fringe it has produced a significant amount of road base for many of the major road projects built throughout Melbourne. That is demonstrated by the already opened EastLink and, more importantly, Peninsula Link, which we dealt with in the house this week.

There was a requirement for the construction of a second pit at the Lysterfield site. Fortunately, because of the amendment that went through the house the proposal for the second site was abandoned and an authority was afforded to Boral to allow it to remain in its existing quarry site without the requirement for the construction of a second quarry south of the current site and much closer to residential properties in Lysterfield. It has certainly been a significant outcome for my community. The previous arrangement would have seen the construction of two potentially very deep lakes. We have seen the construction of a lake at the former CSR quarry site in Ferntree Gully that is completely unusable by the community and is in fact a safety issue.

Under the changes one lake was allowed as well as the establishment of flat land that could be used for passive recreation or, more importantly, for the construction of a future sporting facility, which would be a potential boon for that local community. Also, from an environmental perspective, there was going to be preservation of up to 10 hectares of native vegetation. This is significant, given the site's close proximity to Lysterfield Park. Clearly that was going to be a significant outcome for our community from an environmental perspective and from an economic perspective, ensuring that there was going to be the opportunity for improved recreation outcomes into the future.

I am informed that the changes that went through will ensure that 60 million tonnes can be extracted from the site over the next 40 years. During 2009–10, 46 million tonnes, made up of 29 million tonnes of hard rock and 17 million tonnes of soft rock, were extracted across Victoria's extractive industries. That equated to \$653 million worth of value across the state. By way of comparison, this is on par with the value of coalmining in Victoria. Clearly this is an industry that we as a government have been working hard to protect. We want to ensure that we see a thriving extractive industry well into the future.

The bill will make amendments to the Geothermal Energy Resources Act 2005. I am very pleased to see the member for Gembrook in the house, because he too is a key supporter of these changes. He too understands the significance of the Lysterfield amendment, because the area concerned is adjacent to his electorate. He knows that people from his electorate and his community will also benefit from the changes. I am, as I say, very pleased to see that he is here in support of this very important change. We see those opposite, however, as clearly not very supportive of the changes. That probably speaks volumes about the way we as a government have been willing to stand up for the industry in this state and are willing to put in the hard yards and do the heavy lifting to ensure we have an extractive industry that is going to sustain us well into the future.

The Mineral Resources (Sustainable Development) Act 1990 amendments will enable the holder of a prospecting licence to dispose of tailings with the consent of the Minister for Energy and Resources and provide that a licensee must report a reportable event arising out of exploration and mining operations to the chief inspector.

This bill represents another significant and important change this government is driving, a change on which we have been the leader, a change in relation to which those opposite had the opportunity to make to stand up for the Victorian extractives community but were unwilling to do so. It has taken this side of politics to stand up for this important sector. In the time left I want to highlight for the house the outcomes for Boral as one of the major employers in the extractive industries in my community; it clearly has benefited. I wish this bill a speedy passage through the house.

Mr SCOTT (Preston) — I rise to speak on the Resources Legislation Amendment (General) Bill 2012. I note the previous speaker was discussing the position of the opposition. I understand the position of the opposition is not to oppose the bill, so I was a little perplexed by the commentary coming forth. This bill amends the Geothermal Energy Resources Act 2005, the Mineral Resources (Sustainable Development) Act 1990, the Greenhouse Gas Geological Sequestration Act 2008, the Petroleum Act 1998, the Offshore Petroleum and Greenhouse Gas Storage Act 2010 and the Pipelines Act 2005.

If I were to touch upon a couple of matters — and I do not intend to make a long contribution to this debate — they could include issues relating to advances being made in drilling technology, particularly directional drilling, as members may be aware. Significant

technical advances have been made in the resource extraction industries, particularly relating to drilling in oil and gas wells. There are capacities to expand activities such as directional drilling, which I think is sometimes referred to as horizontal drilling, offering an ability to extract resources at a much greater rate than has previously been possible and to extract resources whose extraction was previously not economically viable. This has had the effect of increasing the capacity to extract mineral resources, particularly oil and gas, from geological deposits, which have previously been more limited in terms of the volume and material which could be extracted economically. It is therefore appropriate to examine regulations. I understand this is a fairly technical bill. There was a similar bill, I understand, about a year ago. This bill addresses a series of amendments relating to these sorts of matters. It is not a particularly spectacular bill. From our perspective in the opposition there does not seem to be a broader plan or great thought being given to how to deal with these sorts of issues; however, there are technical amendments which we are not opposing.

I would also note, of course, that the Greenhouse Gas Geological Sequestration Act 2008 and the Geothermal Energy Resources Act 2005 are obviously pieces of legislation that had their genesis in the previous government. Greenhouse gas geological sequestration has been and continues to be of great interest to the community because it offers the opportunity to reduce effective carbon dioxide emissions through the sequestration of greenhouse gas emissions, particularly carbon dioxide, into geologically stable aquifers and rock formations to ensure that those gases do not leak back into the atmosphere.

That matter has been the subject of ongoing technical work in Victoria and elsewhere, and there is particular interest in whether that technology can be advanced as part of the solution to issues related to greenhouse gas emissions. Technical amendments relating to special drilling authorisations that ensure consistency between the Geothermal Energy Resources Act, the Petroleum Act and the Greenhouse Gas Geological Sequestration Act are, therefore, not something which the opposition opposes.

I will keep my comments on the bill brief. As I said, the opposition has some concerns about the government's energy policies overall. Resources legislation, when it is of a technical nature like this, is obviously not particularly contentious, but we are concerned that there does not seem to be much of a plan from this government in terms of resource policy. We are concerned that there are missed opportunities. As I said, though, we are not opposing the bill.

I would hope, as I am sure most members here do, that we ensure that there is a balance between resource exploitation and environmental concerns. I note that the Speaker has left the house. I could make some comments on horizontal drilling, or directional drilling, and there are issues relating to fracking, or hydraulic fracturing. I believe the Speaker has some very firm and forthright views about tight gas formations in Gippsland, but he only speaks with the views of the house in this place, and I will refrain from discussing those matters further. I conclude my contribution.

Debate adjourned on motion of Mr HODGETT (Kilsyth).

Debate adjourned until later this day.

**CLASSIFICATION (PUBLICATIONS,
FILMS AND COMPUTER GAMES)
(ENFORCEMENT) AMENDMENT 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 Classification (Publications, Films and Computer Games) (Enforcement) Amendment Bill 2012.

In my opinion, the Classification (Publications, Films and Computer Games) (Enforcement) Amendment Bill 2012, as introduced to the Legislative Assembly, is compatible with the human rights as set out in the charter act. I base my opinion on the reasons outlined in this statement.

Overview of bill

The bill makes a number of amendments to the Classification (Publications, Films and Computer Games) (Enforcement) Act 1995 to implement the decision of participating ministers in the national classification scheme to introduce a new R 18+ classification for computer games in Australia. The bill is intended to complement the Classification (Publications, Films and Computer Games) Act 1995 (cth) by restricting the sale, delivery, demonstration and advertisement of R 18+ computer games to persons aged 18 years and over.

The bill also inserts an exemption for law enforcement agencies and authorised persons from certain offences prohibiting the online transmission of objectionable material and child pornography. This exemption will allow law enforcement agencies or authorised persons to securely transmit child pornography for law enforcement purposes, such as including that material in national law enforcement and intelligence sharing databases.

Human rights issues

Charter act rights that are relevant to the bill

Freedom of expression (section 15)

Section 15(2) of the charter act provides that every person has the right to freedom of expression which includes the freedom to seek, receive and impart information and ideas of all kinds. Section 15(3) permits lawful restrictions of the right reasonably necessary to respect the rights and reputations of other persons and for the protection of national security, public order, public health or public morality. In addition, section 7(2) permits other reasonable limits on the right which can be justified in a free and democratic society.

Freedom of expression is relevant to part 2 of the bill, which provides a range of restrictions on the sale, demonstration and advertisement of R 18+ computer games seeking to ensure that such games are not accessible to children.

The Supreme Court has recently held in *Magee v. Delaney* [2012] VSC 407, that not all exercises of freedom of expression are covered by section 15(2). Before any question arises as to whether the right in section 15(2) is permissibly limited under section 15(3) or section 7(2), it must be determined whether the particular expression of ideas and information is covered by section 15(2). The scope of section 15(2) is limited by public policy considerations inherent in the nature of a free and democratic society based on the rule of law. On this basis, section 15(2) does not cover expression in the form of damage to a third party's property or the threat of such damage, nor expression in the form of violence including sexual violence against persons, or the threat of such violence.

It is possible that some content in some computer games, if extolling acts and threats of serious violence and property destruction, may be forms of expression which are not covered by section 15(2) following the reasoning in *Magee v. Delaney*. In addition it is possible that obscene content is not protected by section 15(2) — it is not protected by the free speech right in the First Amendment to the US Constitution. The UN Human Rights Committee in General Comment 28 on the ICCPR has also stated that certain pornographic material portraying violence and degrading treatment of women must be restricted, notwithstanding the free expression right in article 19 of the ICCPR. Most of these types of content will not be permitted in R 18+ computer games under the new Guidelines for the Classification of Computer Games and it is possible that such content is not covered by section 15(2) of the charter act for the reasons given.

But even if such content is permitted in R 18+ games and is covered by section 15(2), the provisions in part 2 of the bill which ensure that R 18+ computer games are not accessible to children are permissible limitations under section 15(3) of the charter act, which provides that the right in section 15(2) is subject to lawful restrictions reasonably necessary for the protection of the rights of others, national security, public order, public health or public morality.

