PARLIAMENT OF VICTORIA

PARLIAMENTARY DEBATES (HANSARD)

LEGISLATIVE ASSEMBLY

FIFTY-SEVENTH PARLIAMENT

FIRST SESSION

Thursday, 12 December 2013

(Extract from book 17)

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By authority of the Victorian Government Printer

The Governor

The Honourable ALEX CHERNOV, AC, QC

The Lieutenant-Governor

The Honourable Justice MARILYN WARREN, AC

The ministry

(from 22 April 2013)

Premier, Minister for Regional Cities and Minister for Racing	The Hon. D. V. Napthine, MP
Deputy Premier, Minister for State Development, and Minister for Regional and Rural Development	The Hon. P. J. Ryan, MP
Treasurer	The Hon. M. A. O'Brien, MP
Minister for Innovation, Services and Small Business, Minister for Tourism and Major Events, and Minister for Employment and Trade	The Hon. Louise Asher, MP
Attorney-General, Minister for Finance and Minister for Industrial Relations	The Hon. R. W. Clark, MP
Minister for Health and Minister for Ageing	The Hon. D. M. Davis, MLC
Minister for Sport and Recreation, and Minister for Veterans' Affairs	The Hon. H. F. Delahunty, MP
Minister for Education	The Hon. M. F. Dixon, MP
Minister for Planning	The Hon. M. J. Guy, MLC
Minister for Higher Education and Skills, and Minister responsible for the Teaching Profession	The Hon. P. R. Hall, MLC
Minister for Ports, Minister for Major Projects and Minister for Manufacturing	The Hon. D. J. Hodgett, MP
Minister for Multicultural Affairs and Citizenship, and Minister for Energy and Resources	The Hon. N. Kotsiras, MP
Minister for Housing, and Minister for Children and Early Childhood Development	The Hon. W. A. Lovell, MLC
Minister for Public Transport and Minister for Roads	The Hon. T. W. Mulder, MP
Minister for Liquor and Gaming Regulation, Minister for Corrections and Minister for Crime Prevention	The Hon. E. J. O'Donohue, MLC
Minister for Local Government and Minister for Aboriginal Affairs	The Hon. E. J. Powell, MP
Assistant Treasurer, Minister for Technology and Minister responsible for the Aviation Industry	The Hon. G. K. Rich-Phillips, MLC
Minister for Environment and Climate Change, and Minister for Youth Affairs	The Hon. R. Smith, MP
Minister for the Arts, Minister for Women's Affairs and Minister for Consumer Affairs	The Hon. H. Victoria, MP
Minister for Agriculture and Food Security, and Minister for Water	The Hon. P. L. Walsh, MP
Minister for Police and Emergency Services, and Minister for Bushfire Response	The Hon. K. A. Wells, MP
Minister for Mental Health, Minister for Community Services, and Minister for Disability Services and Reform	The Hon. M. L. N. Wooldridge, MP
Cabinet Secretary	Mr N. Wakeling, MP

Legislative Assembly committees

Privileges Committee — Ms Barker, Mr Clark, Ms Green, Mr Hodgett, Mr Morris, Mr Nardella, Mr O'Brien, Mr Pandazopoulos and Mr Walsh.

Standing Orders Committee — The Speaker, Ms Allan, Ms Asher, Ms Barker, Mrs Fyffe, Mr Hodgett, Ms Kairouz and Mrs Powell.

Joint committees

Accountability and Oversight Committee — (*Assembly*): Ms Kanis, Mr McIntosh and Ms Neville. (*Council*): Mr O'Brien and Mr P. Davis.

Dispute Resolution Committee — (*Assembly*): Ms Allan, Ms Asher, Mr Clark, Ms Hennessy, Mr Merlino, Mr O'Brien and Mr Walsh. (*Council*): Mr D. Davis, Mr Hall, Mr Lenders, Ms Lovell and Ms Pennicuik.

Economic Development, Infrastructure and Outer Suburban/Interface Services Committee — (*Assembly*): Mr Burgess, Mrs Fyffe, Mr McGuire and Mr Shaw. (*Council*): Mrs Peulich.

Education and Training Committee — (*Assembly*): Mr Brooks and Mr Crisp. (*Council*): Mr Elasmar and Mrs Kronberg.

Electoral Matters Committee — (*Assembly*): Mr Northe. (*Council*): Mr Finn, Mrs Peulich, Mr Somyurek and Mr Tarlamis.

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

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

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

Independent Broad-based Anti-corruption Commission Committee — (*Assembly*): Ms Hennessy, Mr McIntosh, Mr Newton-Brown and Mr Weller. (*Council*): Mr Viney.

Law Reform, Drugs and Crime Prevention Committee — (*Assembly*): Mr Carroll, Mr McCurdy and Mr Southwick. (*Council*): Mr Ramsay and Mr Scheffer.

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

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

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

Scrutiny of Acts and Regulations Committee — (*Assembly*): Ms Barker, Ms Campbell, Mr Gidley, Mr Nardella, Dr Sykes and Mr Watt. (*Council*): Mr Dalla-Riva.

Heads of parliamentary departments

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

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

Parliamentary Services — Secretary: Mr P. Lochert

MEMBERS OF THE LEGISLATIVE ASSEMBLY

FIFTY-SEVENTH PARLIAMENT — FIRST SESSION

Speaker: The Hon. K. M. SMITH

Deputy Speaker: Mrs C. A. FYFFE

Acting Speakers: Mr Angus, Ms Beattie, Mr Blackwood, Mr Burgess, Ms Campbell, Mr Gidley, Mr Languiller, Mr McCurdy, Mr McIntosh, Ms McLeish, Mr Morris, Mr Nardella, Mr Northe, Mr Pandazopoulos, Ms Ryall, Dr Sykes, Mr Thompson and Mr Weller.

Leader of the Parliamentary Liberal Party and Premier:
The Hon. D. V. NAPTHINE (from 6 March 2013)
The Hon. E. N. BAILLIEU (to 6 March 2013)

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

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

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

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

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

Member	District	Party	Member	District	Party
Allan, Ms Jacinta Marie	Bendigo East	ALP	Languiller, Mr Telmo Ramon	Derrimut	ALP
Andrews, Mr Daniel Michael	Mulgrave	ALP	Lim, Mr Muy Hong	Clayton	ALP
Angus, Mr Neil Andrew Warwick	Forest Hill	LP	McCurdy, Mr Timothy Logan	Murray Valley	Nats
Asher, Ms Louise	Brighton	LP	McGuire, Mr Frank [6]	Broadmeadows	ALP
Baillieu, Mr Edward Norman	Hawthorn	LP	McIntosh, Mr Andrew John	Kew	LP
Barker, Ms Ann Patricia	Oakleigh	ALP	McLeish, Ms Lucinda Gaye	Seymour	LP
Battin, Mr Bradley William	Gembrook	LP	Madden, Mr Justin Mark	Essendon	ALP
Bauer, Mrs Donna Jane	Carrum	LP	Merlino, Mr James Anthony	Monbulk	ALP
Beattie, Ms Elizabeth Jean	Yuroke	ALP	Miller, Ms Elizabeth Eileen	Bentleigh	LP
Blackwood, Mr Gary John	Narracan	LP	Morris, Mr David Charles	Mornington	LP
Brooks, Mr Colin William	Bundoora	ALP	Mulder, Mr Terence Wynn	Polwarth	LP
Brumby, Mr John Mansfield [1]	Broadmeadows	ALP	Napthine, Dr Denis Vincent	South-West Coast	LP
Bull, Mr Timothy Owen	Gippsland East	Nats	Nardella, Mr Donato Antonio	Melton	ALP
Burgess, Mr Neale Ronald	Hastings	LP	Neville, Ms Lisa Mary	Bellarine	ALP
Campbell, Ms Christine Mary	Pascoe Vale	ALP	Newton-Brown, Mr Clement Arundel	Prahran	LP
Carbines, Mr Anthony Richard	Ivanhoe	ALP	Noonan, Mr Wade Mathew	Williamstown	ALP
Carroll, Mr Benjamin Alan [2]	Niddrie	ALP	Northe, Mr Russell John	Morwell	Nats
Clark, Mr Robert William	Box Hill	LP	O'Brien, Mr Michael Anthony	Malvern	LP
Crisp, Mr Peter Laurence	Mildura	Nats	Pakula, Mr Martin Philip [7]	Lyndhurst	ALP
D'Ambrosio, Ms Liliana	Mill Park	ALP	Pallas, Mr Timothy Hugh	Tarneit	ALP
Delahunty, Mr Hugh Francis	Lowan	Nats	Pandazopoulos, Mr John	Dandenong	ALP
Dixon, Mr Martin Francis	Nepean	LP	Perera, Mr Jude	Cranbourne	ALP
Donnellan, Mr Luke Anthony	Narre Warren North	ALP	Pike, Ms Bronwyn Jane [8]	Melbourne	ALP
Duncan, Ms Joanne Therese	Macedon	ALP	Powell, Mrs Elizabeth Jeanette	Shepparton	Nats
Edwards, Ms Janice Maree	Bendigo West	ALP	Richardson, Ms Fiona Catherine Alison	Northcote	ALP
Eren, Mr John Hamdi	Lara	ALP	Ryall, Ms Deanne Sharon	Mitcham	LP
Foley, Mr Martin Peter	Albert Park	ALP	Ryan, Mr Peter Julian	Gippsland South	Nats
Fyffe, Mrs Christine Ann	Evelyn	LP	Scott, Mr Robin David	Preston	ALP
Garrett, Ms Jane Furneaux	Brunswick	ALP	Shaw, Mr Geoffrey Page [9]	Frankston	Ind
Gidley, Mr Michael Xavier Charles	Mount Waverley	LP	Smith, Mr Kenneth Maurice	Bass	LP
Graley, Ms Judith Ann	Narre Warren South	ALP	Smith, Mr Ryan	Warrandyte	LP
Green, Ms Danielle Louise	Yan Yean	ALP	Southwick, Mr David James	Caulfield	LP
Halfpenny, Ms Bronwyn	Thomastown	ALP	Sykes, Dr William Everett	Benalla	Nats
Helper, Mr Jochen	Ripon	ALP	Thompson, Mr Murray Hamilton Ross	Sandringham	LP
Hennessy, Ms Jill	Altona	ALP	Thomson, Ms Marsha Rose	Footscray	ALP
Herbert, Mr Steven Ralph	Eltham	ALP	Tilley, Mr William John	Benambra	LP
Hodgett, Mr David John	Kilsyth	LP	Trezise, Mr Ian Douglas	Geelong	ALP
Holding, Mr Timothy James [3]	Lyndhurst	ALP	Victoria, Ms Heidi	Bayswater	LP
Howard, Mr Geoffrey Kemp	Ballarat East	ALP	Wakeling, Mr Nicholas	Ferntree Gully	LP
Hulls, Mr Rob Justin [4]	Niddrie	ALP	Walsh, Mr Peter Lindsay	Swan Hill	Nats
Hutchins, Ms Natalie Maree Sykes	Keilor	ALP	Watt, Mr Graham Travis	Burwood	LP
Kairouz, Ms Marlene	Kororoit	ALP	Weller, Mr Paul	Rodney	Nats
Kanis, Ms Jennifer [5]	Melbourne	ALP	Wells, Mr Kimberley Arthur	Scoresby	LP
Katos, Mr Andrew	South Barwon	LP	Wooldridge, Ms Mary Louise Newling	Doncaster	LP
Knight, Ms Sharon Patricia	Ballarat West	ALP	Wreford, Ms Lorraine Joan	Mordialloc	LP
Kotsiras, Mr Nicholas	Bulleen	LP	Wynne, Mr Richard William	Richmond	ALP

[1] Resigned 21 December 2010
[2] Elected 24 March 2012
[3] Resigned 18 February 2013
[4] Resigned 27 January 2012
[5] Elected 21 July 2012
[6] Elected 19 February 2011
[7] Elected 27 April 2013
[8] Resigned 7 May 2012
[9] LP until 6 March 2013

CONTENTS

THURSDAY, 12 DECEMBER 2013

CONTENTS

Thursday, 12 December 2013

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

BUSINESS OF THE HOUSE

Notices of motion

The SPEAKER — Order! Notices of motion 1, 2 and 9 to 25 will be removed from the notice paper unless members wishing their notice to remain advise the Clerk in writing before 2.00 p.m. today.

PETITIONS

Following petitions presented to the house:

Boyne Russell House

To the Legislative Assembly of Victoria:

The petition of the following residents of Victoria draws to the attention of the house that:

1. the Napthine Liberal government's move to privatise public sector aged care in Victoria means that Boyne Russell House is at risk of privatisation or closure;

2. despite an ageing population, the Baillieu and Napthine governments have closed public sector aged-care facilities in Ballarat, Castlemaine, Koroit, Kyneton, Melbourne and Williamstown and privatised one facility in Rosebud;

3. the 2012–13 Victorian state budget update foreshadows cuts to public sector aged care of $25 million in 2014–15 and $50 million in 2015–16;

4. Mr Napthine's plans to privatise aged care would significantly remove choices for Victorian families.

The petitioners therefore request that the Legislative Assembly of Victoria urgently calls on the Napthine government to stop the privatisation or closure of Boyne Russell House.

By Ms GARRETT (Brunswick) (57 signatures).

Brown coal exports

To the Legislative Assembly of Victoria:

The petition of Victorians draws the attention of the house to the issue of coal exports in Victoria.

I want to protect Victoria's fresh air, productive farmland and precious ecosystems to secure a safe future for my family. But your plans for major coal export developments threaten this.

These plans will destroy swathes of productive farmland and require billions in taxpayer subsidies. Port developments in protected marine zones will threaten precious ecosystems, and major new truck routes and freight trains will spread dangerous air pollutants across Victorian communities. This plan to ship brown coal to China and India will result in massive greenhouse gas pollution, derailing hopes of containing runaway climate change.

Victoria can do better.

The petitioners therefore request that the Legislative Assembly of Victoria reject coal exports and protect Victoria's future for us all.

By Ms NEVILLE (Bellarine) (2559 signatures).

Health practitioner abortion referral

To the Legislative Assembly of Victoria:

The petition of the residents of Victoria draws the attention of the house to:

Consider the case of Dr Mark Hobart who has been subjected to a Star Chamber inquiry by the Medical Board of Victoria and AHPRA because he was unable to refer the patient to another registered health-care professional whom he knew would not have a conscientious objection to aborting a 19-week-old, healthy baby because it was a girl.

The petitioners therefore request that the Legislative Assembly of Victoria:

Protect the doctors, nurses and allied health professionals in Victoria, who care for mothers and their unborn children. No Victorian health professional should be forced to act against their conscience and refer a patient for an abortion, especially when abortions don't require referral.

By Mr BULL (Gippsland East) (16 signatures).

Reg Geary House

To the Legislative Assembly of Victoria:

The petition of the following residents of Victoria draws the attention of the house that:

1. the Napthine government plans to close Reg Geary House, a 30-bed high-care public aged-care facility in June 2014;

2. this follows on from the previous closure of Hazeldean Nursing Home, a 40-bed high-care public aged-care facility. If Reg Geary closes, Western Health will not operate any public sector residential aged-care facilities;

3. the 2012–13 Victorian state budget update foreshadows cuts to public sector aged care of $25 million in 2014–15 and $50 million in 2015–16;

4. despite an ageing population, the state government have closed public sector aged-care facilities in Ballarat, Castlemaine, Koroit, Kyneton, Melbourne and Williamstown and privatised one facility in Rosebud;

5. Reg Geary House has nurse-to-patient ratios to ensure quality care — ratios which do not exist in the private sector;

6. the closure of Reg Geary House will significantly remove choices for families in Melton.

The petitioners therefore request that the Legislative Assembly of Victoria urgently calls on the Napthine government to stop the closure of Reg Geary House in Melton South.

By Mr NARDELLA (Melton) (626 signatures).

Abortion legislation

To the Legislative Assembly of Victoria:

The petition of certain residents of Victoria draws to the attention of the house the Abortion Law Reform Act 2008:

1. allows abortion right up until the moment a child would otherwise be born;

2. allows the cruel and barbaric practice of partial-birth abortion;

3. allow children to be killed before birth on the basis of their gender;

4. denies the right of conscientious objection to medical practitioners opposed to abortion; and

5. offers no protection to women coerced into having an abortion.

The petitioners therefore request the Abortion Law Reform Act 2008 be repealed, and for it to be replaced with proper legal protection and support for children before birth and their mothers.

By Mr GIDLEY (Mount Waverley) (249 signatures).

Goulburn Valley fruit industry

To the Legislative Assembly of Victoria:

The petition of residents of Victoria draws the attention of the house to the fact that SPC Ardmona can no longer compete with the very low-cost imported fruits and tomatoes that being imported into Australia. Consequently local growers are facing insolvency and thousands of jobs in the sector are being lost.

The petitioners therefore request that the Legislative Assembly of Victoria urgently approve of a substantial adjustment package that will support this manufacturing industry with the view to maintaining employment and restoring the viability of the grower and related sectors.

The petitioners also request that the house supports any federal government action which invokes appropriate and lawful WTO measures which will help to redress the lack of fair competition in the preserved fruit and tomato marketplace.

By Mr McCURDY (Murray Valley) (1124 signatures).

East–west link

To the Legislative Assembly of Victoria:

The petition of certain citizens of the state of Victoria draws to the attention of the house the Napthine Liberal government's intention to build an $8 billion tunnel. In particular we note that:

1. the Napthine Liberal government has failed to present a business case for the tunnel;

2. the $8 billion tunnel will do nothing to fix traffic congestion in Melbourne's north;

3. the $8 billion tunnel will mean that there is no funding left for transport projects in Melbourne's north.

The petitioners therefore request that the Legislative Assembly calls on the Napthine Liberal government to give Victorians the say they deserve and not sign any contracts for this project before the 2014 state election.

By Ms GREEN (Yan Yean) (268 signatures).

City of Whittlesea police resources

To the Legislative Assembly of Victoria:

The petition of certain citizens of the state of Victoria draws to the attention of the house the need for a new and upgraded 24-hour police station in the north of the city of Whittlesea, to serve existing localities such as Whittlesea township as well as the fast-growing suburbs of Mernda and Doreen, and for increased numbers of police in the area.

In particular, we note:

1. the city of Whittlesea is the second fastest growing municipality in Australia;

2. at present the 1950s rural Whittlesea township police station is only open during business hours with police responding from Epping and Mill Park after hours;

3. the ongoing population growth in Epping, South Morang, Wollert, Donnybrook, Mernda and Doreen is putting increased pressure on the two nearest 24-hour police stations in Epping and Mill Park, meaning that the north of the municipality is getting a worse service.

The petitioners therefore request that the Legislative Assembly urges the Napthine state government to work with the local community to upgrade police resources serving the north of the city of Whittlesea.

By Ms GREEN (Yan Yean) (94 signatures).

Doreen road safety

To the Legislative Assembly of Victoria:

This petition of certain citizens of the state of Victoria draws to the attention of the house the exceedingly dangerous road safety issues experienced by school students and pedestrians trying to access Doreen Primary School, Plenty Valley Christian school and numerous other secondary schools

attended by Doreen teenagers. By 2016 almost 4000 12 to 17-year-olds will live in postcode 3754 and most will still be forced to catch buses to school.

In particular, we note:

1. Yan Yean and Bridge Inn roads carry high volumes of traffic way in excess of what they were designed for with no footpaths, bike paths or pedestrian crossings;

2. Doreen Primary School and Plenty Valley Christian school students have no ability to walk even short distances to school, due to the absence of footpaths;

3. there is currently no state secondary school in Doreen or Mernda and a shortage of primary schools, so students catch buses to schools as far as Whittlesea, Mill Park, Yarrambat, Epping, Greensborough, Eltham, Montmorency and Diamond Creek;

4. there is inadequate bus stop space for the volume of buses with one bus stop even located in a no-standing zone;

5. there is no safe area for parents to park and drop off their children especially within an 80-kilometre zone.

The petitioners therefore request that the Legislative Assembly urge the Liberal government as a matter of urgency to:

(1) fund new bus services, cycle and footpaths; and

(2) support Whittlesea and Nillumbik councils to plan and deliver road improvements and safety upgrades.

By Ms GREEN (Yan Yean) (116 signatures).

Tabled.

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

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

Ordered that petitions presented by honourable member for Yan Yean be considered next day on motion of Ms GREEN (Yan Yean).

Ordered that petition presented by honourable member for Murray Valley be considered next day on motion of Mr PALLAS (Tarneit).

DOCUMENTS

Tabled by Clerk:

Auditor-General:

Tourism Strategies — Ordered to be printed

Water Entities: Results of the 2012–13 Audits — Ordered to be printed

Ombudsman — Investigation into children transferred from the youth justice system to the adult prison system — Ordered to be printed

Victorian Inspectorate — Report 2012–13.

BUSINESS OF THE HOUSE

Adjournment

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

That the house, at its rising, adjourns until Tuesday, 4 February 2014.

Motion agreed to.

MEMBERS STATEMENTS

Reg Geary House

Mr NARDELLA (Melton) — Today I call on the Minister for Health, David Davis, and the Napthine government to reverse the decision to close Reg Geary House, a nursing home in Melton South. I tabled a petition today bearing 626 signatures that was brought to this Parliament and also presented to Jenny Mikakos, a member for Northern Metropolitan Region in the Council and the shadow minister for seniors and ageing, by Save Reg Geary House committee members Robyne Undy, Dirk Sauer and Lyn Holdsworth.

The community of Melton is outraged that the lives of these residents of Reg Geary House and their families are being upended. The residents have to leave Reg Geary House, their home which they love, and have to find another place to call home. It is outrageous. There is no reason for this. There has been no working through of the emotional damage and the family damage that is occurring through this, and there should have been further discussion and consultation in relation to whether the licences could go to another provider or whether people could stay there for longer periods of time. I call on the government to reverse this awful, cruel and heartless decision to close Reg Geary House in Melton South.

Russell Walker

Mr O'BRIEN (Treasurer) — I rise to pay tribute to Russell Walker, who recently passed away aged 63. Russell grew up on a dairy farm in Kerang, the eldest of three children and went to Koroop State School, where he was taught by his aunt — one of the benefits of

education in a small town. He went on to Kerang High School and then to Trinity Grammar.

Russell had an interest in politics from a young age and came from a good Liberal family, which included his mother, Wylva, who has passed away, and his father, Reg, who is 92 years old. Russell was an accountant with Price Waterhouse, spent time in London and moved on to other financial roles, including with Mitre 10 and the Myer family.

I met Russell as a member of the Clendon branch of the Liberal Party. Russell became my electorate council treasurer while we were still in opposition, a particularly thankless task. I am pleased to inform the house that as my electorate treasurer Russell Walker always delivered surpluses. He was a dedicated supporter of the Liberal Party and could always be relied upon to volunteer to do whatever was needed.

Russell was a humble and unassuming man with a wonderful sense of humour that revealed itself the more you came to know him. I was fortunate to spend a number of very enjoyable lunches in the company of Russell, Stewart Stribling and other Malvern Liberals when we would discuss the state of the world and politics.

Russell's sudden passing was a shock to his family and friends. For his young son, Andrew, to whom Russell was devoted, it must be a particularly difficult time. I place on record my condolences to Andrew, Russell's sister, Claire, his father, Reg, and his many friends from the Liberal Party and elsewhere. Vale Russell Walker.

Quad bike safety

Mr DONNELLAN (Narre Warren North) — Some months ago I met with Yossi Berger and Michael Borowick from the Australian Workers Union specifically in relation to the danger of quad bikes. Since 2001 over 150 Australians have died after quad bike incidents; 23 of those deaths were recorded in 2011, and 18 occurred on farms. Quad bikes are the leading cause of injury on Victorian farms. Besides these upsetting deaths, I am horrified at the numbers of hospital admissions and presentations at emergency departments that occurred between 2002 and 2010 following quad bike accidents. The males who presented for hospital admission numbered 565, which is an enormous number; and female presentations numbered 201. Emergency department presentations numbered 581 males and 235 females.

These bikes are not safe, and there is a real need for our government, and probably also the national government, to look at asking manufacturers to install crash protection devices because, at the end of the day, far too many machines are rolling over and people are being flipped off these machines, often hitting a hard surface and ending up with severe injuries or dying. This issue needs to be addressed at national and state levels.

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

Rosebud aquatic centre

Mr DIXON (Minister for Education) — Congratulations to Mornington Peninsula Shire Council, which voted on Monday night to build a swimming pool on the foreshore at Rosebud. It is a major victory for common sense, and the council should be commended for recognising the importance of the project to the community. The overwhelming majority of residents want the pool, and they want it on the foreshore. The decision was facilitated by an election commitment I made in 2010 that coastal consent would be given in order for council to have some clarity about the foreshore as a site option. The project will include a range of pools and water play activities, a hydrotherapy pool, gym, wellness centre and cafe. It will be a boon for residents of all ages and for the many visitors to the Mornington Peninsula throughout the year. The project will provide construction jobs and many ongoing permanent and casual jobs.

It will also be a great boost for and a further attraction to the Rosebud township, adding to the many services and activities it already provides. The aquatic centre, which will be known as the spa, will join other exciting future projects on the Mornington Peninsula, such as the new chairlift, the RACV's new hotel and convention centre at Cape Schanck, as well as an exciting new future for the old quarantine station at Point Nepean. Tourism is the peninsula's major industry and employer, so any expansion of the product on offer makes the industry more sustainable. Most of all, this project will be a major attraction for the locals who deserve such a facility and have campaigned for years to have it. I commend the councillors, business, community groups and individuals who persisted and never gave up on this important project for the community.

Reach Foundation

Mr WYNNE (Richmond) — I recently met with Sarah Davies, CEO of the Reach Foundation, based in my electorate in Wellington Street, Collingwood. As I

am sure many members of the house will know, Reach is an organisation dedicated to ensuring that young people are capable of meeting life's challenges. Reach is the wonderful legacy of the great Jim Stynes, who was the founder and the life force behind the Reach Foundation from its very inception. After his football career he did a marvellous job in taking the Reach Foundation from being an idea and an aspiration he had to it making a splendid contribution to community life. It has become an extraordinary organisation doing marvellous work with young people, particularly vulnerable young people and young people who have been disconnected from school and often from their family situation.

Through youth-led workshops for young people between the ages of 10 and 18, Reach aims to increase the wellbeing of young people. I know, from having visited the organisation, that it does absolutely marvellous work in supporting young people at times when they are particularly vulnerable. Sarah Davies is a fantastic CEO for the Reach Foundation. I commend its important work in supporting young people in this state.

Rodney electorate school leavers

Mr WELLER (Rodney) — I would like to pass on my congratulations to all school leavers across the Rodney electorate and wish them all the very best for a successful future. No doubt they have all studied and worked hard to get to the point where their future is laid out in front of them. Congratulations to those students who have excelled in their academic results and I wish them all the very best with their future studies. To those students who have chosen a career and have already entered the workforce, congratulations and good luck in your endeavours.

Christmas felicitations

Mr WELLER — Finally, I would like to wish all my parliamentary colleagues all the very best for a wonderful Christmas with their family and friends and for a safe and happy New Year.

Rodney electorate tourism

Mr WELLER — If you are looking for somewhere to spend some quality time over the Christmas-New Year period, anywhere in the Rodney electorate, especially along the Murray River, is the place to be to enjoy the spoils of summer. We have a long list of summer festivals and events and perfect camping locations for a quiet fish or your favourite water activity. You will be spoilt for choice in our region with New Year's Day harness racing, the iconic Murray River marathon paddle event, major tourism events like the world-famous Southern 80 ski race and the Riverboats Music Festival. Echuca Moama Tourism and Tourism Victoria is your one-stop shop for details on all the wonderful events happening across our region during the holiday season. I look forward to seeing members there, and I urge them to drive safely.

Vicnet community internet service

Ms NEVILLE (Bellarine) — The Vicnet community web-hosting service run by the State Library of Victoria is being dismantled. The library recently announced that it will begin winding back the service from 6 January and anticipate it will be finally shut down by 31 January. The service supports over 5000 community websites across Victoria and its closure will be a significant blow to the community sector. The impact will be felt by many small, local organisations that rely on the contributions and generosity of volunteers. The organisations include a wide range of community-based groups, from sporting clubs, kindergartens, parents' groups and Landcare. These are groups with limited resources and the Vicnet service has been vital in enabling them to connect with their communities online.

A website has become accepted as a basic communication tool for any organisation, club or business. However, for these volunteer community groups finding the resources to pay for a commercial website service will be a major issue. The Vicnet service has been important in helping community groups support volunteers and maintain and extend their services and activities. Its closure will severely disadvantage these groups and the countless numbers of people who have benefited from accessing their many and varied websites. It is vital that the decision to abandon this highly valued service is reversed by the government, for the benefit of thousands of Victorian volunteers, their organisations and the broader community.

Bellarine Peninsula tourism

Ms NEVILLE — On another matter, can I also take up the challenge by the member for Rodney and encourage people to visit the Bellarine Peninsula over the summer. It is the best coastal area.

Christmas felicitations

Mrs FYFFE (Evelyn) — I would like to take this opportunity to say thank you to all the staff of the Parliament, Hansard, catering and especially the attendants in this house. Their courtesy, good humour

and professionalism is very much appreciated. I wish everyone a safe and happy Christmas and look forward to seeing them in the new year.

Yarra Valley tourism

Mrs FYFFE — Following on from the member for Rodney, everyone is very welcome to come to experience the delights of the beautiful Yarra Valley.

New Horizons Concert Band

Mrs FYFFE — I was delighted to see and listen to the New Horizons Concert Band in Queen's Hall last Tuesday night. The ever-smiling and inspirational Bev McAlister was there, encouraging and applauding, as she has done for so many years. The New Horizons Concert Band is made up of many over 50s who had never played a musical instrument before joining the band. The age of band members goes well up to the 70s. Well done to all involved; your music lifted our spirits.

Shire of Yarra Ranges citizenship ceremony

Mrs FYFFE — It was an honour to congratulate Australia's newest citizens on Wednesday, 4 December, at the Healesville Memorial Hall. Some 65 people from all around the world affirmed their commitment to Australia's way of life and became citizens of this lucky country. Having myself become a naturalised citizen nearly 30 years ago, I know firsthand the journey these new Australians have made and I always feel very honoured to be involved in the ceremony welcoming our new citizens. Once again, I congratulate them all and welcome them to our nation. I also congratulate Yarra Ranges Shire Council staff for their efficient organisation and professionalism. They are extremely welcoming to everyone who attends the citizenship ceremony.

Avalon Airport

Mr EREN (Lara) — Yesterday's announcement by the government that it will come to the rescue of Jetstar to enable it to stay at Avalon until 2015 is more about saving the Premier's job until after the next election. This knee-jerk, ad hoc announcement is no replacement for a comprehensive jobs plan for Victoria, or Geelong for that matter. We on this side of the house are proactive and are not waiting to react to bad news. That is why we have taken the initiative to come up with the Victorian jobs plan and, more recently, the Geelong-specific jobs plan. We want to work with local businesses to create jobs, encourage growth and keep Geelong strong.

This money has been injected into Jetstar by a reactive government, and it is about time it become a proactive government and took charge. The Premier cannot be trusted, and the people of Geelong will not believe this government until they see some real results. The government promised Avalon Airport a fuel line, but that has not happened. The government also promised Avalon Airport a $250 million rail line, but that has not happened either. The government promised Geelong it would host a Red Bull air race, and that did not happen. It promised Geelong a car trade export hub at the port to create over 1000 jobs, but that did not happen. This is simply not good enough, and the Premier should hang his head in shame. He is very good at promising but not delivering.

This announcement is a political fix that is intended for only a brief period of 18 months, which is just after the next election. Having said that, the $5.5 million will accommodate those jobs remaining at Avalon for at least another 18 months, which is good news. However, I encourage the government to ensure that it comes up with a jobs plan that is specific for Geelong. I encourage it to get off its bum and do something.

Ferntree Gully Endeavour Award

Mr WAKELING (Ferntree Gully) — It is an honour to present the Ferntree Gully Endeavour Award to students throughout Knox. Recently I had the pleasure of presenting the award to two outstanding senior students. Congratulations to Amarah Radford of Rowville Secondary College and Alasdair O'Brien of St Joseph's College in Ferntree Gully. The Ferntree Gully Endeavour Award is presented to students who have shown great leadership, a strong sense of community spirit and a never-give-up attitude.

Ferntree Gully Village Discovery Day

Mr WAKELING — I congratulate the members of the organising committee of the Ferntree Gully Village Discovery Day. Through their hard work they put together a wonderful community event that highlighted all that the village has to offer. With an estimated participation of over 1500 residents, Ferntree Gully Village is a unique asset at the foothills of the Dandenongs.

Eastern Districts Polish Association Christmas lunch

Mr WAKELING — I would like to thank the members of the Eastern Districts Polish Association for their warm welcome to me at their recent Christmas lunch. As is always the case, an enormous traditional

Polish Christmas lunch was enjoyed by all who attended. I thank them all for their support.