Without appropriate restrictions, children are likely to be exposed to adult material which contains seriously violent and sexually explicit material which is unsuitable and may cause distress and/or have other harmful consequences. For these reasons, the creation of a new adult-only classification for

computer games and the consequent restriction on access to such games by children, even if this is a limitation on the right in section 15(2), is a limitation permitted by section 15(3), being reasonably necessary for the protection of the rights of others and the protection of public morality and public order. The same reasoning has long justified restricted access to R 18+ films.

Equality before the law

The proposal to limit access to R 18+ computer games to adults has the effect of treating minors differently on account of their age. This may constitute a limitation on section 8(3) of the charter act, which provides for equal protection of the law without discrimination although, again, age-based restrictions have long been recognised as appropriate in a free and democratic society (for example, access to tobacco or alcohol, and R 18+ films) to reflect the particular vulnerability of children. It is possible that such age-based restrictions for the protection of children may not amount to limitations of the right in section 8 of the charter act because they are not an unfavourable or disadvantageous treatment of children and hence do not constitute discrimination. But to the extent they do limit the right in section 8, the restrictions in the bill are demonstrably justifiable limitations on that right.

The restriction of adult-oriented computer games to persons aged 18 years and over is one of the primary purposes of this bill. The restrictions are designed to prevent potential harm and distress to children that may arise from viewing or playing computer games that are unsuitable for them. Such restrictions already operate within the NCS scheme in the context of adult films and publications.

Presumption of innocence (section 25(1))

The right to be presumed innocent is a longstanding right that is recognised in the charter act. However, there may be circumstances where the presumption may be limited. This is particularly so in respect of public welfare regulatory offences and where a defence is enacted for the purpose of allowing an accused to avoid criminal liability in circumstances where reasonable steps have been taken towards compliance in what could otherwise be an absolute liability offence.

Clause 8 of the bill establishes the offence of sale or delivery of an R 18+ computer game (or unclassified computer game likely to be classified R 18+) to a minor, unless the person is the parent or guardian of the minor. The penalty for this offence is 60 penalty units, or up to six months imprisonment. As is commonly the case in the context of regulatory provisions, the offence is framed to operate as a strict liability offence. Actual knowledge that the person is a minor is not an element of the offence. However, clause 8(2) establishes a defence to a prosecution and enables a person to escape liability for sale or delivery to a minor if they can prove:

the minor showed the person acceptable proof of age prior to sale or delivery and the accused believed on reasonable grounds that the minor was an adult; or

in the case of delivery, the minor was an employee of the accused and the delivery took place in the course of the employment.

This provision mirrors the offence (and defence) in relation to sale and delivery of R 18+ films.

The effect of placing a legal burden on the accused to establish a defence, and thereby their innocence, is a limit on the right to be presumed innocent. However, I consider that in this case the limit is reasonable and justifiable for the purposes of section 7(2) of the charter act, having regard to the following factors.

The purpose of imposing the burden of proof on the accused to establish his or her defence is to ensure protection of children through (a) encouraging individuals and retailers to take steps to ensure that they do not supply R 18+ materials to minors, and (b) enabling the offence to be effectively prosecuted. Proper enforcement of the classification scheme protects the broader public interest, and is in accordance with the rights of children under section 17 of the charter act to such protection as is in their best interests. One of the guiding principles contained in the national classification code is that 'minors should be protected from material likely to harm or disturb them'. This is particularly the case in the context of interactive computer games, the impacts of which have been a source of concern for parents, guardians and the community more broadly.

Requiring a person who supplied an R 18+ computer game to a child to prove that he or she either was shown proof of age and had a reasonable belief that the minor was an adult or that the supply took place in the course of employment, acts as an incentive for individuals to exercise care and diligence in ensuring compliance with the regulatory scheme. It encourages individuals to err on the side of caution and to take reasonable steps (such as obtaining proof of age) to ascertain that it is legal to supply a person with the R 18+ material. In particular, the reverse legal onus acts to encourage retailers to take appropriate steps to ensure that R 18+ material is restricted to adults. Given the large amount of content regulated under the NCS, the efficacy of the scheme is reliant on the cooperation of distributors and retailers to ensure that classification restrictions determined by the independent classification board are appropriately enforced. The strict approach taken to departures from the legislative obligations reinforces the importance of compliance with the scheme.

Further, the limitation on the right to be presumed innocent imposed by clause 8 is required to ensure that the offence of selling R 18+ computer games to minors is not frustrated due to difficulties the prosecution may face in establishing beyond reasonable doubt that the circumstances giving rise to a defence did not exist. The evidence to establish or to disprove the defence (for example, as it relates to the reasonable belief that the minor was an adult, or the particular employment context in which the minor was provided with the material) will often be uniquely within the defendant's knowledge and not available to the prosecution.

The onus on the accused to prove the defence is not unduly burdensome. An accused will have personal knowledge of the circumstances that give rise to the relevant defence, such as whether proof of age was provided, whether the accused had reasonable grounds to believe the minor was an adult, and whether the material was provided in the context of employment. The accused will therefore be able to give evidence of the matters giving rise to the defence, and the courts are an appropriate forum to test the veracity of such evidence led by an accused.

Finally, I note that there are no reasonably available alternative means by which the objectives of the offence

provision could be achieved. Imposing an 'evidentiary' burden on the accused (as opposed to a legal burden), which would merely require the accused to point to evidence that may suggest the existence of a defence, would mean the burden would be too easily discharged by the accused. In such circumstances, there would be insufficient incentive for individuals to take appropriate steps to ensure that they can demonstrate compliance with the requirements of the bill.

For the above reasons, I consider that the limitation on the right to be presumed innocent in clause 8 is demonstrably justifiable and compatible with 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.

Victoria participates in a national scheme for the classification of films, publications and computer games, administered by the Classification Board in accordance with the national classification code and relevant classification guidelines.

Under the current national scheme, computer games can receive a maximum classification of MA 15+ (unsuitable for persons under 15 years of age) to be lawfully available in Australia. If a computer game contains content that exceeds what is permissible within the MA 15+ category, it is refused classification.

The issue of whether to create an additional, higher level R 18+ classification has been under consideration by commonwealth, state and territory censorship ministers for some time. The issue has required careful consideration of the appropriate balance between allowing the introduction of an R 18+ classification for computer games while continuing to provide protections against material containing excessive levels of graphic, frequent and gratuitous violence.

Increased restrictions on the content permissible in the MA 15+ category (arising from the development of new Guidelines for the Classification of Computer Games) will likely see many high-level computer games more appropriately falling within the new R 18+ classification category. These guidelines also ensure that computer games with extreme violence, abhorrent or gratuitously offensive content continue to be refused classification, so that such games remain illegal to sell and demonstrate.

The availability of an adult classification for computer games will reduce the existing industry practice of modifying high-level computer games (many of which are subject to an adult classification in overseas

jurisdictions) to conform to the content restrictions contained in the MA 15+ category in order to allow the game to be legally available in Australia. This occurs notwithstanding that the overall themes of the computer game are adult-oriented and are not suited to younger gamers.

While historically computer games were regarded as predominantly played by children, generational change has led to an increased proportion of adult gamers. The introduction of the new classification appropriately recognises this shift in the audience demographic and creates policy consistency with the availability of adult films and publications.

This bill establishes restrictions on R 18+ computer games in Victoria to complement commonwealth amending legislation, which establishes the new classification category. The provisions of this bill limit access (including sale, hire and demonstration) of R 18+ computer games to adults and establishes penalties for non-compliance. To the extent possible within the jurisdiction of the national classification scheme, the bill also restricts the advertising of R 18+ computer games to circumstances where the audience is comprised of adults. Finally, the bill updates a number of definitions and references to reflect the existence of an R 18+ classification for computer games.

The bill also facilitates Victoria's participation in important national collaborative efforts to improve the enforcement of child exploitation offences. Seizures of child exploitation material from an accused are typically voluminous and require significant resources to be used to categorise and analyse the material in order to prosecute an offender. To mitigate this enforcement agencies rely on databases such as the Child Exploitation Tracking System (CETS) and the Australian National Image Victim Library (ANVIL) to store and categorise previously seized child exploitation material.

The databases enable law enforcement agencies to upload seized material to crosscheck with material already on these databases, without the need to manually view and categorise newly seized material, which often duplicates previously seized child pornography. These initiatives greatly improve the efficiency of the law enforcement process and improve occupational health and safety outcomes by reducing the need for law enforcement officers to view and categorise large amounts of distressing and disturbing content. Without the exception created by the bill, Victorian police have been required to physically hand over seized material to their federal counterparts for

secure online transmission to avoid breaching Victorian offences.

To enable law enforcement agencies to lawfully transmit seized child pornography for the purposes of inclusion in the CETS and ANVIL databases in Victoria, the bill establishes a law enforcement exemption from certain online transmission offences contained in the Classification (Publications, Films and Computer Games) (Enforcement) Act 1995. For example, law enforcement agencies will have an exemption from sections 57, 57A and 59, which prohibit use of an online transmission service in the context of objectionable material or child pornography.

This exemption will only apply to defined agencies or persons authorised by the Chief Commissioner of Police and extends only to a person acting in the exercise of a power, duty or function authorised by law. The exemption is consistent with exemptions from child pornography offences contained in the Crimes Act 1958. This sensible reform recognises that in enforcing child pornography laws, enforcement bodies are required to handle and share material for the purposes of collaboration and intelligence gathering.

I commend the bill to the house.

Debate adjourned on motion of Mr MADDEN (Essendon).

Debate adjourned until Thursday, 25 October.

TOBACCO AMENDMENT (SMOKING AT PATROLLED BEACHES) BILL 2012

Statement of compatibility

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

In accordance with section 28 of the Charter of Human Rights and Responsibilities Act 2006 (the charter act), I make a statement of compatibility for the Tobacco Amendment (Smoking at Patrolled Beaches) Bill 2012.

In my opinion, the Tobacco Amendment (Smoking at Patrolled Beaches) Bill 2012, as introduced into the Legislative Assembly, is compatible with the human rights protected by the charter act. I base my opinion on the reasons outlined in this statement.

Overview of bill

The purpose of the bill is to prohibit smoking within 50 metres of the red and yellow flags erected by Surf Life Saving Victoria or one of its affiliated surf lifesaving clubs at patrolled beaches. It is intended that this smoking ban will further limit the exposure of children and families to

second-hand smoke, denormalise smoking, minimise the littering of cigarette butts and improve public amenity at patrolled beaches in Victoria.

Human rights issues

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

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

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

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

Conclusion

I consider the bill is compatible with the charter act because it does not raise any human rights issues.

Hon. Denis Naphine, MP
Minister for Ports

Second reading

Dr NAPTHINE (Minister for Ports) — I move:

That this bill be now read a second time.

No parent wants their child to grow up to become a smoker.

Smoking claims nearly 4000 lives in Victoria each year and it remains the leading avoidable cause of cancers, respiratory, cardiovascular and other diseases.

Half of all long-term smokers will die from a smoking-related illness.

At a cost of \$6 billion, this smoking-related illness impacts not only on Victoria's health care system, but on families, the community and the economy (through lost productivity).

Dating from the passage of the Tobacco Act 1987 there has been bipartisan support for a range of reforms to reduce smoking prevalence in Victoria enacted in step with community expectations to increase the range of smoke-free settings and to reduce smoking and exposure to environmental tobacco smoke.

Smoking is banned in all enclosed workplaces in Victoria (including restaurants) and is banned on the grounds of all Victorian government schools. Smoking is also prohibited in the covered areas of train platforms, tram stops and bus shelters, and in cars carrying children.

Almost \$8 million is allocated to tobacco control in Victoria each year through the Department of Health

and the Victorian Health Promotion Foundation (VicHealth).

This funding supports antismoking advertising, smoking cessation support programs, programs targeted toward groups with the highest level of smoking, and education and enforcement activities.

Just one in seven Victorians is a regular smoker, but more work needs to be done. Smoking rates are still too high among lower socioeconomic groups and in the Aboriginal community.

The Baillieu government will continue these important tobacco control measures by introducing new evidence-based reforms in Victoria over time.

Our goal is to protect the next generation of Victorians, our children, from the harms of smoking.

We know that children are impressionable, that seeing people smoke increases the likelihood that they will become smokers as adults.

To this end, so that today's children do not become tomorrow's smokers, we need to continue our work to denormalise smoking at a whole-of-community level, ensuring that children do not grow up to see smoking as a normal part of everyday life.

Breaking the link between smoking and everyday family activities is vital to changing social norms around smoking.

Our children must understand that smoking is both highly addictive and harmful to health.

I am proud of this initiative to make Victoria's patrolled beaches smoke-free from 1 December 2012.

Beaches are an important part of summer in Victoria, and I want everyone to experience our unique coastal landscapes at their best.

Through banning smoking on beaches we can protect Victorian families from exposure to second-hand smoke, stop children seeing people smoke and reduce environmental damage from butt littering.

Going to the beach is a healthy outdoor activity for all Victorians and there is no place for smoking. We want to ensure our children are breathing fresh air.

Smoking will be banned between the flags, and within 50 metres of the flags, on all patrolled beaches, including bayside, seaside and riverside beaches, for instance at Mildura.

Statewide smoking bans on beaches were introduced in Queensland in 2005, in Western Australia in 2010 and in Tasmania in 2012. This reform will therefore bring Victoria into line with these states.

'No smoking' signs will be erected at beaches to remind people of the ban, and a communications campaign will also inform Victorians that patrolled beaches are now smoke free.

Over time, it is expected the ban will become largely self-enforcing, but inspectors authorised under the Tobacco Act 1987 will enforce the ban initially.

Smokers who ignore the ban will face an on the spot fine of \$141, which may increase to over \$700 if the matter goes to court.

I commend the bill to the house.

Debate adjourned on motion of Mr MADDEN (Essendon).

Debate adjourned until Thursday, 25 October.

RESOURCES LEGISLATION AMENDMENT (GENERAL) BILL 2012

Second reading

Debate resumed from earlier this day; motion of Mr O'BRIEN (Minister for Energy and Resources).

Mr MORRIS (Mornington) — I am pleased to rise this afternoon to support the Resources Legislation Amendment (General) Bill 2012. As society, commercial practices and community expectations evolve so too the statutes which control various activities need to evolve. In this case the bill makes a series of minor and technical amendments to a series of acts that relate to the energy and resources portfolio.

I was interested to hear the comments of the member for Preston earlier, when he talked about the lack of a grand plan in this bill. We have both been here long enough to understand that some bills have grand plans, some are part of the evolution and improvement process and others contain technical amendments that need to be made on the way through. This bill is certainly not a grand plan. No-one has claimed that it is. It is very necessary finetuning of the legislation that controls the mining and exploration sector. It is important that we make these changes to ensure that the laws function properly.

Exploration and mining have a strong future in Victoria. Too often people say that mining is something

that happened in Victoria in the 1800s, but it certainly has its place in the 21st century. It has great potential in terms of providing jobs and investment, particularly in the regions. The government is committed to ensuring that the mining and extractive industries develop in a responsible and sustainable way, but most importantly that they coexist with our local communities and existing industries. When you think about our post-settlement industries, two of the oldest are mining and agriculture. Both have a long history of coexistence. An illustrious former Speaker of this house brings back the link to the mining industry, particularly very close to home. Rural communities have existed side by side with the mining industry for well over 160 years. I see no reason why that should not continue and why both sides of that equation should not continue to flourish together.

In regard to the particular provisions of this bill, it amends the Geothermal Energy Resources Act 2005 and the Greenhouse Gas Geological Sequestration Act 2008. That is basically about clarifying provisions for access and drilling authorisations. In particular the bill will bring those acts into line with the Petroleum Act 1998, so that we have consistency across the package of legislation and so that those who need to obtain these authorisations, enforce them or have an interest in them are able to do so and understand that the controls are consistent along the way. The bill also amends the Mineral Resources (Sustainable Development) Act 1990, which is about enabling the holder of a prospecting licence to dispose of tailings with the consent of the Minister for Energy and Resources. The bill amends the act to ensure that licensees report reportable events coming out of either mining or exploration activity to the chief inspector and to clarify that holders of prospecting licences must pay royalties. One notable exception remains, which is a historical one, and that of course is gold.

The amendments to the Petroleum Act provide that a permit may be granted over a non-continuous parcel of land. That is particularly important because you may have areas within a parcel of land that are affected by native title interests and other areas of the same parcel of land that are not affected. If the exploration is to occur around the native title area and so not invoke the necessary steps that must be taken there, it is important to have an opportunity to deal with that.

The Offshore Petroleum and Greenhouse Gas Storage Act 2010 is also amended by this bill, and that is largely about penalties. Penalties for a corporation are increased to 600 penalty units and for an individual to 120 units. The principal reason for that step being taken is to make sure that those penalties in the Offshore

Petroleum and Greenhouse Gas Storage Act are consistent with commonwealth legislation. The state has an obligation under agreements with the commonwealth to ensure that we maintain consistent legislation in this field, and that is what is being done in this case. The Offshore Petroleum and Greenhouse Gas Storage Act 2010 is also being amended to enable holders of a petroleum access authority or a greenhouse gas special authority to make a deviation. The member for Gippsland East was talking about this earlier in the debate. Essentially it is about enabling drilling from onshore to adjacent offshore areas, particularly where it is necessary to provide the shortest possible path, which could well depend on geological conditions and other factors.

The bill amends the Pipelines Act 2005 to make sure that there are consent provisions, and that those consent provisions are clarified. The bill also makes changes to the Interpretation of Legislation Act 1984 and the Resources Legislation Amendment Act 2011. As I said at the outset, the changes made by this bill are largely of a technical nature, but it is important to note that in 2010–11 the mining sector, or the earth resources sector as it is sometimes known now, contributed \$7.3 billion to the gross state product. Just to put that into perspective, the gross state product of the entire Mornington Peninsula, with all the tourism, agriculture, steel and industrial activities that occur in that large region, amounts to \$11 billion. We are talking about two-thirds of the gross state product of the Mornington Peninsula in this one sector.

The coalition has taken a series of steps to promote opportunities in the mineral and resources sector. There was a parliamentary inquiry conducted by the Economic Development and Infrastructure Committee, which was launched very early on in the term of this government. There has also been a market assessment of interest in opening up access to the fantastic asset we have in the Latrobe Valley, which is brown coal. I understand an announcement is going to occur later this year in regard to any coal allocation that may be made. The government has also announced the establishment of an Earth Resources Ministerial Advisory Committee, and it is working with the commonwealth in terms of obtaining joint funding for the Advanced Lignite Demonstration program. I suspect the member for Morwell knows a lot more about that than I do, but it is an important project. The two governments are jointly providing funding of \$100 million to develop the commercial and technical feasibility of CarbonNet, which is a Victorian carbon capture and storage network. That is a particularly important initiative. We have a huge asset in the valley, and because in its current form there are difficulties in terms of carbon

release, that carbon capture and storage process is very important. All up, I think this is an excellent piece of legislation. I commend the minister on bringing it forward, and I commend the bill to the house.

Mr LANGUILLER (Derrimut) — I say from the outset that the opposition does not oppose the Resources Legislation Amendment (General) Bill 2012. The bill contains a range of miscellaneous amendments to the Geothermal Energy Resources Act 2005, the Mineral Resources (Sustainable Development) Act 1990, the Greenhouse Gas Geological Sequestration Act 2008, the Petroleum Act 1998, the Offshore Petroleum and Greenhouse Gas Storage Act 2010 and the Pipelines Act 2005.