Ferntree Gully senior citizens lunch

Mr WAKELING — I was honoured to join many Ferntree Gully senior citizens at the Christmas lunch provided by the St Vincent de Paul Society in Ferntree Gully. All enjoyed a wonderful Christmas lunch and a chance to catch up with many old friends. I would like to congratulate all of the volunteers at the Ferntree Gully conference for a great event. In particular, I pay tribute to the enormous effort shown by Gordon Veersawmy.

City of Knox Christmas carols

Mr WAKELING — I congratulate Knox City Council for again providing the Knox community with a wonderful event in celebration of Christmas. This year Knox residents enjoyed Christmas carols sung by Sarah de Bono and Rhonda Burchmore. The evening concluded with a fireworks display that was extremely popular with all local residents.

United States of America-Cuba relations

Mr LANGUILLER (Derrimut) — I commend the President of the United States of America, Barack Obama, for shaking hands with Cuban President Raul Castro at the memorial service for Nelson Mandela. The handshake between the leaders came during the ceremony in Johannesburg, which largely focused on Nelson Mandela's legacy of reconciliation. It was an extremely good gesture between the leaders of two nations that have been at loggerheads for more than half a century.

In the context of Nelson Mandela as a peacemaker, one hopes that the example of Mandela continues to be an inspiration to move further than a formal gesture like this, since each president has said a number of times in his own way that now is the time to change the style of the relations between Cuba and the United States and to bring to an end the economic, commercial and financial blockade of Cuba by the United States. The blockade violates international law and is contrary to the purposes and principles of the United Nations charter, contrary to the regulations of the international trade system and contrary to freedom of navigation. The time has come to bring to an end the Helms-Burton Act passed by the US Congress in 1996. If Mandela could embrace truth and reconciliation, so can the United States and Cuba.

Bairnsdale all-abilities playground

Mr BULL (Gippsland East) — On Saturday I had the great pleasure of joining over 400 East Gippslanders, many of them children, to celebrate the opening of the all-abilities playground in Bairnsdale. While it is a playground for everyone, it has a particular focus on accommodating children with special needs. It will be a multipurpose facility, a great place for parents to enjoy some respite and no doubt a popular stopover for travellers passing through town. Undercover barbecue facilities and a liberty swing for wheelchair-bound children are part of the many attractions.

Almost 10 years ago parents of children with special needs and regional disability service providers recognised there was a lack of specialised playgrounds in Bairnsdale and in East Gippsland more generally. The opening of the facility has come to fruition through the hard work of many local community members and organisations, and Anne Guy, Pam George and Peter Bush, as well as builder Craig Cockburn and Anthony Nelson from the shire, deserve a special mention. The playground was constructed with funding assistance from the state government in the sum of $500 000.

Livingstone Park, Omeo

Mr BULL — With the summer tourist season fast approaching I was delighted to officially reopen Livingstone Park in Omeo, after a year of repair works following the floods of June 2012. With the support of the North East Catchment Management Authority and East Gippsland shire, the new park has come up a treat.

Wild dog control

Mr BULL — It was pleasing to join the Minister for Agriculture and Food Security last week to launch the wild dog action plan at the wild dog forum held in Omeo. Wild dogs continue to be a major problem for the rural sector in my area and this plan focuses on a more local approach in each location with greater land-holder input.

Great Alpine Road scenic lookouts

Mr BULL — This week I was pleased to open the upgrades to two scenery lookouts on the Great Alpine Road: Kosciuszko lookout, north of Omeo, and Connors Hill lookout, south of Ensay.

Holden job losses

Mr CARROLL (Niddrie) — I rise to pay tribute to Holden Australia. Yesterday was arguably the saddest

day I have had in this place since I was elected almost two years ago. I grew up in a family loyal and dedicated to Holdens. Dad was a Holden man, not a Ford man. When I was six years old dad and mum bought the family's first brand-new car, a 1983 Holden VC Commodore bronze station wagon. It would be the family car for the next decade and would take the family on a trip to Queensland. My first car was a classic: a green 1963 Holden EH Premier sedan. I would later have a Holden Vectra, followed by a Holden Astra hatchback. As a member of Parliament I elected to have a Holden Calais. Today my sister works in marketing at Holden's headquarters at Fishermans Bend. She even starred recently in the TV commercial for the new Holden Cruze. Yesterday's news that Holden will stop manufacturing in Australia is devastating for the 3000 workers employed at Holden, for the 1300 who are located here in Victoria and for the 29 000 workers employed in the auto components industry, half of whom are located in Victoria.

I want to put on record the attitude of the new conservative Liberal government in Canberra. I could not believe the front page of yesterday's *Australian Financial Review*, with the headline 'Hockey dares GM to leave'. By 2.00 p.m. it had. I also note recent comments by Prime Minister Tony Abbott, quoted in the *Sydney Morning Herald* of 10 December, that:

> They're very good at using taxpayers money but … not that good at maintaining production and jobs despite the use of taxpayers money.

The Prime Minister is wrong. The industry is responsible for about $5.4 billion of economic activity nationwide, 40 per cent through vehicle production and 60 per cent through the production of parts and components.

Balwyn High School

Mr McINTOSH (Kew) — I have often said that the major industry in the Kew electorate is education. I have the honour of having probably more schools in my electorate than any other electorate in the state. Each of these schools, state or private, provides not only exemplary educative outcomes for students but also a variety of teaching methods, activities and opportunities, including social, outdoor, music, drama and dance. One example of such a school is Balwyn High School, which has a tradition of academic excellence and intellectual growth. It also has an outstanding reputation for fostering personal development as a foundation of future success and benefit to the broader community.

I recently had the great pleasure of attending the Balwyn High School speech night at Hamer Hall. I thank the principal, Deborah Harman, and the school for the invitation to attend that fantastic night, which demonstrated and showcased the school's significant academic outcomes. Just as importantly, it celebrated the students' talents in a wide variety of endeavours including music, dance and drama. While the speech night was an opportunity to catch up with many old friends, it was also a great success that made a strong statement about the students' academic, artistic, social and sporting achievements. While proud of the successes of all schools in the Kew electorate, I can confidently say that few, if any, do it better than Balwyn high.

Ivanhoe electorate government performance

Mr CARBINES (Ivanhoe) — Merry Christmas to you, Speaker, but there will be nothing under the Ivanhoe Christmas tree from the Scrooge that is the Napthine government. It is going to be a very bare Christmas out there in Ivanhoe. I can refer to the $26 million that this government stole from the Ivanhoe community when it flogged off three primary schools. Three school sites have been sold off and the government pocketed that money and ran. The *Heidelberg Leader* of 24 September in an article entitled 'Minister is "petty"' states:

> The education minister has been labelled 'petty' after claiming he has not visited a Banyule school to discuss redevelopment plans because he never received an invitation.

Yet on 18 August 2011 he was asked to visit that school, from which he had taken $1.5 million for the master plan at Rosanna Golf Links Primary School, and he still has not visited, despite a commitment to do so in 2011.

We have seen the housing go-slow from the Minister for Housing, who flogged off public housing in West Heidelberg. An article in the *Heidelberg Leader* of 7 August states:

> Just 12 public houses and units have been built in Banyule out of 600, one year into a $160 million project …

Another article in the *Heidelberg Leader* of 8 October states:

> The Department of Human Services has apologised for taking two months to fix four damaged letterboxes at a Heidelberg West Office of Housing property.

The government is flogging off aged-care facilities and it has been caught out trying to merge the Austin Hospital with the Northern Hospital. This is a government that has done nothing for the Ivanhoe

community in three years. It will be held to account. This government is gone!

St Thomas Anglican Church, Burwood

Mr WATT (Burwood) — On 30 November I attended the St Thomas Anglican Church fun day in Burwood and assisted with the sausage sizzle. The chicken skewers were particularly well received, and the book stall provided me with a number of nights worth of reading material.

Eastern Lions Soccer Club

Mr WATT — Also on 30 November I attended the Eastern Lions Soccer Club to watch the Scottish supporters team beat the English supporters team with a score of 2-1. It was small compensation when the English supporters second team beat the Scotland supporters second team with a score of 6-0. As good as the game was, the best entertainment was provided by the slideshow, *Norm Wilcox, This is Your Life*. It was great to see the display of the life and work of a man has given so much to a Burwood sporting club.

Box Hill Hospital redevelopment

Mr WATT — On 7 December I joined the member for Forest Hill, the member for Doncaster, the President of the Legislative Council and the Minister for Health to watch the de-craning of the $447.5 million Box Hill Hospital redevelopment. It is great to see the coalition getting on with the job of providing the superior health care that Victoria needs after years of empty promises.

Monash Children's

Mr WATT — On 8 December I joined the member for Bentleigh, the member for Mordialloc and the Minister for Health for the announcement of the successful tenderer for the development of the Monash Children's hospital. It is great to see that after so many years of promises and reviews by the previous government the coalition government is getting on with the job of providing the superior health care that children in the south-eastern suburbs deserve.

Follow the Star

Mr WATT — On 6 December I attended the Follow the Star event at the Burwood Uniting Church. All of the churches in the local area get together to create this display together, and it is great to see them celebrating the birth of Christ and this great time of year.

Seasons felicitations

Mr FOLEY (Albert Park) — I take the opportunity to wish all parliamentary staff and members the compliments of the season in a totally non-denominational manner.

Automotive industry future

Mr FOLEY — It is with a deep sense of sadness, despair and loss that we see today the tragedy that is unfolding at Fishermans Bend in my electorate. With the abandonment of the vehicle industry by the federal government and the stunned-mullet failed approach by the Napthine government which sits idly by and allows this to happen we are seeing a deeply human and personal tragedy play out for workers and their families as they struggle with this very difficult decision.

We are seeing a failure of industry policy by those opposite with their commitment to scorched-earth, free market economics. We are seeing a political tragedy played out as a divided federal government and a divided state government thrash around and try to decide what role government has in a modern, globalised and exposed economy like ours. We have a political tragedy and a wider economic and social tragedy being played out at the expense of manufacturing jobs, working people and their families and the long-term future of the diverse economy of Victoria.

We are on the cusp of the largest reorganisation and reshaping of the Victorian economy, and the threats that it poses are all challenges for members in this place today. It is about time the Napthine government and its economic ministers got active in this space.

Captain John McNamara memorial track

Mr McCURDY (Murray Valley) — On Sunday I attended a memorial service in Yarrawonga for Captain John McNamara, MC, a decorated soldier who was killed in action in World War II. Captain McNamara has been honoured in the town by having a cycling and walking track named after him. A park bench and plaques which tell the story of Captain McNamara's life were unveiled at the track.

Murray Valley electorate schools

Mr McCURDY — The school year is concluding and I will be visiting some of the awards and presentation assemblies at the schools in my electorate, including those at Wangaratta High School and Yarrawonga P–12 College. I take this opportunity to congratulate the students and teachers at all our local

schools who have worked hard this year and produced some pleasing results.

Bluearth Foundation

Mr McCURDY — I recently attended a session conducted by the Bluearth Foundation at Wangaratta Primary School to see firsthand the benefits of this program. Bluearth programs are offered in many primary schools in my electorate. The Bluearth Foundation is a national not-for-profit organisation with a focus on increasing the levels of physical activity amongst Australians and in particular amongst school-age children. I have heard a lot of positive feedback regarding this program.

Christmas felicitations

Mr McCURDY — With the festive season upon us I would like to wish my constituents in the Murray Valley electorate a happy and safe Christmas. I have met and worked with a diverse range of individuals, groups and organisations over the course of the year. It has been a rewarding 12 months, and I look forward to continuing to represent the people in our great part of Victoria.

Murray River tourism

Mr McCURDY — Like the member for Rodney, I encourage members to visit the Murray River region this summer.

Yarroweyah Country Fire Authority brigade

Mr McCURDY — Last Friday night I was delighted to attend the Christmas party of the Yarroweyah Country Fire Authority where I handed over the keys to a brand-new fire truck. Congratulations to all Country Fire Authority firefighter volunteers who support the community.

Hume Valley School

Mr McGUIRE (Broadmeadows) — I call on the Minister for Education to intervene and help complete the rebuild of the Hume Valley School to the standard that was promised. I request this in a bipartisan way. This is a special school located in Broadmeadows which had the support of the Labor government and the current coalition government. There are about 190 students at the school, and their parents and families are deeply concerned because unfortunately the builder has gone into liquidation. This means that the budget may be as much as half a million dollars or more — a blow-out that needs to be addressed. I draw this to the minister's attention in a bipartisan way to try to get the situation resolved. This is a great school in a great community, and community members have worked extremely hard and been patient in trying to get the work completed. I think it is in the best interests of everybody in this Parliament to make sure that happens.

As I said there are 190 intellectually disabled students at the school. The president of the school council, Wendy Vistarini, has written to me about her concern that they may be left behind. I think it would be an admirable cause if the minister could notify the school before Christmas to give those involved some ease over the holidays. With that, I wish everybody the best for the festive season.

John Smollen

Mr BURGESS (Hastings) — I wish to pay tribute to the founder and organiser of the annual Peninsula Toy Run from Frankston to Rosebud. Sadly John Smollen passed away at his Pearcedale home on 30 November. John devoted a very large part of his life to volunteering for his community in many different ways. Each year John recruited sponsors and organised riders for the toy run. Last year's run collected an amazing 1500 hampers of food and toys for underprivileged families. More than 1000 motorbike riders participate in the toy run each year, and I was very proud to have joined John and the other riders a number of times. I extend my very sincere condolences to John's wife, Maureen, and the rest of the Smollen family.

Somerville art and craft exhibition

Mr BURGESS — I was pleased to be invited to open the Somerville annual art and craft exhibition at the St John's Retirement Village in Somerville on Friday, 15 November. It was wonderful to see on display so many paintings and other examples of arts and crafts produced by many local talented people. Congratulations to Ruth Rae and the organisers for hosting such a wonderful evening.

Langwarrin Emergency Services and Community Day

Mr BURGESS — It was a pleasure to join the Minister for Police and Emergency Services in Langwarrin for the Langwarrin Emergency Services and Community Day on 17 November. The Langwarrin Fire Brigade has been hosting open days for nearly 10 years, and those events have been of great benefit to the brigade and its local community, promoting

volunteerism and community safety and attracting growing crowds.

Dame Elisabeth Murdoch sculpture

Mr BURGESS — It was an honour and a pleasure on 29 November to be present at the Frankston Arts Centre for the unveiling of the sculpture of a great Australian, Langwarrin resident and Hastings electorate resident, Dame Elisabeth Murdoch. The sculpture was unveiled by Dame Elisabeth's daughters, Anne Kantor and Janet Calvert-Jones. It was a wonderful event that commemorated a truly wonderful human being.

Christmas felicitations

Mr BURGESS — Thank you to all the Parliament and Hansard staff. I wish them all a merry Christmas and happy new year.

Aristotle Otis

Ms MILLER (Bentleigh) — Recently I presented a leadership encouragement award to Aristotle Otis, a year 9 student at McKinnon Secondary College. Aristotle has held many leadership positions at the college, including strong involvement with the junior school council and membership of the Victorian Student Representative Council and its steering committee.

St David's church, Moorabbin

Ms MILLER — I would like to congratulate Vicar David Johnson who did a fantastic job on Sunday of celebrating the 125th anniversary of St David's, a Moorabbin Anglican church.

The SPEAKER — Order! The time set aside for member's statements has expired.

PUBLIC ADMINISTRATION AMENDMENT (PUBLIC SECTOR IMPROVEMENT) BILL 2013

Second reading

Debate resumed from 30 October; motion of Dr NAPTHINE (Premier).

Government amendment circulated by Dr NAPTHINE (Premier) under standing orders.

Mr PALLAS (Tarneit) — It gives me pleasure to speak on the Public Administration Amendment (Public Sector Improvement) Bill 2013.

Dr Napthine interjected.

Mr PALLAS — I am pleased that the Premier gets pleasure from the words that come from my mouth. In so saying, I can indicate that the opposition will not be opposing this bill but will place on the record some concerns it has around the stated objectives of the bill. We are pleased to see the amendment that has been circulated by the Premier this morning, which we think will go some way to alleviating some of the concerns that have been expressed publicly by a number of public officials and which are areas of concern to the opposition, about the role of oversighting the offices of both the Auditor-General and the Ombudsman and the capacity to do so.

The bill replaces the governance structure of the State Services Authority, which includes the public sector standards commissioner, a chairperson and other appointed members. The existing staff and all projects will transfer from the State Services Authority to the Victorian Public Sector Commission (VPSC), and the VPSC must prepare a three-year strategy plan which is to be signed off by the Premier.

The bill also inserts a new provision that the VPSC should advocate for an apolitical and professional public sector. These are critical objectives, and ones that the opposition supports robustly and unreservedly. The need for an apolitical public service — the capacity to ensure that frank and fearless advice is provided to government by a professional public service and that public servants are assured that giving such advice will not impact upon their employment — is one of the key tenets of an effective, functioning Westminster system. It is one of the reasons the Victorian public sector is generally regarded as a well-structured, well-performing and insightful public sector, one prepared to give its views to the community and directly to politicians and ministers even on occasions when those views are not necessarily ones that may be warmly embraced.

As I said, the need for an apolitical and professional public sector capable of giving frank and fearless advice is important. It is an objective of the changes made by the legislation that we robustly embrace, because ultimately it is necessary to ensure that Victoria is well served by a public service that is performing effectively and has been given the tools through the safeguards contained in these processes to give advice without fear or favour.

The bill provides that the Secretary of the Department of Premier and Cabinet will be the chairperson of the advisory board meetings and the Premier may direct the

commission to conduct an inquiry into any matter relating to a public sector body other than IBAC or the Victorian Inspectorate. The amendment that has been circulated today goes slightly further than those two bodies. As I said, we are comforted by the amendment the Premier has circulated this morning because it will provide the level of independence of both the Auditor-General and the Ombudsman that Victorians would expect. The member for Lyndhurst will no doubt go into those issues at greater length.

The bill makes a series of changes to public sector governance, replacing the State Services Authority and the Victorian public sector standards commissioner with one commissioner supported by an advisory board appointed by the Premier. The Premier must have regard to an appropriate mix of knowledge, skills and experience of board members across public sector and private sector areas, service delivery and regional diversity. However, I note with some concern that the bill does not provide for a recognition of gender balance. It seems, given the other issues for consideration contained in the provisions such as the mix of knowledge and skills, that perhaps gender should be a consideration to be taken into account.

We have had several concerns about the implications of the bill for the Victorian Auditor-General's Office (VAGO). Obviously that discontent has led to the amendment the Premier has circulated today. These sorts of last-minute changes demonstrate that a better way of going about the development of this legislation would have been a more robust discussion with the community and the public sector more generally about how these oversight mechanisms could be put in place. Indeed it demonstrates that making changes of this nature goes very much to the heart of, the performance of and the respect in which the public sector is held. It is critical when making changes of this nature that the public sector is not taken by surprise. There is no doubt that sources close to the Victorian Auditor-General's Office, speaking to the *Age* as recently as 11 December, were taken by surprise. They described the impact of the review process on that office as 'an unwarranted intrusion on the independence of the Auditor-General's office'.

That issue is being addressed in the amendment moved today. Nonetheless it really goes more substantively to the way amendments and bills affecting the overall composition, performance and review of the performance and capacity of the public sector are handled. These changes go to not only the professionalism of the public sector but the manner in which it perceives it role and the way it interfaces with ministers, cabinet and of course the principal minister of government, the Premier, who has responsibility for overseeing the public sector.

The last-minute amendment was brought in to allay these concerns. It clarifies that IBAC, the Auditor-General, the Ombudsman and the Victorian Electoral Commission cannot be investigated by the new commission. In so doing the government has made a number of statements to the *Age* newspaper which really go to the government not believing that the Premier should have the power to order a review by the Victorian Public Sector Commission into independent officers of the Parliament. That is comforting, and it is also an appropriate dissection of the way this Parliament should operate.

Dr Napthine interjected.

Mr PALLAS — It is good to hear that the Premier wants to talk about how we operated in government and his desire to ensure that we have an independent public sector. Perhaps I will talk about the independence of the public sector he has created. The fact that this government has gone about — —

Dr Napthine interjected.

Mr PALLAS — The Premier says he has copied what the previous government did. It is great to see that this government is excellent at doing nothing except for its cheap and poor imitations of a previous well-performing government. Imitation is always the sincerest form of flattery, but the Premier should get it right if he is going to do it.

Honourable members interjecting.

The SPEAKER — Order! I ask for a little bit less chatter across the table.

Mr PALLAS — The objectives of the bill are stated as being about the efficiency, effectiveness and capability of the public sector. It is stated that to maintain and advocate for the public sector's professionalism and integrity it will replace the State Services Authority with the Victorian Public Sector Commission. These new government structures really go to the question of how substantial these changes are. What are the underlying principles attached to them? One has every reason to question whether these changes are simply about providing for a more efficient and effective review of the way the public sector operates or just about increasing the centralisation and oversight by the Premier through his own office and through his own departmental chair, who will oversee the performance of the VPSC.

Those oversight arrangements will ultimately have to be determined on their merit and the way that they actually deal with the reviews they undertake, but it will remain to be seen whether these changes drive efficiency and effectiveness as stated in the second-reading speech and whether they support issues relevant to public sector administration, governance, service delivery and workforce management.

One of the greatest challenges confronting the public sector in the context of the state of workforce management is how the public sector deals with the substantial changes that are occurring right across the departments in terms of job losses and numbers being cut.

The Department of Primary Industries had a reduction of 542 equivalent full-time (EFT) positions, or 24 per cent. The Department of Environment and Primary Industries has had a reduction of 508 EFT, or 18 per cent. The Environment Protection Authority has had a reduction of 94 EFT, or 22 per cent. The Department of Education and Early Childhood Development has had a reduction of 648 EFT positions, or 22 per cent. The Department of Health has had a reduction of 285 EFT, or 18 per cent; Parks Victoria, a reduction of 122 EFT or 11 per cent; and Victoria Police, a reduction of 244 EFT or 11 per cent.

The Department of Treasury and Finance is down 105 EFT positions, or 15 per cent. The Department of State Development, Business and Innovation is down 121 EFT, or 18 per cent. The Department of Justice is down 486 FTE, or 7 per cent. The Department of Human Services is down 659 EFT, or 6 per cent; and the Department of Transport, Planning and Local Infrastructure is down 611 EFT, or 51 per cent. The Department of Planning and Community Development has had a reduction of 227 EFT positions, or 23 per cent; and Public Transport Victoria is down 83 EFT, or 16 per cent. The Department of Premier and Cabinet (DPC) is one of the few performers not to have had a very substantial reduction. It is down 12 EFT, or only 3 per cent.

Those sorts of changes, together with the continued and, might I say, almost obsessive use of consultancies and contractors by this government, have changed the very composition and make-up of the public sector and put great pressure on its capacity to give advice to government in the timely, independent and frank fashion that is necessary. I hope that one of the first things the VPSC will turn its mind to is how in a constrained environment where numbers have been squeezed and where there is consistent and continuing use of consultancies as an alternative to full-time employees there can be apolitical advice and professionalism from a public sector that constantly feels it is under attack from its political lords and masters.

The secretary of DPC — one of the few departments not to have had wholesale reductions in its numbers, being down just 12 EFT — will be the chairperson of the advisory board. He will oversee the advisory board, and I hope that whatever changes are made and whatever oversight is put in place we can see that consistency of treatment and an emphasis upon efficient service delivery remain the key and constant concern of the VPSC.

The parameters outlined in terms of the things to be considered for appointment to the advisory group leave some things to be desired. The role of the government in directing inquiries to VAGO and the Ombudsman, which has of course been adjusted, would have been, I think, a very substantial cause of consternation for those bodies. We are glad to see that there has been some substantial change to that.

Members of the workforce are quite sceptical about the utility of this bill for them. For the Community and Public Sector Union, which represents many of the public sector workers affected by this bill, there are bigger issues in the public service, issues they believe need to be dealt with, like managing increased workloads given the reduction in the number of public servants. Thousands of Victorian public sector employees have been sacked over this term of government. Tinkering around the edges of the State Services Authority will not undo the impact of sacking almost 5000 public servants over the term of this government. These changes will not fix run-down schools — they will not fix one run-down school; they will not stop one TAFE campus from closing; they will not unclog one emergency room, lessen the congestion on our roads or mitigate the crush in public transport; and they will not grow any jobs for Victorians.

Hopefully what these changes will be able to do is ensure that the public servants who give advice to government about bad policy do not come under attack for the robust expression of those views. We know of course that there are many concerns in the public sector about the shambolic approach towards policy that this government has adopted and the arrogant and offhand manner in which in many ways policy is dismissed by government members as if they know better, without the need for public discourse or indeed for the adequate and effective consideration of internal bureaucratic views.

We have several concerns about the way the government has gone about the process of addressing departures from the public sector, from which it has cut quite profoundly. It has undermined the fabric, integrity and capacity of the public service to do its job. Members on this side remember that that was not as it was to be. On 26 November 2010, just before forming government, the former Premier said:

> Absolutely no reduction in public servants. I am not going to cop this line from the Labor Party.

Ultimately public servants had to cop this line from the coalition, whose members walked away from their pre-election commitments. On 22 June 2012 the former Premier said that the cuts would not affect front-line service delivery roles. We now know that the Chief Commissioner of Police has said that they are Victoria Police's 'most significant challenges' over the next two years. Even the chief commissioner believes cuts to the public sector and service delivery are impacting on the police service and its responsibilities.

This is critical, because if the Victorian Public Sector Commission has any role at all around an apolitical and professional public sector, then workforce planning, the delivery of services and the impact of government policy upon that workforce planning and those services needs to be open and transparent and something that we as the community have the capacity to have some input into.

The great concern about this bill is really not that it does any great disservice to the public sector. In many ways the uncertainty about it is that it is tinkering around the edges of the public sector and the fundamental challenges that the public sector faces into the future. The bill does not undo the impact of the sacking of thousands of public servants under the administration of the Baillieu and Napthine governments. As I have said, it will not lead to the opening of a school or the fixing of a run-down school, and it will not stop one TAFE campus from being closed. It does not provide one jot more than the existing regime for dealing with the oversight of the performance of the public sector.

A matter that is concerning is that the advisory board to be established will essentially be a body to be populated at the whim of the Premier. I hope the government sees this as an opportunity to ensure that it gets full and frank advice on the body that oversights the bureaucracy, the job of which is to give the government full and frank advice. In that context it is critically important that the government embrace the role of the advisory board as a body that will encompass a level of skill, activism and interest in the public sector, in growing the public sector and in ensuring that the public sector is adequately resourced and capable of giving to government the advice that it needs. Simply stacking an advisory board with Liberal mates — which this government has shown a propensity for with other statutory boards — is a clear illustration that ultimately the principal objective of this bill to create an apolitical and professional public sector will be discounted at its inception. A stacked advisory board would lack credibility as a professional advisory board meeting the skills criteria laid out in the bill.

It is critically important that the public sector be adequately resourced and that Victorians have confidence that we have a public sector that continues to perform at the peak of its abilities. The greatest way that that peak of ability and performance — that is, essentially the full potential of Victorian taxpayer dollars — can be achieved is not by cutting public servants and ideologically replacing them with contractors or consultants; it is by making sure that the advice that comes to government is from a public sector at the height of its game and the peak of its performance. It is by managing the career structures of public servants and ensuring that policy is appropriately developed and delivered to government so that there are sufficient safeguards around the development of that policy. That ensures that government can have some confidence that a mere idea or frolic of an individual in the public sector will not become policy. It ensures that a policy idea has been worked through in a coherent and collective way that enables the input and expertise of public servants to reach government and therefore to be appropriately and respectfully considered by the government.

Too often we hear from those who tell us that which we do not want to hear and take that as some form of opposition or criticism. A well-performing public sector needs to have people in a position where they can provide advice without fear or favour. They need to be able to do so frankly and be assured that there are safeguards in the way that system operates. They need to know that they will be protected in their role and to have confidence in the way the public service is structured. It is a fundamental tenet of the Westminster system that we have a well-resourced and confident public sector whose members can give advice to government and not have that advice perceived as anything other than provided at the highest professional level.

The government has every right to assume that the level of professionalism it expects is reflected in the advice its members are getting. The opposition does not oppose the government establishing a structure such as

that provided for by the bill and does not oppose the government replacing the previous government's systems of review through the State Services Authority, because ultimately the government must have confidence in its public sector.

Members of the public sector must have confidence that they will not have some adverse comment or implication drawn from the advice they give to government. The community must have confidence that the public sector is not only adequately resourced but also capable of openly and robustly demonstrating that the thought processes that have gone into the development of policy and the implementation of service delivery sit consistently with community mores and the community's aspirations for the future. On that basis I indicate that the opposition will not oppose the bill, and I wish it a speedy passage.

Ms WREFORD (Mordialloc) — I rise in support of the Public Administration Amendment (Public Sector Improvement) Bill 2013. How frequently history repeats itself with Labor governments. They cannot manage money, they cannot manage major projects and they expand the public service without thought. Taxpayers pay for it until the coalition comes along, fixes things up and makes them more efficient. This government is working to steadily improve the efficiency of the public service and to set a standard for it that other governments will envy. The aim of this bill is to put good governance structures into the public service so it maximises efficiency and effectiveness. We have already created a good foundation, but it is time to build on that foundation. This bill will help build public confidence in the public service's integrity and capability.

It is timely that this bill comes to the house now, given the tabling of the Victorian Ombudsman's *Report on Issues in Public Sector Employment* last month. The Ombudsman's report, if anyone has read it, uncovered a number of concerning allegations of misconduct relating to public officers. Three main themes were highlighted in the report: inadequate pre-employment screening; appointments compromised by nepotism, favouritism and conflicts of interest; and recycling of officers with histories of questionable conduct or performance. The Ombudsman's report highlights concerning problems with the public service, and as a result this bill is timely.

The bill makes changes in two main areas of the public service. It establishes the Victorian Public Sector Commission (VPSC), which will focus on improving performance. It also amends the Public Administration Act 2004 to improve public sector body performance and governance frameworks. Improving the capability, effectiveness and, importantly, efficiency of the public sector will be the role of the new Victorian Public Sector Commission. It will also have a significant role in seeking improvements to the integrity and professionalism of the public sector. This is not to say that the public sector lacks integrity or is unprofessional, but we want to set the standard for the rest of the world. I want the people of Mordialloc, and people across the state, to be confident that they have the best public service in the world — one that gives them the best bang for their buck.

The VPSC replaces the State Services Authority (SSA). It is similar to the SSA in that it will offer in-house expertise and an analysis of the current and emerging environment. This is similar to the SSA's systems reviews, but the VPSC will go further. It will boost effectiveness and efficiency by providing support and advice on issues relevant to public sector governance, administration, service delivery, and workforce management and development. We want the VPSC to be forward looking and have designed it to be so. There are always opportunities and emerging issues that we need to be prepared for. We want the VPSC to provide an overview of the sector. It will collect and analyse whole-of-government data. This will help to detect capability gaps and target reforms that will benefit all Victorians. It would have been interesting if the VPSC had been around during Labor's spate of IT disasters to identify where the capability gaps were. One suspects these gaps were right at the top.

This bill also allows the Premier to direct the VPSC to undertake inquiries on any matter relating to a public sector body. This is an important tool. It means that should problems or opportunities emerge the Premier can more quickly seek advice and analysis and do so from a body that is already interrelated with the public sector. Given that a big part of the VPSC's role is advocating for public sector professionalism and integrity, it must set the benchmark for professionalism, integrity and performance itself. It will issue binding codes of conduct based on public sector values and establish standards regarding the application of public sector employment principles. It will follow this up by monitoring and reviewing their application. The centrality of the VPSC means this will be a far more efficient process than the current ad hoc and inconsistent approach. A real point of expertise in such matters will develop. The VPSC will also help to ensure that public sector employment decisions are made on a fair and proper basis, as was recommended in the Ombudsman's report tabled last month. It will maintain a register of lobbyists and work to ensure the

public sector is apolitical. This alone will significantly increase confidence in the sector.

The VPSC will be headed by a single commissioner. This is an important position of leadership across the whole public service. The commissioner will be appointed by the Governor in Council on the recommendation of the Premier. Around the commissioner will be an advisory board. It will include the Secretary of the Department of Premier and Cabinet and up to seven other members with experience and knowledge of the public sector, service delivery, business and regional matters. This will create a knowledgeable and dynamic core. A big part of their role will be to develop the annual strategic plans and, again, set a very high standard.

In addition to establishing the VPSC the bill will improve the governance framework of public entities by amending the Public Administration Act 2004. It will significantly improve the connection of public entities to department heads and, in turn, their ministers. This is important because it will create much greater transparency and efficiency in quickly identifying and dealing with risks and issues. It should also create a greater sense of responsibility in some areas. It does not allow interference with entities performing their roles and it does not stifle independence. It simply allows for a better flow of information.

Next the bill clarifies that a subsidiary of a public entity is a public entity for the purposes of the Public Administration Act 2004. This makes the roles of subsidiaries clearer under the act. The bill gives the Secretary of the Department of Premier and Cabinet the capacity to issue guidelines to public service bodies or public entities to ensure consistent standards of administration.