There are a couple of important points I will touch on briefly. I note the Geothermal Energy Resources Act 2005 was introduced by the former Labor government. I will refresh the minds of members of the chamber as to an objective of that act. It states:

The objectives of this act are to encourage the exploration for geothermal energy in Victoria and to promote geothermal energy extraction for the benefit of all Victorians by —

- (a) promoting sustainable, commercial exploration for and extraction of geothermal energy resources and geothermal energy ...

This is an important objective that has been reaffirmed by the government.

I refer to section 87 of division 4, which is headed 'Other matters', of the Geothermal Energy Resources Act 2005, which says:

87 Areas of Aboriginal significance

Before carrying out any geothermal energy operation on any land, the holder of the authority under which the operation is to be carried out must take reasonable steps to ensure that the operation will not contravene the Aboriginal Heritage Act 2006.

The statement of compatibility for the Resources Legislation Amendment (General) Bill 2012 referred to this division in the Geothermal Energy Resources Act 2005 under the heading 'Section 19 — Distinct Aboriginal cultural rights'. As members will be aware, section 19(2) of the Charter of Human Rights and Responsibilities protects the distinct cultural rights of Aboriginal persons, in particular the right to maintain their distinctive spiritual, material and economic relationship with the land, waters and other resources with which they have a connection under traditional laws and customs. I am delighted that these important rights of our Indigenous peoples are being upheld and reaffirmed.

Another important matter I wish to refer to in passing is that the bill contains a suite of technical amendments that brings many acts that deal with resources and how they are treated in relation to exploration and extraction into line. The bill ensures that the same conditions apply across all resources. We do not oppose the bill, but we believe there was a good opportunity for the government to come into the chamber with very progressive, proactive action plans which would revitalise the industry and continue to encourage investment. We do not think that that opportunity has been taken.

Because this matter has been discussed, I refer to the failure to value wind farms. I encourage members, particularly those who have wind farms in their electorate, to refer to the findings of the inquiry into the social and economic impact of rural wind farms conducted by the Senate Community Affairs References Committee. I do this because I believe that was an opportunity for the government to have dealt with this issue in a constructive way. The government would have dealt with the issue of the 2-kilometre buffer zone in relation to the planning and construction of wind farms, because the buffers are impractical and unworkable.

I quote from the report of the committee. There are other bodies involved besides the Sustainable Energy Association of Australia, but the association reportedly said:

... a buffer zone should be entirely dependent on the actual physical characteristics of the wind farm, such as the number and size of turbines, its siting and location, and the acoustic factors in the area — these are used by the wind industry to determine what the zone should be. A blanket buffer zone does not face the realities of what is actually there. So we perfectly accept that there is a noise place and a noise amenity issue, but we do not believe a blanket zone is best practice either here in Australia or globally.

With these succinct remarks, I commend the legislation to the house.

Ms RYALL (Mitcham) — It is a pleasure to rise and speak on the Resources Legislation Amendment (General) Bill 2012. This bill makes a series of technical and minor amendments to various acts but they are, nonetheless, important and necessary to ensure that the law in relation to resources functions properly. Victorian mining and exploration have strong futures. There is the potential for them to provide significant jobs and investment growth. I welcome the statement of the member for Derrimut, who just spoke, and he said he looks forward to further development and investment.

My husband's family comes from a long line of coalminers. My father-in-law, who is in his mid-90s, was an under-manager in a coalmine. He still talks of his very fond memories of the area and work in the coalmine industry. My husband's first job was in a coalmine, and his brother still works in a coalmine. There is a strong family history of coalmining and some very fond memories. The mining industry has built some great relationships with local communities. The community and mining share mutual resources, have mutual recognition and can mutually live in an environment. In 2010–11 the earth resources sector contributed \$7.3 billion to our gross state product; it is a very significant revenue contributor to the value of our gross state product.

This bill amends the Geothermal Energy Resources Act 2005, the Greenhouse Gas Geological Sequestration Act 2008, the Mineral Resources (Sustainable Development) Act 1990, the Petroleum Act 1998, the Offshore Petroleum and Greenhouse Gas Storage Act 2010 and the Pipelines Act 2005.

The government is getting on with supporting a growing mining and resources sector. As I mentioned, it is important for our community to be able to live side by side with areas where there is mining, resources exploration and so forth. My husband's family has for many years lived very close to miners and has coexisted very well with both the miners and the industry itself in New South Wales. In terms of assessing market potential, we are looking to open up more brown coal development in the Latrobe Valley. The government also announced the establishment of an earth resources ministerial advisory council to ensure that the views of the mining and agricultural sectors, which often coexist side by side, are represented alongside the community.

The Victorian and commonwealth governments are jointly providing \$100 million to fully test the commercial and technical feasibility of CarbonNet, a Victorian carbon capture and storage network. I commend the minister on the good work he is doing in this area because, as I have mentioned, it has provided income for many years to my husband's family, including his parents and other family members. The ability to provide jobs in this sector and to enhance our economy for the overall wellbeing of people is vitally important. I also welcome the possibility of being able to pan for gold. As a young person I found it exciting and a great opportunity that I was able to do a bit of my own exploration. This is an outdoors activity that is healthy and good for wellbeing; it is exciting, and it is great for children. With those few points I welcome this legislation. I commend the bill to the house, and I commend the minister for his work on this bill.

Mr MADDEN (Essendon) — I wish to make a very concise contribution to debate on this bill. There is one issue that I suspect I may raise over several bills that the Minister For Energy and Resources brings to the Parliament during this term. The issue concerns the portfolio itself, and it manifests itself somewhat in this bill. Historically the ministerial responsibilities for energy and resources have coexisted in the same portfolio, but I believe that is problematic. This began when the state relied on coal resources for energy, but in recent decades changes have taken place in the way that energy can be produced. Energy no longer relies on traditional resources such as coal.

The risk of maintaining responsibilities in the one portfolio for both energy and resources is that you may have a skewing within the advice received from the public service and in the governance of how the energy that the state needs is generated. As a result, over time the minister can in a sense tick off a number of treatments at the same time. In some ways this is reinforced in some of the amendments in the bill. The minister can get a lot of energy produced by using particular resources. I do not necessarily think that augurs well for energy production in this state. We need to separate the energy portfolio from the resources portfolio and thereby determine resources on the basis of need rather than on the basis of arrangements that are entered into by either resource companies or energy companies. There are some inherent conflicts in the portfolios.

I note that one of the issues the Scrutiny of Acts and Regulations Committee (SARC) mentions in its report is that within the exploration arrangements an environment effects statement can be ticked off but that beyond that a planning permit is not required. I have an issue with that because the structures that go with mining may change over time. An environment effects statement might say 'Good luck to you, this is not going to have an enormous impact'. However, you may end up with some ugly structures that have not had to go through a planning process, and these may have more of an impact in the future. More broadly, over time there is a need to separate those portfolio issues. It would be similar to having the ministerial responsibility for energy placed in the same portfolio as the ministerial responsibility for manufacturing. In that case you may well get that portfolio arrangement around energy skewed towards wind farms. I am not saying that is a good or a bad thing, but both areas of the portfolio contain vested interests to benchmark certain achievements. With that I will conclude my very concise contribution. Hopefully in time we may see a separation of those portfolio responsibilities in the state's governance arrangements.

Mr NORTHE (Morwell) — It gives me great pleasure to rise to speak in the debate on the Resources Legislation Amendment (General) Bill 2012. Other speakers have referred to the main aspects of the bill, but in general there are amendments to the Geothermal Energy Resources Act 2005 and the Greenhouse Gas Geological Sequestration Act 2008. This part of the bill seeks to clarify provisions for access and drilling authorisations. There are also amendments to the Mineral Resources Sustainable Development Act 1990. These do a number of things, including clarifying that holders of prospecting licences must pay royalties. Those provisions should have been included in the original amendments back in 2010, and these amendments seek to rectify that. There are also amendments to the Petroleum Act 1998, which provide that an exploration permit may be granted over a non-continuous parcel of land. The member for Mornington referred to those provisions, so I will not discuss them further. There are also minor and technical amendments to a number of other acts.

In the short time available to me I would like to elaborate on the importance of the resource sector to Victoria and in particular to the Morwell electorate and the wider Latrobe Valley and Gippsland region. This area is well known as a brown coal region, and it has an abundance of natural resources available for mining. I guess the challenge we have as a community and as a government is to ensure that we use that resource in an environmentally friendly manner. The state government is very supportive of programs to do this, and a lot of programs are in existence at the moment to ensure that we have technologies to use brown coal with a much better and improved environmental outcome in the future. Some members have spoken about those programs.

One of the programs that has served Victoria well is the energy technology innovation strategy (ETIS) program, to which the coalition government has doubled its contribution of \$41 million. Whilst I concede that that is not particularly for brown coal, it looks for other energy technologies that improve the environmental performance here in Victoria. Other speakers have referred to the \$100 million joint funding arrangement between the state and federal governments for the CarbonNet project, which seeks to look at the opportunities that may exist with carbon capture and storage.

Other speakers have spoken about the recently announced advanced lignite program, another joint partnership between the state and federal governments which is worth \$90 million. That is an important project which is dedicated to ensuring that we advance brown

coal technologies. At that announcement a number of prospective companies were looking closely and seriously at the opportunities that exist within that area. From the Latrobe Valley perspective, we have the Latrobe Valley Industry and Employment Roadmap, and there are opportunities within that. An amount of \$5 million has been allocated under the ETIS program as part of the roadmap, and geothermal projects have been supported financially through that program. So not just brown coal but other resources and technologies are being explored through that program.

Members have referred to the fact that when talking about resources you have to give regard to the community and the environment, and of course you should. One of the exciting opportunities that exists in the Gippsland region at the moment is the GILUP, the Gippsland Integrated Land Use Plan. That will provide opportunities for all stakeholders to have a say and provide input and submissions to the plan to ensure that there is regard for the environment, the community and the economic opportunities our region may have at its disposal in the future. The Gippsland Integrated Land Use Plan is a vital piece of information that will support our community well going forward.

There is also the recently established Earth Resources Ministerial Advisory Council, comprising a number of different stakeholders, including people in the agriculture sector, people in industry and the community. That is another important initiative the government has undertaken. With those few words, I endorse the bill before the house and wish it a speedy passage.

The SPEAKER — Order! What a wonderful time to finish; it is spot on 4 o'clock. The time set down for consideration of items on the government business program has expired, and I am required to interrupt business.

Motion agreed to.

Read second time.

Third reading

Motion agreed to.

Read third time.

**TRANSPORT LEGISLATION
AMENDMENT (MARINE DRUG AND
ALCOHOL STANDARDS
MODERNISATION AND OTHER
MATTERS) BILL 2012**

Second reading

**Debate resumed from 10 October; motion of
Dr NAPHTHINE (Minister for Ports).**

Motion agreed to.

Read second time.

Third reading

Motion agreed to.

Read third time.

**SERIOUS SEX OFFENDERS (DETENTION
AND SUPERVISION) AMENDMENT BILL
2012**

Second reading

**Debate resumed from 9 October; motion of
Mr McINTOSH (Minister for Corrections).**

Motion agreed to.

Read second time.

Third reading

Motion agreed to.

Read third time.

RETAIL LEASES AMENDMENT BILL 2012

Second reading

**Debate resumed from 10 October; motion of
Ms ASHER (Minister for Innovation, Services and
Small Business).**

Motion agreed to.

Read second time.

Third reading

Motion agreed to.

Read third time.

**WORKING WITH CHILDREN
AMENDMENT BILL 2012**

Council's amendments

**Message from Council relating to amendments
further considered.**

**Debate resumed from 9 October; motion of
Mr CLARK (Attorney-General):**

That the amendments be agreed to.

Council's amendments:

1. Clause 17, lines 4 to 33, omit all words and expressions on these lines and insert —

‘For clause 102 of Schedule 1 to the **Victorian Civil and Administrative Tribunal Act 1998**, substitute —

“**102 Review of category 2 application**

- (1) If the proceeding relates to the giving of a negative notice on a category 2 application within the meaning of the **Working with Children Act 2005**, the Tribunal must determine that it is appropriate to refuse to give an assessment notice unless satisfied that giving the assessment notice would not pose an unjustifiable risk to the safety of children having regard to any matters to which the Secretary must have regard under section 13(2) of that Act.
- (2) In satisfying itself that giving an assessment notice would not pose an unjustifiable risk to the safety of children, the Tribunal must be satisfied that —
 - (a) a reasonable person would allow his or her child to have direct contact with the applicant that was not directly supervised by another person while the applicant was engaged in any type of child-related work; and
 - (b) the applicant's engagement in any type of child-related work would not pose an unjustifiable risk to the safety of children.
- (3) Even if the Tribunal is satisfied under subclauses (1) and (2) that giving an assessment notice would not pose an unjustifiable risk to the safety of children, the Tribunal must determine that it is appropriate to refuse to give the assessment notice unless it is satisfied that it is in the public interest to give the assessment notice.”.

2. Clause 18, lines 2 to 29, omit all words and expressions on these lines and insert —

‘For clause 103 of Schedule 1 to the **Victorian Civil and Administrative Tribunal Act 1998**, substitute —

“103 Review of category 3 application

- (1) If the proceeding relates to the giving of a negative notice on a category 3 application within the meaning of the **Working with Children Act 2005**, the Tribunal must determine whether in the particular circumstances it would be appropriate to refuse to give an assessment notice, having regard to any matters to which the Secretary must have regard under section 14(3) of that Act.
- (2) The Tribunal must determine that it is appropriate to refuse to give an assessment notice unless the Tribunal is satisfied that —
 - (a) a reasonable person would allow his or her child to have direct contact with the applicant that was not directly supervised by another person while the applicant was engaged in any type of child-related work; and
 - (b) the applicant’s engagement in any type of child-related work would not pose an unjustifiable risk to the safety of children.
- (3) Even if the Tribunal does not determine under subclause (1) or (2) that it would be appropriate to refuse to give an assessment notice, the Tribunal must determine that it is appropriate to refuse to give the assessment notice unless it is satisfied that it is in the public interest to give the assessment notice.”’.

Motion agreed to.

Business interrupted pursuant to sessional orders.

ADJOURNMENT

The SPEAKER — Order! The question is:

That the house now adjourns.

Police: city of Whittlesea

Ms GREEN (Yan Yean) — I wish to raise a matter for the attention of the Minister for Police and Emergency Services. The action I am seeking is for a 24-hour police station to be established to serve the north of Whittlesea, especially Mernda and Doreen. Shortly after the Baillieu government took office the Deputy Premier and Minister for Police and Emergency Services came out and opened the fire station in the Whittlesea township. On his journey there he would

have observed that the city of Whittlesea is now one of the fastest growing municipalities in Australia. Recent decisions by the Minister for Planning will result in a quickening of that growth across the northern growth corridor, particularly between Epping, Craigieburn and Wallan.

This growth has placed a heavy burden on the resources of our fantastic local police based in Diamond Creek, Epping, Mill Park, Wallan and Whittlesea, and even as far down as Eltham. I am proud to say that when the opposition was in government it built new police stations in the area at Diamond Creek, Hurstbridge, Warrandyte and Kinglake, which had never had a police station before, but still more are needed to keep up with the growth now, as the minister would have seen. The only 24-hour stations within the municipality of Whittlesea are at Epping and Mill Park, and after-hours services are stretched extremely thin. Residents are complaining to me that response times have dropped and police resources are being diverted elsewhere.

Recently I ran a huge community consultation campaign in which 2500 families in the area kindly gave me their feedback. The third highest priority for residents in the Whittlesea township and district is community safety, with 91 per cent of residents stating that they want to see a 24-hour police presence in the north of the municipality, with complaints of hoon driving and other antisocial and criminal behaviour. In Doreen and Mernda, Australia’s fastest growing postcode, over 93 per cent of residents desire a new local police station. Anecdotally I have heard of residents being told when phoning up to report a crime or incident that the nearest available squad car is at Seymour — some 70 kilometres away. This is completely unacceptable.

Recent dire crime statistics for the city of Whittlesea should be a wake-up call for the minister. Assaults are up 17 per cent, burglaries are up 30 per cent, motor vehicle thefts are up 60 per cent — crime as a whole is up by almost 15 per cent — and there has been a huge spike in family violence. We had been on a steady downward trend with crime statistics, but not now. I congratulate the City of Whittlesea Neighbourhood Watch group, which is also campaigning for a new police station. I urge the minister to act.

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

Land tax: Hastings constituent

Mr BURGESS (Hastings) — I wish to raise a matter for the attention of the Treasurer. The action I seek is for the Treasurer to investigate the circumstances of a land tax assessment of the property of one of my constituents and consider what action is appropriate. My constituent's name is Mr George Slocombe and the property in question is at 162 Mornington-Tyabb Road in Tyabb.

Mr Slocombe has been farming the land since he purchased it after he returned from World War II in 1946. He has been self-sufficient at all times and did not even receive a pension until four years ago when he began receiving a hearing pension through the commonwealth Department of Veterans' Affairs. It has only been in the last 12 months that Mr Slocombe's family has been able to convince him to accept a gold card to help him with the health issues he faces.

Mr Slocombe has contributed to his community throughout his life, including being postmaster at Tyabb for many years — the Tyabb post office having been in the Slocombe family for over 95 years. He has been very active in the Hastings and Tyabb football and cricket clubs, been a member of the Tyabb Country Fire Authority brigade — he is now a life member — and been a councillor on the Hastings council and a member of the Tyabb Hall committee. Mr Slocombe is a very proud man who fought for his country because of his love for it. He enjoys his cattle and his land. I am very proud to be the local representative of Mr Slocombe and his very well respected family.

In August 2011 Mr Slocombe received an assessment notice from the State Revenue Office removing his primary producer exemption. My constituent does not seek or expect any special treatment; however, I ask that the Treasurer investigate the situation and consider what can be done to assist this fine and proud Australian.

Casey central east primary school: construction

Ms GRALEY (Narre Warren South) — My adjournment matter this afternoon is for the Minister for Education and concerns the construction of the new Casey central east primary school in my electorate. The action I seek is that the minister commit to providing funding for the construction of the school at the earliest opportunity.

By way of background, the construction of the new Casey central east primary school was an election promise of the Labor government at the 2010 election.

It was to cap off a solid period of delivery of new schools for our growing local community and would have been the 10th new school delivered by the Labor government in my electorate. Many in our local community were a bit nervous upon the election of the Baillieu government as the future of this new school was uncertain; however, our fears were allayed when funding for land acquisition was provided in the 2011 state budget. I understand this is exactly what the education department desired. Our fears have since been revived, with no funding provided for construction of the school in the 2012 state budget. The minister's explanation in response to a letter I wrote to him was most disappointing. In his letter to me he wrote:

Time frames around funding for capital planning and construction for the new school will be determined during future state budget processes.

Clearly construction of the new school is now uncertain; indeed it is in the never-never. The Baillieu government has shown again and again — with cuts to the Victorian certificate of applied learning, the slashing of funding to TAFE and so on — that it does not care about public education.

Casey central east primary school is desperately needed to cater for the increasing local demand. The surrounding schools are overflowing, with nearly 1000 students in each. When we were campaigning for this school last year, the president of the Australian Education Union, Mary Bluett, reminded the Baillieu government through our local paper, the *Berwick Leader*, that:

Once you go above 500 you're losing that intimate environment and quality, and that is very important for younger students.