In terms of declared authorities, the Premier will no longer be required to approve remuneration for certain declared authority positions. That requirement was a strange provision because it was so inconsistent, particularly when there are already appropriate checks in place.

Finally, and remarkably, this bill requires public entity boards to collectively consider their own performance.

Mr Pakula interjected.

Ms WREFORD — It is remarkable because that was not already the case. Every board should have a set of key performance indicators to measure its performance against. It is just standard business practice.

The current law, which was introduced by Labor in 2004, gives the Premier the power to direct the State Services Authority to conduct a review in relation to constitutionally independent officers of the Parliament; for example, the Auditor-General, the Ombudsman and the Electoral Commissioner. The government does not believe the Premier should have the power to order the Victorian Public Sector Commission to review independent officers of the Parliament. When the government became aware of that power, in consultation with the independent bodies it moved to fix Labor's overreaching powers and remove the Premier's ability to order an inquiry into these bodies.

In conclusion, this bill is very important for Victoria. It will improve the good public sector we have and set a standard other places will envy. People in the Mordialloc electorate and across Victoria are entitled to the ultimate in professional, efficient and effective public services. This bill will raise the standards. I commend the bill to the house.

Mr PAKULA (Lyndhurst) — I do not intend to traverse all of the ground that was so eloquently traversed by the member for Tarneit.

Honourable members interjecting.

Mr PAKULA — If I wanted to traverse the ground of the member for Mordialloc, I would simply do what she did and re-read the second-reading speech of the Premier.

The bill, as the member for Tarneit indicated, will not be opposed by the opposition, but I do want to go briefly to a number of matters that have been raised in the debate. First of all, I think we should view with at least a degree of scepticism the claims about the enormous improvements to public administration that can be expected as a result or as a consequence of the passage of this bill. The Labor government did, as speakers have indicated, institute the State Services Authority (SSA). That was in fact the groundbreaking change. This is a tinkering, a renaming.

There are some changes of substance but the reality is that the fundamental architecture was put in place when the SSA was created. It is an institution that has served this state very well under the Bracks government, the Brumby government, the Baillieu government and now the Napthine government. Whilst there will be some changes to the way that effective overarching public sector architecture works as a consequence of the passage of this bill, they will be nowhere near as substantive as the change that was made when the State Services Authority was first brought into being.

I would also say that one of the limitations of this approach is that the public sector is so much less robust now than it was not so long ago, not just because of the thousands of jobs that have been removed from the public sector — particularly given that the removal of those jobs flew in the face of specific pre-election commitments by the former Premier and also post-election commitments made by him before the Public Accounts and Estimates Committee as Premier only weeks before the first tranche of public sector sackings was announced — but also because so many jobs that were once carried out by public servants are now carried out by contractors, casuals and labour hire employees. Tens of millions of dollars of taxpayers money is now being spent on the massive contracting out and casualisation of the public sector. The labour hire agencies are making an absolute poultice out of work within our public sector agencies. In those circumstances the ability of an organisation, even one such as the Victorian Public Sector Commission, is by definition somewhat limited.

I want to go to the matter of the amendment that has been circulated by the Premier today and some of the revisionism that has accompanied it. The member for Mordialloc in her contribution and the Premier by way of interjection have both suggested that this was a case of the government copying a piece of legislation that was already in place and that as soon as the government became aware of the problem it made that change. That is quite curious, because it is my understanding that the government has been aware of the unhappiness of the agencies accountable to the Parliament from the time that this bill was introduced into the house.

Last night we debated the Court Services Victoria Bill 2013, which coincidently also had provisions that compromised the independence of the Auditor-General and of the Ombudsman and was also subject to house amendments introduced by the Attorney-General, on that occasion on the day the bill was debated. Today we have more house amendments from the Premier to reverse the impact of the bill on the Victorian Auditor-General's Office, the Ombudsman and the Electoral Commissioner. The fact of the matter is that the opposition has been aware of the concerns of, in particular, the Auditor-General about this bill from the time the bill was introduced some weeks ago, and so it beggars belief that the government became aware of those concerns only in the last 24 hours.

The fact is that the Auditor-General's office has been quite open about its concerns. I have been made aware that there has been a degree of dialogue seeking to have amendments made — seeking to have these changes made — but that it was only when the government was contacted by a journalist from the *Age* yesterday that the government deigned to propose house amendments. There was no intention to amend this bill until it became obvious to the government that this was about to become a media story.

The fact of the matter is that the Auditor-General, the Ombudsman and the Electoral Commissioner are all answerable to the Parliament, as is appropriate. In particular, the Auditor-General is answerable to the Parliament through the Public Accounts and Estimates Committee — on which I have had the privilege to serve as a member not only in this term but also in the last term — and as a consequence of that accountability through the Public Accounts and Estimates Committee, has to go through a triennial performance audit process in which the performance of the office is comprehensively examined. The last of those performance audits was tabled in this place only last sitting week. In those circumstances the house amendment that is being proposed by the Premier today is welcomed, and it coincidently replicates one that the opposition was intending to introduce.

We do not accept the explanation by government members that this amendment was proposed as soon as the government became aware of concerns. We think the government was quite happy for the bill to stand as it was until it became clear to the government that there was going to be some media attention paid to it. However, that is one of the great benefits of having a free media that can shine a light on these things and, in appropriate circumstances, force some kind of change.

With regard to other elements of the bill, as was indicated by the member for Tarneit, the opposition does not oppose the bill. We are pleased about the amendment proposed by the Premier today. As the member for Tarneit said so correctly, there is nothing in this bill that will reverse the job losses that have already been felt in the public service. It will not fix any roads, it will not help reopen a TAFE that has been closed, it will not help unclog an emergency room and it certainly will bring no succour or good tidings to the workers in the manufacturing sector who have been let down by the indolence, incompetence and lack of care shown by this government over the last three years.

Mrs BAUER (Carrum) — It is a great pleasure to rise in support of such an important bill, the Public Administration Amendment (Public Sector Improvement) Bill 2013. Previous speakers have mentioned that through the provisions of this bill we will be replacing the State Services Authority with the Victorian Public Sector Commission. The new commission will be responsible for strengthening the

capabilities, efficiencies and effectiveness of the public sector. The Victorian Public Sector Commission will also maintain public sector professionalism and integrity, which is incredibly important. The bill also sets out the functions and powers of the Victorian public sector commissioner.

The member for Lyndhurst has just mentioned in his contribution that the Premier has introduced a government house amendment, and I commend the Premier on that. As we heard, the current legislation was introduced by Labor in 2004 and gave the Premier the power to direct the State Services Authority to conduct a review in relation to constitutionally independent officers of the Parliament, including the Electoral Commissioner, the Auditor-General and the Ombudsman. The coalition government does not believe the Premier should have the power to order a review of the public service commissioner. I commend the Premier and the government on their action when they became aware of that power.

Following consultation and after seeking the advice of the independent bodies, we have moved to fix Labor's overreaching power and remove the Premier's ability to order an inquiry into those bodies. I place that on the record, and I correct the member for Lyndhurst's incorrect assertions.

As a result of this bill there will be improvements to the powers, governance and efficiency of the commission to improve public sector governance structures. This is essential for improving confidence not only in the sector but out in the community. Let us not forget that when the coalition came to government in 2010 — and what a remarkable achievement and a terrific time that was for Victorians; I am pleased one member of the opposition is here to be reminded of it — the growth of the public service exceeded population growth. The public service was growing faster than the population was growing, which is not efficient or effective, and over the decade to 2010 the former Labor government's expenses grew at 8 per cent a year, whereas revenue was growing by only 7.3 per cent. In other words, Victoria was going backwards under the Labor government — —

Mr Donnellan interjected.

Mrs BAUER — We have obviously hit a very tender nerve because opposition members are getting quite excited at being reminded of their inefficiencies in managing the budget. This reinforces the importance of the bill in ensuring that we are not only strengthening the capacity of the public sector but also its effectiveness and efficiencies. The public sector provides important and wide-ranging services to our Victorian communities every day, including in the Carrum electorate. These services cross over the areas of health, education, emergency services, land management and water services. It is interesting to note that the public health-care sector and government school sector employees account for over half of the public sector workforce, and the State Services Authority report *The State of the Public Sector in Victoria — 2011–12* outlines that the public sector comprises 11 departments and 26 authorities, equating to 266 575 staff across all the different services that the public sector provides.

The public sector is an essential part of our community. It provides great support and important services for us every day. The bill continues to support the public sector but also increases its efficiencies so that the government can look at reinvesting and delivering value for money for Victorians while continuing our support for the public sector, which is a key part of the coalition's economic strategy. Over the last three budgets we have invested in front-line service delivery, providing more support to the public sector while becoming more efficient, which means we have more money to provide support for essential services and organisations within our community.

Victorian communities expect that we will continue to deliver in all the key areas of health, education, emergency services, water and land management, and the government now has more money to invest through its good governance and its not allowing Victorian expenses to increase to the terrible level we were experiencing under the Labor Party. Then, as I mentioned, expenses were at 8 per cent and outstripping revenue growth of only 7.3 per cent. The coalition government understands good management of the budget and the economy, and I commend the Treasurer in that regard. It is fantastic to know we are the only state that has a AAA rating.

With effective processes and good management in place we can invest more in front-line services. One example of this investment is in our protective services officers (PSOs). The installation of the PSOs is an incredibly popular policy being delivered to our communities to keep them safe. I see the opposition laughing when I mention PSOs. I challenge opposition members to tell Victorians that if they happen to be re-elected they will remove PSOs. Opposition members do not believe the PSOs are effective. They want to get rid of them, but they have been popular in our communities.

We have committed to 940 PSOs across the rail network as part of a $212 million investment, and on the Chelsea and Carrum railway stations people feel safer. They have welcomed PSOs, and perception of safety on our railway stations for night-time users has significantly improved. Parents have told me they are happier about their children travelling by train at night now that PSOs are patrolling. I have four teenage sons, and they tell me the same thing. It is an incredibly popular policy, and my community of Carrum is very grateful that the coalition government is investing in more PSOs. I mention also that the PSOs at Chelsea and Carrum railway stations will happily walk commuters to their cars if it is dark, which is very popular among commuters.

I commend the bill, and I congratulate the Premier on introducing the amendment, listening and acting. This legislation will be welcomed by our communities.

Mr BATTIN (Gembrook) — It gives me great pleasure to support the Public Administration Amendment (Public Sector Improvement) Bill 2013, and what a wonderful bill it is. It streamlines the legislation and ensures that we have an effective public sector that can get the best return for Victoria, and that is very important. The people working hard out there want to make sure that their taxes are spent effectively. We should treat that money as if it was our own to make sure we deal with it properly and do not waste any of it. It is disappointing to have had 11 years of waste under the former government. The amount of public sector growth was unbelievable. It was around 4 or 5 per cent higher than population growth, and that is something that anyone with any basic maths knowledge would know is unsustainable.

The main purpose of the bill is to establish the Victorian Public Sector Commission to replace the State Services Authority. The commission will have a new governance structure with a single commissioner supported by an advisory board. This is in contrast to the State Services Authority, which includes a chairperson, a public sector standards commissioner and other appointed members.

The coalition government wants to get on with streamlining, cutting red tape and ensuring that we have a system that works effectively and efficiently to get the best result for the money we are spending. That gives us an opportunity to deliver on other commitments throughout the state which are very important. I will speak about some of those. The member for Carrum talked about protective services officers (PSOs) and how important they are to the state. We understand how important PSOs are to security in this place and the way we operate within the Parliament. The work they are doing at the railway stations is outstanding. We have got them down in Pakenham and Berwick, and we all know that the results down there have been fantastic. We have also got an extra 1700 police coming on during this term of government.

The Minister for Sport and Recreation, who is sitting at the table, has been out in the Gembrook electorate, as he has been around the whole state, getting more people more active more often. Being the Parliamentary Secretary for the Environment, I want more people more active more often in more places. I want them to go out into our parks so we have healthy parks and healthy people. Recently the minister and I turned on for the first time the new lights at Gembrook Recreation Reserve. This will ensure that members of the Gembrook Cockatoo Football and Netball Club have an opportunity to train during the winter. That means getting more clubs active in a growth area with many young people, where opportunities for them to go out, train and keep fit have been very restricted. We are building for growth down there.

We have also put funding into the Henty Road facility for one of the other growing sports in Victoria, soccer, or football depending on where you come from. Being an avid Arsenal Football Club supporter it is a difficult day to talk about soccer after a 2-0 loss to Napoli last night. However, it is important that we get people involved in sports.

Whilst the member for Carrum was speaking, the opposition member at the table, the shadow Minister for Roads, who is also the member for Narre Warren North, decided to laugh and talk about the Frankston rail line. We only need to look at the results on the Frankston line, and that Frankston line — —

Mr Donnellan — On a point of order, Acting Speaker, if you could draw the member back to the bill. I am not sure that talking about soccer is anywhere near the public service or the bill.

The ACTING SPEAKER (**Ms McLeish**) — Order! I ask the member to come back to the substance of the bill.

Mr BATTIN — This bill is about realigning our public sector to make sure we get efficiency. The best result of that is ensuring that we can continue delivering those train services, even on the Frankston line where the percentage of on-time trains has improved so much. Before the 2010 election it was down below 70 per cent and it is now above 90 per cent, with more than 1000 new services. That is why this government is

seeking to amend the Public Administration Act 2004: to get on with the job and make sure it stays on track.

The member for Ferntree Gully has just walked into the chamber. We have done some great work at the 1000 Steps. The reason we can do that work is that we are cutting the red tape and saving money where we can. The taxpayers want us to get in there and make sure we have an effective and efficient service at the best possible cost so the savings can be put back into our communities to improve the Country Fire Authority and other service delivery. I commend the bill to the house.

Ms RYALL (Mitcham) — I am pleased to rise to speak on the Public Administration Amendment (Public Sector Improvement) Bill 2013. This bill establishes the Victorian Public Sector Commission to replace the State Services Authority and with that provides a new governance structure, one that is quite streamlined. It means a single commissioner supported by an advisory board rather than numerous authorities, with the State Services Authority having a chairperson, a public sector standards commissioner and other appointed members.

The crux of the bill is efficiency and improvement in the public sector. I spent 15 years working with businesses in the manufacturing and service sectors, assisting them, helping them, guiding them on how to improve their efficiency, enabling them to deliver on the outcomes they needed to deliver on based on the objectives and strategy of their organisations. It is no different in the public sector; there is a strategy and there are key objectives for what needs to be achieved. The right processes and practices need to be in place and the right systems to deliver on the right outcomes. This bill is also about supporting the public sector.

What we saw under Labor was a massive bloating of the public service. It is important to teach Labor that more people does not necessarily mean better outcomes. What we saw for the 11 years of the former government was a bloating of the public service but a deterioration in the outcomes of the services in terms of their objectives and what departments and areas needed to achieve. That is not efficiency, it is not what Victorians expect and it is not what people expect their tax dollars to go towards: decreased efficiency and increased numbers of staff.

The member for Lyndhurst made some points in relation to the public sector. My view from listening to his contribution is that Labor, even now, would not do a single thing to deal with the fact that its bloating of the public service outstripped population growth at that time, which was massive. As fast as the population was increasing, Labor was increasing the cost of government bureaucracy even faster. What this government is about is reducing the cost of government and making sure front-line services are improved, and with that, as the member for Gembrook said, increasing police numbers and getting protective services officers on our stations. It is about making sure our front-line services are impacted on and boosted as opposed to the number of jobs in the bureaucracy being boosted.

That is what this government is about: reducing the cost of government in order to deliver better front-line services. We have done that in health. We have reduced the cost of government to ensure that we can improve our front-line health services. We have done the same with our capital works program.

Mr Donnellan interjected.

Ms RYALL — It is interesting, and I will probably get members interjecting, but I am not sure how many businesses in the manufacturing sector the member for Narre Warren North has assisted in improving their efficiency. However, I have done that, and I understand how manufacturing businesses operate. They work on streamlined efficiency. They do not boost their number of employees and deliver lower outcomes, as the Labor party did in government. Our manufacturing businesses are more efficient than the former Labor government ever was at delivering outcomes. The member for Narre Warren North would do well to get some experience and gain some understanding of how business functions. Businesses create jobs, not the government. Governments create the circumstances in which businesses can be successful. We are reducing the cost of government and the cost of bureaucracy, and we are putting those cost savings into the productive environment. From our perspective this means spending more on front-line services. It is about making sure that we create the conditions for business to thrive.

I also got the impression from what the member for Narre Warren North said that he does not understand structural change. He sat there silently in relation to the changes to the fringe benefits tax and their impact on jobs. On the carbon tax he was totally silent. We have a situation where opposition members are silent on some things and very noisy on other things. They were silent on the stuff that had an impact on industry yet the moment the structural change started to take effect they were shouting about what they had failed to speak up about and who they failed to speak in support of. On that note, I commend the bill to the house.

Mr WELLER (Rodney) — It gives me great pleasure to rise to speak on the Public Administration Amendment (Public Sector Improvement) Bill 2013. I am sure that the aim of both sides of this house is to have a public service that delivers for all Victorians in an effective and efficient way. That is what this bill is about. The main purpose of the bill is to establish the Victorian Public Sector Commission to replace the State Services Authority. The commission will have a new governance structure with a single commissioner supported by an advisory board. This is in contrast to the structure of the State Services Authority, which included a chairperson, the public sector standards commissioner and other appointed members. The bill introduces a more efficient structure.

I am a member of the Independent Broad-based Anti-corruption Commission Committee, which oversees IBAC. I note that new division 8 refers to the Victorian Public Sector Commission and IBAC. New sections 73, 74, 74A and 74B require the commission to notify IBAC of any matter that appears to involve corrupt conduct and provide for processes relating to notification. Obviously this new public sector improvement bill is very thorough legislation. All the oversights are in place, and the new commission will be responsible for them. In new division 7, new section 71 provides that the Freedom of Information Act 1982 will apply to the commission, and new section 72 provides that the Financial Management Act 1994 relating to the procurement policy will apply to the commission.

We are setting up a new body that will be transparent in its working, so there will be no chance for corruption or that type of thing. This will lead to a more effective, productive and efficient public service than the one we inherited when we came to government in 2010. We found that the public sector needed to be improved, and that is what the government is doing with this bill. With those words, I commend this bill to the house.

Mr BAILLIEU (Hawthorn) — I want to make a few brief remarks on the Public Administration Amendment (Public Sector Improvement) Bill 2013. This bill represents an important step in improving the governance of the public sector and in particular the public service in Victoria. All units in a public sector the size of Victoria's will from time to time be tested in terms of their administration and their governance.

The advice that the State Services Authority has been able to provide regarding public sector standards and its reporting on best practice have been important. However, as I said, every organisation needs to be tested on its governance and that applies to the State Services Authority. In my previous role I had the opportunity to seek reports from the State Services Authority and to see it do good work in servicing the needs of the public service in Victoria. I know the government was appreciative of the many reports it received on commission from the State Services Authority and indeed of those reports that it commissioned on specific matters. That project work is vital to the good conduct of the public sector and the public service in particular.

The State Services Authority found itself tested from time to time, and it became evident that the structure that existed around that authority really needed refinement in terms of good governance. This bill and these changes absolutely address those issues, and they address them well, giving clarity to the new commissioner, which will assist but not in any way take away from the responsibilities and activities that will be undertaken by the new body. That will go to advice, it will go to the collection of data, it will go to research and it will go to the undertaking of specific project work by reference from the government and to maintaining standards. To maintain standards in the public sector in Victoria, the bodies that are responsible for those standards have to maintain their own standards. This bill goes to addressing those governance issues and appropriate administrative structures for the new commissioner and his advisory board. I commend the minister and commend the bill to the house.

Debate adjourned on motion of Mr CRISP (Mildura).

Debate adjourned until later this day.

LOCAL GOVERNMENT AMENDMENT (PERFORMANCE REPORTING AND ACCOUNTABILITY) BILL 2013

Second reading

Debate resumed from 27 November; motion of Mrs POWELL (Minister for Local Government).

Mr WYNNE (Richmond) — I welcome the opportunity to be called and to make a contribution on behalf of the opposition to the debate on the Local Government Amendment (Performance Reporting and Accountability) Bill 2013. I indicate from the outset that the opposition does not oppose the bill. It does not oppose it because — —

An honourable member — But?

Mr WYNNE — No, there are no buts, actually. I look forward to the usual erudite contribution from the

Parliamentary Secretary for Local Government, the member for Mornington. No doubt he will not only make various reflections on my contribution but also bring to the debate his own experience, lengthy as it is, in the local government sector. Importantly, I thank the officers, including the minister's chief of staff, who gave me the courtesy of providing me with a very good briefing about the genesis of the bill and the substantial body of work that has been done in developing the frameworks and criteria for performance reporting and accountability by local government. It has been a very substantial body of work. Some of that is reflected in the second-reading speech.

I am interested that the work has been progressed over a period of time by successive governments. As history will recall, there was the reform in, I think, 2003 that was undertaken by then Minister Cameron, who was the Minister for Local Government at that time.

Mr Weller — No, it was Minister Broad.

Mr WYNNE — Minister Broad, I am sorry, was the Minister for Local Government at the time who did a substantial body of work to improve accountability through more transparent performance reporting arrangements. The Auditor-General at that time provided some commentary about this. He found that whilst those performance indicators were a good start towards having a more transparent process of local government reporting for ratepayers, there was still a disconnect between what was being reported and what was of relevance to ratepayers. That was an important consideration.

The Auditor-General at the time identified challenges within the sector, including ineffective articulation of planning matters, budgeting and the need to strengthen oversight. Actions to address these shortcomings had been restricted by a lack of sharper and more relevant performance reporting information. It is fair to say that local government may not necessarily have embraced performance indicators as fully as it should have and seen them as an opportunity and not as an impediment. Certainly in my time as the Minister for Local Government I always encouraged — I know this Minister for Local Government also does, and you see this reflected within the framework and the performance indicators — local government to seize the challenge and seize the opportunities that arise through having an open, transparent and fully articulated set of frameworks that, firstly, people can understand, and secondly, are accessible to people.

The internet is now an extremely well-developed tool, and people who are not connected to the internet can go to their local library for access. I do not think there would be a library in the state that does not have public internet access for residents. Many elderly residents use the library as a source of social discourse and as an opportunity to engage in public life, but the internet has become a powerful element in facilitating that.

Mr Weller — Free wi-fi.

Mr WYNNE — Free wi-fi, as the member for Rodney quite appropriately indicates. I remember being with the member for Rodney in his electorate when as the then Minister for Local Government I provided substantial funds for the upgrade of the library in Echuca.

Mr Weller — Half a million.

Mr WYNNE — Yes, half a million dollars. I thank the member for Rodney for reminding me. Wi-fi was an element of that upgrade. The reason I raise this is that for some people having access to information is an important thing. Public libraries are a fantastic institution and a fantastic resource, particularly for students who often use them as study venues, for elderly residents who may go to a library to access newspapers and periodicals and for people for whom English is a second language, as many libraries will have a wonderful array of resources in their mother tongue. As the member for Rodney indicated, there is also free internet access, often through wi-fi, where residents have the opportunity to access the information that the government now requires to be put on the internet for people to scrutinise.

This is important not only because of questions of transparency but also in terms of where it is that local governments are investing the hard-earnt resources of ratepayers being established and understood. One of the elements of these performance benchmarks is that local governments will now have to articulate their capital works programs and their major projects. This is a really important thing. As we know, local governments are always criticised when there are rate increases. No local government wants to be above the pack on rate increases. It is always a very vexed issue when councils are setting their rates for the year. Under the Local Government Act 1989 councils have a responsibility to put out their draft budget for public consultation for a period of time before finally deliberating on the budget and setting the rates for the year.

I have always advocated that there be constraints on local government rate increases and that where rate increases occur, councils should be able to articulate why there are rate increases and where those funds are

going. That is why it is important that when a council is undertaking a major capital program you can track the clear relationship between the rate increase, why it is in place and the enduring benefit to the community of the capital program. It is my deep belief that when a council is able to articulate that in a coherent way, people understand it and accept it. It is an important aspect of what the orthodoxy should be of how local government deals with these issues going forward. Local government should not deal with these issues in a defensive way but by saying, 'This is how we articulate for you as ratepayers how we are going to spend the rate dollar'.

In that context it is important that we understand the other side of that argument. We have councils that are under enormous pressure, particularly population pressure, in growth areas such as Wyndham and Casey. I often get this figure wrong, but in Wyndham something in the order of 70 children are being born each week. That is an extraordinary number when you think about it in terms of the physical and social infrastructure that local government has to support. I think the figure is 70 children a week; it is an unbelievable number. It gives you some grasp of what local government has to tackle going forward in providing even the most basic infrastructure, such as maternal and child health centres, kindergartens and so forth. It leads to massive challenges for state and federal governments in the provision of other fundamental services, such as schools and hospitals.

It is always the sharp end of the stick for local government, which takes much of the brunt of this challenge. An argument can be put about the way financial assistance grants work between the commonwealth and the states, the tax share and all those issues. Perhaps at some point state and federal governments may seize the opportunity to address how we are going to go forward in terms of appropriate tax share between commonwealth and local government within a broader framework of service provision. There is no doubt that in the growth areas councils are struggling to simply keep up. The flipside of that is our smaller local governments.

The report on the local government financial audits that was tabled yesterday, I am pleased to say, yet again provided a clean bill of health for local government, but there were some warnings. Yet we still have circumstances where some of our smaller regional governments continue to have systemic problems in terms of their budgetary situations, frankly, through no fault of their own. They find themselves in a situation where they have a declining population, where they have a declining rate base or where they have an elderly population which is inherently in need of the services of local government, whether that be home and community care services, Meals on Wheels, home help or those sorts of services or indeed nursing care and so forth, where so often the burden falls upon local government. I fear their situation is becoming increasingly more acute as we go forward.

I know that certainly in my time we tried to assist by ensuring that there was a slanting of financial assistance grants more systemically towards those smaller local governments, but at some point we have to stop and look at this in a much more systematic way that will address the long-term problems of some of the smaller local governments.

Our only concern about the reporting framework is that we do not want to increase the burden on local government in terms of this new reporting regime. I talked that issue through a little bit with the officers, and I indicate that I thanked the Minister for Local Government for the excellent briefing that was provided to me by her chief of staff and senior officers. I simply make that point in passing because I do not think any of us want to continue to load up local government with extra reporting responsibilities. I note from the minister's second-reading speech that she was also talking about another wave of trying to relieve some of the regulatory burden on local government. If you can find a better balance, that is a very good outcome and one that ought to be supported more generally.

The reference group that was put together for this was a very competent group of people. Obviously we had the key players there, including the Municipal Association of Victoria, the Victorian Local Governance Association and, in my view, some of the best thinkers in local government, not only people from the Office of Local Government but also some of the brightest CEOs, who formed the basis of the reference group. That has shaped a set of performance indicators that is well established and, as I understand it, is being piloted at the moment through local government. That is a good thing. I asked the staff how these indicators will be enshrined within this framework, and of course it will come by way of regulation that attaches to the act amended by this bill.

The reference will happen under the normal regulatory framework, which of course will include going through the regulatory impact statement process. That is a good thing because we now find ourselves in circumstances where this is being piloted. It is out there in real life. It has been dealt with by councils, and I assume — the parliamentary secretary may wish to take this up — that

if there is any tweaking that may need to be done in terms of the development of these regulations, it will be informed by the piloting that is currently being undertaken.

With those relatively brief comments, I conclude by saying that the best thing we can do as a Parliament is not only support local governments but also work with them. I have to acknowledge that the minister has worked with local governments in the development of these performance indicators in a way that has brought people along. We should not see this as being some form of further burden upon local governments. It should be seen by local governments as an opportunity to show their communities just what fantastic work they do across a plethora of areas of service delivery which impact so directly on the lives of people. We talk about local government being the level of government nearest to the people, and the term is often flippantly used by people, but this is the truth.

The truth is that there is no more intimate contact between residents and a level of government than local government, and it is the intimacy of that relationship that is a precious thing. If we can do anything as a Parliament to ensure that that relationship is strengthened and that there is a process in place that is accessible to people and where the transparency of performance is clear, then that is a good thing.

It is on that basis that the opposition certainly does not oppose this measure. We think it is an important initiative. It builds on the back of earlier work we did, and that is a good thing. It was informed by two Auditor-General's reports, and we thank the Auditor-General for the commentary that was provided in my time and indeed in the minister's time. I think the last commentary from the Auditor-General in relation to these matters was made in 2012. That has been picked up, and this is the parliamentary process working at its best. With those few words, I wish the bill a speedy passage.

Mr MORRIS (Mornington) — I rise to support the Local Government Amendment (Performance Reporting and Accountability) Bill 2013. I must say that I was delighted to hear the unconditional support of the opposition for this bill. I think there was one reservation raised, and that was about the potential for increased regulatory burden. As the member for Richmond may be aware, in concert with this bill 38 further reporting requirements have been eliminated, so the net result will be to lessen rather than to increase the burden. This bill is very much about facilitating improvements to public accountability, about facilitating improvements to strategic planning and financial planning and about reporting on performance to ratepayers, to the community, to councillors and to a lesser extent to state government as well. This government is very much about working in partnership with councils.

We have embarked on what I think is probably the state's most significant local government reform program since the 1990s. It is very different in nature from what has gone before but it has included legislative reform and policy reform, and above all it has been about practical action to improve services, to improve the representation of Victorians, to reduce costs for households, and to improve transparency and accountability. This bill is one of the cornerstones of that reform agenda.

This government is a very strong supporter of local government, which is a very dynamic sector and a critical part of the state's democracy. Local government provides services and infrastructure to some 5.6 million Victorians. Every year more than $4 billion in rates is collected. I think total revenue for the last financial year was $7.12 billion, which is a large amount of money. Almost 45 000 people are employed in local government. A strong local government sector is critical to the continued success of this state, and I am pleased to say that we are delivering on our promise to strengthen local government, to restore integrity to council elections and to have better consultation with the sector.

What is a strong local government sector? In my view it is one that responds to the needs of its communities, one that is financially secure and one that is able to effectively deliver good services, deliver good infrastructure, and provide leadership and vision to its community. Since November 2010 we have introduced a number of measures to strengthen local government. We have established the Ministerial-Mayors Advisory Panel and renegotiated the Victorian State-Local Government Agreement, and it is important to say that that renegotiation has meant direct contact and dialogue between the minister and every council in this state. The minister has, I believe, met with almost every single one of those councils. We have empowered the citizens of Geelong to directly elect their own mayor.

Mr Wynne — Don't go there!

Mr MORRIS — That is a good initiative, an excellent initiative.

Most significant of all, we have increased funding to local government by 54 per cent since we were elected. In the context of our commitment to strengthen local

government we have provided the $160 million country roads and bridges program, the $1 billion Regional Growth Fund, $100 million for the local government infrastructure program, $17.2 million for the capital program called Living Libraries, almost $47 million a year to support public libraries and $8 million for the roadside weeds and pests management program. We have also funded 25 positions across the state to assist in the delivery of emergency management. Money has gone into supporting and strengthening planning services as well.

We have prosecuted an agenda that is about giving councils improved capacity to better manage their plans and budgets. We have increased the rates rebate for eligible concession-holders. We have established ministerial guidelines for differential rating and encouraged councils to apply differential rates to farmland and retirement villages. We have established the bipartisan Ministerial Advisory Council on Public Libraries, which I have the honour of chairing. As the house is aware, last week I handed to the minister the final report of what is agreed to be the biggest single review of public libraries in a generation. We have established the local government electoral review, the first comprehensive review of the election of councillors in this state. We have undertaken a review of conduct and governance, and we have moved council election dates forward in order to give councillors the opportunity to have more time with their feet under the table before they need to decide on important things like budgets and council plans.

We have worked in true partnership with the local government sector. Indeed, you have only to look at some of the quotes coming out of the Municipal Association of Victoria in recent days. In November of this year it stated:

> We believe the Victorian government has done much to support local economic performance through programs such as Putting Locals First, the local government infrastructure program, and the country roads and bridges program.

And just yesterday the president of the association, Cr Bill McArthur, issued a media release which said in part:

> In 2011 the Victorian government delivered a $360 million windfall for local roads, community facilities and other initiatives, which has funded more than 1500 projects to date.

Cr McArthur went on to say that the country roads and bridges program had been invaluable in providing funding to 924 critical local road improvements. This bill is the next step in that reform agenda.

Improved performance reporting — and the member for Richmond mentioned this — has been on the agenda for a long time. It has been sought by the community, by councillors and by the Victorian Auditor-General's Office (VAGO). There have been two VAGO reports on that, published in 2008 and 2012. The 2008 report found that while performance reporting was okay, it really was of little relevance to ratepayers because it did not provide information about the quality of council services, the outcomes being achieved or how those outcomes related to the councils' strategic objectives. The 2012 follow-up report found that performance reporting remained less than adequate. So the government came to office very much aware of the shortcomings in the current framework. We are committed to the accountability of local government and to working with councils to introduce minimum standards. We want all councils measuring and reporting their performance in the same way.