Housing construction is under way in the new estate in which the school was to be located. In fact Stockland had a sign up saying, 'School now under construction', such was its belief that the school would be built pretty soon, as had been the case under the previous government. That sign has now changed to 'Naturally close to schools and childcare — future school planned', so obviously it is not getting good vibes from the government about when this much-needed new school will be coming to the new estate. Children cannot attend school in a paddock. There seems to be a feeling that just buying the land will allay the fears of the local parents. That is certainly not the case.

The minister needs to immediately come clean and say if and when Casey central east primary school will be built and open for the hundreds of children who are moving into the estate every day.

Ride2School program: Benambra electorate

Mr TILLEY (Benambra) — I wish to raise a matter for the attention of the Minister for Sport and Recreation, and it is good to see he has joined us in the chamber this afternoon. The action I seek is that the minister visit two particular schools in the Benambra electorate in order to observe firsthand their efforts as part of the Ride2School program. Since 2008 the Victory Lutheran College in West Wodonga has made some small but significant steps to encourage active school travel. Some initial bike parking was recently installed, and the school is now considering implementing further bike education. The school has been committed to reporting Hands Up data since 2008 and has a consistently active travel rate, averaging around 24 per cent. The school runs Ride2School days once a month.

The enclosed bike parking area at Victory Lutheran College is spacious but contains just a few bike parking rails. Five more rails would provide more parking for students. The students have not yet had bike education training and would greatly benefit from this. Currently no teachers are bike education trained, but some would like to be. The school plans to implement the training for the grade 4 class in particular.

Tragically, just on the other side of the river in Albury, New South Wales, a young boy was killed by a motor vehicle while riding his bike. All the reports that I have heard and read around the district about this have reported him as a lovable character who will be sadly missed. It was an absolute tragedy, and although this accident was exactly that — an accident — it emphasises the need for bike education. All children who ride their bikes on the road should be educated in rider safety and have a basic knowledge of road rules.

Another school in my electorate, Belvoir Special School in Wodonga, also registered with the Ride2School program in 2009, and it too has submitted Hands Up data each year. The school encourages independent travel, and there are some students who walk or ride to school. Some have even participated in the Royal Automobile Club of Victoria Great Victorian Bike Ride, which is a terrific event.

Belvoir Special School provides to the community of Wodonga and surrounding districts a specialised educational service for school students aged 5 to 18 with an intellectual disability and/or multiple disabilities. This school in particular has excellent walking and cycling shared-use paths that link with the community all the way from Wodonga to Albury. The primary welfare officer at Belvoir has identified that

around 20 families could walk to school but that they need encouragement and incentive to get them into the habit and reap the benefits. The installation of five Anaconda bike parking rails would certainly enable more students and teachers to lock their bikes and keep them secured, easing the pressure on classroom and staffroom space.

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

Berry Street: funding

Ms GARRETT (Brunswick) — I wish to raise a matter for the attention of the Minister for Community Services. The action I seek is that she consider favourably a request for additional funding from Berry Street to provide respite foster care for vulnerable children in north-western Melbourne.

This week I received a representation from a constituent of mine who is a Berry Street respite foster carer who provides temporary care to children within her own home at times when they cannot live with their parents. In her letter to me she said:

Berry Street is Victoria's largest child and family welfare organisation, helping over 20 000 Victorians over the last year. They work with children, young people and families who have the most challenging and complex needs ... Berry Street never gives up on children and young people because they believe that all children should have a good childhood, growing up feeling safe, nurtured and with hope for the future.

My constituent has advised me of Berry Street's recent unsuccessful attempts to obtain additional state government funding to respond to further demands for respite care and also to capitalise on the significant interest in the community in individuals becoming respite foster carers. As we all know, the north and west metropolitan region is an area that is experiencing significant growth in population, with corresponding difficulties in some family units. Respite care is a very important support mechanism for these families, particularly for children who are experiencing problems in the family environment.

In her letter to me my constituent also stated:

Over the past three years this region has experienced rapid growth in child protection notifications and increasing demand for family support services, out-of-home care placements and family violence responses.

My constituent has also highlighted, and I am sure we all understand, the significant benefits that respite care can provide to not only individual families but the

community as a whole. With respect to the inability to obtain additional funding, my constituent stated:

This is despite the clear evidence that there are many potential respite carers in the region. To date, they have been unsuccessful in securing additional government funding. Berry Street says that if they were able to employ one additional full-time position within their respite care program, they would be able to recruit up to an additional 30 respite carers.

This would make an extraordinary difference in assisting families at risk in my area, particularly vulnerable children. Given the increased demand for these support services, coupled with the significant interest in the community, I again respectfully ask the minister to favourably consider this request from Berry Street for additional funding.

Gunbower Harness Racing Club: funding

Mr WELLER (Rodney) — I address my adjournment matter to the Minister for Racing and ask him to consider favourably the Raceday Attraction program funding application submitted by the Gunbower Harness Racing Club in my electorate. The Gunbower Harness Racing Club is one of my electorate's great sporting organisations, and the close-knit communities of Gunbower and district are determined to see it prosper.

It is important to note that the Gunbower track, with a circumference of 1240 metres, is the longest harness racing track in Victoria. This famous track will be back in action when harness racing returns to Gunbower on Sunday, 18 November. This follows the commitment by the Victorian coalition government to reopen six harness racing tracks closed under the previous Labor government, including the track at Gunbower.

Labor's decision to close the Gunbower track was a massive blow for the community. It hurt local owners, trainers and breeders, who no longer had a local base to work from. As a result, all of Gunbower's meetings were transferred to Echuca, which was a lost opportunity for the local community, particularly local businesses which benefited from additional trade on race days. The coalition government's reversal of Labor's decision was a fantastic outcome for the community and represented a new approach to racing in regional Victoria. As part of this decision the government committed \$137 950 in funding to upgrade the track to a safe racing standard and improve facilities for patrons.

The Gunbower Harness Racing Club has high hopes for its Gunbower Pacing Cup meeting. It is hoping to attract a large proportion of the local community and

visitors from other parts of Victoria and southern New South Wales as well as racing participants from many regions. The volunteer committee has been hard at work putting together the pieces for the return to racing, and to help its efforts the club has made an application for funding under the government's Raceday Attraction program.

The club's application focuses on attracting young people from around the district, including young farmers. It is working closely with local schools to develop a promotional offer where schools will benefit from prepurchased ticket sales. There is also a focus on providing a range of fun activities for children in order to attract families to the event. This event will be a major drawcard for Gunbower, and many local towns will benefit from its success.

The coalition government is a strong supporter of country racing and the racing industry, which is worth \$729 million to the state's rural and regional economy and employs 27 000 country Victorians. For these reasons I ask the minister to look positively upon the application by the Gunbower Harness Racing Club.

The SPEAKER — Order! If we are looking for a new race caller, I know who to call!

Students: education conveyance allowance

Mr NARDELLA (Melton) — My adjournment matter is for the Minister for Education. The action I seek is for the government to reverse the changes to the conveyance allowances detailed in the *Procedural Guidelines Student Transport — Conveyance Allowance 2012* document which have reclassified the denominational status of the Bacchus Marsh Grammar and Westbourne Grammar schools in my electorate and the neighbouring electorate of Tarneit. The schools and parents believe these changes are arbitrary, conceptually weak and discriminatory. This change is resulting in fee increases of \$1500 per year per student — a 25 per cent increase in fees for Bacchus Marsh Grammar families that currently receive the conveyance allowance.

The existing conveyance allowance has been in place for the last 22 years, and this change by the Baillieu Liberal government is increasing the cost of living for the affected families. My understanding is that the key issue is that these two schools have been forced to reclassify as ecumenical schools. This means that, for example, a classification as a Christian college may be used to knock out these families from the conveyance allowance even though Westbourne Grammar and Bacchus Marsh Grammar are not that specific type of

school. Baptist, Anglican and other denominational schools are treated differently, and it may be discriminatory to apply a religious test like this.

Many families have written to me and the honourable members for Tarneit, Kororoit, Macedon and Keilor, and I have also met with representatives of both of the affected schools. The students who attend these schools love their schools and want to keep attending them, but there are no appropriate public transport options to either of these excellent schools so children from families throughout the west can attend them. For example, there are no bus stops appropriate for Westbourne Grammar and no bus shelters.

Putting financial pressure on these families and schools is not the way to go, and many families are scared for their future and for their children's future. These students should be able to attend the school of their choice. The Kennett government and the Bracks and Brumby Labor governments understood that these schools are not Christian colleges and maintained their conveyance allowances. Bacchus Marsh Grammar does not even have a chapel, but Christian values and principles are important for these families and students.

I have written to the minister on behalf of both of these schools after meeting with them, and many of the parents have written to me. I have not responded as yet. I am awaiting a response from the minister, hopefully later on today, before I do that so that I can inform them what action should be taken. They are really concerned about the future. They want this decision reversed. These schools are also under financial pressure because of this decision. I ask the minister to reverse this bad decision immediately and not scare these families and students.

Rail: Cardinia Road station

Mr BATTIN (Gembrook) — I raise a matter for the Minister for Public Transport regarding the Cardinia Road railway station. The action I seek is that the minister work with Public Transport Victoria to deliver the electricity substation as soon as possible and to provide an update to people in my community on when they can expect to see a full timetable.

After years of campaigning by my friend and colleague Edward O'Donohue, a member for Eastern Victoria Region in the other place, and Pakenham residents like Jack Mitchell, the former Labor government committed to building the Cardinia Road railway station, and the station was opened by the coalition government earlier this year. At present trains are running on a limited timetable because this project started under the previous

government and has been delayed by one of Labor's trademark infrastructure bungles. When planning the station, the former government forgot about the additional electricity supply that would be required to power the trains.

The member for Bass and I understand how important the station is for our constituents in that area. There is enough power for trains to travel through the station but not enough for them to stop and start again. Local residents agree that because trains cannot stop easily it is making it difficult for people to use the station on a regular basis, which is not surprising given Labor's track record on infrastructure. Only yesterday the Auditor-General tabled a report that paints a sorry picture of more than a decade of cost blow-outs and delays in projects under Labor. He referred to such projects as the National Gallery of Victoria redevelopment, which blew its budget by more than \$24.4 million, the Austin Health redevelopment and Mercy Hospital for Women relocation, which was delivered \$25.7 million over budget and 17 months late, and the Melbourne Markets relocation, the cost of which blew out by \$19.6 million and which was 14 months late.

Since coming to government the coalition has opened the Cardinia Road railway station and worked hard to improve transport options for residents throughout the south-east. We are delivering 150 new car parking spaces at Berwick railway station, 138 at Narre Warren railway station, 157 at Beaconsfield railway station and 360 at Merinda Park railway station as well as the 450 at Cardinia Road and 250 at Lynbrook. That is more than 1500 new car parking spaces across the south-east, and we have also added 980 new railway services across the metropolitan network.

I would like the residents of Lakeside, Pakenham and Officer to be able to enjoy the benefits of these coalition reforms. I call on the Minister for Public Transport to ensure the delivery of the electricity substation as a matter of urgency so that full services can be scheduled for Cardinia Road railway station and residents in my community can effectively use the station for which they fought so long and hard.

Wallan-Kilmore bypass: route

Mr DONNELLAN (Narre Warren North) — I raise a matter for the Minister for Roads. The simple action I seek is that the minister meet with members of the Wallan-Kilmore Bypass Group. I recently received a copy of a letter sent to the minister by this group, which was the 14th time it had requested a meeting with the minister since the coalition came to government. If

nothing else, this group has been persistent in its request to meet with the minister, while the minister has been consistent in the sense that he has failed to meet with them. The government has been in power since November 2010, so its members have had approximately two years to meet with this community group. No-one can tell me the minister has not had half an hour to meet with this community group.

Before the election the government, including the minister and the member for Seymour, was all over this community group, but once the heat became a little bit hot we did not see the minister, the local member or an upper house member there. Recently I attended a rally which was not attended by any members of the government. When members of the government were required to respond to media requests for information, they did not appear and instead sent out a VicRoads manager to deal with the media. It lacks honesty for government members not to front up and explain to the community group what they intend to do about this bypass. Everything seems to take forever, including this meeting.

A speed limit review has been sitting on the minister's desk since 2011, but there has only been a half-hearted review of it. We did not even have guidelines for 40-kilometre-per-hour traffic zones, we waited two years for a new numberplate slogan and we are still waiting for a road safety policy. The only thing this government seems to be fast at is reducing speed limits on roads where there are dangers. The government has been very quick to drop speed limits, but the minister has been very slow to meet with community groups who have serious issues they want to raise with him.

I recently had the opportunity to visit the Kilmore and Wallan area, and I also went across to Yea. I noticed that some of the roads were curling at the edges. You could have used the road to wrap around a sausage. At the end of the day the road was curling so much it was ridiculous, and the Melba and Maroondah highways, both outside Yea, looked very ordinary. When the minister eventually goes to visit the Wallan-Kilmore Bypass Group I urge him to also do a side trip and visit Yea and look at the state of the roads. My suspicion is that another speed reduction sign will be required to reduce the speed limit to 80 kilometres an hour instead of 100. I am very disappointed that the fervour and the protest that the government showed before the election has disappeared.

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

Wesley College: rowing landing

Mr NEWTON-BROWN (Pahran) — My adjournment matter is directed to the Minister for Environment and Climate Change. The action I seek is that he grant permission to Wesley College as a matter of urgency to dredge the silt in front of its rowing landing in South Yarra. Wesley is one of many fine local schools in my area. It is a coeducational school with a great reputation in the sport of rowing, and the state of its landing is such that the kids cannot get their boats into the water because silt has built up in front of the landing. The Treasurer has worked tirelessly on this issue, and I thank him for the assistance he has given to Wesley over the last few months.

The history of the area is quite interesting. Wesley's boatshed is located on a bend in the Yarra River at Herring Island. The Burnley Harbour was created by the excavation of bluestone — it was a bluestone quarry — used on many of the roads around Melbourne. Early last century each end of the quarry was blasted, making a straight course for the Yarra to flow down, which is now underneath the freeway. The problem is that those works created Herring Island, around which the water does not flow very fast, hence the problem with the silt build-up.

In the old days silt was simply dredged up and dumped on Herring Island. If members go to Herring Island, they will see those mounds of silt all around its edges; the silt was put on a barge and then dumped on the island. Nowadays world best practice requires far better environmental management, and Wesley has done a lot of work in collecting data and preparing its plan to do the dredging in an environmentally responsible way.

Wesley is all set to go. It has the approval of both Parks Victoria and Melbourne Water. As part of the conditions on its permit, Wesley cannot commence works in October or November due to issues involving the spawning of fish. The earliest that dredging can be commenced is 1 December, and I understand that the school's rowing season is about to start, so it is a matter of great urgency that permission be granted so that the school can commence dredging on 1 December. I call on the minister as a matter of urgency to act on the great work that the Treasurer has done in bringing this to my attention and to the government's attention, and I ask that the minister grant the appropriate approvals in a timely manner.

Responses

Mr WELLS (Treasurer) — I thank the member for Hastings for raising a matter for my attention and

congratulate him on the hard work he does for his constituents. My understanding is that Mr Slocombe became the registered proprietor of the lands at 138 and 162 Mornington-Tyabb Road in 1946, so that land has been in the family for a very long time. Since that time there have been a number of rezonings, and as a result the criteria around the taxation responsibilities have obviously increased.

I am advised that the state revenue commissioner disallowed Mr Slocombe's objection as Mr Slocombe does not carry on the business of primary production on the assessed land in a full-time capacity. My further understanding is that Mr Slocombe is 92 years of age, so there has been a situation where he has had the house and property and the adjoining properties on which he has run a number of cows. As Mr Slocombe has grown older, his ability to do that has not been as great as it may have been at one point in time.

I have been subsequently advised that following determination of the objection, further additional information was brought to the commissioner's attention, allowing another exemption to apply. Accordingly the commissioner has concluded that the land at 162 Mornington-Tyabb Road should also be exempt from land tax as it is contiguous to and enhances Mr Slocombe's principal place of residence at 138 Mornington-Tyabb Road, in accordance with section 54(3) of the act. This is an outstanding result for the member for Hastings. I congratulate him on his hard work in bringing this to my attention. I am sure Mr Slocombe will be very pleased with the end result.

Mr DELAHUNTY (Minister for Sport and Recreation) — I rise to respond to a matter raised with me tonight by the member for Benambra, who is a strong advocate for encouraging the youth in his electorate to get active. As members will know, that is a passion of mine. Programs such as the Ride2School initiative are an important avenue for increasing youth participation and promoting cycling as a sustainable and affordable source of transport. While general cycling rates have been increasing, the proportion of children cycling, walking or using public transport to get to school has decreased substantially in recent decades. Unfortunately most children are now being driven to school. In 1970 approximately 84 per cent of children walked, cycled or used public transport to get to school. In 2005, 91 per cent of children were driven to school.

The member for Benambra has raised a very important issue. He wants support under the Ride2School initiative for a couple of schools in his electorate. He mentioned the Victory Lutheran College P-12, which is

taking steps to promote active school travel, including running Ride2School days once a month. However, the school is in need of bike parking rails and would greatly benefit from Bike Ed training, but this is challenging as several children do not own a bike. Therefore, through the Bicycle Network Victoria school award program the coalition government will award \$2500 to Victory Lutheran College to undertake two Bike Ed instructor training courses, including two weeks of bike trailer hire to roll out Bike Ed to the grade 4 class as well as the installation of five Anaconda bike parking rails. Students will gain skills and confidence through Bike Ed training, and subsequently more students as well as teachers will ride to school. The member for Benambra spoke about several walking and cycling paths which link the community together and which will enable this to happen. In addition, parents will feel happier allowing this, knowing their children have participated in bicycle education training.

The member for Benambra also mentioned Belvoir Special School, which is trying to increase the level of active and independent travel to school. There are many students who attend the school who have the potential to engage in active travel, but they need an incentive to do so and improved bicycle parking is needed. The coalition government will contribute \$2500 through the school award program to arrange and pay for a series of healthy breakfasts to encourage and reward active school travellers as well as help the school to arrange a walking or riding school bus.

I was a member of VicHealth for nine years, and the walking school bus was one of its programs. It is a very good program that encourages more young children to walk, skateboard or otherwise be active in getting to school. The Belvoir Special School is doing a lot of work in that area. It is trying to arrange a walking or riding school bus in the mornings and to ensure that it is a school-wide event. It is planning to do it once a month for three months to start with. The school will also get five Anaconda bike parking rails, which will enable more students and teachers to lock their bikes and will facilitate active school travel.

The coalition government has a priority to encourage the widest possible community participation in sport and recreation, and this is evidenced through the Bicycle Network Victoria school award program and the Ride2School initiative. I congratulate the member for Benambra on the great work he is doing in his electorate, on his advocacy for very important school programs and on encouraging more people to be more active, more often.

Dr NAPTHINE (Minister for Racing) — I thank the member for Rodney for raising an issue with regard to the Gunbower Harness Racing Club. The member for Rodney is well known as an enthusiastic, hardworking and very effective local member.

Mr Delahunty — Very loud.