This bill is the result of 12 months of hard work and close collaboration between this government and local councils. There has been wide-ranging consultation and extensive engagement, including 35 information sessions held for 1000 local government personnel including mayors, councillors and senior staff, together with members of the community, in the development of the performance reporting framework. Over half the 79 councils have been involved in the pilot program. Some weeks ago I had the privilege of addressing the Corporate Planners Network conference run by Local Government Professionals (LGPro). I must say I was greatly impressed by the commitment of those officers, and of LGPro as well, to ensuring that meaningful information is made available and a transparent framework developed for their communities, for their councillors and also for all Victorians.

These reforms will bring significant benefits to the way councils do business. They will provide information for councillors to support their strategic decision making, and it will allow them, in concert with their executives, to drive continuous improvement. Communities will better see what their councils are doing, what they are doing well and perhaps what they are not doing so well. And the government will have information to better inform our efforts in strengthening local communities. I have some quotes in support of the process. Peter Brown, the CEO of Moreland City Council, said:

> … I believe the framework being presented is the most comprehensive we have seen to date and congratulate you on the efforts that have been put in to reach this stage.

Marg Allan from Greater Bendigo City Council said:

> We welcome efforts to provide a consistent performance reporting framework for councils and look forward to the further refinement and validation of the draft framework by the pilot group …

Andrew Binks, the manager, performance and innovation, at Cardinia Shire Council said:

> Cardinia Shire Council supports the initiative to develop and implement a local government performance reporting framework and recognises the collaborative approach to its development being taken by the department.

Karin Linden, the team leader, equity and diversity, at Darebin City Council said:

> … City of Darebin welcomes the opportunity to work with Local Government Victoria to develop the new framework that will ensure accountability and provide a vehicle for community feedback on council performance.

There has been wide support from the local government sector. It just goes to prove that this government has a strong track record of practical, effective and cooperative reform in the local government sector. The government believes in working with councils, resourcing councils appropriately and providing councils with the capacity and tools they need to get on with the job of serving their communities. This bill very much supports those objectives and cooperative reform, and I commend the bill to the house.

Mr CRISP (Mildura) — I rise to speak in support of the Local Government Amendment (Performance Reporting and Accountability) Bill 2013. The purpose of the bill is to require a council to report against prescribed performance indicators in the report of operations and performance statement in the council's annual report; to require a council to include in its annual report the results of the council's assessment against the prescribed governance and management checklist; to require a council to include financial statements in its strategic resource plan, budget, revised budget and annual report; to require a council to ensure consistency between its strategic resource plan and the resourcing of plans to provide services or take initiatives in the period covered by the strategic resource plan; to require a council to include major initiatives in its budget, revised budget and annual report; to require a council to adopt the budget by 30 June each year; and to require a council to publish its council plan, strategic resource plan, budget, any revisions to its budget and annual report on its internet website.

This is a fairly extensive bill. A broad overview of the bill is that this is part of the government's reform of the Local Government Act 1989 to facilitate improvements in the public accountability, strategic and financial planning and reporting requirements for local government. The bill is the cornerstone of a broader reform agenda to create an effective and efficient local government sector that is able to meet Victoria's changing needs. Those who will benefit from this bill will be communities, whose members will be able to see where their council is doing well and where it can improve, and the government, which will have new information to inform capacity-building efforts and investment decisions.

Local government performance is a complicated concept that is not understood by a great number of ratepayers. In establishing a performance framework there will be service performance, which will measure the effectiveness of council service delivery; financial performance, which will measure the effectiveness of financial management in local government; sustainability capacity, which will measure the extent to which council has the capacity to meet the agreed service and infrastructure needs of its community; and governance and management, which will confirm key policies and frameworks that underpin strong governance.

Under the new arrangements the Auditor-General will still have a very strong role and will continue to be involved in accountability cycles through the annual audit process. Reporting is a complex area. Reporting by councils is very much focused on meeting the national accounting standards and the work of the Auditor-General. Often the community has different expectations and different measures — I refer to the service performance area that members have been talking about. The performance indicators need to be more meaningful. Communities do not necessarily want what the Victorian Auditor-General's report contains.

Communities want to know, for example, the cost comparisons and peer cost comparisons in maintaining things such as sportsgrounds, and the number of days it takes for planning approvals to be considered. Currently the number of days that it takes for planning approvals to be considered by a council are recorded and reported, but those figures are not routinely compared with those for other councils. These are the day-to-day things that are very important to and have real meaning for ratepayers when they want to have a plan for a building approved and to know the costs of services, particularly the services they see. The people in my electorate are interested in having a different or non-accounting set of reporting criteria.

Having got to this point, we have to work out how we will make it happen. The bill represents an important element of the local government reform agenda to improve council performance and enhance public transparency and accountability. The bill provides for a comparison of the council's performance so that people can assess whether their council is delivering quality services. It provides for consistency in how councils report their financial performance. The reforms will make it easier for the government to identify areas where there is room for improvement. The bill provides opportunities for the community, the council sector and the government to be involved in the reforms. Some of the reforms are made in the context of the work done by the Victorian Auditor-General's Office, particularly in the 2008 and 2012 reports.

The bill has come through a long consultation with the local government sector, which has been engaged and supportive. I am very pleased that Mildura Rural City Council, my home council, which covers much of the Mildura electorate, has been involved in the piloting of this project. Our councils are accepting and getting on board with these reforms. The bill has also had some support from the Municipal Association of Victoria and other areas.

The pilot that will run is part of a larger agenda that the government is driving through the Minister for Local Government. These are significant changes, and probably in some respects they will have similar impacts to those of the reforms of the 1990s. The local government electoral review is under way, as is the councillor conduct and governance review. The government is renegotiating the Victorian State-Local Government Agreement, the performance reporting framework is the subject of this bill and some collaborative procurement projects are under way. Support is being provided for rural and regional councils in a major effort by this government to assist some of the smaller councils. Yarriambiack Shire Council, which is in my electorate, was part of the country roads and bridges program. I have seen the works that are under way with that program and how much of a difference it has made for the Yarriambiack council. The $100 million Local Government Infrastructure Fund is supporting 48 regional councils. The Mildura council has been a beneficiary of that fund, and I have certainly seen that money in action in my community.

I refer to the libraries ministerial advisory council. Acting Speaker, you and I, along with the member for Macedon, have visited libraries — I have visited some libraries, and I know you have visited all of them. This has been a major effort to look at library services within the framework of the Tomorrow's Library review. Library services are important to local communities, and they vary enormously. Based on the work we have done the future of libraries is very secure. I realise how important libraries are to communities, whose members hold them very close to their hearts. Working with people in libraries and seeing how they work in thinking about the future was very impressive. The council developed the Victorian Library concept, in which it is proposed that there be one library card for people to access services in libraries in all municipalities. That is a very good recommendation from the Tomorrow's Library review.

The bill will improve accountability and transparency and help local communities become empowered. They can only be empowered if they understand the information they receive and if it is relevant to what they see as their needs. This bill will meet those needs and ensure that people better understand the performance of their local government. They can compare it with the performance of local governments in other areas and see whether their council is strong or if changes need to be made. With that, I support the bill and wish it a speedy passage.

Mr KATOS (South Barwon) — It gives me a great deal of pleasure to rise to speak in support of the Local Government Amendment (Performance Reporting and Accountability) Bill 2013. I will begin by commending the Minister for Local Government and the Acting Speaker — the member for Mornington — in his role as Parliamentary Secretary for Local Government for their engagement with and advocacy for the local government sector, which is reflected in this bill.

The bill sets up a performance reporting framework. This is an important step for local councils because we want to be able to compare apples with apples. Victoria has 79 councils. These include large councils such as the City of Casey and the City of Greater Geelong and also small rural shires. It is difficult to compare the City of Greater Geelong with a small shire. This performance framework will assist members of the community, ratepayers, council officers and even the state government in benchmarking and comparing those councils because we will be comparing apples with apples.

The performance reporting framework will reveal which councils or shires are performing well, and it will highlight which councils or shires are underperforming and need to improve their game. In saying this, I do not mean to be critical of some councils, but the reality is that some councils will perform better than others. This could be the result of a larger rate base, but they may

also have a council officer who is excellent in a particular field. I would also like to commend the Department of Transport, Planning and Local Infrastructure because it has conducted a very fulsome consultation with the local government sector, which has been greatly appreciated by the sector.

I am a former councillor of the City of Greater Geelong. I represented Deakin ward, which includes the suburbs of Highton and Wandana Heights and some of the rural areas around Ceres. As a result, I know how important it is to have a strong local government sector. The Victorian coalition government is a strong supporter of local government. As I said earlier, there are 79 councils around Victoria. They represent more than 5.6 million Victorians and deliver infrastructure and services to them. There are 624 elected councillors in Victoria. Thankfully there are currently only two councils where commissioners have replaced elected councillors — the City of Brimbank and the Rural City of Wangaratta. I will not touch on Brimbank because enough has been said about the goings-on there.

With performance reporting, rate revenue is important. Almost $4 billion in rate revenue was collected in 2011–12. That is a huge sum of money that councils and councillors are accountable for. That strengthens the argument for this performance framework to be put in place so that meaningful comparisons can be made between councils. The expenditure by local councils in 2012–13 was $7.12 billion, so once again we can see the size of councils' spending.

As I have said, the Victorian coalition government has a strong track record of working with local governments to try to produce continuous improvement in the sector. The government's achievements include the establishment of the ministerial-mayors advisory panel. An achievement I am particularly proud of is the directly elected mayor of Geelong. The community of Geelong was interested for a long time in having a directly elected mayor, as the City of Melbourne does. Cr Darryn Lyons is now the mayor of the City of Greater Geelong, and from the start of his term he has been out there championing Geelong. I can see a vigour in his step when he is representing Geelong, so I think Cr Lyons will be a very good representative for Geelong.

It is important to note that the coalition government has increased funding to local government by 54 per cent since we were elected to office. That is a huge increase in funding, which again reflects our support of local government and what it does.

One of the other things we have done to assist local government is the four-year, $116 million country roads and bridges program. My electorate of South Barwon sits over two municipalities. One of them, the City of Greater Geelong, does not qualify for the country roads and bridges program, but the other, the Surf Coast Shire, does. I know how greatly appreciated this funding is. We recognise that some of the small municipalities do not have the financial capacity of their larger counterparts when it comes to local roads, but those rural shires also have much larger road networks, particularly country roads.

This contrasts with the previous government's attitude towards local roads. I will quote former Premier John Brumby, who on ABC radio on 14 November 2005 said:

> The state government has never funded local roads and we don't intend to put in place a mainstream local road funding program in the future.

That could not show a starker contrast between the coalition government, which is assisting small local shires, and the Labor government, which took them for granted, buck-passed and was not interested in funding local roads in small rural shires and municipalities.

Another thing that has been excellent for local government, particularly in regional areas, is the $1 billion Regional Growth Fund, which has funded numerous projects throughout rural and regional Victoria. The reality is that many of these Regional Growth Fund projects are done in conjunction with local government. The fund has leveraged money; it has created infrastructure. I know in my electorate it has gone into sporting clubs. It has leveraged that money along with council money, creating employment and building stronger communities through that infrastructure.

One thing that you, Acting Speaker, in your role as Parliamentary Secretary for Local Government, are to be commended for, along with the Minister for Local Government, is the way you have consulted with local government in looking to find a fairer way of funding libraries. There have been a lot of issues over the years with library funding, and I think this is an excellent step forward. Again the previous government really thought it was in the too-hard basket and did not do much about it.

In terms of achievements, having a lot of rural areas in my electorate, I am very pleased with the $7.9 million for roadside pest, weed and rabbit control. Responsibility for those roadsides has been an area of conjecture. Who was responsible for them? Who

should be killing the weeds? Who should be poisoning the rabbits? That funding is directly assisting local government to get on with the job of controlling weeds on roadsides and pest animals. That is excellent.

We have also looked into differential rating and established ministerial guidelines. I know from my previous experience as a councillor that Geelong is probably the home of the differential rate, so it was important that those guidelines were put in place. A lot of the differential rates are historical, particularly around some of the industries in Geelong, but there was a period when some councils were getting a bit ridiculous with the type of differential rate they were looking to put in place, so that guidance was needed. Proper consultation was done with the local government sector around those differential rates, and now basically if a council wants to bring in some pretty kooky or whacky rate, there are guidelines to say, 'I'm sorry, you can't do that'. That was particularly an issue around fast food rates and attempts to differentiate between food businesses and pokies et cetera. I am glad that is in place now and that there are clear guidelines for council in terms of what they can and cannot do.

Also important was the local government electoral review headed by Petro Georgiou. It was a very comprehensive review of local government, and it inquired into how members of communities believed it should be operating and any changes that they considered would improve the system. I am very pleased with this bill. It creates the performance framework which, as I said earlier, will enable us to compare apples with apples. I am more than happy to commend the bill to the house.

Mr WAKELING (Ferntree Gully) — It gives me great pleasure to rise to contribute to this very important debate on the Local Government Amendment (Performance Reporting and Accountability) Bill 2013. I would like to, firstly, commend the work of the Minister for Local Government and you, Acting Speaker, in the roles you have played which have led to this important reform. You, as Parliamentary Secretary for Local Government, and the minister should both be very pleased with the outcome of the work you have done which has led to the bill before the house. The bill seeks to reform the Local Government Act 1989 to facilitate improvements to the public accountability, strategic and financial planning and reporting requirements for local government. This bill is the cornerstone of a broader reform agenda to create an effective and efficient local government sector that is able to meet Victoria's changing needs into the future.

I am in the unique position of having both served as a local government councillor and worked as an employee in local government. I saw both extremes of the operations of local government. In the late 1990s I was an employee of the Nillumbik Shire Council, which is located in Greensborough and covers Greensborough, Eltham and the broader region. That council was certainly in a very parlous state when I joined the organisation. Not long after I started work the councillors were sacked, there was clear dysfunction in terms of the relationship of the CEO with the council and it would be fair to say that the organisation did not have a strategic focus in the way in which operated.

I then had the opportunity between 2003 and 2005 to serve as a councillor with the City of Knox. The differences could not have been more stark. The City of Knox was an organisation that was very strategic in the way it had developed a 25-year plan for the municipality. It had developed a series of plans in order to achieve its strategic goals, and its budgetary process delivered on those outcomes. The council was very much focused on delivering a clear strategy.

I commend the work of the minister and the member for Mornington in relation to the bill. The bill aims to make organisations in the local government sector far more strategic in the way they operate, not only providing greater certainty and consistency for those organisations but, more importantly, for the ratepayers they represent so that people can actually see how strategically the organisation is operating and whether or not it is operating in a way that is efficient and in the best interests of ratepayers.

The Knox City Council, where I was a councillor, had a very clear plan with respect to asset management. It had developed an asset management strategy whereby it had effectively identified the life cycle of all assets within the municipality — those being roads, footpaths, buildings, drainage et cetera — and then identified a funding stream in order to ensure that those assets were maintained. That was a very strategic approach which identified that over, say, a 10-year period the council would be in a financial position to maintain its assets, as opposed to the normal approach of government at any level, which is to throw money at remedying an asset, be it a building or a road, when it has fallen into major disrepair. Funding was provided on a cyclical basis so that assets could be maintained appropriately without the necessity of severely overhauling them because those assets had crumbled or become significantly deficient.

I liken that to the work we are undertaking through this bill, which is about being far more strategic in the work being undertaken as a tier of government, ensuring that as ratepayers and citizens we are getting the best information about the performance of our local governments and ensuring that they are appropriately accountable.

It is also important for us as a state government, and the same would be true for the federal government, to ensure that when state government funds have been provided to local councils for the provision of local government assets, be they upgrades to sporting facilities, maternal and child health facilities, preschool facilities and the like, we get the best value for our dollar. It is important that if local government is going to be in receipt of millions of dollars of state government funding, we ensure that money is utilised appropriately and efficiently.

We want to ensure that the Victorian taxpayers get the best value for their spend, and if that money is being expended by local government, then it is imperative that it is spent appropriately and efficiently. Those things always fall into question, and there are always going to be questions in the community about whether money has been spent appropriately when assets are upgraded by local government utilising state government money.

It is important to put measures in place to manage and report on the performance of local governments and ensure greater accountability. This government has provided significant funding in terms of upgrades to sporting facilities in my electorate. We have helped to fund the resurfacing of nine sporting fields with $1.9 million provided by the Minister for Water. That has been a welcome boon for my community. We have also upgraded a number of other assets and provided for new lighting. We have upgraded preschool facilities. This is a government that has been delivering for local council projects, which in turn will be used by the ratepayers in those communities, but we want to have systems and mechanisms in place to ensure that the way the money is expended is appropriate and transparent, and that local government is very clear in its reporting.

The bill will improve transparency and the quality of performance reporting through councils having information that supports strategic decision making and continuous improvement. Communities will be able to see where their council is doing well and, more importantly, where their council can improve. The state government will have new information to inform capacity building efforts and investment decisions.

Previous governments have treated local councils with disdain, but this government is clearly working with the local government sector. In terms of planning, I know that the work that has been undertaken by this government in empowering local councils to make local decisions has been welcomed. There was a situation in Ferntree Gully in the community that I represent when the then council developed a planning scheme amendment to provide protection for the Ferntree Gully Village shopping precinct. The then Minister for Planning — I believe it was John Thwaites, but I may stand corrected — refused to allow the local council to make a decision about height restrictions within that village. He believed that the state government at the time was in a far better position to make a decision than the local community. As a consequence of that a multistorey development was built in the village, which is very unpopular.

This government has assisted the council by allowing it to implement an interim height control of 7.6 metres within the village for a two-year period. Through my work, with the help of the office of the Minister for Planning, Matthew Guy, we have enabled the council to develop that interim height control. Council is currently going through a process of consultation with local communities, and thereafter it will be able to develop a position as to what it believes the appropriate high restriction should be for the Ferntree Gully Village shopping precinct. That is an appropriate outcome. This government is about empowering local communities, through their local councils, to make local decisions.

That is another example of a government that is actually listening to the local government sector and working with the local government sector. Unlike members opposite when they were in government, this government is working with local councils and listening to the concerns of local councils in terms of having greater influence and ensuring that local councils can have greater representation of their communities. We are working with the local government sector, and that example in Ferntree Gully is just another example of how this government is working with local government. I wish the bill a speedy passage.

Mr BULL (Gippsland East) — I rise to make a contribution to the debate on the Local Government Amendment (Performance Reporting and Accountability) Bill 2013. As has been mentioned by previous speakers in their contributions, this bill has received wide support from a number of local government agencies. Indeed the reform has been welcomed, as you remarked earlier, Acting Speaker, in your contribution as the member for Mornington. Some

of the jurisdictions that have supported this legislation include Moreland City Council, the City of Greater Bendigo, the Shire of Cardinia, the City of Whitehorse and the City of Darebin, and from your electorate, Acting Speaker, the Mornington Peninsula Ratepayers and Residents Association has also been supportive of this reform.

To quote a representative of the Whitehorse City Council, it has welcomed the approach taken by the department and acknowledges the detailed engagement process in working towards a performance reporting regime. The council has acknowledged the need to have a robust performance reporting program for this sector. The ratepayers and residents associations in many of our rural areas see themselves as checking organisations, if you like, to monitor the performance of their local councils. The Mornington Peninsula Ratepayers and Residents Association and its precinct group, the McCrae Action Group, have also welcomed these reforms, stating that in summary they support the working paper and the development of the performance indicators outlined in the paper.

As has been mentioned by previous speakers, this bill is about improving the performance reporting of councils. The coalition government initiated a review of the public accountability provisions within the Local Government Act as an important step forward in ensuring that Victoria has not only a very strong local government sector but also a sector that is understood by ratepayers throughout the state. The current planning and accountability provisions have been in place for nearly a decade. It is fair to say that those provisions have served local government well and in a lot of cases have been considered best practice or leading practice for Australian local government. Times have changed, and we have moved on. From the time these provisions were first developed and adopted we have seen our framework slip from being what was best practice at the time to being a framework that requires updating.

The issue of improved performance reporting in local government has been commented on in recent years in two performance reports handed down by the Victorian Auditor-General's Office. As previous speakers have mentioned, the first, in 2008, found that for most councils reporting had limited relevance for residents and ratepayers because it lacked information about the quality of council services, the outcomes being achieved and how those related to councils' strategic objectives. We obviously have a communication or understanding problem between ratepayers and councils. A follow-up audit in 2012 found that while some improvements had been made since that initial audit was undertaken in 2008, performance reporting by councils generally remained inadequate.

It is the view of this government that effective performance reporting by councils is essential to ensuring accountability to residents and ratepayers as to how public money — their rates — is being spent and the quality of services being delivered. In line with this, the bill is the product of 12 months of hard work and collaboration between the state government, local government and stakeholders in that area. A wide-ranging consultation and engagement process has been undertaken, with some 35 information sessions with over 1000 mayors, councillors, senior staff and other stakeholders as part of the development of the new performance reporting framework.

Over half of Victoria's 79 councils are voluntarily working with the government to trial the draft framework through a pilot program. I think that statistic speaks for itself. The government has listened to concerns about the burden of existing reporting requirements and the need to reduce the bureaucratic red tape aspect of the reporting processes. That is why the government is seeking to introduce new guidelines to assist with data collection and the reporting mechanisms local government uses to communicate with its ratepayers. The state and local government sectors have also worked together to remove or streamline 38 local government reporting requirements to further reduce red tape and free up councils to focus on delivering services to the community rather than performing what are time-consuming and often unnecessary administration tasks. This government came to power with a very strong mandate for cutting red tape, and this is a perfect example of how it is delivering on this in the local government sector.

The bill before the house today clarifies provisions relating to the new accountability framework for local government. This includes a number of key points, and I would like to touch on a couple of these. One is strengthening local government accountability through the introduction of a requirement to report against a standard set of performance indicators that allows benchmarking of results across key services delivered by local government, financial management and sustainability as well as confirming that key policies and frameworks that underpin strong governance and management are in place. Another point is strengthening strategic resource planning by prescribing the form of both recurrent and capital planning to be undertaken by councils. The next point is streamlining financial reporting, improving consistency and removing duplication. That will obviously have an impact on red tape for councils, and I am sure it will be

welcomed across all local government areas. The next point is maintaining transparency for the achievement of major initiatives, which is about keeping the community and ratepayers informed. The last point is aligning publication of reports with modern practice.

This bill is what could be described as the cornerstone of a broader reform agenda to create an effective and efficient local government sector that is able to meet and deal with Victoria's changing needs well into the future. It will deliver new evidence to underpin the government's reform strategy for local government, which aims to strengthen governance, contain costs, ensure sustainable service delivery and fund tomorrow's infrastructure. Importantly, it will enable residents and ratepayers to hold their local council accountable for managing public resources prudently and efficiently. That is reference to not only the funds raised through council rates but also the state and federal government funds that are utilised in partnership with local government. Ratepayers need to know that these funds, these investments, are being well spent within their community and that adequate services are being provided by their local government agencies.

This is a common-sense bill. It has received wide endorsement, including from council associations and ratepayer associations alike. I wish it a speedy passage and commend the bill to the house.

Debate adjourned on motion of Mrs BAUER (Carrum).

Debate adjourned until later this day.

ENERGY LEGISLATION AMENDMENT (GENERAL) BILL 2013

Second reading

Debate resumed from 16 October; motion of Mr KOTSIRAS (Minister for Energy and Resources).

Ms D'AMBROSIO (Mill Park) — I rise to make a contribution to the debate on the Energy Legislation Amendment (General) Bill 2013. I say from the outset that the opposition will not be opposing the bill. The bill makes several non-controversial amendments to the Electricity Industry Act 2000 and the Gas Industry Act 2001. I will touch on some of the main changes that the bill makes and then I will elaborate on them in my discussion.

The bill makes exemptions from licensing requirements more flexible by allowing the Essential Services Commission (ESC) to impose conditions on persons who are exempt from licensing. It also requires retailers to upload flexible pricing offers onto the government's My Power Planner website while still providing them to the Essential Services Commission for publication on the Your Choice website. I will go through what that means shortly.

The bill amends the provisions for retailers' financial hardship policies by allowing the Essential Services Commission to review policies that it believes are no longer compliant with the requirements in the legislation. It also empowers the ESC to direct a retailer to make amendments to its financial hardship policies as appropriate. Currently the power of the Essential Services Commission is related to approval of policy only, and there is no power for the purposes of undertaking ongoing reviews of retailers' financial hardship policies.

Going back to my first point, exemption from licensing requirements, the minister's second-reading speech states:

> The bill makes a number of minor and technical amendments to clarify the licensing exemption regime under the Electricity Industry Act 2000, updating provisions that have remained largely unchanged since 1994. The Electricity Industry Act 2000 currently allows an exemption from the requirement to hold a licence to generate, supply, sell, distribute or transmit electricity to be subject to conditions. The bill provides that exemption conditions may include obligations that also apply to licensed entities, such as compliance with industry codes and guidelines.

The government has not specified precisely how it intends to use this enabling clause. We do not suggest that there is anything untoward here, but it would be advantageous to know from the minister whether there may be alternative uses for this type of clause. For example, will there be restrictions or conditions placed on Victorians wishing to install solar panels on their rooftops? I hope this type of clause would not be used to place onerous restrictions in that case.

I am not suggesting for a minute that the government is intending to do so, but this is an enabling change to the legislation, and I seek some assurance from the minister, hopefully in the summing-up phase today, that that change would not be used to that effect. Many consumers are resorting to purchasing solar photovoltaic panels for installation on their roofs as a way of dealing with cost of living pressures due to the continuing rise in the cost of electricity, so it would allow a little relief to have that reassurance from the minister.

I have sought views from some of the stakeholders with respect to the bill. The Consumer Action Law Centre

does not believe it is controversial, the Energy Supply Association of Australia has a small concern that requiring retailers to provide information for two websites is duplication and an additional burden that it would prefer to do without. The Consumer Utilities Advocacy Centre believes it is not really controversial. An issue of concern for the Energy Retailers Association of Australia is the question of when Victoria will eventually implement the energy customer framework and therefore transfer these powers in total from the Essential Services Commission to the Australian Energy Regulator. The association indicates that other jurisdictions have already made that transfer, and in Victoria there is no indication as to when that will happen. They are some of the stakeholder views around the bill.

On the national energy customer framework, it is important for us to reflect that the government was keen for Victoria to transition to that framework. There was an abrupt pause to that process around the middle of last year when a bill that was due to be debated in this house was tabled, second read but then later withdrawn. It would therefore be very good to know from the minister the fate of the framework through a response in this place.

The bill does not seek to deliver any additional consumer protections. An increasing number of complaints have been lodged with the energy and water ombudsman here in Victoria with respect to consumer complaints against energy retailers. They have reached very high levels that are concerning to the opposition. The number of disconnections from gas and electricity supplies have escalated dramatically, and another important thing is that despite the fact that the number of disconnections effected by retailers has soared, the financial hardship plans that have been offered to customers finding it difficult to pay their bills have not increased in any noticeable way.

That raises some serious questions about our consumer protection laws. The reality is that laws for consumer protection are all well and good to have, but unless there is enforcement of those consumer protections they are devalued, and consumers are the ones who suffer. I am concerned that there is an obligation on energy retailers such that when they are aware that customers are having difficulty in meeting their bill payments, they are mandated to offer to those customers financial hardship payment plans. If it is the case — and it is the case as proven by evidence from the ombudsman — that we have seen a dramatic increase in gas and electricity disconnections with no corresponding increase in the number of financial hardship plans offered and taken up by customers, then I raise serious questions as to whether retailers are respecting their obligations under Victoria's energy retail law and offering financial hardship payment plans to those customers.

Is it perhaps the case, as the evidence would suggest, that retailers are going straight to disconnection and bypassing their obligation to offer financial payment plans to their customers? The government needs to inquire into this, yet we have had no response of any significance from the minister or the government that this is of concern to them, let alone that they are seeking further explanations and inquiring into the reasons for this evidence. The government has an obligation to enforce Victoria's strong consumer protection laws. If the government fails in that obligation then it fails the many consumers who are doing it tough and attempting to cope with escalating prices of electricity and gas. Disconnection is a terrible consequence for families who are falling through the cracks and, as the evidence suggests, not being afforded the opportunity to pay off debt accrued through financial payment plans provided by retailers.

This is an important issue and one that cannot be laboured enough by the opposition. Energy and gas are essential services. When they are not available, vulnerable Victorians become even more vulnerable and are subject to very poor living conditions. This is not a society that I wish to see evolve in Victoria. In fact it is incumbent on any government to do better than that, because we are better than that. We should strive to ensure that no Victorian family is allowed to fall through any cracks. The way you achieve that is by ensuring that the cracks are not there in the first place.

I urge the minister to respond to the evidence that is clear for all to see in the report of the Energy and Water Ombudsman Victoria and to take swift action to obtain a full explanation from retailers. If the government were genuine about dealing with financial hardship and cost of living pressures, it would have done that by now, but we have heard nothing. There is an opportunity for the minister to redeem himself; I challenge and urge him to make a statement and to start working through the reasons behind these cracks and fix them. Too many Victorians, and more and more Victorians, are falling through them.

The bill deals with measures to improve flexibility in our energy retail market, but again it fails to address some of the essential problems that I have talked about. The Essential Services Commission in its energy retailers comparative performance report of December last year showed evidence — further to that in the ombudsman's report — of disconnections having risen

sharply over the last three years, on the watch of this government. The ombudsman has shown in the quarterly marketing and transfer reports a significant increase in complaints about customer transfers from retailer to retailer. I have indicated that there has been a significant increase in the number of complaints made by consumers to the ombudsman.

A couple of months ago I took the opportunity here in the house during an adjournment debate to raise with the Minister for Energy and Resources the behaviour of Lumo Energy, which did exactly as I discussed a few minutes ago: it appeared to avoid or ignore its obligations under the energy retail law and automatically switched all its customers from quarterly to monthly billing. In doing so it breached its obligations under the consumer protection laws. There was no informed consent by any of the customers to that effect. Despite the fact that this has been the case now for many months or even a year, this minister has failed to respond to that problem. I ask that the minister take some action. If he is really concerned about protecting consumers and ensuring fair treatment of consumers in financial hardship, then the first thing he should do is enforce the consumer protection laws that have existed in this state now for a number of years. Then he should look towards any improvements that may need to be made to ensure that Victorians are not dealt with unjustly.

These are the very important issues. There are many other issues that I could raise in my contribution but I do not wish to prolong it. However, it is important to reflect on a few other matters relating to cost of living pressures on families and consumer protections. The number of residential electricity disconnections, which I touched on earlier, has increased over the period of this government from approximately 13 500 cases to almost 24 000 cases. In percentage terms, disconnections increased by 47 per cent between June 2010 and June 2011. Between June 2011 and June 2012 disconnections increased by a further 46 per cent. Things are getting worse, not better. This government has introduced legislation, and we are not opposing it, but it is not going to be enough to fix the problems that are mounting on the government's watch. The strong message from the opposition is that this will not fix these problems. We need a more concerted effort on the part of this government.

With respect to residential gas disconnections, total disconnections jumped from approximately 15 500 in June 2010 to approximately 20 500 in June 2012. That is a 54 per cent increase. What is more, more than half of those disconnected from their electricity supply in the year to June 2012 remained without power for longer than seven days, and not a peep from this government. If this is not hardship, financial distress and cost of living pressures writ large, then I do not know what is. What will it take for this government to do something — to deliver on its election commitments to cut the cost of living, help people in dire financial distress and make good its promise to fix the problems? Three years on we have seen nothing on any of those fronts.

I know there are understandings about trying to move through the heavy bill load that we have this week so I will leave my comments at that. I implore the minister to take advantage of his role. He is in a prime position to fix these problems and to put consumers first, especially the most vulnerable in our community. Things are only getting worse on this minister's watch and on the watch of the Napthine government. That is not what people bargained for at the last election; it is not what they voted for. I ask the government to redeem itself and begin the hard work of fixing these problems so that Victorians can have some cost of living relief and not experience additional pressure on their cost of living dilemma. With no further comment to make I conclude my remarks on the bill.

Mr GIDLEY (Mount Waverley) — I rise this afternoon to make a contribution on the Energy Legislation Amendment (General) Bill 2013. I intend to go through different aspects of the bill and also comment on a number of matters that were raised by the shadow minister in relation to cost of living pressures and indeed the origins of many of those cost of living pressures which have not just turned up overnight. Members in this place who take their heads out of the sand and look at them fairly and squarely will know where the pressures have come from.

This bill makes a number of sensible amendments to the Electricity Industry Act 2000 to ensure that there is greater competition in our electricity industry. It aims to empower consumers in a number of different ways to help them manage their electricity usage and their electricity pricing. The bill reduces the regulatory burden on the industry by ensuring that provisions in the act which may no longer be relevant due to a range of actions taken by the commonwealth are removed — for example, some aspects of competition and cross-ownership provision which have been addressed in the bill. It will also make some minor sensible technical provisions.

I note that the bill streamlines the existing publishing and notification requirements for electricity retailers in light of the introduction of flexible pricing in Victoria. That is important because we want to encourage people

to use electricity and energy in a manner that suits their budget and their needs. Indeed the introduction of flexible pricing greatly empowers consumers. As I said, it encourages them to meet their budget but ensures consumers that they can access and use electricity when they want to. Flexible pricing will also ensure that the industry in Victoria gets a better return on investment in terms of its infrastructure costs. The last thing we want is over-investment in infrastructure, because although there may be demand during peak times, some of that peak usage can be spread over different times to reduce pressure on the network, thereby reducing the investment required in the network and reducing pressure on people's individual bills.

The bill amends the Electricity Industry Act 2000 to require retailers to provide details of retail contract offers to a website nominated by the minister or, if no website has been nominated, to the Your Choice website, which is operated by the Essential Services Commission (ESC). I note that under this bill the minister may nominate an independent website that lets customers compare flexible pricing offers from all licensed electricity retailers. On that point my mind turns to the My Power Planner website, which is a good example of an improved tool for people who seek to use it. It is more interactive and allows consumers to be better informed than the Your Choice website as it provides the opportunity, as I said, for consumers to not only get an understanding of their current usage and the prices available at the moment but also of their projected pricing. This is a sensible amendment to the act. It may well be that the My Power Planner website is a more appropriate site for those offers to be listed on. As I said, I note that if no such alternative website is nominated, the Your Choice website still remains an option, which is positive.

The bill also makes amendments to lodgement requirements for the financial hardship policies of licensed electricity retailers to ensure that newly licensed electricity retailers submit a policy for approval by the ESC. I note that the bill also provides that those financial hardship policies need to be lodged with the ESC in a reasonable time period. The bill also amends the act to allow the commission to direct a retailer to review an existing policy if the commission considers the policy no longer complies with those minimum obligations. That is important because sometimes the environment changes or there need to be changes to those financial hardship policies and the ESC, the regulator, can take action and ensure that a retailer's financial hardship policy is up to date and still relevant to today's world.

I note that the bill makes a number of minor and technical amendments to clarify licensing exemptions regimes under the Electricity Industry act 2000, which updates provisions that have remained largely unchanged since 1994. There are a number of retailers who may have received an exemption, for example, if electricity supply was not their core business but they were still in that particular industry. It is important, as I said, to ensure that those retailers who have been provided with an exemption still retain those aspects to selling electricity that both the community and the government expect whether it is in relation to consumer protections, financial hardship policies or other aspects. I certainly welcome that clarification, if you like, as it ensures that retailers who hold such an exemption understand their responsibilities.

In addition I note that part 2 of the bill repeals several redundant provisions consequential to the repeal of the cross-ownership provisions in other energy legislation that has been debated and passed in this house. That is sensible because a number of the provisions in this bill and in previous bills that have passed reflect the make-up and structure of the industry to date and also other laws across the country that relate to cross-ownership provisions. The bill also amends the licensing exemption regimes for the retail sale of gas to the same extent as amendments to the electricity licensing regime, and that also mirrors the changes under part 2 of the bill for the lodgement of those financial hardship policies.

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

Business interrupted under standing orders.

ABSENCE OF PREMIER

The SPEAKER — Order! Before I call for questions I would like to advise the house that the Premier will be absent from question time today. Questions relating to the racing portfolio will be answered by the Minister for Sport and Recreation and Minister for Veterans' Affairs, and questions relating to the regional cities portfolio and any other questions for the Premier will be answered by the Deputy Premier.

QUESTIONS WITHOUT NOTICE

Manufacturing sector job losses

Mr ANDREWS (Leader of the Opposition) — My question is to the Minister for Manufacturing. I ask: how many manufacturing jobs have been lost in Victoria since he became the minister?

Mr HODGETT (Minister for Manufacturing) — I thank the honourable member for his question. The manufacturing industry is a very important industry, a very important sector, to Victorians, employing just under 285 000 people, about 10 per cent of the state's workforce, and contributing about $27 billion to the economy each year. The sector of course faces a number of challenges: the high Australian dollar, shifting consumer preferences, fierce international competition, the carbon tax, the fringe benefits tax and unfair workplace laws. We on this side of the house recognise those challenges and have a Victorian manufacturing strategy plan. The opposition never had one in 11 years — it never had a manufacturing strategy in 11 years.

Mr Andrews — On a point of order, Speaker, on relevance, the question was extremely tight. It is a simple question: how many manufacturing jobs have been lost since this minister was sworn in? It is a very simple question. If he does not know, he ought to just sit down.

Ms Asher — On the point of order, Speaker, a point of order is not an opportunity to make a statement. The Leader of the Opposition well knows that. The minister can choose to answer the question —

Honourable members interjecting.

Ms Asher — provided he adheres to the standing orders, which he is doing.

Ms Hennessy — On the point of order, Speaker, the issue here is that the minister is not adhering to the standing orders. You are enabling him to make attacks on the opposition while at the same time not requiring him to actually answer the question, which was about how many jobs have been lost.

The SPEAKER — Order! The question related to the manufacturing industry, and my understanding was that the minister was answering the question as it was asked, so I believe the answer is relevant to the question that was asked.

Mr HODGETT — There are a number of enormous challenges. We recognise those challenges, and that is why we have a number of support programs. One of those programs is the Investing in Manufacturing Technology program. I will talk about some of the jobs that we have been able to create. At Industrial Brushware Pty Ltd — —

Mr Andrews — On a point of order, Speaker, on relevance, the question very clearly asked the minister how many jobs have been lost, not for a list of jobs that may or may not have been created. This answer could not be less relevant to the question that was asked. It is a simple question: how many jobs have been lost under this minister's watch? If he does not know, he should sit down!

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

Mr HODGETT — Those opposite hate good news.

Honourable members interjecting.

Mr HODGETT — They hate good news! Since coming to office, since December 2010, we have created 70 000 — —

Honourable members interjecting.

The SPEAKER — Order! I ask the house to come to order. I am not going to have the minister yelled down when he is answering the question. Members may not like the answer, but I am not going to allow the house to yell him down.

Mr HODGETT — The facts are that we have created 33 400 jobs — more than any other state — to November. Last month we created 4200 jobs. Let me give some examples that those opposite hate to hear: 3000 jobs and $1.6 billion in the Port Melbourne redevelopment; 500 jobs at Mars at Ballarat; 400 jobs in the development of the Warragul retail centre; 100 jobs — —

Honourable members interjecting.

Mr HODGETT — They hate good news; hate good news.

Honourable members interjecting.

The SPEAKER — Order! The Minister should not push it.

Mr HODGETT — There are 100 jobs in stage 1 at Kraft Foods; 500 jobs and a $100 million Telstra investment at Clayton; 70 jobs at Bombardier; 500 jobs at Cotton On in Geelong; 1800 jobs today resulting from the 2012 China super-trade mission; and 400 jobs in Costco, Ringwood. Those opposite hate good news. In fact it is an absolute disgrace that some of them are gloating about the Holden news yesterday.

Questions interrupted.

DISTINGUISHED VISITORS

The SPEAKER — Order! I would like to acknowledge in the gallery today a visiting delegation from the Philippines under the auspices of the Australian Political Exchange Council, led by the Honourable Miguel Luis R. Villafuerte, the Governor of the Province of Camarines Sur in the Philippines. We welcome you.

QUESTIONS WITHOUT NOTICE

Questions resumed.

Holden job losses

Ms RYALL (Mitcham) — My question is to the Deputy Premier. Can the Deputy Premier advise the house how the strength and resilience of our state's economy will help to reduce the impact of the decision by General Motors Holden to close its manufacturing facilities?

Mr RYAN (Minister for State Development) — I thank the member for her question. As the Premier said yesterday, and as I believe is broadly agreed across the chamber, yesterday was a sad day not only for Victoria but for Australia. The announcement by General Motors, which came from Detroit, comes as terrible news for those who bear the brunt of it, they being the families and the workers in the first instance — those workers who are employed directly by General Motors Holden and also those in the supply chain.

As I speak, the Premier is in Canberra. He will be meeting this afternoon with the Prime Minister to ensure that we are there to speak on behalf of Victoria — because that is our role as government — and Victorian families to make sure we do everything we possibly can to assure the future of these people. They are all important to us. We will stand with them to do everything conceivable to enable them to make this transition in employment.

One of the things underpinning all of that is the strength of the Victorian economy. It will be the primary buffer which sees us through in being able to accommodate the needs of these workers and their families and these many businesses over the course of the coming weeks, months and years. The fact is that we are the only jurisdiction in Australia with a AAA-rated economy. We are the only jurisdiction in Australia whose economy has a stable outlook. We are the only economy which has a budgetary position providing surpluses over the course of the out years. Since coming to government we have created 71 000 new jobs in the state of Victoria. In the course of our three years in government we have created just over 40 000 new jobs in the regions of the state of Victoria. All of this is built upon our government's not only intent but its carrying out of the necessary investments that underpin the strength of the economy. We are running it as efficiently and productively as we possibly can. Now, in this time of need, we are going to be able to look to that important benchmark to provide a buffer from the sorts of difficulties that face us as a consequence of yesterday's announcement. In terms of specifics as to — —

Mr Pallas — On a point of order, Speaker, the question to the Deputy Premier was around what this government is doing to substantiate a robust economy. Today we get unemployment rates of 6.2 per cent.

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

Mr RYAN — In terms of the specifics of what we are doing to address the issues arising from yesterday's announcement, apart from having that strength of the economy that we have developed over the past three years, as I said, as we speak the Premier is in Canberra meeting with the Prime Minister. In addition to that, that meeting will in part at least be attended by the Premier of South Australia, the leader of the South Australian Labor government, a government which is contending with issues, just as we as a government are contending with issues in Victoria. He understands, as we understand, that there are issues afoot here which are of an Australian nature and which impact on not only our jurisdiction but South Australia as well.

I can tell the house that next Wednesday the Premier will convene the Victorian automotive industry round table. It is an important entity which will follow on the Premier having been out at Fishermans Bend this morning. Gathered at that table will be all of the relevant stakeholders with regard to these critically important issues. The contribution made by those people, particularly the families concerned, will be vital to this outcome.

Holden job losses

Mr ANDREWS (Leader of the Opposition) — My question is to the Minister for Manufacturing. I refer the minister to the fact that the organisation that represents the 700 engineers at Holden wrote to him in October this year asking for an urgent meeting regarding their grave and real concerns about the future of their jobs, and I ask: can the minister confirm that it took 41 days

for him to respond to that letter and that in that response he refused to meet with that organisation and instead fobbed it off to his department?

Mr HODGETT (Minister for Manufacturing) — I thank the honourable member for his question. Nine months in the job and no questions and now I get two. It is good to see; we have a prize if you get a few. In relation to the question that was asked, I received correspondence from Professional Engineers Australia, formerly the Association of Professional Engineers, Scientists and Managers Australia. I responded to that correspondence, and I sent a copy of that — —

An honourable member — Forty-one days later.

Mr HODGETT — It was not 41 days later.

Mr Andrews — You'll want to be sure.

Mr HODGETT — I can check the detail. I received a letter from Professional Engineers Australia. I responded to that correspondence, and I sent a copy of that to Mike Devereux at Holden outlining the concerns of the engineers. I agreed to a meeting, which is actually scheduled for this afternoon.

Honourable members interjecting.

Mr HODGETT — I can also say that this meeting has been scheduled in the diary for some time, well before yesterday's announcement. I am happy to meet with all stakeholders. I meet with industry groups. I meet with the auto manufacturers. I meet with the unions, surprise or not. I am happy to continue to meet with those people who write to me and want to talk about portfolio matters.

Honourable members interjecting.

Questions interrupted.

SUSPENSION OF MEMBER

Member for Narre Warren North

The SPEAKER — Order! The member for Narre Warren North can take an hour out of the chamber.

Honourable member for Narre Warren North withdrew from chamber.

QUESTIONS WITHOUT NOTICE

Questions resumed.

School funding

Mr WAKELING (Ferntree Gully) — My question is to the Minister for Education. Can the minister advise how the Victorian coalition government has secured record investment for our schools to the benefit of Victorian students, teachers and parents?

Mr DIXON (Minister for Education) — I thank the member for Ferntree Gully for his very good question and for his great interest in education. As the house knows, early in August the Premier and the then Prime Minister of Australia signed a $12.2 billion funding agreement for Victorian schools over six years. We were one of the last jurisdictions to sign because we were not prepared to sign up to anything that would disadvantage any Victorian school or give control of Victorian schools to any government in Canberra.

Although we were under some pressure from those opposite and the Australian Education Union to sign up straightaway, that would have seen 500 Victorian schools lose funding and would have handed control of education in Victoria to Canberra. We were just not prepared to do that because all along we have said that we would not sign up to anything that would disadvantage any single Victorian school or any Victorian family.

In fact as a Victorian government we have fought hard for Victoria. We have fought with two federal Labor governments, and we are fighting for Victoria with the current federal coalition government. We absolutely make no apologies for that. We were disappointed, as were all Victorian schools and Victorian families, that the federal government was creating uncertainty regarding the future of funding and the future of that agreement here in Victoria and right around the country. As I have said, we signed that agreement with the commonwealth, not with a political party. In fact we have not been playing politics with this, because last Friday week I stood shoulder to shoulder with a Greens minister, two Labor ministers and a Nationals minister to call on the federal government to honour the agreement it had signed with all those jurisdictions.

I am pleased to say that as a result of and soon after, last Monday the federal government gave us some certainty regarding the future of that funding agreement for the next four years. We have fought for Victoria. We said what we needed to say, and we got that four-year agreement. As a result of that four-year agreement our

schools now have certainty. Next year Victorian government schools will be receiving an extra $178 million, which will go directly into our government schools. As part of that $178 million an extra $16 million will be going to 330 of the most disadvantaged schools in Victoria to make up for the low-socioeconomic-status national partnership, which has now lapsed.

As well as that, a further $7 million will be shared around every single Victorian government school. That means that next year Victorian government schools will be receiving a record $5.2 billion. We have increased that education budget every year. This $5.2 billion is a record amount, with money going to every single Victorian government school. Included in that is actually the largest non-wage indexation for 15 years, so we are looking after our government schools. Of course the uncertainty flowed through to the non-government schools as well, and they require that certainty. I am pleased to tell the house today that a further $10 million will be going to the non-government schools here in Victoria, so non-government schools now have that certainty of funding for next year.

That is good for next year, but I still remind the house that we signed up to a six-year agreement with the federal government. We expect the federal government to honour that six-year agreement. We will continue to fight for Victorian schools — Victorian government schools and Victorian non-government schools — and all Victorian families so that we get the funding this state signed up for from the federal government. We will continue to fight for that.

Automotive industry jobs

Mr ANDREWS (Leader of the Opposition) — My question is again to the Minister for Manufacturing, and I ask: how does the minister expect the thousands of Victorians who have lost their jobs at Ford and Holden and those in the broader automotive sector to receive the retraining which they need and which the Premier has been boasting about all day when his government — this government — has cut the guts out of Victorian TAFE? How does the minister expect that that retraining will magically occur?

Mr HODGETT (Minister for Manufacturing) — I thank the member for his question. I should point out at the start that we are actually spending $1.2 billion on TAFE and training per year, whereas the most the Labor government got to was less than $900 million, so we are putting more money into training and skills and TAFE.

The announcement yesterday by Holden was terrible news, and our thoughts are with those workers and their families. That is why this morning the Premier and I were down at Port Melbourne meeting with those workers to support them and to talk to them. We will work with them and offer any assistance package we can. The Premier is currently in Canberra arguing for a structural assistance package.

Mr Andrews — On a point of order, Speaker, on relevance, the question related to the TAFE system and how this government can boast to be retraining people when it has ripped the heart out of TAFE. That is what the minister should direct himself to.

The SPEAKER — Order! The minister is able to answer a question in any way he feels fit as long as the answer is relevant to the question that was asked. From what I heard, the answer was relevant to the question that was asked.

Mr HODGETT — We are putting money into real courses that will eventuate in real jobs. We are committed to working with Holden workers, and we will continue to get as much assistance as possible to offer the training over the next four years that they need to upskill or move to different jobs or for whatever needs they require.

Aboriginal economic development strategy

Mr McCURDY (Murray Valley) — My question is to the Minister for Aboriginal Affairs. Can the minister outline how the Victorian coalition government is working to improve the economic prosperity of Aboriginal Victorians while also recognising those in the Aboriginal community who have made significant contributions to the community?

Mrs POWELL (Minister for Aboriginal Affairs) — I thank the member for Murray Valley for his question and for his very strong interest in Aboriginal Victorians. Last week, along with the members for Morwell and Narracan, I had the pleasure of launching Victoria's first Aboriginal economic development strategy at Latrobe City Council in Morwell. I would like to thank the mayor, Cr Sharon Gibson, and the council for hosting the strategy and also for working with their Indigenous constituents, for which the council received an award.

This important strategy will be led jointly led by me and the Minister for Innovation, Services and Small Business, who is also the Minister for Tourism and Major Events. The strategy builds on the Victoria's Aboriginal tourism development strategy, which was

launched by the minister in Geelong on Friday, 29 November. Together these strategies represent a comprehensive coalition government commitment to enhancing economic opportunities for all Aboriginal Victorians. As to the importance of closing the gap, we note that involves making sure that Aboriginal Victorians can have jobs and training and economic independence.

The goals of the economic development strategy are to build foundations and aspirations for jobs and business, to grow more job opportunities and career pathways across the economy, as well as to grow Aboriginal enterprise and investment. The actions that will achieve these goals include releasing an integrated Aboriginal education strategy that will build strong educational foundations for young Aboriginal people and guaranteeing every Aboriginal student who completes year 12 a package of individual case management and career assistance to support those students to find a job or a pathway to a job, and it is for those who need that assistance. It is also about strengthening the access of Aboriginal organisations to state government procurement opportunities to leverage their assets for economic growth and brokering partnerships with the private and financial sectors, as well as the Aboriginal enterprises, to ensure that we have investment-ready enterprises to prosper.

The member for Murray Valley also asked what our government is doing to recognise the contributions of Aboriginal Victorians. Next Monday the Premier and I will have the pleasure of inducting 14 noteworthy Aboriginal Victorians, who will join the 35 existing inductees, onto the Victorian Indigenous Honour Roll. I thank the panel which recommended each of these inductees. I also acknowledge the bipartisan support for the Victorian Indigenous Honour Roll. Indeed the shadow Minister for Aboriginal Affairs, the member for Richmond, will be attending the dinner, as he has done for the last two years, to show his support for the Aboriginal people being inducted onto that honour roll.

The honour roll is the first of its kind in Australia. It is a prestigious historical record of Aboriginal people, both those who are well known and those who are very quiet achievers. This year we will induct a family group onto the roll in recognition of the impact that families and groups can have when they work together. The honour roll includes Aboriginal servicemen and women who fought for this country before they themselves were recognised as citizens. The stories on the honour roll are not just Aboriginal stories; they are Victorian stories, and they will be permanently displayed at Parliament House and on the Parliament's website. I look forward to Monday's event, and I encourage every member to think of Aboriginal people in their electorates who they think are worthy of nomination to the Victorian honour roll. This year I had the honour of launching the inaugural honour roll travelling roadshow, which toured right around the state. It went to libraries in five areas and put on exhibitions so the local communities could see the Indigenous people in their areas who had contributed to their community. I ask members to make sure that they look at these books and honour Victoria's Aboriginal people.

Automotive industry jobs

Mr ANDREWS (Leader of the Opposition) — My question is to the Minister for Manufacturing, and I ask: given that the government did not lift a finger to save jobs at Ford, given that the government did not lift a finger to save jobs at Holden, why should any Victorian who works at Toyota or in the broader automotive industry trust this government to save their job?

Mr Ryan — On a point of order, Speaker, the standing orders require that the basis of any question be factual. The foundation of this question is not factual. As the record clearly shows, significant endeavours were made by this government insofar as Ford and Holden are concerned. Accordingly, this question is out of order.

Mr Andrews — On the point of order, Speaker, I am more than happy to be factual. The fact of the matter is this government has not lifted a — —

The SPEAKER — Order! The member should sit down. I do not uphold the point of order.

Mr HODGETT (Minister for Manufacturing) — I thank the member for his question, but I do not accept the premise of the question. There are any number of actions that we took in the lead-up to protect the automotive industry here. The Premier and Jay Weatherill, the Premier of South Australia, took to the Council of Australian Governments under the Gillard federal government a position that all government agencies should buy Australian-made cars. That is one action we took.

We have taken that a step further and have written to local government agencies asking them to buy — —

Mr Andrews interjected.

Mr HODGETT — Well, it is a volume issue and everything helps.

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

Mr HODGETT — I meet with any number of stakeholders. As I said before, we meet with Ford, we meet with Toyota, we meet with Holden. We meet with the supply chain and we meet with the unions regularly. I met with my South Australian counterpart in the Weatherill government to talk about actions to assist the auto industry. We meet with our federal colleagues and continue to meet with all stakeholders. We made a submission to the Productivity Commission, in which where we argued very strongly — —

Mr Andrews — On a point of order in relation to relevance, Speaker, the minister needs to explain what he is going to do for Toyota and why those workers should have any confidence in him and his government. That is what the question went to, and that is what the answer should be about.

Ms Asher — On the point of order, Speaker, according to *Rulings from the Chair 1920–2013* of June 2013, the practices and precedents for points of order include in paragraph 3:

> During question time a member must not use a point of order to repeat a question, debate an answer or seek clarification of an answer.

I put it to you that the Leader of the Opposition has repeated a question and debated the answer that the minister had commenced to give. I ask that you rule him out of order.

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

Mr HODGETT — There are any number of actions that we are taking to assist the automotive industry. One was making a submission to the Productivity Commission. Also, as I said, we were down at Port Melbourne this morning to meet with workers and offer our support.

Honourable members interjecting.

Mr HODGETT — The problem with those opposite is that if we do as they do and sit on our hands and do nothing, they complain.

Mr Foley interjected.

Questions interrupted.

SUSPENSION OF MEMBER

Member for Albert Park

The SPEAKER — Order! The member for Albert Park can leave the chamber for an hour and a half.

Honourable member for Albert Park withdrew from chamber.

QUESTIONS WITHOUT NOTICE

Automotive industry jobs

Questions resumed.

Mr Andrews — On a point of order, Speaker, I am sure that on a wall in the minister's office there is the oath of office he took — —

The SPEAKER — Order! What is your point of order?

Mr Andrews — He is a minister. Attacking the opposition — —

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

Mr HODGETT (Minister for Manufacturing) — Another action I tried to take was that before the change of government I sought to meet with the federal Minister for Innovation, Industry, Science and Research. Members might forget which one it was because there were so many reshuffles in Canberra, but it was Kim Carr. I sought to meet with him to talk about the automotive industry, and he refused to meet with me. I offered to go to his office in Carlton; I offered to get on a plane and go to Canberra; but he refused to meet with me. That was another one of the actions we took.

Moving on to Toyota, can I mention that Toyota is an important manufacturer here and an important employer in our state. In August the Victorian government joined with the federal government to support Toyota with a vehicle refresh program. We believe Toyota is important, and we will continue to support it.

The last thing is that, as Toyota said in its media statement yesterday, there is unprecedented pressure on it and the local supply network. Toyota faces the challenges I have spoken about: the high Australian dollar, a shift in consumer preferences, fierce international competition and high input costs. We will continue to work with Toyota. We want it to remain a

viable, long-term automotive manufacturer here. We will talk it up; we will not talk it down as those opposite do.

Name that Point campaign

Mr WATT (Burwood) — My question is to the Minister for Mental Health. Can the minister inform the house of the Victorian coalition government's initiatives to address the harms caused by illicit drug abuse and excessive alcohol consumption in the Victorian community?

Ms WOOLDRIDGE (Minister for Mental Health) — I thank the member for Burwood for his question and for his interest in these important issues. There is no doubt that excessive alcohol consumption and the use of drugs cause great harm in our society. Currently about 1 in 10 Victorians drink at risky levels on a weekly basis, and we know there has been a significant increase in the number of alcohol-related assaults, ambulance attendances and hospital admissions over the recent decade.

While the number of people using cannabis, pharmaceutical drugs, hallucinogens and opioids is actually remaining relatively stable, there has recently been an increase in the number of people using amphetamine-type substances and also synthetic drugs, sometimes with dramatic consequences for their own health and wellbeing and the impact on the broader community.

The coalition government is committed to tackling and reducing rates of risky drinking and also addressing the use of illicit drugs in Victoria. An important new initiative of this government is a culture change program to promote a healthier attitude in relation to excessive drinking and also drunken behaviour in the community. Last week I was very pleased to launch a $2.6 million campaign called Name that Point. This will be run by VicHealth, which is obviously very well placed to do so. The Name that Point campaign is designed to spark a frank and open discussion about alcohol consumption levels by identifying the point where, when you are having drinks of an evening, it could go either way — the point where clear thinking may become more drinking or the point where dinner plans turn into late-night food vans. It is a point we all reach, although it may be a different point for each of us.

The campaign is not about telling people how to run their lives; it is about having an open and honest discussion about levels of alcohol consumption and providing people with the information to assist in making decisions about their own drinking levels. The campaign will run over the summer months, asking people to name that point, and I encourage all members to promote the campaign and get on board with this important discussion.

I also want to inform the house that the government has taken action to ban the dangerous synthetic drug Marley. This is a poison, and I have no hesitation in calling it for what it is. This has been responsible for the hospitalisation of five people in just the last two weeks. People have been admitted to intensive care with a range of symptoms, including loss of consciousness, seizures, agitation and confusion, and difficulty breathing.

Under laws introduced by this coalition government in 2011, if a substance poses a significant health risk to consumers, I have the power through regulation to list it as a schedule 11 poison. Following extensive forensic lab analysis, I moved quickly to introduce new regulations to list in that schedule the active ingredients in Marley. Retailers will be banned from selling synthetic drugs. Those who do are dicing not only with people's health and lives but also with their own future. People who traffic Marley can be jailed for up to 15 years, and people who possess Marley for the purpose of trafficking can be jailed for up to 10 years.

The Name that Point campaign and the ban on the synthetic drug Marley are just further evidence of the multipronged approach that the coalition government is taking in relation to risky alcohol consumption and illicit drug use in our community. These are initiatives in our whole-of-government alcohol and drug strategy to reduce Victoria's drug and alcohol toll. We look at a whole range of measures to attack and address these issues in our community. As we enter the festive season, it is a great time for us as community leaders to engage in this discussion for the benefit of those in our community.

Minister for Manufacturing

Mr ANDREWS (Leader of the Opposition) — My question is to the Minister for Manufacturing. Given that the minister does not know how many manufacturing jobs have been lost under his watch, given that he refused to meet with hundreds of automotive workers until after they had lost their jobs and given that he has overseen the demise of Ford and Holden and has no plan for Toyota, I ask: given that these thousands of people have lost their jobs, why should the minister keep his?

Mr HODGETT (Minister for Manufacturing) — I thank the honourable member for the question. Can I say that I do not accept the premise of the question. The best way to protect jobs is with a strong economy, a responsible budget and a AAA credit rating.

Road safety initiatives

Dr SYKES (Benalla) — My question is to the Minister for Roads. Can the minister advise the house how the coalition government's road safety strategy is saving the lives of Victorian road users?

Mr MULDER (Minister for Roads) — The government has a truly collaborative approach to improving road safety. We established a Ministerial Council for Road Safety in 2012 made up of the Attorney-General, the police minister, the Assistant Treasurer and now me as chair, following on from the great role undertaken by the Deputy Premier.

As part of developing a new strategy for road safety we conducted extensive consultation that provided us with 16 300 responses. Media outlets such as the *Herald Sun* were helpful in getting the message out and gathering input from across the community. Our strategy, action plan and survey were all released in March this year. We listened and acted on research, hard evidence and public input — and it is working. Today I am proud to announce that the road toll is tracking 50 lower than at the same time last year — and 50 is the number of people you see when you look at those sitting around that part of this chamber. This is the biggest drop since the early 1990s.

Fatalities are down by 31 deaths in metropolitan Melbourne and 19 fewer on country roads. It is not by chance. I want to congratulate Victorians, who are making better choices on our roads every day. I want to congratulate all staff involved in road safety on their hard work and effort, from the police at the roadside, paramedics, health workers and public servants to the staff who develop the campaigns to inform the public of our message, just as the Transport Accident Commission, VicRoads and Victoria Police do.

Measures we have introduced include: extending the Safer Roads Infrastructure program, at $1 billion over 10 years; removing sign clutter; rationalising speed limits; progressively removing 70 and 90-kilometre-per-hour signs; new guidelines for 40-kilometre-per-hour speed limits to areas of high pedestrian activity; the number plate message 'Stay alert, stay alive', which is a great one leading up to Christmas; the distraction campaign and tougher penalties for talking on mobile phones; banning young drivers from using electronic devices; Road Mode, an app to stop calls from distracting drivers; Talk the Toll Down, involving 60 regional newspapers — a world-first campaign highlighting the role parents can play in keeping their children safe during those very dangerous first six months of driving; extending the L2P program to 62 municipalities; Victoria Police BlueNet vehicles detecting unlicensed drivers and unregistered vehicles, taking dangerous drivers off our roads; and hoon school, changing the behaviour of reckless drivers.

It has been a comprehensive and collaborative approach from this government, bringing all the agencies and the ministers responsible together to get a fantastic result. It is the best result since the early 1990s. We cannot take this for granted. In the next few years we will be impounding the vehicles of first-time high-level drink drivers, which will be a new offence for driving under the influence of alcohol and illegal drugs.

I plead with all Victorians that they continue to drive safely so they can celebrate Christmas this year with all of their loved ones. Please be safe on our roads this festive season. We are all in this together. Please stay safe so we can all be here in 2014. Stay alert, stay alive leading up to the Christmas period.

The SPEAKER — Order! The time for questions has concluded, and we are moving back to the government business program.

Mr Mulder — On a point of order, Speaker, I ask that you investigate a very serious issue that has come to my notice. It is in relation to a sign that has been placed on Duncans Road asking trucks to stop using their brakes in that residential area. I have received numerous letters in relation to this matter, and my response to those who have written to me has been provided to me by VicRoads — that is, the installation of signs discouraging the use of engine brakes near freeway on-ramps is not supported as these are critical areas where braking safety is of prime importance.

The point of order I raise is that it is my understanding that particular sign was funded by a member of Parliament through a community group which approached him and that it was funded out of his office budget. Given that road safety is such an important issue, I ask that you, Speaker, investigate whether it is appropriate for a member of Parliament to use an electorate office budget to fund a sign that basically flies in the face of road safety. Speaker, I have the information and I am happy to provide it to your office.

The SPEAKER — Order! I ask the minister to give me the details.

Ms Hennessy — On the point of order, Speaker, in the course of you conducting such an investigation, if it is now going to be the practice that we come into the Parliament and by way of point of order make allegations in respect of abuse of parliamentary entitlements, I would appreciate it if you would make that a transparent and consistent practice. From the opposition's perspective, we shall continue to ensure that we expose the abuses of parliamentary entitlements that have occurred on the other side of this chamber.

The SPEAKER — Order! The matter has been raised by the Minister for Public Transport. I have asked the minister to give me the details. That is all I have asked for. I will have a look at it. I get a number of these inquiries made through my office, which are normally kept — —

Honourable members interjecting.

The SPEAKER — Order! This is not a normal practice. I have asked the minister to give me the details, and I will respond to him confidentially.

ENERGY LEGISLATION AMENDMENT (GENERAL) BILL 2013

Second reading

Debate resumed.

Mr GIDLEY (Mount Waverley) — I have run through the technical elements of the bill. However, as I indicated previously, following the contribution made earlier in relation to cost of living pressures I will address a number of these aspects, because this bill should put downward pressure on cost of living matters. The record also needs to be set straight and the facts need to be put on the table in relation to the comments made by the shadow minister for energy, the member for Mill Park, in relation to cost of living pressures. Cost of living pressures did not just eventuate in November 2010. In fact they were being driven by poor government policy and decisions made by the previous government in the areas of energy, water and transport.

We need go no further than the smart meter program. The independent report into the smart meter program revealed that the cost of the Brumby government's program was set to blow out from $800 million to $2.3 billion. That is a clear and unequivocal blow-out which will be reflected in the costs to electricity users. Indeed the independent report by Deloittes found that between 2008 and 2028 the smart meter system will now come at a net cost of $319 million, nearly a $1.1 billion turnaround. The money involved is being paid for directly by electricity consumers as a result of the former government's botched program.

For the shadow minister to come into the Parliament and suggest that that cost of living pressure began in November 2010 shows just how out of touch she is. The $6.1 billion desalination plant, which will cost $650 million per year over 27 years, is another botched project by the former government that flows through to cost of living pressures. If that is not enough, the myki system produced a $350 million and rising blow-out. This directly relates to projects undertaken by the former government which have had an effect on cost of living, which the shadow minister raised previously.

Mr Howard — On a point of order, Speaker, this bill is about energy legislation. The member has clearly got way off the subject in the contribution he has been making over the last 30 seconds. I ask you to bring him back to the bill.