Dr NAPTHINE — There was a comment about his contribution. It was suggested that the Gunbower Harness Racing Club could save money on both a race caller and loudspeakers if they used the member for Rodney on the day. The member for Rodney speaks up loud and strong on behalf of his electorate, which is what a good local member should be about.

Tonight the member asked about funding from the coalition government's Raceday Attraction program for Gunbower Harness Racing Club's return to racing on Sunday, 18 November. As he said, the racing club suffered a severe blow back in 2005, when it was closed under the previous government. The track was closed and racing was taken away from Gunbower, along with six other harness racing tracks across country Victoria. They were closed by a city-centric Labor government that did not understand rural Victoria and did not care about country racing. The Labor Party does not understand or care about country racing.

I am pleased to say that on 18 November the Gunbower harness racing track will be opened under the coalition government, thereby delivering on a promise we made prior to the last election. This is the fourth harness racing track in country Victoria to be reopened under the coalition government. We have already reopened tracks at Ouyen, Wangaratta and Boort, and we look forward to reopening tracks not only at Gunbower but also at St Arnaud on 11 November and Wedderburn on 16 December. We have seen massive crowds of people from local communities voting with their feet at Ouyen, Wangaratta and Boort and saying they appreciate the reopening of their harness racing tracks and bringing harness racing back to their local country communities. I am sure at Gunbower we will also get an enthusiastic response. I look forward to going to Gunbower to be with the member for Rodney to witness the \$12 000 Gunbower Pacing Cup and the \$10 000 Gunbower Trotters Cup and to join in the great community celebrations for the reopening of the harness racing track.

The member asked about the Raceday Attraction program, which uses state taxes on oncourse turnover. It is money that comes from punters and is used by the government and the racing industry to attract people to

racetracks, to get more people to racing and to grow and develop racing — and we know that delivers jobs and economic benefits, particularly in regional and rural Victoria. I am pleased to announce that out of the Raceday Attraction program we will be providing \$11 940 to go with \$9300 from the club, \$3000 from Harness Racing Victoria and \$1500 from a local farming organisation. The money will be used to promote attractive opportunities for people to come along to Gunbower harness racing, particularly targeting people from the farming community and young farmers, which will provide a real social and positive outlet for those young people and also attract family and community involvement.

Because of the hard work of the member for Rodney, I am pleased to provide funding through the Raceday Attraction program to assist Gunbower, but most importantly I am pleased that through the member for Rodney and other country members this government has stood up for country Victoria, has stood up for country racing and is reversing the closures of country racetracks that took place under the former city-centric Labor government.

Mr DIXON (Minister for Education) — The member for Narre Warren South raised with me an issue regarding the construction of the proposed Casey central east primary school. She pointed out that the government has allocated money for the purchase of land for the construction of that school. She also indicated that there was a promise made by the previous Labor government to build a school there. Obviously we have looked to see whether there was any money set aside for that school, and of course there was not. It was basically an empty promise; as I said, no money was set aside for it. The member accused this government of putting the construction of the school on the never-never. It has already been on the never-never, and when you look at the Building Futures program you see that there are a lot of schools on the never-never in that program and that a lot of promises were made throughout the state. In fact there was no money left for 200 schools that were promised money by the previous government, and unfortunately Casey central east primary school is one of those 200 we inherited. However, as I said, we recognise there is a future need there, and that is why we have allocated money to purchase the land and why it will certainly be considered as part of the next budget. Obviously those announcements will be made in May next year.

The member for Melton raised with me an issue regarding the conveyance allowance and complications regarding Bacchus Marsh Grammar and Westbourne Grammar School, mainly to do with the definition of

denomination. We have reviewed the conveyance allowance right across the state to ensure that people who are collecting the conveyance allowance are entitled to collect it, because we need to make it more sustainable so that those who are entitled to receive it do receive it. We consulted with Independent Schools Victoria and the Catholic Education Commission of Victoria and talked to them about these definitions of denomination. We are consistent with the Australian Bureau of Statistics national standard in terms of that definition.

I was at a meeting on a similar matter with Bacchus Marsh Grammar recently, and I have obviously received correspondence from the school as well as from parents about it. We have invited the principal to make a submission to us, and we are prepared to look at the nuances of the denomination definition because, as the member pointed out, it will disadvantage some. I cannot give any guarantees, but we certainly have indicated to the principal — and also through Independent Schools Victoria — that we are prepared to look at that definition and how it might apply, especially to those two schools. We encourage any school that wants to ask us to have a further look at that or particularly to prosecute a case in terms of the definition of denomination and how it might affect them, to do so. We have indicated we would like them to do that.

Mr MULDER (Minister for Public Transport) — The member for Gembrook has raised an issue with me in relation to the Cardinia Road railway station. He is right in saying that the Premier and I enjoyed visiting that station on its opening. There is a problem with the station, as there is with many Labor government projects we inherited. Currently a number of Metro Trains Melbourne trains do not stop at Cardinia Road station: three each way on weekday mornings and three Pakenham-bound trains and four Flinders Street-bound trains on weekday afternoons or, in one case, in the evenings. The member for Gembrook would like to know when this will be rectified so that commuters can have certainty that peak-hour trains will stop at that station.

If you ever wanted to see an example of monumental incompetence by the previous government, you have Cardinia Road station, which demonstrates that absolutely. That government provided funding under its growth areas station program, but it failed to realise that you need to build a new substation about every 3 kilometres in order to run the trains. The difficulty was that with trains stopping at the new Cardinia Road station, the amount of power that two trains would draw from the overhead powerlines when concurrently

starting after a stop, one going towards Flinders Street and one going towards Pakenham, would be too much for the existing substations to handle during weekday peak hours, when most of the trains are on the track. That is the problem we have had.

We have had to go through and rectify this situation. We have had to build a new substation to make sure there is enough power for the trains at Cardinia Road. I am pleased to advise the very hardworking member for Gembrook, who is an absolute champion for his community, that construction of the new McGregor Road, Pakenham, substation is well advanced and that Metro Trains expects power to the substation to be online, with the substation completely commissioned, by 11 November.

Following that, there is some work to be done that will be in progress between 9 and 11 November, and following that there will be a little bit more work to be undertaken with Metro. Metro is trying to target early January for those trains to be stopping at Cardinia Road station. It is even trying to see whether it can have the trains stopping there before Christmas. A lot of work is being done. We are doing all we possibly can to do that for the member for Gembrook because, as I said, he is a champion for his community and deserves a lot of support in the work he does.

The member for Narre Warren North raised an issue with me that was the exact issue he raised at Ballarat. I suggest that the Leader of the Opposition should take the shadow Minister for Roads into his office and have a talk to him about Dorothy Dixers as adjournment debate matters addressed to government members. These are lazy, lazy people, and it is evident they have done no work at all in relation to adjournment debates. Given the issues they should be calling on, the matters they should be asking to have addressed in individual communities, what they come up with provides us with the opportunity to talk about our \$130 million Kilmore-Wallan bypass, a project the former Labor government would not deliver. We have at least got something to say about the project up there, and we have the ability to deliver that project.

All of the work that is required to deliver that project is being undertaken by VicRoads. Various options, including options that were not in the initial package but that the local community asked to be included, have been included for consideration. All of the different options are being looked at and studied.

There have been a number of shopfront attendances set up for people to come and visit to look at what is being proposed. Around 300 residents attended VicRoads

shopfronts in Kilmore and Wallan between 30 January and 11 February in 2012. A public display between 14 and 17 August attracted 390 Kilmore residents. It provided the community with the opportunity to view the preliminary concept plans and be updated on the study's progress. Detailed planning studies, which include traffic surveys, modelling, flora and fauna, cultural heritage, hydrology — the lot — are being undertaken to make sure that the best outcome is achieved with this \$130 million project for the people of Kilmore and Wallan.

This is a project that the former Labor government would not deliver, and that is a reason the former Labor member for the area got the boot — and deserved it. Labor was offering the people of Kilmore and Wallan a road to take the trucks straight past the front of a school. We would not do that to the schoolkids and would not do that to the communities of Kilmore and Wallan. We are delivering the project that Labor was asked to deliver. We promised to deliver it, and we know exactly what the community is going to get. It is going to get a fantastic outcome.

Within the adjournment contribution of the member for Narre Warren North of course the waffle went on. He attacked the speed limit review. At least we had the ticker to take that particular issue on. He attacked the fact that we gave 600 people the opportunity to put forward submissions on what they thought we should do. There was no consultation under Labor; the former government did not consult. That is why it was kicked out of office. The member also attacked the new strategy for road safety, attacked the fact that we have allowed the community to have a say again and that we have had thousands of people respond to the survey. We are getting great feedback on that, and the community will have its say in relation to road safety.

The member for Narre Warren North has attacked lowering speed limits. I would like to know which speed limits he intends to raise. If he is going to attack the fact that some have gone down, he should come out and tell us which ones he would put up. It was a pathetic effort by a pathetic shadow Minister for Roads, who is a lazy individual who needs to do more work. His leader needs to have a talk to him and also to the shadow Minister for Public Transport, the member for Northcote. They are both lazy.

Mr McINTOSH (Minister for Corrections) — The member for Prahran raised a matter for the Minister for Environment and Climate Change in relation to the granting of permission to commence bridging works in and around the Wesley College boatshed. I will ensure the minister gets that particular matter.

The member for Yan Yean raised a matter for the Minister for Police and Emergency Services concerning the establishment and funding of a 24-hour police station in the northern part of the city of Whittlesea, and I will ensure that the minister gets that particular matter.

The member for Brunswick raised a matter for the Minister for Community Services in relation to obtaining a favourable decision for additional funding for Berry Street, and I will ensure that the minister gets that particular request. That is all.

The SPEAKER — Order! I wish members a happy break. I look forward to seeing you all back here in about two weeks, when I am sure we will be back into it again.

House adjourned 4.54 p.m. until Tuesday, 23 October.