Mr GIDLEY — On the point of order, Speaker, the shadow minister for energy devoted quite a significant amount of her speech to cost-of-living pressures, which she indicated came about in November 2010. What I am doing in my contribution as the lead speaker is setting the facts straight in relation to the botched projects the previous government put forward that have contributed to those cost-of-living pressures.

The SPEAKER — Order! I do not uphold the point of order. The member's time has expired. The member for Ballarat East will speak next and can refute what has just been said.

Mr HOWARD (Ballarat East) — I wish to make my contribution in regard to the energy legislation that is before the house, in which the government is proposing to make some changes relating to the introduction of flexible pricing policies, which clearly relate to the implementation of the smart meter project that has been carried out across the state. In doing so I note that it is interesting how things change. We on this side of the house remember how strongly the coalition objected to the smart meter program when it was in opposition only a few years ago. Its members made all sorts of suggestions that the program would be stopped if they came to office and so on. But we know what happened when the coalition came to government. Suddenly this project, which those opposite were so much against — like so many other projects — went ahead. In fact not only did the coalition go ahead with

the smart meter rollout, but it ended up being quite a supporter of the system.

The coalition went ahead with it for good reason, I might add. Members on both sides of the house have spoken about the good reason for the smart meter system eventually being supported by the coalition. We know there are substantial costs associated with the construction of power stations across the state and indeed across the country. If we can encourage more power users to utilise their power in non-peak periods, the number of new power stations needed and the expense associated with constructing them can be reduced. We would then see a more balanced usage of the power that is available.

As I said, the coalition government ended up being quite a supporter of the smart meter power system. In fact the former coalition energy minister issued threats that people who did not want to have smart meters connected in their houses would have their power disconnected and that fines would be applied. He made several threats to ensure that the rollout of the smart meter system continued and that people who had objections had no avenue to object. That being the case, we now have a smart meter system in place.

In my own home the smart meter was connected only last week, so I have recently seen the brochure that was delivered advising me about the smart meter system and the opportunity it provides for flexible pricing. Like so many other people, my family will be looking at the information on the flexible pricing system, which naturally enough will probably be confusing, as it is when there are a number of power retailers available, even to work out how to assess the information and understand the offers. It is a good thing that the Essential Services Commission has set up the Your Choice website.

I have been pleased to be able to use the Your Choice website, and I encourage others to look at it to determine what options they have in terms of purchasing power and determining who might be the best retailer for them. It would be the same for gas retailer options. I have been able to use that site to establish what I think are the best options for me. I have also advised many of my constituents to use it, and they have done so and have been happy that they have been able to make informed decisions about electricity or gas retailers.

Now we have this new layer of information being made available by energy retailers about their flexible pricing offers, so it is perfectly appropriate that the government wants to see all energy retailers make available to the Essential Services Commissioner their proposed flexible pricing policies and that they should be put onto a website. When I read the second-reading speech it seemed a little strange to me that the minister was going to nominate a website but had not done so in the legislation. The speech says that if the minister does not nominate a website the Your Choice website will be used. I presume the minister will determine whether it will go on the Your Choice website or an alternative website. Either way I hope we see that information become available quickly to ensure that people have an easy and reliable way of comparing those flexible pricing policies.

I understand the My Power Planner online tool is already available and will help customers to understand some of the aspects of flexible pricing options that they will be able to take advantage of. That will certainly provide greater value to them. I trust that in the coming year more and more residents will come to understand how to access information from their smart meters. That was one of the issues that people were misinformed about in the rollout of the meters. They believed they would also receive a panel they could read to understand how their energy usage was going. Those sorts of facilities are available from some of the retailers at varying costs, and they certainly would help people to take an interest in their power usage. There are a range of other activities the government can take to educate and support people in understanding their power usage and to think about how they can move it away from the peak periods.

It is also interesting when you look at those peak period issues to see that we used to think that peak periods were on cold winter evenings when people got home from work and put on their heating, often directly using electricity or involving the use of electricity, and they would also cook their meal. While clearly that is part of the peak period, the highest-use period now occurs on hot days when people are using air conditioners, which have a very high level of energy consumption. We need to ensure that we get the message out to people that with some appliances, whether they be air conditioners or electric heaters that have a very high level of energy consumption, they could think about how they might change their reliance on those appliances, especially at peak times, and thereby reduce their own electricity costs, while the overall usage of electricity across the energy grid would be better balanced. As planners and as responsible leaders in our community we really want to see that. We want to be able to rely on our energy supplies into the future. We want to ensure that we do not expend more energy than we need to.

In relation to concern about climate change there are lots of good reasons for people to reduce their use of electricity anyway. People should find passive ways, such as through house design and other low-cost measures, of reducing their energy consumption. There are good reasons to pursue that action, and there are a lot of services and information to help people reduce their energy consumption. I want to see that continue, and I am happy to support this legislation, which will also provide consumers with further information and protection with regard to the new flexible pricing policies. I hope people will feel comfortable about how they can gain information about the pricing system and will utilise it to reduce their bills and their overall consumption, particularly at peak periods. There are opportunities to do that, and I hope with the passage of this bill and other actions that government and non-government entities, including the electricity retailers, can take, we will see significant progress in this area.

Mr NORTHE (Morwell) — It is a great pleasure to rise this afternoon to talk about the Energy Legislation Amendment (General) Bill 2013. Elements of this bill refer to the publishing and notification requirements with respect to voluntary flexible pricing for energy consumers in Victoria. The Minister for Energy and Resources recently announced some of the attributes associated with flexible pricing arrangements in Victoria. Indeed on 16 September the minister launched a new online tool called My Power Planner, which is referred to in the second-reading speech. At the time the minister went on to say that the introduction of the flexible pricing system that has been made possible through the rollout of smart meters — which I will talk more about soon — is an opportunity for consumers to have a look at ways to use their appliances and electricity in a far more sensible manner and to have options available to them.

The main theme is to ensure that consumers have an opportunity to save money and, obviously, to save on the use of electricity as well. The minister has clearly said that whilst the flexible pricing system may not be for everybody, it has also been shown in the past and through studies that having such flexible pricing plans will offer new choices for consumers. I am sure there will be a take-up of the opportunities that exist from that. The online tool, My Power Planner, was launched at that time by the minister, and I will talk more about that later in my contribution.

The bill requires retailers to provide contract offer details to a website nominated by the minister. If a website is not nominated, then the Your Choice website, which is operated by the Essential Services Commission, will be considered to be the website to which that information will be provided. Having said that, the minister may nominate an independent website, and My Power Planner has been referred to as one such site. The logic and thinking behind giving the minister the power to nominate a website is to avoid duplication and reduce confusion when consumers are looking for opportunities with respect to saving power but also to cost savings at the same time.

If you look at the My Power Planner tool at www.switchon.vic.gov.au, you will see that it gives you an opportunity to analyse your current electricity prices, and you can compare retail plans and retail offers from different companies, including the new flexible prices. An explanation is given about how you can do that. We work on a system in Victoria where during the week there are off-peak, peak and shoulder periods. When you utilise appliances during those off-peak or shoulder periods, there is obviously a lower cost. As I understand it, off-peak and shoulder prices also exist for weekend use.

As I mentioned before, flexible pricing is optional. People can choose to either stay on their current rate or move to the flexible pricing plan, provided they give written or verbal consent to their retailer. It is also important to note that if people change to a flexible pricing offer and stay with the same electricity retailer, they can change back to their old plan as long as they decide to do so before March 2015. The My Power Planner tool on that website is great to use. I have looked at it myself, and it is a great tool available to all consumers.

Regarding previous contributions to the debate on this bill made by members of the opposition, I find it staggering that those members can be critical of the coalition government with respect to our performance in relation to helping consumers to minimise their electricity prices. It is the height of hypocrisy for them to do that.

I will illustrate with a few examples. Prior to coming to government the then opposition committed to an energy concession package which extended the package that previously existed under the Labor government. As a government we have extended the package, which previously applied only through the winter period, to all year round. This was not supported by Labor. Those most vulnerable in the community now have that 17.5 per cent concession rate all year round, which is a great initiative of our government and supports people with a pensioner concession card, a health-care card or a Department of Veterans Affairs gold card. It is

unbelievable that the opposition would be critical of our government, which introduces such measures.

We have also closed a legal loophole which would have meant that an additional $94 million in electricity supply charges to distribution businesses would have come back to consumers to be paid. We have also allowed the small business sector to be eligible for the energy saver incentive scheme. They are some of the range of things we have done as a government. Conversely, Labor has supported the carbon tax, which has been a major impost on not only households but the business sector as well. One could also look at the millions of dollars wasted through the smart meter rollout, initiated by the former government, and if members do not want to take my word for it in terms of some of the changes the coalition has put in place to help consumers, they can look at comments from consumer and welfare groups. When we made changes around the flexible pricing options to give consumers much more variety in ensuring that they had tools available to them, Cath Smith, chief executive officer at the Victorian Council of Social Service (VCOSS) said:

> VCOSS welcomes the government's announcement today of changes to the smart meter program that will ensure consumers get better value for money and are more likely to get some real benefits.

Also at the time Gavin Dufty from St Vincent de Paul said:

> We welcome the decision to give consumers the choice to continue with their flat rate fee structure or switch to a 'time of use' tariff. Times are already tough for many Victorians, so this will give some control back to households.

The Consumer Utilities Advocacy Centre (CUAC), in its own media release under the heading 'Consumer group welcomes government's new initiatives on smart meters' said:

> … CUAC welcomes today's announcement by the Minister for Energy and Resources, Mr Michael O'Brien —

The previous Minister for Energy and Resources:

> … that the government will continue with the rollout of smart meters across Victoria.
>
> … CUAC believes that proceeding with the rollout will come at a lower cost to consumers than the alternative.

The alternative was that which would have applied under the Labor government. CUAC then went on to speak further about the results of some of the government's decisions at the time. The government can talk proudly about our record in ensuring that consumers have a choice in electricity prices, in stark contrast to those opposite.

The bill also amends lodgement requirements for licensed electricity retailers. A newly licensed retailer must submit a financial hardship policy, and that has to be approved by the Essential Services Commission. This is really important. We know there has been an escalation in inquiries through the office of the Victorian energy and water ombudsman, and people are doing it tough, but as a Victorian government we can be proud of our initiatives and the record we have in place. It would be nice if the federal Labor opposition and the federal Greens would help abolish the carbon tax, because that would help enormously.

In addition the Essential Services Commission can direct a retailer to review its existing policy to ensure compliance with minimum obligations. The bill makes some other minor and technical amendments primarily to update and clarify licensing exemptions in the Electricity Industry Act 2000. The bill examines an act that remains basically unchanged since 1994 and currently allows an exemption requiring one to hold a licence to generate, supply, sell, distribute or transmit electricity to be subject to conditions. The bill provides that exemption conditions may include obligations that also apply to licensed entities, such as compliance with industry codes and guidelines. In summary, this is a really important bill for consumers, households and businesses across Victoria, and I commend the bill to the house.

Mr WATT (Burwood) — I rise to speak on the Energy Legislation Amendment (General) Bill 2013. It is interesting to listen to some of the contributions to the debate from members opposite, but it is even more interesting listening to members on this side speak. I have a few comments I would like to make about some of the assertions made by those opposite, particularly the member for Ballarat East, who talked about smart meters and went into quite some detail about the mandatory nature of them.

All Victorians know who is responsible for the botched smart meter program and that the program was made mandatory by the previous government. Many members involved in that debacle are still in the chamber on the opposition benches today, including the Leader of the Opposition, who was a minister at the time. That smart meter program was endorsed by all of those opposite. Some members on this side of the chamber expressed concerns not so much about the program but its implementation and cost, and the member for Mount Waverley also talked about cost of living pressures. I know those opposite did not like him talking about cost of living pressures, but his contribution merely followed on from that of the member for Mill Park, who also talked about cost of

living pressures. She was trying to assert, in the ulterior, fanciful world in which she lives, that cost of living pressures exist only under the Liberal-Nationals coalition government, yet under her government the smart meter program, originally costed at $800 million, turned into a $2.3 billion program — almost three times the original cost.

We need to think about the effect such a blow-out has on the bills people have to pay and their cost of living pressures, coupled with the mandatory nature of the provision inserted by the previous government. Many government members raised the issue of consumers not receiving the benefits that should have accrued through a smart meter program and the fact that you do not have somebody coming out to physically check your meter. The meters can be turned on and off remotely, and all the measures that can be achieved with a smart meter mean that a reduction in bills should flow on to consumers' monthly bills.

The consumer should be able to see the benefits in the smart meter program, and that is why we took steps when we first came to government. We investigated the entire botched implementation of the program and put in place some measures to improve it and to give benefits back to some of the consumers. When my constituents contact me and complain about smart meters, the vast majority of them understand who is responsible for the spike in their power bills to pay for the implementation of the program. They know who is responsible for the fact that they do not have a choice as to whether or not they want to participate in the program, and they certainly understand that the government is now putting in place measures to ease the burden, to give consumers a better understanding and to give benefits back to the consumers. That is an important point.

An extensive review of the program was undertaken in 2011, and major changes were made that would benefit consumers. Those benefits included flexible pricing options, and this is part of what others have talked about. We are not compelling people to go into flexible pricing, but they have that option and they will have the ability to understand what that will mean for them.

I always thought it was quite strange that we did not have subsidies for in-home displays, meaning people could not look at their smart meter and get an idea of whether they were benefiting from using electricity at a particular time of day. If you think about turning your dishwasher or washing machine on later at night in an off-peak period of electricity, with a display you would be able to see immediately the effect that was having. You would be able to understand that if you turned your appliance on in an hour's time, you could save yourself quite a bit of money. Having in-home displays and better education and understanding of the benefits the program can have for people is a — —

Mr Angus — Positive.

Mr WATT — For me it would have been a core part of the program that you would have wanted to implement. As the member for Forest Hill just said, it is a positive. I was quite amazed that in 11 long, dark, miserable years the Labor government did not bother to think about that before implementing this botched program.

The bill toughens the regulation of smart meter cost recovery by distribution businesses, including removing the automatic allowance for cost overruns of 10 to 20 per cent put in place under the Labor government. I find it interesting that if a distribution company blows its budget, it automatically has the option of cost recovery from the consumers. I temper my language, but consumers are not receiving all the benefits that they should. Under that program the benefits all flowed to the companies and no visible or understandable benefits flowed to the consumers.

This all feeds through into the cost of living, which was brought up by the member for Mill Park and picked up by the member for Mount Waverley. This botched $800 million smart meter program became a $2.3 billion program, which is a cost overrun of $1.5 billion. When I think about what that — —

Mr McIntosh — Really? That is unbelievable.

Mr WATT — The member for Kew is amazed that anyone could blow so much money in such a short period of time. I know that the member for Kew understands what you can get for $1.5 billion. He understands the Box Hill Hospital intimately as it is a major centre for feeder hospitals in the Kew, Burwood, Box Hill and Forest Hill electorates. That hospital is only costing us $447.5 million. We could have rebuilt the Box Hill Hospital three times and had money left over, and we are only talking about the cost overrun, not the cost of the program in the first place. For that sort of money you would get almost five Box Hill hospitals.

When you think about the mismanagement of the former government and the costs that have been put onto consumers and you think about the former government's management of this program and others, what we did not get and what we could have got under the former government — —

Mr Angus — Where did the money go?

Mr WATT — The member for Forest Hill asks, 'Where did the money go?'. I will tell him where the money went: it went down the drain with the smart meters, myki and the desalination plant. I do not have enough time to talk about the desalinomics or the pokinomics that the previous government used to put in place some of these programs, which is unfortunate. But I do want to say that this piece of legislation, the Energy Legislation Amendment (General) Bill 2013, is part of our efforts to reduce cost of living pressures on the Victorian community.

Mr CRISP (Mildura) — I rise to support the Energy Legislation Amendment (General) Bill 2013. The purpose of the bill is to further provide for powers to exempt a person from the requirement to hold a licence; to simplify the publication requirements in respect of licensee standing offers and relevant published offers; to amend the requirements in respect of the submission, review and approval of financial hardship policies; and to make other consequential amendments. This bill is very much about the importance of energy. Energy is a part of life. It is now considered one of our essentials of life. It has been much talked about for a long time. Even very recently I read something from the Grattan Institute on energy infrastructure, which was an interesting read.

The demand for energy is divided, in technical terms, into baseload, which in Victoria mostly comes from steam; the intermediate load, which can be gas; peak load, which can be hydro; and other, which can be solar and wind. This reflects the use, and tariffs generally follow people's usage patterns. People are used to the more common terms off-peak, peak and shoulder tariffs. The tariff depends on the time of day you use your energy. This bill is going to bring about the need for people to better understand energy, how it comes to your home or workplace, how the costing of energy works and your demand on the energy system and how it affects costs.

We also need to know that there is an enormous amount of infrastructure involved in delivering energy to your home or workplace. The most common pictures we see are of the generators located in the Latrobe Valley, which is our steam base. There are poles, wires, transmission lines and switchyards that are needed to deliver energy to your home for you to have just when you need it. All that infrastructure is designed and built around meeting the peak demand.

That is partially what this legislation does. It gets people to look at their electricity usage and determine how much of that is discretionary. Then we can look at people's usage habits to see if we can flatten out some of those peaks and troughs in the daily energy use cycle. In deciding what is discretionary and what is not, most people would require a good magnifying glass to identify their discretionary power use. We are so used to electricity being available when we need it that we do not think about when or how much we use. Some things are not discretionary. Travelling to work by train or tram is generally set. People generally cook their evening meals when they get home. However, there are some things which can be discretionary. People who do not need to use energy in peak times are probably in a position to take advantage of some of these tariff structures.

If we are talking about peak demand, we need to recognise that investment in poles and wires is expensive and ultimately customers pay for them one way or another. If we can alter habits just a little, we can change some of that demand cycle and reduce some of those energy cost pressures. This government is trying to facilitate what is known as demand management to save on infrastructure demand. The proposed legislative change will start to contain those energy costs which are what most families are concerned with. All of us are very much in tune with the cost of power. The power bill does not arrive at many homes without generating a considerable amount of debate when the envelope is opened.

The flexible pricing regime introduces a pricing policy which requires peak, off-peak and shoulder pricing. It is different for weekdays and weekends, which is a further indication of the way we use our power. There is a lot of information available, but in order to educate people about flexible pricing we need to develop a simple and easy structure for people to use. Most members will remember the nightmare when flexible phone plans were first introduced. There was so much information, so much confusion and so much stress. We have all learnt a lot from that time, and it is hoped this information will make it easier to choose an electricity plan and reduce some of the grief and stress which we experienced when choosing a phone plan.

What does the change do? The bill provides that a licensed electricity retailer must give details of retail offers — that is, what the customer can pay for electricity — to the Essential Services Commission (ESC) or, if the minister has nominated a website, the nominated website. This will allow the minister to nominate My Power Planner as the website where consumers can obtain information about electricity retail offers, and this will avoid duplication for electricity retailers because they will have to provide

information only to one site. It will reduce customer confusion, which is very important, because customers can go to one place to get the information they need. There is a different site, the Your Choice website, which has been around for longer than My Power Planner. Your Choice is a website operated by the ESC that was established to provide estimated annual cost across all retailers for a sample of predominantly flat price offers, and it has operated since 2008.

The My Power Planner is an interactive web portal launched in September to provide estimated annual costs of all generally available offers, including flat rate, time of use and new flexible pricing offers from all electrical retailers. As I said, flexible pricing means that different tariff rates apply at different times. This is important because although we may think we are very similar to our neighbours, everyone is a little different in their energy use. Customers will need to use the interactive My Power Planner website to help them make decisions. One of the key facts about flexible pricing is that it is voluntary; if you do not wish to change your tariff, you can stay as you are.

Households will need a remotely read smart meter to take advantage of flexible pricing. They can try the new flexible pricing plan with their current retailer and, if it is not right for them, can change back to their previous plan without incurring an administrative fee until March 2015, after which other fees may apply. Why is it being introduced? I think we went through that clearly earlier. If we can avoid the high cost of infrastructure, it will make a big difference to everyone's power bill.

The legislation updates the drafting of licensing exemption powers that have remained largely unchanged since 1994. These are minor technical matters and I think most of us just want to concentrate on what our energy use is going to cost us. Exemptions were granted by order in council, but this legislation changes that. It is mainly to do with the sale of electricity by a company to a related corporate body or a retail distributor with an embedded network. Embedded networks exist where electricity is distributed and sold within premises by the owner of that premise — for example, a body corporate, or distributors of electricity, to an apartment building. There is also a provision if you generate less than 30 megawatts, but I do not think that would affect most consumers. Even with rooftop solar panels, customers are never going to generate anywhere near that unless they live under a pyramid of panels.

The bill is about this government delivering a framework for consumers to have choice and to exercise that choice in a way that in the longer term will hopefully dampen energy price rises, which is something all consumers are extremely concerned about. I encourage people to look at the website, understand their energy needs and uses, and sort out what is discretionary and what is not, because it will save them money. This legislation provides a tool to allows people to save money. I support the bill.

Mr BULL (Gippsland East) — I rise to make a contribution on the Energy Legislation Amendment (General) Bill 2013. As we have heard, this bill amends the Electricity Industry Act 2000 and the Gas Industry Act 2001. It amends the Electricity Industry Act 2000 to make a series of what are relatively small changes that improve and clarify existing processes for the electricity industry and the Essential Services Commission.

As we have just heard from the member for Mildura in his contribution, this bill streamlines existing publishing and notification requirements for electricity retailers in light of the recent introduction of flexible pricing in this great state of Victoria. As we have heard, flexible pricing is a voluntary option that gives customers more choice in and control over managing their power bills. It means that different tariff rates will apply at different times throughout the day. A flexible pricing plan offers lower rates during off-peak and shoulder times and higher rates during peak times. Customers may pay less for their electricity by choosing a flexible pricing plan that will suit their needs and their power use. Customers who use a lot of power outside peak hours will certainly be strong beneficiaries of this flexible pricing regime. However, it needs to be said that flexible pricing will not be right for everybody, so customers will need to consider what is right for them. The My Power Planner is an interactive tool that can assist customers with this decision. I will touch on that again later.

The key points about flexible pricing are as follows. Changing to flexible pricing is completely voluntary. You need a remotely read smart meter to access flexible pricing. Households can try a new flexible pricing plan with their current retailer, and if they decide that that plan is not meeting their needs or is not right for them, they can change back to their previous plan with their retailer without incurring an administrative fee, which is very important. That opportunity will be in existence until March 2015. Flexible pricing provides customers with more choice and control over their power bills. It provides an incentive to use power at times when there is considered to be less demand, thereby reducing the need for expensive energy infrastructure upgrades, a cost that would invariably be passed on to consumers. Studies carried out by Deloitte show that many

customers have a consumption profile that means flexible pricing will provide them with a benefit on the bottom line of their bill without their changing when they use power.

The provision for flexible pricing is certainly important in an era when a number of households and businesses are facing increased power bills. These businesses and consumers are clearly looking for an avenue for respite in this area, and flexible pricing will provide that. It encourages customers to use power outside peak hours. As I said, spreading the load with power use reduces the need for infrastructure upgrades.

The bill requires retailers to provide retail contract offer details to a website that is nominated by the minister, or if no such website has been nominated to the Your Choice website, which is operated by the Essential Services Commission. It could be deemed to be the default website. The minister may also nominate an independent website that lets customers compare flexible pricing offers from all licensed electricity retailers. One example is the My Power Planner tool, which helps customers understand how the flexible pricing options could work for them and most importantly allows them, through that information, to make informed decisions when choosing between the flexible pricing regime or flat rates, whichever suits their needs best. An understanding of the flexible pricing process is absolutely critical for consumers when they are making such a decision.

The Essential Services Commission will continue to publish information on retail offers for gas customers and for electricity customers without smart meters on its website. The bill amends lodgement requirements for licensed electricity retailers' financial hardship policies to ensure that a newly licensed electricity retailer must submit a policy for approval by the Essential Services Commission. It also allows the commission to direct a retailer to review an existing policy that the commission may consider is no longer compliant with the minimum obligations that have been put in place. There is now an avenue for that to be reviewed.

The bill makes a number of minor and technical amendments to clarify the licensing exemption regime under the Electricity Industry Act 2000. The act currently allows an exemption from the requirement to hold a licence to generate, supply, sell, distribute or transmit electricity to be subject to various conditions. The bill provides that exemption conditions may include obligations that also apply to licensed entities, such as compliance with various industry codes and guidelines. In addition, part 2 of the bill repeals several redundant provisions consequential to the repeal of cross-ownership provisions by the Energy Legislation (Flexible Pricing and Other Matters) Act 2013. Part 3 of the bill, as was mentioned earlier, amends the Gas Industry Act 2001 consistent with and to bring it into line with amendments to the Electricity Act 2000. It amends the licensing exemption regime for the retail sale of gas in the same manner and to the same extent as the amendments to the electricity licensing regime.

In summing up I would like to say that flexible pricing is something we should encourage all Victorian householders and all Victorian businesses to explore. We are in tough and challenging economic times at present and in an era when power bills have certainly been on the increase in a lot of areas. I am sure all members of the house would have experienced that personally. The move to flexible pricing provides an avenue that can provide cheaper power options for households and businesses. It is something that should be explored, and the websites I have mentioned in my contribution provide excellent explanations that enable people to understand how the system will work and how it can work to best suit their individual needs. It is certainly a case of looking at it from your own personal perspective and situation and making a decision based on that. This is a common-sense bill which will benefit Victorians. I have great pleasure in commending it to the house, and I wish it a speedy passage.

Mr SHAW (Frankston) — I rise in support of the Energy Legislation Amendment (General) Bill 2013. It is interesting. We live in a lucky country, do we not, and we can choose. We are talking about electricity here, but there are countries I have been to that would love to have a little bit of electricity. Uganda is one country I have been to a number of times. It is right on the equator, so it has quite lush vegetation and is a very warm area. Its form of cooling is to open the windows. In fact, they do not have glass in the windows where I was; they just open the windows and the front doors. Here we are talking about having choice about electricity use. We do indeed live in a blessed country. Be that as it may, these are the issues of the day.

The purpose of this bill is to amend the Electricity Industry Act 2000 to further provide for the powers to exempt a person from the requirement to hold a licence; to simplify the publication requirements in respect of licensee standing offers and relevant published offers; to amend the requirements in respect of the submission, review and approval of financial hardship policies; and to make some other minor amendments to the act. It also amends the Gas Industry Act 2001.

I see that the minister's press release talks about flexible pricing. It says:

> … flexible pricing has been made possible by the rollout of smart meters and consumers who take it up will pay different rates depending on when they use power. However, flexible pricing is voluntary and no-one will be put onto flexible rates without their explicit consent.

I remember when I was growing up — and some members may have heard the same lines — in my family Mum always used to say, 'Turn the lights off', or, 'Shut the fridge door'. I am sure many of us said to ourselves, 'Gee whiz, I hope I do not grow up to be like my parents'. I now hear myself saying those lines to my kids. I was indoctrinated by my parents, which was probably a good thing. Just on the weekend my sister reminded me that I had a few names for her growing up as I was the oldest in the family, and one of them was Waste of Electricity Girl. Whenever she did not turn off the light I would call her Waste of Electricity Girl. Things have not changed much in 30-plus years. We are still talking about electricity prices and the like.

I also remember another essential service being talked about. Petrol was pretty essential for a lot of us. I remember the Solo service station selling petrol for 15 cents a litre when I was growing up, and Mum thought that was expensive back then.

An honourable member interjected.

Mr SHAW — No, that one was on Beach Road. I do not know why we were up Brighton way, but we would do it there for some reason.

One of the other things that used to be said around the house in my family was, 'If you are cold, put on extra clothes'. That is where we were at. How much further have we come in this country as far as costs are concerned? When I grew up we did not eat McDonald's every week; in fact McDonald's was not around. Now a lot of us will give our kids takeaway food not as a treat but as a regular thing every Friday night. We live in such a blessed country. Sometimes we do not take the time to smell the roses. We have a whinge and a whine that we cannot have McDonald's this week or that we have to turn off lights because things are tough. Sometimes we have to reflect on our blessings in this country.

It is one thing I will be doing over Christmas. While I am at it, Merry Christmas, Deputy Speaker, and to other members in this place. Have a safe Christmas, and do what I do and count your blessings and be grateful for what we have in this country. Sometimes it is about mindset. As I said, when I was overseas in Uganda — and even when I went overseas with a couple of other members of Parliament — it helped me to see how great this country is. We really have nothing to complain about, but we do an excellent job of it.

When I was growing up we had off-peak electricity. Mum would do the washing at night when we were all in bed. I asked, 'Why are you doing that, Mum? Are you going to get up in the middle of the night and hang it out on the washing line?'. She would do that in the morning, but she would use the washing machine in that off-peak period. I think we were a bit wiser about using our power back then. With increased salaries, increased leisure time and increased blessings we seem to turn things on and worry about the bill later. Back when I was growing up Mum was not like that, and I am sure many members had parents who were the same.

We now have the choice of flexible pricing. We also can use solar power, which a couple of members brought up. I do not have it myself. When I saw those ads with black balloons coming out of 1-star and 2-star rated machines saying, 'Here is all this gas going into the atmosphere and causing all this damage', it did not move me one single bit. However, one ad that does move me when I get to watch TV is the guy saying, 'I can do all these extra things, such as turning off the lights, because it saves me money'. That tickles me a little bit more than these black balloons going up in the air. They got that advertising right for this person here.

Mr Weller — Black balloons don't tickle you.

Mr SHAW — Black balloons do not tickle me, member for Rodney; they do not. The minister's media release says flexible pricing can save you money on your power bill if you can use power outside peak periods. It mentions some other things we can do to save money as far as power bills are concerned.

I went onto flexible pricing for a short period of time a couple of weeks ago. I did not have a power bill with me so I asked one of my staff members to look at the website that displays different power bills and how a consumer could possibly save money. I thought the website was interesting and a good tool. Flexible electricity pricing means that different tariff rates will apply at different times throughout the day, and a flexible pricing plan offers lower rates during off-peak and shoulder times with higher rates during peak times. That is pretty obvious. During peak time you pay a bit extra; during off-peak time you are going to be paying less.

Some of the key points are that flexible pricing is the choice of consumers; it is voluntary. Consumers need to

have a smart meter in order to access flexible pricing. Consumers can try the new flexible pricing plan with their current retailer, but if they decide it is not right for them, they can opt out. Consumers have until March 2015 to do that without an administrative fee applying, although other fees might apply. The bill requires retailers to supply contract details to the Your Choice website operated by the Essential Services Commission or to a website nominated by the minister. The My Power Planner website helps consumers understand how the new flexible pricing options could work for them and allows them to make informed decisions regarding the choice between flexible pricing and flat rates.

A lot of the conversation has been about the cost of living and cost of living pressures. I just wound the clock back 30 years and said my parents were worried about electricity prices back then, and the parents of other members may have been as well. One of the good things that has emerged in the last three years in relation to electricity is that the 17.5 per cent concession rate for those who are eligible now applies all year round rather than for just six months.

Other things have increased cost of living pressures. The pink batts program, for example, increased cost of living pressures because someone had to fund that program and it was us as taxpayers. The carbon tax is also funded by us, which adds to the cost of living. The smart meter rollout and the desalination plant were expensive. There are other areas we can look at, not just flexible pricing and making that choice. If we are talking about the cost of living, we can look at reducing costs in other aspects of our lives. In concluding my contribution, Deputy Speaker, Merry Christmas once again, and I support the bill.

Ms MILLER (Bentleigh) — I rise to speak on the Energy Legislation Amendment (General) Bill 2013. Essentially the bill amends the Electricity Industry Act 2000 and the Gas Industry Act 2001 to further provide for the powers to exempt a person from the requirement to hold a licence and to simplify the publication requirements in respect of licensee standing offers and relevant published offers. It will also amend the requirements in respect of the submission, review and approval of financial hardship policies and make other minor and consequential amendments to both acts.

The commencement of the act is covered by clause 2. Subject to proposed section 2(2), the act comes into operation on a day or days to be proclaimed. If a provision of this act does not come into operation before 1 October 2014, it comes into operation on that day.

This is a very important bill, not only to the residents of Bentleigh but to all Victorians. When we came into office we had a government contract in place about smart meters, and the rollout of those had started. We looked at investigating if we could cease the actual program but we found that it was going to be more cost-effective to continue with it. Essentially the contract from the former Labor government was estimated to be worth $800 million, but when we came into office we found that the cost had actually blown out to $2.3 billion. What a joke of project management that was! Members of the former Labor government have demonstrated that they cannot manage money. I think the school they went to was where they studied pokinomics, desalinomics, mykinomics and ICTinomics. They simply have demonstrated that they cannot manage money, and they certainly underestimated budgeting and implementing simple project management.

This government is all about attempting to ease the cost of living, not only for Bentleigh residents but for all Victorians. When we look at small business, everybody uses power. We have businesses in Bentleigh that are retail, we have commercial businesses and we have manufacturing businesses. Whatever type of business they are, there is a component of power that is required.

This bill provides people and business with choice. Consumers and residents will have a choice. Once upon a time, in the olden days, we had what were called peak and off-peak periods. Today, in the modern world, we have flexible or fixed pricing. It does not matter whether you are a resident, in business, or what type of business you are in — manufacturing, retail, commercial or whatever it may be — it is all about choice. You can choose whether you use a fixed policy or whether you are on a flexible one, and that will be based on cost. But there is more! This government offers a website called Your Choice that is designed for flat tariffs. Effectively you can compare the offers of electricity from different retailers. This is very important.

The bill also allows the minister to offer another website. The My Power Planner website is where a consumer can compare flexible pricing offers which accommodate them best. If they are a shift worker or a day worker, they might utilise a lot of power in the evening or during the day. They may choose fixed or flexible plans. It is all about choice. This is good news for residents in Bentleigh, and it is great news for those in Victoria.

The bill also provides for licence exemptions. Certainly in the Bentleigh electorate we have development going

on. There are dual occupancies and multiple apartment projects going on, and obviously they are controlled by bodies corporate for a variety of reasons. It means that people cannot capitalise on the power that is sold to the bodies corporate at the expense of the residents who live within that residential block, so this is a very good thing. The system cannot be rorted, and the cost will be divided fairly and equitably amongst the dwellings in that particular building. At the same time bodies corporate must also provide the same information to every resident within that commercial block as would apply to a resident who is a direct consumer of the licensed retailer.

In Bentleigh we have a lot of growing young families, we have a lot of older families and we have a lot of senior people. This legislation is very important to them and also to all Victorians. As I said at the outset, it is all about choice. It is about whether they choose to go on a fixed plan or a flexible one. I commend the bill to the house, and I also extend my sincere well wishes to all for the festive season.

Mr SOUTHWICK (Caulfield) — It is my pleasure to rise and speak on the Energy Legislation Amendment (General) Bill 2013. What we are doing here today is offering consumers flexibility when it comes to pricing. It really is a paramount bill because it demonstrates that we on this side of the house are all about choice, we are all about flexibility and we are all about ensuring that we allow free market forces to take care of themselves. That is what this legislation is all about.

When we came to government there was an absolutely botched system of smart meters, which was a good idea that the Labor Party had but which was poorly executed. Unfortunately there are a number of these poorly executed ideas that we have had to come in and fix up. I am sure that many members of the house would have received a number of phone calls from constituents about the way the whole system was managed. Once we took over the system we made sure that the rest of the rollout was very transparent. We also made the smart meter system work. It was not just about putting these smart meters into homes. We made the smart meter system transparent and able to be utilised properly so that there would be cost savings when it comes to purchasing electricity.

I have had the good fortune of running a couple of forums in my electorate looking at cost savings to small business. We had a couple of small business operators come along and talk about the way they were trying to cut costs. In particular we had a milk bar, the representatives of which were talking about drinks machines and the power that is drained by these drinks machines. Just by altering when these machines work and how they work, power bills can be substantially reduced. We also had a laundromat business that was looking at doing a lot of its operations at a different period of the night.

Again this bill is not just about helping residents, which is really important as costs continue to rise for many individuals. Many of the constituents I have talked to are always looking for cost savings. This is a fantastic bill because it provides those cost savings. This bill also provides opportunities for small businesses to reduce costs, to buy flexible electricity and to ensure that they can pass those savings on to their customers, which ultimately improves standards of living and helps everybody along the way. It is a good bill. It is a sound bill. It takes the smart meter system and actually makes it work, and that is what we are all about. We are about flexibility, and this bill is all about flexibility.

One particular thing I would like to talk about is the websites that are on offer. We have the My Power Planner website. Consumers can plug their electricity usage figures into the website, and it spits out to them what options and what other types of electricity offers there are in place. That and the Switch On website are very useful tools that the government has delivered to ensure that consumers are able to be informed when they are making decisions. That is what is really important about these sorts of things. It is about providing information to consumers to make those informed choices. There is nothing worse than having larger business organisations not marketing in a transparent way to consumers. This brings in transparency for consumers and small businesses and makes sure that they are able to make the right decisions when it comes to purchasing their power.

One great thing about this particular bill is that if consumers are unhappy with the choice they have made, they can opt out of the system that they are currently in and take up another offer, or they can return to their original electricity offer. This is terrific because, prior to the delivery of this new reform we are about to introduce, people were locked into something that they could not change from, they were locked into something they had no choice in and they were locked in for the time and period they were in their homes using electricity. This is a flexible system. It is a voluntary system. Again the coalition is doing what it has come to government to do. We are delivering for our state and ensuring that we are reducing the cost of living in the best possible way that we can. I commend the bill to the house.

The SPEAKER — Order! The time set down for consideration of items on the government business program has expired.

Motion agreed to.

Read second time.

Third reading

Motion agreed to.

Read third time.

GAMBLING REGULATION AMENDMENT (PRE-COMMITMENT) BILL 2013

Second reading

Debate resumed from 11 December; motion of Mr O'BRIEN (Treasurer).

Motion agreed to.

Read second time.

Third reading

Motion agreed to.

Read third time.

COURT SERVICES VICTORIA BILL 2013

Second reading

Debate resumed from 11 December; motion of Mr CLARK (Attorney-General).

Motion agreed to.

Read second time.

Circulated amendments

Circulated government amendments as follows agreed to:

1. Division heading preceding clause 66, omit this Division heading.

2. Clause 66, omit this clause.

3. Clause 67, omit this clause.

4. Clause 68, omit this clause.

5. Clause 73, page 42, line 15, after "require a" insert "judicial".

6. Clause 73, page 42, lines 21 to 26, omit all words and expressions on these lines and insert —

   "to the extent that the information or document concerns the exercise of a judicial or quasi-judicial function by a court, VCAT or a person specified in clause 7 of Schedule 2 or by any person exercising the function on behalf of a court or VCAT.".

7. Clause 73, page 42, after line 26 insert —

   "(5) Despite subsection (4), the Ombudsman or a member of Ombudsman staff may require a member of the staff of Court Services Victoria to provide information or documents in a matter that relates to the exercise of a judicial or quasi-judicial function if the relevant head of the jurisdiction has approved the provision of such information or documents, subject to any conditions agreed between the relevant head of the jurisdiction and the Ombudsman.".

8. Clause 73, page 42, line 27, omit "(5)" and insert "(6)".

Third reading

Motion agreed to.

Read third time.

ELECTRICITY SAFETY AMENDMENT (BUSHFIRE MITIGATION) BILL 2013

Second reading

Debate resumed from 11 December; motion of Mr KOTSIRAS (Minister for Energy and Resources).

Motion agreed to.

Read second time.

Third reading

Motion agreed to.

Read third time.

SUSTAINABLE FORESTS (TIMBER) AND WILDLIFE AMENDMENT BILL 2013

Second reading

Debate resumed from 10 December; motion of Mr WALSH (Minister for Agriculture and Food Security).

Motion agreed to.

Read second time.

Third reading

Motion agreed to.

Read third time.

MINERAL RESOURCES (SUSTAINABLE DEVELOPMENT) AMENDMENT BILL 2013

Second reading

Debate resumed from 10 December; motion of Mr KOTSIRAS (Minister for Energy and Resources); and Mr FOLEY's amendment:

> That all the words after 'That' be omitted with the view of inserting in their place the words 'this house refuses to read this bill a second time until the government develops a single statewide integrated strategic land use policy framework to better manage competing land uses in Victoria, as recommended by the Economic Development and Infrastructure Committee's report on the inquiry into greenfields mineral exploration and project development in Victoria, and which specifically includes a hierarchy of land uses to evaluate their relative values'.

Amendment defeated.

Motion agreed to.

Read second time.

Third reading

Motion agreed to.

Read third time.

DRUGS, POISONS AND CONTROLLED SUBSTANCES AMENDMENT BILL 2013

Second reading

Debate resumed from 10 December; motion of Mr WELLS (Minister for Police and Emergency Services).

Motion agreed to.

Read second time.

Third reading

Motion agreed to.

Read third time.

PUBLIC ADMINISTRATION AMENDMENT (PUBLIC SECTOR IMPROVEMENT) BILL 2013

Second reading

Debate resumed from earlier this day; motion of Dr NAPTHINE (Premier).

Motion agreed to.

Read second time.

Circulated amendment

Circulated government amendment as follows agreed to:

> Clause 10, page 17, lines 26 to 29, omit all words and expressions on these lines and insert —
>
> "a public sector body other than —
>
> (a) the IBAC; or
>
> (b) the office of the Ombudsman; or
>
> (c) the Victorian Auditor-General's Office; or
>
> (d) the Victorian Electoral Commission; or
>
> (e) the Victorian Inspectorate within the meaning of the **Victorian Inspectorate Act 2011**.".

Third reading

Motion agreed to.

Read third time.

LOCAL GOVERNMENT AMENDMENT (PERFORMANCE REPORTING AND ACCOUNTABILITY) BILL 2013

Second reading

Debate resumed from earlier this day; motion of Mrs POWELL (Minister for Local Government).

Motion agreed to.

Read second time.

Third reading

Motion agreed to.

Read third time.

Business interrupted under sessional orders.

Sitting continued on motion of Ms ASHER (Minister for Innovation, Services and Small Business).

LEGAL PROFESSION UNIFORM LAW APPLICATION BILL 2013

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, (the 'charter act'), I make this statement of compatibility with respect to the Legal Profession Uniform Law Application Bill 2013 (the application bill).

In my opinion, the Legal Profession Uniform Law Application Bill 2013, as introduced to the Legislative Assembly, is compatible with human rights as set out in the charter act. I base my opinion on the reasons outlined in this statement.

Overview

The central purpose of the application bill is to enact an applied law scheme to uniformly regulate the legal profession throughout participating jurisdictions in Australia. Schedule 1 of the application bill contains the Legal Profession Uniform Law (the uniform law), which will be enacted in Victoria as the host jurisdiction. Each participating jurisdiction will pass an applying act to apply the uniform law as a law of that jurisdiction. The application bill also provides for certain local matters to complement the uniform law, such as the establishment of local regulatory authorities and the fidelity fund. The application bill repeals the Legal Profession Act 2004 and makes the transitional arrangements and consequential amendments necessary to facilitate the new scheme.

Clause 6 of the application bill provides that the charter act has no application to both the uniform law set out in schedule 1 (and applied in other jurisdictions) and the uniform law as applied in Victoria by part 2 of the bill. Section 31 of the charter act empowers Parliament to override the charter act in this manner. Pursuant to subsection 31(6), the effect of clause 6 is that the charter act has no application to the uniform law. As a result, the interpretive direction under section 32 does not apply to the uniform law, and the Supreme Court does not have the power to make a declaration of inconsistent interpretation under s 36 in relation to the uniform law. Further, clause 6(3) explicitly states that a body performing functions or exercising powers under the uniform law is not a public authority within the meaning of the charter act in respect of its performance of those functions or exercise of those powers.

The purpose of clause 6 is to guarantee uniformity in interpretation and application of the scheme across the participating jurisdictions. It is being implemented to avoid any risk of non-uniform application through other jurisdictions being required to interpret the uniform law consistently with the charter act. Its purpose is also to avoid the inconsistency that may arise if inter-jurisdictional bodies established under the uniform law, as well as regulatory bodies in other participating states or territories performing uniform law functions, are required to act compatibly with the charter act despite having no experience with its requirements. If the charter act were only partly excluded, so that it continued to apply in the Victorian context, there is a further risk that inconsistencies could arise in the interpretation and implementation of the uniform law between Victoria and other participating states and territories.

The charter act continues to apply to all other provisions of the application bill. Local regulatory authorities in Victoria will still be considered as public authorities under the charter act when performing functions or exercising powers under the application bill (other than those conferred by the uniform law) or any other act in Victoria.

By stating that section 31(7) is inapplicable to clause 6 of the bill provides that the override clause does not have an expiry date.

Human rights issues

The application bill

I have considered the application bill (excluding the uniform law in schedule 1) and I consider that there are no human rights protected by the charter act that are relevant to the bill.

The uniform law

I note that pursuant to subsection 31(6) of the charter act, the effect of clause 6 of the bill is that the charter act has no application to the uniform law. I also note that the purpose of the override is not focused on overriding a human right due to any potential issue of incompatibility; rather, the purpose of the override is to not apply the charter act in order to effect uniformity in an interjurisdictional scheme.

Notwithstanding, I have considered the compatibility of the uniform law with the charter act. In my opinion, the uniform law is compatible with human rights as set out in the charter act, for the reasons outlined below.

A number of human rights protected by the charter act are relevant to the uniform law, including the right to privacy (section 13), the right to property (section 20), the right to be presumed innocent (section 25(1)) and the protection against self-incrimination (section 25(2)(k)).

The uniform law employs a number of measures designed to protect consumers of legal services which relevantly affect the privacy of practising certificate-holders (Australian legal practitioners). Clause 95 of the uniform law provides that an applicant or holder of a practising certificate may be required to provide specified documents or information, submit to a medical examination, provide a report from police on criminal history or cooperate in any other required way when a regulatory authority is considering whether to make a determination about the status of a certificate. While these requirements may interfere with the privacy of persons, I consider them to be essential consumer safeguards necessary for ensuring that only competent persons hold certificates, and as such I do not consider any resulting interference of privacy to be arbitrary. Accordingly, I do not consider the right to privacy to be limited in this context.

Chapter 7 of the uniform law contains extensive investigatory powers, such as the power of investigators to search premises

with the consent of the occupier or under the authority of a search warrant, and the power to search non-residential premises without consent or a warrant in limited circumstances where it is urgently necessary to prevent destruction or interference with relevant material (cl 374 of the uniform law). These powers may also interfere with the right to privacy. However, the entry and search powers are only exercisable for specified purposes (namely, in connection with trust records examinations and investigations, compliance audits and complaint investigations) and are subject to appropriate requirements regarding notification of search, announcement before entry and return of seized items, meaning any interference that may result will not occur arbitrarily. Further, persons taking on positions in the legal profession will not have an expectation of privacy in regards to their records and files being subject to audits and compliance checks. Accordingly, I consider that the right to privacy is not limited.

Investigators have wide-ranging powers while on premises including the power to require production of documents, to seize relevant material including computers and equipment, and to require any person on the premises to answer questions relevant to an investigation (cl 375(l)(j) of the uniform law). It is an offence to fail to comply with a requirement issued by an investigator under these powers (cl 387(2) of the uniform law) and a person is not excused from complying with a requirement on the ground that compliance may tend to incriminate that person (cl 466(3) of the uniform law). In relation to incorporated legal practices, part 7.4 of the uniform law gives investigators powers determined by reference to specified powers in the Australian Securities and Investments Commission Act 2001 as conferred on Australian Securities and Investments Commission investigators, to examine persons, inspect books and hold hearings. Any information or document obtained as a direct or indirect consequence of a person complying with a chapter 7 requirement is inadmissible in evidence against that person, except in proceedings for an offence against the uniform law, making a false or misleading statement or relating to a disciplinary matter. The rights to privacy, property and protection against self-incrimination are relevant to these powers.

I observe that these powers are common to regulated industries and I consider that they are of similar scope to the investigatory powers that were considered to be compatible with the charter act in the statements of compatibility to the Australian Consumer Law and Fair Trading Act 2012 and the Associations Incorporation Reform Act 2012. While the investigatory powers in the uniform law may interfere with, and in some cases limit, human rights protected by the charter act, I am of the view that any such interferences or limits are justified to enforce compliance with the scheme in relation to individuals who have voluntarily taken on positions of responsibility and privilege in a regulated industry, and have assumed duties and obligations in relation to legal practice. The information required to be produced and provided to investigators are those that are required to be kept as part of record-keeping obligations. The duty to provide this information is consistent with the reasonable expectations of persons who operate within the legal profession. Moreover, it is necessary for regulators to have access to information to ensure the effective administration of the regulatory scheme and that contraveners of the scheme do not escape liability. To excuse the production of such information where a contravention is suspected will allow persons to circumvent the record-keeping obligations of the uniform law and significantly impede the regulator's ability to investigate and enforce compliance of the scheme. For these reasons, I consider the uniform law to be compatible with the relevant rights protected by charter act.

Finally, a number of regulatory offences within the uniform law impose an evidential onus on a defendant to adduce or point to evidence that goes to an exception, excuse or defence (for example, clauses 148, 387, 388 and 364 of the uniform law). However, in my view, these provisions do not transfer the burden of proof, because once the defendant has adduced or pointed to some evidence, the burden is on the prosecution to prove beyond reasonable doubt the absence of the exception raised. Furthermore, the burdens do not relate to essential elements of the offences and are only imposed on the defendant to raise facts that support the existence of an exception, defence or excuse. Courts in other jurisdictions have generally taken the approach that an evidential onus on a defendant to raise a defence does not limit the presumption of innocence. However, even if these provisions limit the right to be presumed innocent in section 25(1) of the charter act, the limitation would be reasonable and justifiable under s 7(2) of the charter act because the defences and excuse provided for relate to matters within the knowledge of the defendant.

Robert Clark, MP
Attorney-General

Second reading

Mr CLARK (Attorney-General) — I move:

That this bill be now read a second time.

The bill will enact, as a law of Victoria, a new Legal Profession Uniform Law that can be applied by any other state or territory as a law of its own jurisdiction.

As well as operating in Victoria, the uniform law will be applied initially by NSW, with the aim that other states and territories will choose to join the scheme after having the opportunity to observe the scheme in operation in Victoria and NSW.

The uniform law derives from work undertaken under the auspices of COAG from 2009 to 2011, which was supported by the commonwealth and aimed to deliver harmonised regulation of the legal profession across all states and territories. However, following the withdrawal of other states and territories, Victoria and NSW have made a range of changes to the previously proposed reform package to simplify its administration and substantially reduce regulatory costs.

The uniform law aims to simplify and standardise regulatory obligations, cutting red tape for law firms, especially those operating across jurisdictions, while still providing for a significant degree of local involvement in the performance of regulatory functions. The principles of co-regulation, with involvement for the profession in critical areas of regulatory responsibility, are preserved, while consumers of legal services will also benefit from greater consistency of

experience across jurisdictions and from improvements to key regulatory requirements.

With NSW and Victoria collectively being home to nearly three-quarters of Australian legal practitioners and a significant majority of Australian law firms, the uniform law is a major step on the path to national uniformity of regulation of the Australian legal profession, and is a critical development at a time when Australian law firms face increasing competition from overseas and are themselves looking to expand into emerging markets.

The inter-jurisdictional framework

The bill provides for the establishment of two new bodies that will set policy and ensure consistent application across participating jurisdictions, being a Legal Services Council and an Admissions Committee, together with a commissioner for uniform legal services regulation. In addition, the Attorneys-General of the participating jurisdictions will act jointly as a 'standing committee' in relation to various aspects of the scheme.

For Victoria, the bill will repeal the Legal Profession Act 2004, but will leave in place the basic Victorian regulatory framework established by that act, supplemented by the new inter jurisdictional authorities created under the uniform law.

Legal Services Council

The Legal Services Council will be a five-person body with responsibility for making subordinate uniform rules under the scheme. The council is based on the principle of co-regulation, with two members nominated for appointment by the standing committee on the basis of expertise in a relevant field, which may include the protection of consumers, and one member nominated for appointment by each of the Law Council and Australian Bar Association. The chair of the council will be nominated on the recommendation of the standing committee with the concurrence of the presidents of the Law Council of Australia and Australian Bar Association.

The uniform rules that can be made by the Legal Services Council will cover areas including trust account management and reporting, licensing, complaints handling, external intervention, and reservation of legal work. The Legal Services Council can also make guidelines and directions about the performance of functions by state based regulatory authorities under the uniform law and uniform rules to ensure the scheme is applied uniformly across participating jurisdictions.

Admissions Committee

The Legal Services Council will be supported by a separate statutory Admissions Committee, which will have responsibility for admission rules and other functions related to admission policy. The Admissions Committee will consist of judicial members, nominated by the Chief Justice of Victoria with the concurrence of the chief justices of the other participating jurisdictions, together with nominees of the professional associations and academic institutions, and a nominee of the standing committee.

Commissioner for uniform legal services regulation

The commissioner for uniform legal services regulation will be responsible for overseeing how the professional discipline and dispute resolution provisions of the uniform law are being implemented in participating jurisdictions. The commissioner may make guidelines and directions relating to the complaints handling provisions, and will report annually to council.

The commissioner will also be the chief executive officer of the Legal Services Council. In that role, the commissioner will support the functioning of the Legal Services Council, and provide advice on proposals to the council.

Oversight of the scheme

As is common for applied law schemes, the bill excludes a number of Victorian oversight acts, such as the Freedom of Information Act 1982 and the Ombudsman Act 1973, from applying to the new inter-jurisdictional authorities.

As the new authorities will be based in NSW, NSW oversight legislation will be directly applied to them, and the uniform law itself sets out requirements in other areas covered by some of the excluded acts (for example, in respect of reporting).

Victorian regulatory authorities performing functions under the scheme will still be required to comply with Victorian oversight legislation.

The bill also includes a formal override of the Charter of Human Rights and Responsibilities Act 2006 to ensure uniformity in interpretation and application of the scheme across participating jurisdictions.

Victorian regulatory authorities will still be subject to the charter act in respect of any functions they perform under the Victorian-specific provisions of the bill, or under any other Victorian legislation.

Role for the professional associations

The uniform law continues to provide for the profession's involvement in a co-regulatory model. In addition to a formal role in nominating members of the Legal Services Council and Admissions Committee, the Law Council of Australia and Australian Bar Association will have a legislatively enshrined role under part 9.2 of the uniform law to develop uniform rules relating to legal practice, legal professional conduct and continuing professional development, for solicitors and barristers respectively.

The uniform rules developed by the professional associations under these provisions will ultimately be made by the Legal Services Council, but may only be vetoed by the standing committee on public interest grounds, which include the imposition of restrictive or anticompetitive practices, or because of a conflict with the objectives of the uniform law.

The power to develop uniform rules in these areas preserves the legal profession's ability to set internal standards with which members of the profession must comply.

The Victorian framework

The uniform law provides for the direct conferral of most of its substantive regulatory functions on local regulatory authorities within each participating jurisdiction. The bill designates a responsible Victorian authority for each uniform law function.

Pursuant to part 3 of the bill, the Victorian Legal Services Board and commissioner will continue in their current form, and, under part 2 of the bill, will be vested with uniform law functions that closely correspond with their current functions under the Legal Profession Act.

Under part 7 of the bill, the Legal Practitioners Liability Committee will continue in its current form and will continue to be responsible for issuing policies of professional indemnity insurance to Victorian lawyers and law practices.

The Supreme Court and VCAT will also continue to exercise jurisdiction similar to their existing jurisdictions under the Legal Profession Act.

Victorian Legal Admissions Board

As the uniform law centralises policy functions, the bill also rationalises existing Victorian regulatory authorities to reflect the cessation of their policy roles. The existing Board of Examiners and Council of Legal Education will effectively be merged into a single Victorian Legal Admissions Board, which will assess applications for admission to the profession in Victoria, and accredit law courses and practical legal training providers.

The Victorian Legal Admissions Board will comprise five members, and will be chaired by the Chief Justice of the Supreme Court or his or her nominee. The remaining members will be a retired judge, a nominee of the Law Institute of Victoria, a nominee of the Victorian Bar, and a nominee of the Attorney-General.

Delegations

As under the Legal Profession Act, the Victorian board and commissioner will have the power to delegate functions, including the functions they are assigned under the uniform law.

It is expected that the Victorian board and commissioner will continue to delegate specific functions to the Law Institute of Victoria and Victorian Bar as they consider appropriate. This arrangement will continue to provide for the local Victorian professional associations, which have extensive experience both of legal practice and regulation, to maintain an active role in the regulation of the Victorian profession.

Funding and other matters

At part 5, the bill continues the present arrangements relating to the Public Purpose Fund, which is composed primarily of revenue from interest earnt on Victorian law practices trust accounts.

The Victorian Legal Services Board will continue to administer the Public Purpose Fund, and will continue to make grants and payments to a range of funded entities, including Victoria Legal Aid, the Victorian commissioner, the new Victorian Legal Admissions Board, VCAT, and the Victorian Law Reform Commission. The board will also be required to pay an amount annually determined by the Attorney-General to meet the Victorian contribution to the funding of the new uniform scheme.

The funding contribution of Victoria and each other participating jurisdiction will be determined in accordance with a formula set out under the inter-governmental agreement underpinning the legal profession uniform framework, reflecting each jurisdiction's proportion of the overall number of Australian legal practitioners.

Legal Profession Uniform Law

Schedule 1 to the bill is the Legal Profession Uniform Law, the template provisions that will be enacted by Victoria in substantive form, and applied by each other participating jurisdiction. Under this arrangement, Victoria will be the 'host jurisdiction' for the scheme, and the Victorian Attorney-General will be the 'host Attorney-General'. This role confers certain powers and responsibilities associated with administering the scheme; however, most actions must be performed with the approval of the Attorneys-General of participating jurisdictions.

The basic structure of the uniform law closely resembles that of the 2004 model bill on which the legal profession acts of most states and territories are currently based, covering the following areas:

prohibition on unqualified legal practice;

admission to the Australian legal profession;

legal practice, including business structures, licensing of Australian legal practitioners and registration of foreign lawyers;

trust money and trust accounts;

legal costs, including disclosure, charging, costs agreements and billing;

professional indemnity insurance;

fidelity cover;

dispute resolution, professional discipline and complaints handling;

external intervention in law practices for supervision, management or receivership.

The uniform law has also been drafted to ensure that existing mutual recognition arrangements with other jurisdictions are not disturbed.

I turn now to some of the key features of the uniform law, particularly elements that are new or are significantly modified compared with current regulation.

Costs disclosure

The specialised nature of legal work means that many clients are likely to have limited capacity to determine whether proposed legal work is necessary or valuable. Under part 4.3 of the uniform law, law practices will be required to take all reasonable steps to satisfy themselves that their client has understood and given consent to the proposed course of action for the conduct of their matter and the proposed costs.

In practice, this will require law practices to make reasonable inquiries to ensure that, after mandatory written disclosure has been made, clients understand the basis on which legal costs will be charged, how the initial estimate was calculated, factors likely to alter the estimated legal costs, and their rights in relation to challenging legal costs. Legal practitioners will be expected to exercise professional judgement regarding the level of detail needed by a client to understand the options available and costs involved.

At the same time, the uniform law recognises that for many inexpensive or routine matters, extensive and detailed disclosure would not be justified. For matters that are likely to cost less than a prescribed 'lower threshold' a law practice will not be required to comply with a specified form of disclosure requirement. The bill retains a lower threshold of $750 but allows for adjustment of the threshold by the Legal Services Council.

For matters that are likely to cost less than a prescribed 'higher threshold', a law practice will only need to comply with a basic requirement to provide a client with a standard disclosure form. The standard form disclosure is intended to be a short document that is the same for all clients with estimated costs in this band and to include basic information such as the client's rights in respect of costs. Importantly, it is intended that this standard disclosure will also include a statement that the client may not be charged more than the amount of the higher threshold without receiving full disclosure from the law practice.

The details of the standard form disclosure will be developed by the new Legal Services Council and incorporated in uniform rules prior to commencement of the uniform law. The higher threshold is set at $3 000 but, as for the lower threshold, may be varied by the Legal Services Council after public consultation.

Charging only reasonable legal costs

One of the uniform law's most significant reforms, also under part 4.3, is the express requirement that a law practice should charge no more than fair and reasonable legal costs. Placing this obligation on law practices will better protect consumers as, even where consumers do not have the ability to judge what is a fair and reasonable price for legal services, law practices will be obliged to ensure that they do not take advantage of the information asymmetry between lawyers and clients.

The provision requires a law practice, in charging legal costs, to charge costs that are no more than fair and reasonable in all the circumstances and that are proportionately and reasonably incurred and proportionate and reasonable in amount, having regard to prescribed factors, which include the urgency of the matter and the level of experience of the lawyers concerned.

The new Legal Services Council will be able to provide guidelines for law practices on how to comply with this requirement.

Professional discipline and dispute resolution

An important feature of the uniform law is its complaint handling and disciplinary framework, set out in chapter 5, which aims to be efficient and low cost and to deliver appropriate outcomes. The framework seeks to facilitate the timely and efficient resolution of consumer disputes, while still providing a rigorous framework for dealing with serious disciplinary matters.

The uniform law provides for new powers for the local regulatory authority administering complaints handling, which for Victoria will be the legal services commissioner, to make binding determinations in resolution of consumer matters, including the power to make compensation orders of up to $25 000.

The commissioner will also have expanded jurisdiction to deal with costs disputes in matters where the costs in dispute are up to $100 000. The commissioner's jurisdiction will provide an inexpensive alternative to a formal costs assessment. The commissioner will have a new power to make a determination about costs that are payable in relation to matters where the costs in dispute are up to $10 000.

The uniform law also establishes a determinative power to facilitate the efficient resolution of certain low-level disciplinary complaints without recourse to a lengthy and potentially costly process through a court or tribunal. The commissioner will be empowered to make findings of unsatisfactory professional conduct, which is the lesser of two conduct findings, the more serious being professional misconduct.

With respect to jurisdictional oversight of complaints handling, the uniform law requires that each participating jurisdiction nominate an 'independent entity', not including a professional association, to perform the complaints handling functions of the uniform law within that jurisdiction. In Victoria, the existing legal services commissioner is nominated for this purpose. Jurisdictions that do not presently have an independent complaints handling authority may exempt themselves from the requirement for a period of three years.

Other features

Other features of the uniform law are also noteworthy:

Foreign lawyers will be able to be admitted to the Australian legal profession on a conditional basis, to facilitate the entry of qualified foreign specialists, especially on a short term basis to work on a specific matter.

Sophisticated commercial or government clients will not be covered by the costs disclosure, charging and complaints regimes that are intended to provide protection for smaller, 'retail' clients.

The local regulator may conduct a 'compliance audit' of a law practice with respect to the uniform law if it considers there are reasonable grounds to do so, and may give a 'management system direction' to a law practice to address systemic compliance issues.

Lawyers working for government will be required to hold a practising certificate, and a specific class of practising certificate has been created for them.

The Legal Services Council will have the power to establish a centralised Australian Legal Profession Register, with the potential to become an important source of aggregated information on Australian lawyers and law practices.

Victorian position

I am pleased that, as one of the two initial participating jurisdictions in the uniform scheme, Victoria intends to adopt the uniform law almost without variation.

The bill provides at part 11 that Victoria will not apply, for a transitional period of three years, the prohibitions on law practices promoting, operating or providing legal services to managed investment schemes, which cover mortgage practices where investors lend funds to borrowers who mortgage land or property, or both, as security.

These types of schemes have been relatively common in Victoria, especially in regional areas where historically they have facilitated important business and economic development initiatives. While their use is now declining, it would be unduly onerous to commence these prohibitions immediately.

A further variation is that, under part 5, the Victorian bill allows for the continuation of the current arrangement whereby a barrister's clerk may be approved to receive trust money on behalf of the barrister, but only in relation to trust money that is provided on account of legal services to be provided by the barrister. This is a longstanding Victorian arrangement that avoids the need to have barristers receive trust money directly.

Conclusion

In partnership with NSW, the government is pleased to lead the implementation of this important reform to the regulation of the legal profession as it continues to expand into new markets.

I would like to acknowledge the significant contributions to the development of this legislation made by the Legal Services Board, the legal services commissioner, the Council of Legal Education, Board of Examiners and Legal Practitioners Liability Committee, as well as those made by the courts, especially the Supreme Court, and by representatives of legal consumers. I would also like to acknowledge the support from the profession in Victoria and its representative bodies, the law institute and the Victorian Bar. All of these bodies have assisted greatly to make this next phase of legal professional regulation a reality.

The uniform law offers the prospect of significantly reduced interstate barriers to seamless national legal practice, while improving consumer protections and safeguarding an independent legal profession.

I commend the bill to the house.

Debate adjourned on motion of Ms GREEN (Yan Yean).

Debated adjourned until Thursday, 26 December.

CRIMES AMENDMENT (GROOMING) BILL 2013

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 (the 'charter act'), I make this statement of compatibility with respect to the Crimes Amendment (Grooming) Bill 2013 (the bill).

In my opinion, the Crimes Amendment (Grooming) Bill 2013, as introduced to the Legislative Assembly, is compatible with human rights as set out in the charter act. I base my opinion on the reasons outlined in this statement.

Overview

The bill creates a new criminal offence of grooming for sexual conduct with a child under 16 years to give effect to a key recommendation (recommendation 22.1) made by the Parliament's Family and Community Development Committee (the committee) in *Betrayal of Trust*, its report on its inquiry into the handling of child abuse by religious and other non-government organisations.

The bill's new grooming offence makes it a criminal offence to communicate with a child under 16 years, or with a person with care, supervision or authority over the child, with the intention of facilitating that child being involved in a sexual offence with the accused or another person at a later time.

Human rights issues

The following charter act rights are relevant to the bill:

the right to protection of families and children, as set out in section 17 of the charter act, and

the right to freedom of expression, as set out in section 15 of the charter act.

Protection of best interests of children without discrimination

Subsection (2) of section 17 of the charter provides that 'Every child has the right, without discrimination, to such protection as is in his or her best interests and is needed by him or her by reason of being a child'.

Grooming does not directly harm the child, but, as a species of preparatory conduct, it increases the risk of the child being harmed at a later time. It is appropriate for the criminal law to intervene to protect children from later harm by prohibiting such preparatory conduct.

The grooming offence differentiates between children under 16 years and 16 and 17-year-old children by targeting communications with children under 16 years preparatory to sexual offending against such children but not such communications with 16 and 17-year-old children.

Distinguishing between communications with children (aged below 16 and those aged 16 or 17) is justified because it reflects the general age of consent (16 years) recognised by the criminal law in relation to sexual offences. The law does not criminalise most sexual conduct between a 16 or 17-year-old and an adult and considers that at 16 years a person has sufficient maturity to make decisions about their sexual conduct. This also includes sufficient maturity to make decisions about dealing with attempts by adults to foster a sexual relationship with the 16 or 17-year-old.

The right to freedom of expression

The right to freedom of expression is relevant to the offence of grooming a child under 16, in that the offence criminalises certain kinds of communication. Section 15(3) provides that the right to freedom of expression may be subject to lawful restrictions reasonably necessary to respect the rights and reputation of other persons or for the protection of national

security, public order, public health or public morality. Because the offence of grooming is directed toward protecting children from subsequent sexual abuse, it clearly falls within the exception for lawful restrictions reasonably necessary for respecting the rights of other persons.

Because it falls within the exception contained in section 15, the grooming offence does not, in my opinion, limit the right to freedom of expression as provided for in section 15 of the charter act.

Robert Clark, MP
Attorney-General

Second reading

Mr CLARK (Attorney-General) — I move:

That this bill be now read a second time.

This bill introduces a new offence of grooming, based on the findings and recommendations of the Family and Community Development Committee in its landmark report *Betrayal of Trust*, tabled on 13 November this year. The bill is the first of a number of measures the government intends to bring to Parliament to give effect to recommendations made by the committee.

The committee devoted a full chapter of its report, chapter 22, to the criminality of grooming. The committee highlighted the calculated and protracted use of grooming techniques by abusers to develop a relationship over time with an intended victim in order to facilitate abuse.

The committee also identified the use of grooming of parents and families by abusers, who often identify vulnerabilities in a family or infiltrate families by helping a parent overcome problems and ensuring the parent sees their interest in the child as helpful, in order to isolate the victim and give the abuser unquestioned access.

The committee found, at finding 22.1, that merely treating grooming as an aggravating feature of a sexual offence does not sufficiently recognise the damage that grooming conduct causes. The committee considered that conduct deliberately intended to facilitate the perpetrator's sexual activity with a child should, in and of itself, be made a criminal offence.

The committee's report highlights difficulties with existing laws, both in Victoria and elsewhere. The committee pointed out that the current Victorian offence in section 58 of the Crimes Act 1958 applies only to soliciting or procuring the taking part in sexual activity, and does not extend to grooming by befriending a child and establishing an emotional connection with them in person.

Although the NSW provision in section 66EB of the NSW Crimes Act 1900 is somewhat broader than the Victorian provision, the committee pointed out that the NSW grooming offence does not extend to grooming of other persons in order to secure access to a child, and only applies where the offender has exposed the child to indecent material or provided the child with alcohol.

The committee concluded that the critical feature of grooming is not the conduct itself, but the intention that accompanies it, and that apparently innocuous conduct needs to be viewed in the context of a pattern of behaviour, with the accompanying intention usually needing to be inferred from all of the circumstances.

Accordingly, the committee recommended the creation of a new grooming offence that should not require a substantive offence of sexual abuse to have been committed, and that should recognise that in addition to the primary or intended child victim, parents and others can also be victims of that criminal conduct.

The offence created by this bill is closely based on the committee's recommendation, and is also informed by work undertaken by the Department of Justice as part of its review of sexual offences.

Under the bill, a person will commit the offence of grooming if they are 18 years of age or older and communicate with a child under 16, or with a person having care, supervision or authority in respect of the child, with the intention of facilitating the child's engagement or involvement in a sexual offence with themselves or another adult. The offence will have a maximum penalty of 10 years imprisonment.

The bill will not require proof that any sexual offence was actually committed with the child, nor that there was any specific conduct involved in the grooming, such as exposing the child to indecent material or seeking to persuade the child to take part in sexual activity.

Rather, the grooming offence is cast broadly so as to apply to any communication with either a child or their parent or carer, where that communication occurs with the intention of making it easier to engage or involve the child in a sexual offence.

This will ensure that the sort of befriending and relationship building that the committee identified as an integral part of grooming will be caught by the offence, if undertaken with the intention of facilitating the engagement or involvement of the child in a sexual offence.

Whether or not in any particular case conduct was undertaken with such an intention will be a question of fact that would need to be proved. As the committee points out, such an intention can be open to be inferred from all the circumstances in the context of a pattern of behaviour by the offender concerned.

In addition to providing that a person may commit grooming by their conduct in relation to a person who has care, supervision or authority over a child, the bill will also amend the Victims' Charter Act 2006 to expressly recognise that both a child and a family member of that child are victims of a grooming offence and they are each entitled to provide a victim impact statement to a court.

The criminal justice system has a crucial role in holding child sex offenders to account for the devastating effect of their offending on their victims. This bill is the first step in ensuring that Victoria's criminal law can better play its part in protecting Victoria's children.

I commend the bill to the house.

Debate adjourned on motion of Ms HUTCHINS (Keilor).

Debate adjourned until Thursday, 26 December.

GAME MANAGEMENT AUTHORITY BILL 2013

Statement of compatibility

Mr WALSH (Minister for Agriculture and Food Security) 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 this statement of compatibility with respect to the Game Management Authority Bill 2013.

In my opinion, the Game Management Authority Bill 2013 (the bill), as introduced to the Legislative Assembly, is compatible with human rights as set out in the charter act. I base my opinion on the reasons outlined in this statement.

Overview

The main purposes of the bill are to establish the Game Management Authority (the authority); amend the Wildlife Act 1975 to enable the authority to perform and exercise relevant functions and powers under that act; and to make consequential and miscellaneous amendments to that act, the Conservation, Forests and Lands Act 1987 and other acts.

Human rights issues

Right to privacy

Section 13(a) of the charter act provides that a person has the right not to have his or her privacy, family, home or correspondence unlawfully or arbitrarily interfered with. An interference with privacy will not be unlawful provided it is permitted by law, is certain and is appropriately circumscribed. Section 13(b) further provides that a person has the right not to have his or her reputation unlawfully attacked.

The right to privacy is relevant to various provisions in the bill which either require or permit the disclosure of personal information which may otherwise be considered private. However, in my opinion none of these provisions limit the right to privacy, as they do not constitute interferences which are either unlawful or arbitrary.

Clause 14 of the bill requires appointed members of the authority to declare any pecuniary interests in matters that are under consideration by the authority, except if the member is engaged in game hunting or game or wildlife management and the relevant pecuniary interest is no greater than that of any other person so engaged. Under clause 11 of the bill, the minister may remove a member from office if the member fails to comply with clause 14. Requiring appointed members to disclose details of relevant pecuniary interests is an important and appropriate means of avoiding potential conflicts of interest that could undermine the integrity of the authority and its operations. The obligation is clear and confined and serves a legitimate purpose; I therefore consider clause 14 to be compatible with the right to privacy.

Clause 16 of the bill applies strict confidentiality requirements to members, officers, employees and authorised officers with respect to information about the affairs of others obtained in the exercise of their duties or powers. Clause 16(2) sets out some limited circumstances in which persons are permitted to divulge such information. These circumstances include disclosure that is: considered reasonably necessary for or in connection with the administration of the bill, or to assist in the exercise of a power or performance of a duty or function under the bill; for the purpose of legal proceedings; pursuant to an order of a court or tribunal; to the extent reasonably required for other law enforcement purposes; or with the written authority of the secretary. In my view, these categories of permitted disclosure are clear, appropriate and sufficiently circumscribed so as to be compatible with the right to privacy.

Part IX of the Wildlife Act 1975 currently empowers the secretary to authorise 'controlled operations', being operations conducted by law enforcement officers for the purpose of obtaining evidence that may lead to the prosecution of persons for relevant offences. The bill amends various provisions of Part IX so that the authority may also authorise controlled operations. Clause 55 of the bill inserts a new subsection 74B(3) into the Wildlife Act 1975, which sets out the required form and content of an authority for a controlled operation granted by the authority. As well as including information such as the identity of the officers to be involved in the operation, the nature and details of conduct to be engaged in and so forth, an authority must identify (to the extent known) any suspect to be implicated by the operation. A 'suspect' is defined in section 71 of the Wildlife Act 1975 to include a person reasonably suspected of having committed

or being likely to have committed (or committing or likely to be committing) a relevant offence. To the extent that the inclusion of information as to the identity of a suspect may interfere with the privacy or reputation of that person, I consider any such interference to be neither unlawful nor arbitrary. It is necessary to disclose details of suspects in order for controlled operations to be appropriately targeted. Strict confidential obligations apply to information obtained by individuals in the course of exercising functions and powers under the bill and other relevant acts. Further, clause 64 provides that annual reports detailing the operations of law enforcement officers, to be prepared by the Victorian Inspectorate (based on information provided to it by the authority as required by clause 63) must not disclose any information that may identify suspects. In my view, any interference with privacy or reputation is therefore lawful and not arbitrary.

Clause 63 of the bill inserts a new section 74OA into the Wildlife Act 1975, requiring the authority to submit annual reports to the Victorian Inspectorate in relation to its authorised operations. To the extent that these reports may contain personal information, in my view any interference with privacy is lawful and not arbitrary. It is necessary that the Victorian Inspectorate, as the key oversight body in Victoria's integrity system, is provided with fulsome information about the operations of relevant statutory bodies. Appropriate confidentiality requirements apply to the Victorian Inspectorate with respect to personal information provided to it.

Right to property

Section 20 of the charter act provides that a person must not be deprived of his or her property other than in accordance with law.

The right to property is relevant to, but not limited by, various clauses in the bill.

Clauses 37 and 42 of the bill insert new sections 25BA and 28D(1A) into the Wildlife Act 1975, which provide that the authority may suspend a wildlife licence or authorisation it has given in relation to wildlife or game, in certain circumstances. New subsections 25BA(3) and 28D(4) then respectively provide that where a licence or authorisation is so suspended, the custody, care and management of any specified birds or game held under that licence or authorisation must be dealt with in accordance with the directions of the authority.

Clauses 40 and 44 insert new sections 25DA and 28F(1A) into the Wildlife Act 1975, which provide that the authority may cancel a wildlife licence or authorisation, in certain circumstances. New subsections 25DA(6) and 25F(6) respectively provide that where a licence or authorisation is so cancelled, any specified birds or game held under that licence or authorisation must be disposed of in accordance with the directions of the authority.

To the extent that these provisions may result in the disposal of or effective loss of control over property in accordance with the directions of the authority, any consequential deprivation of property is lawful and therefore compatible with section 20 of the charter act. The circumstances in which specified birds or game may be dealt with in this manner are clear and precise, with holders of relevant licences and authorisations to be given an opportunity to make submissions (to which the authority must have regard). In circumstances where suspension or cancellation has been considered appropriate, it is proper that persons be prevented from or at least confined with respect to the extent to which they may continue to own or deal with the birds or game acquired under the relevant licence or authorisation.

Right to be presumed innocent

Section 25(1) of the charter act provides that a person charged with a criminal offence has the right to be presumed innocent until proven guilty in accordance with the law. Generally, the burden is on the prosecution to prove all the elements of the offence.

Various clauses in the bill provide that in proceedings under the bill or a relevant act, a certificate of the authority or other form of evidence asserting a certain fact is, in the absence of evidence to the contrary, proof of that fact. For example, clause 51 makes such provision in respect of evidence as to the holder of, the conditions attached to, and the premises that relate to a particular licence, authorisation or permit; and clause 71 makes such a provision in respect of evidence that the secretary or the authority was satisfied of the certain facts in order to grant an authority. Clause 25 of the bill applies various sections of the Conservation, Forests and Lands Act 1987, which contain similar such provisions.

By requiring a person to provide evidence to the contrary of the asserted fact, these clauses impose an evidential onus on accused persons in relevant offence proceedings, thus displacing to some extent the onus on the prosecution.

Courts in other jurisdictions have generally taken the approach that an evidential onus on an accused does not limit the presumption of innocence. Further, it is appropriate that a defendant point to evidence to suggest that evidence such as certificates and statements under the seal of the authority, and certified copies of instruments, are incorrect, and it is both reasonable and in the interests of efficiency to rely on such documents in the absence of evidence to suggest otherwise. Consequently, even if these clauses are considered to limit the right to be presumed innocent through imposing an evidential onus upon defendants, they would be reasonable and justified under s 7(2) of the charter act.

The Hon. Peter Walsh, MLA
Minister for Agriculture and Food Security

Second reading

Mr WALSH (Minister for Agriculture and Food Security) — I move:

That this bill be now read a second time.

I am pleased today to introduce legislation that delivers on the Victorian coalition government's commitment to improve the effectiveness of game management and promote responsibility in game hunting in this state.

Members of the house will recognise that hunting, and in particular recreational game hunting, is an important part of Victoria's cultural heritage, particularly in rural and regional Victoria. Generations of Victorian families have passed down the traditions and methods of

hunting, often as part of broader experiences of camping and the great outdoors.

Importantly, Victoria's approach to the sustainable use of wildlife populations, including recreational game hunting, is consistent with contemporary conservation management principles. It is also consistent with international conservation treaties and conventions.

Today there are more than 43 000 game licence holders in Victoria, and the game hunting industry is estimated to generate around $100 million of direct and indirect economic activity for Victoria annually. This includes jobs in a range of industries and the flow-on effects of people travelling to regional areas where game hunting is permitted.

Of course there are many more hunters involved in pest management activities — contributing to the state's biosecurity efforts, and the conservation of Victoria's wildlife habitats.

I have been heartened by the success of our wild dog and fox bounties. The response from hunters has been tremendous, and it illustrates the valuable role hunters can play in an integrated approach to pest management.

With the growth in the popularity of game hunting, as well as the opportunity to enhance the contribution of hunters to game and pest management outcomes, it is the right time for government to provide a clearer strategic direction for the future.

That is why, in October this year, I announced the development of a hunting and game management action plan to support and guide the long-term growth of the industry, and improve access to sustainably managed game resources.

Like the coalition government's timber industry action plan, which has driven significant reform and improved outcomes for Victoria's native timber industry, I am committed to ensuring action is taken to enhance legislative, regulatory, institutional and service delivery outcomes for hunting and game management in Victoria.

Of course, this cannot be achieved by government alone. A partnership approach — across government agencies, hunting organisations, and business — will be crucial for the success of the action plan.

I thank all stakeholders who participated in workshops during October and November on the action plan, led by the Honourable Roger Hallam, chair of the Victorian Hunting Advisory Committee (HAC).

The HAC will provide me with a draft of the action plan in early 2014 for consideration by government.

The second component of providing a clearer strategic direction for the future is the establishment of the Game Management Authority.

You may recall that as part of the 2013–14 state budget the coalition government announced an additional allocation of $8.2 million over four years to establish and operate a new Game Management Authority. This means that a total of $17.6 million will be spent on game management in Victoria over the next four years.

This bill gives effect to that commitment by providing the legislative basis for a new, independent statutory authority to regulate game hunting and improve game management outcomes in Victoria — the Game Management Authority (GMA).

The new GMA will incorporate the functions currently undertaken by Game Victoria in the Department of Environment and Primary Industries.

But this is not just a machinery-of-government change.

This is about providing transparent and accountable governance to drive improved performance — more effective compliance and enforcement of game hunting, and more collaborative approaches to game management.

I turn now to the details of the bill.

The bill includes the usual provisions to underpin a statutory authority's basic operations — these provisions are broadly consistent with other Victorian statutory authorities, including Dairy Food Safety Victoria, Prime Safe and Sustainability Victoria.

The bill outlines the objectives, functions and powers of the GMA.

The GMA will be — first and foremost — a regulator. It will perform all the compliance, investigative and disciplinary functions related to game hunting in Victoria.

Efficient and effective regulatory activities will be critical success factors for the new Authority. Good regulatory practice is essential to underpin confidence and facilitate growth in the industry.

Consistent with good regulatory practice, I have ensured that the functions of the GMA do not conflict with each other — a good regulator cannot both regulate and promote the industry. As such, the GMA will promote sustainability and responsibility in game

hunting, however, it will not have an explicit role in promoting the industry.

On behalf of government, I will retain responsibility for the development of statewide strategic policy for game management. The GMA will play a vital role in monitoring, conducting research and analysing the environmental, social, cultural and economic impacts of game hunting.

The GMA will also work with public land managers to improve the management of public land and facilities on public land where hunting is permitted. By working together through meaningful and constructive arrangements, outcomes can be improved for all public land users, including hunters.

The GMA will also develop operational plans and procedures that address:

the sustainable harvest of game species;

the humane treatment of species that are hunted and used in game hunting;

minimising the negative impact on non-game wildlife including protected and threatened wildlife; and the

conservation of wildlife habitats.

The GMA will also influence game management outcomes through making recommendations to relevant ministers on:

game hunting and game management;

control of pest animals;

declaration of public land open and closed to game hunting, open and closed seasons, and bag limits; and

management of public and private land as it relates to game and their habitat.

These are important roles for the GMA, and although it will not be the lead agency in respect of these matters, I anticipate that recommendations and advice from the authority will be influential in improving game management outcomes in Victoria.

The bill establishes a skills-based board to oversee the strategic direction of the authority. Membership of the board will consist of no less than five and no more than nine members, including a chairperson and deputy chairperson.

The bill requires that the board has an appropriate mix of skills, knowledge and experience to assist the authority to operate in a robust regulatory environment. I will seek to ensure that collectively members have expertise in a number of areas, including legal practice, finance, wildlife biology or ecology, animal welfare and game, and wildlife management.

The bill provides that the CEO of the GMA will be appointed by the chairperson. To ensure the transparency of this process, the bill requires that the terms and conditions of appointment are to be approved by me on the recommendation of the board.

The chairperson will also be the employer of all staff of the authority — staff, including the CEO, will be VPS staff but independent of DEPI. Staff from Game Victoria will be transferred to the GMA with no associated job losses.

The CEO will be responsible to the board for the day-to-day management of the authority.

The bill requires that the GMA provide me with an annual report, including a financial statement and any information relating to its objectives and functions. I am also able to provide directions to the GMA, and these must be published in the annual report.

For transparency and accountability, the annual report of the GMA will be tabled in Parliament.

The bill also requires the GMA to prepare an annual business plan which sets out its objectives and priorities for the next three financial years, including its financial projections for that period and its budget for the next financial year.

The bill also contains enforcement provisions which allow the GMA to appoint authorised officers to exercise powers and perform functions and duties for relevant laws. This is consistent with current authorisations of officers.

The bill also includes a range of provisions and consequential amendments to transfer legislative accountabilities and associated decision-making responsibilities to the GMA. These provisions and consequential amendments only transfer functions that are required by the GMA to perform Game Victoria's current compliance and enforcement functions. All other functions remain with the secretary of DEPI.

To complement the good practice governance arrangements contained in the bill, I will also provide three key administrative tools to support the efficient

and effective operation of the Game Management Authority. These are:

(a) an operating model for the incoming board which reflect best practice regulatory principles;

(b) a statement of expectation between myself and the GMA; and

(c) a memorandum of understanding/service level agreement between the authority and key partner agencies, including DEPI, Victoria Police and Parks Victoria.

I am pleased to provide this bill as a key part of a clearer strategic direction for the future of hunting and game management in Victoria.

I commend the bill to the house.

Debate adjourned on motion of Ms HUTCHINS (Keilor).

Debate adjourned until Thursday, 26 December.

JURY DIRECTIONS AMENDMENT BILL 2013

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 (the 'charter act'), I make this statement of compatibility with respect to the Jury Directions Amendment Bill 2013.

In my opinion, the Jury Directions Amendment Bill 2013, as introduced to the Legislative Assembly, is compatible with 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 will amend part 3 of the Jury Directions Act 2013 (the JDA) to further simplify the obligations of the parties and the trial judge and will add new provisions to the JDA to simplify and clarify specific directions. The bill will also amend the Evidence Act 2008 to reform the law on corroboration directions.

Human rights issues

The right of a person charged with a criminal offence to have the charge decided by a competent, independent and impartial court or tribunal after a fair and public hearing as set out in section 24 of the charter act and the right to be presumed innocent until proved guilty according to law set out in section 25 of the charter act are relevant to the bill. The general purpose of jury directions is to ensure that the accused is tried in accordance with the relevant law, which is an important aspect of ensuring a fair trial.

New provisions relating to specific jury directions — fair hearing right

The bill will add new provisions to the JDA to simplify and clarify jury directions on:

misconduct evidence;

unreliable evidence;

identification evidence;

delay and forensic disadvantage;

delay and credibility; and

the failure to give evidence or call witnesses.

In my opinion, these provisions in the bill do not limit the right to a fair hearing set out in section 24 of the charter act. The right to a fair hearing is a flexible concept that evolves over time. It is widely acknowledged that the law regarding jury directions is very complex and, as a result, directions given to juries are often long and intricate and the source of errors leading to appeals. The aim of the JDA is to assist judges in providing simple and clear directions on the law and the evidence in the case that jurors are likely to listen to, understand and apply. The amendments in the bill extend the JDA to simplify specific jury directions with the same aim. The changes are therefore intended to assist in ensuring a fair trial.

Directions on what must be proved beyond reasonable doubt (new section 19A) — right to be presumed innocent

Clause 11 of the bill also adds new section 19A into the JDA to simplify and clarify jury directions on what must be proved beyond reasonable doubt. This clause is relevant to the right to be presumed innocent until proved guilty set out in section 25(1) of the charter act. New section 19A provides that, unless an enactment otherwise provides, the only matters that the trial judge may direct the jury must be proved beyond reasonable doubt are the elements of the offence or the absence of any relevant defence.

The changes in the bill remove the requirement laid down by the High Court in *Shepherd v. The Queen* (1990) 170 CLR 573 that the jury must also be satisfied beyond reasonable doubt of indispensable intermediate facts. This requirement is highly complex and difficult for a jury to apply.

In my opinion, new section 19A does not limit the right to be presumed innocent. The elements that make up the offence, and the absence of relevant defences, are the key matters that the jury should consider and be satisfied of beyond reasonable doubt. Where certain facts are particularly important to a case, they will generally be so closely related to an element (or the absence of a defence) that directing the jury that they must be satisfied beyond reasonable doubt of that element (or of the absence of that defence) subsumes any need for the jury to separately be satisfied beyond reasonable doubt of the fact.

New section 19A will enhance the right to be presumed innocent until proved guilty. By providing the jury with clear and simple directions on the important question of what must

be proved beyond reasonable doubt, the jury is more likely to understand and correctly apply the law.

Robert Clark, MP
Attorney-General

Second reading

Mr CLARK (Attorney-General) — I move:

That this bill be now read a second time.

Introduction

Jury directions are the directions a trial judge gives to a jury to help them to decide whether the accused is guilty or not guilty. In Victoria, jury directions have not always been effective in performing their important role. Jurors have struggled to understand and apply the lengthy and overly complex directions that the law has often required, and such directions have in turn led to appeals and retrials. These problems have contributed to court delays and caused further stress to victims of crimes.

The Jury Directions Act 2013, which commenced on 1 July 2013, was a significant first step to simplify jury directions. The centrepiece of that act is the jury direction request provisions in part 3. These provisions create a new framework for determining which directions are given in a trial. The act also supports trial judges giving short, relevant summings up, encourages better ways of communicating with juries, and simplifies certain problematic jury directions.

This bill is the next step in the reform process. It will add new provisions to the Jury Directions Act to address a number of other problematic jury directions.

A number of these directions were examined in the *Simplification of Jury Directions Project* report produced in August 2012 by the team led by the Honourable Justice Weinberg of the Court of Appeal. I thank Justice Weinberg and his team for their work in producing this very comprehensive report, and I thank the Supreme Court for making Justice Weinberg available for that project.

Other directions addressed in the bill were examined as part of the ongoing review of jury directions being conducted by the Department of Justice.

The bill has been discussed in detail by an expert advisory group established by the department to assist in the jury directions reform process. The advice of the advisory group has been of vital assistance to the reform process, including the development of this bill. I would like to thank the advisory group for their work.

The department has prepared a second report, *Jury Directions — The Next Step*, recommending the changes proposed in the bill. The report is informed by the discussions and advice of the advisory group. I thank the department for this report, which is being published on the department's website. The bill is closely based on the recommendations and reasoning of that report.

Overview of the bill

The bill will add new provisions to the Jury Directions Act to simplify and clarify important directions on:

what must be proved beyond reasonable doubt;

other misconduct evidence;

unreliable evidence;

identification evidence;

delay and forensic disadvantage;

delay and credibility; and

the failure to give or call evidence.

The bill will amend part 3 of the Jury Directions Act to further clarify the obligations of the parties and the trial judge.

The bill will also amend the Evidence Act 2008 to abolish corroboration directions (in most cases).

Amendments to part 3 of the Jury Directions Act

Part 3 of the Jury Directions Act, which contains the request process for determining what jury directions to give in a trial, is fundamental to the jury direction reforms. It is therefore important that part 3 is framed in a way that achieves the aims of the jury direction reforms. The bill will amend part 3 to refine its provisions, improve its operation, and clarify the obligations of the parties.

In particular, the bill clarifies aspects of the trial judge's residual obligation to direct the jury on matters that the parties have not requested. The bill will amend section 13 to provide that if a party does not request a direction, the trial judge must not give the direction except if the residual obligation applies. This clarifies that section 13 is aligned with the residual obligation.

The bill will also amend the test for determining whether the residual obligation in section 15 applies. Under the bill, the trial judge will be required to give a direction if there are 'substantial and compelling

reasons', rather than the current test of when it is necessary to avoid a 'substantial miscarriage of justice'. The current test is also used in the Criminal Procedure Act 2009 in the context of determining an appeal against conviction. Recent case law concerning the application of this test has highlighted that it would be very difficult for a trial judge to apply. The new test will avoid complexities in both the wording of the test and the application of the test by trial judges.

These changes will make clear when the residual obligation must be exercised and ensure that appropriate weight is given to the forensic decision making of the parties.

Directions on what must be proved beyond reasonable doubt

It is fundamental to criminal trials that to convict an accused person, the jury must be satisfied beyond reasonable doubt that the accused is guilty. It is therefore vitally important that jurors understand the directions the judge gives them on what must be proved beyond reasonable doubt.

For many years, juries were only required to be satisfied beyond reasonable doubt of the elements of the offence and of the absence of any relevant defences.

However, cases such as *Chamberlain v. The Queen* (No. 2) (1984) 153 CLR 521 and *Shepherd v. The Queen* (1990) 170 CLR 573 greatly complicated this by requiring the trial judge to direct the jury that 'intermediate facts' that are 'indispensable links in a chain of reasoning towards an inference of guilt' must also be proved beyond reasonable doubt. Determining whether something is an indispensable intermediate fact is highly complex. Judges often disagree on this issue. Directions are consequently complicated and difficult for a jury to apply.

The bill will return the law to where it was pre-Chamberlain and Shepherd by providing that the trial judge may only direct the jury that it must be satisfied beyond reasonable doubt of the elements of the offence and the absence of any relevant defences.

These new provisions in clause 11 of the bill will lead to shorter and simpler directions, and will clarify when trial judges must give a direction, minimising the risk of appeals. Trial judges may give these directions in the form of factual questions or integrated directions, which are provided for in the Jury Directions Act and which embed the elements of the offence into factual questions that the jury must answer to reach a verdict.

The approach in the bill provides appropriate safeguards for the accused. The only change is that the jury does not have to consider whether a particular fact is proved beyond reasonable doubt, before they may rely on that fact. The new approach also removes the complexity of the jury being directed that in determining whether they are satisfied beyond reasonable doubt about an 'indispensable fact', or an 'essential fact', they may have regard to all of the other evidence in the case.

Where the existence of a fact is essential to a case, it must be closely related to an element of the offence. For example, where DNA evidence is the only evidence relating to identity, this will be very closely related to the identity element of the offence. Directing the jury that they must be satisfied beyond reasonable doubt of the element therefore removes any need to separately require the jury to be satisfied of other facts.

Directions on other misconduct evidence

The term 'other misconduct evidence' is used in the bill to describe evidence of discreditable acts of the accused (other than those directly related to the offence charged) which are relied on to help to prove the accused's guilt. For example, this evidence may be used to show that the accused had a tendency to behave in a certain way.

Errors in directions on this kind of evidence are one of the most common grounds of appeal. It is difficult for trial judges to determine whether a direction is required because of conflicting case law on the issue. This risks trial judges giving unnecessary directions to 'appeal-proof' directions. These directions are also very difficult for juries to understand and apply.

For these reasons, the Victorian Law Reform Commission (VLRC), in its 2009 report on *Jury Directions*, recommended reviewing the law in this area. Following this recommendation, the Weinberg report examined other misconduct evidence. The Weinberg report recommended legislative reform to abolish complex common-law distinctions between different types of other misconduct evidence. It also recommended simplifying the content of these directions so that they provide useful assistance to the jury on how to approach this complicated evidence, without overburdening the jury.

New part 7 of the Jury Directions Act follows these recommendations, with some minor amendments for consistency with the act or to further simplify the law.

Directions on unreliable evidence

Certain types of evidence may be unreliable, for example, when the evidence is given by a witness who is criminally concerned in the events that led to the trial. Directions on such evidence may be required to ensure that the jury is careful when using the evidence.

A related issue is children's evidence. While evidence given by a child may be unreliable, it is important that any directions do not reinforce misconceptions about the unreliability of children as a class, or the unreliability of a child's evidence based solely on the age of that child.

The Evidence Act currently regulates these directions. The Weinberg report examined these provisions and concluded that they are generally working well. Accordingly, new part 8 of the Jury Directions Act will retain the overall effect of the current provisions. However, the bill will restructure the provisions, and improve them for consistency with the rest of the act.

Directions on identification evidence

Research and experience show that identification evidence is notoriously unreliable because it relies on a witness's memory and recall. It can be also be overly persuasive, as honest, but mistaken, witnesses can be very convincing. There are many known cases in which mistaken identification evidence has contributed to wrongful convictions.

The bill will introduce a new part 9 to the Jury Directions Act that provides a simple, streamlined and comprehensive framework for giving directions on identification evidence. The bill will further simplify the VLRC recommendations by adopting a single, broad definition of identification evidence, and by using the jury direction request provisions to provide greater clarity to trial judges in determining whether to give a direction. The bill will also set out the minimum content of a direction on identification evidence that is simple and clear, but that highlights particular problems with this type of evidence.

Directions on delay and forensic disadvantage

The common-law 'Longman direction' on delay and forensic disadvantage is one of the most problematic and controversial jury directions. It has been heavily criticised by law reform commissions (including the VLRC) and many stakeholders.

This direction applies in cases where there is a delay between the alleged offence and the complaint that has disadvantaged the accused in conducting his or her defence. In this situation, the Longman direction requires the trial judge to tell the jury that it would be dangerous to convict on the complainant's evidence alone unless, after scrutinising the evidence with great care, considering the circumstances relevant to its evaluation, and paying heed to the warning, it is satisfied of the truth and accuracy of that evidence.

There are currently provisions in both the Crimes Act 1958 and the Evidence Act on delay and forensic disadvantage. The bill will insert a new part 10 in the Jury Directions Act that is based on the Evidence Act provision, with some improvements. For example, the bill will make it clear that the trial judge must not use the problematic phrases 'dangerous or unsafe to convict' or 'scrutinise with great care' in directions on delay and forensic disadvantage. The bill will also clearly abolish the common law to the contrary of the new provisions.

Directions on delay and credibility

Another problematic direction is the direction on delay and credibility of the complainant in sexual offence cases, known as the Kilby-Crofts direction. This requires the trial judge to direct the jury that a complainant's failure to report a sexual offence at the earliest possible opportunity may cast doubt on the complainant's credibility and the jury should take this into account in evaluating the credibility of the allegations made by the complainant.

Statutory amendments have failed to limit the circumstances in which the direction is given and trial judges are required to give competing and contradictory directions, which are confusing for jurors.

The law in this area is highly problematic because the direction is based on inaccurate assumptions about the behaviour of victims of sexual assault, namely, that a genuine complainant can be expected to make their complaint very soon after the offence.

The bill will add a new part 11 to the Jury Directions Act on delay and credibility. Part 11 will prohibit the trial judge and parties from saying or suggesting that sexual offence complainants are unreliable as a class.

The bill will allow the parties to put arguments about delay and credibility in the case before the court. However, in appropriate cases, the bill will require the trial judge to give a direction, at the start of the trial, to address common misconceptions about complainants as a class in sexual offence cases. Research shows that potential jurors can have misconceptions about how sexual complainants can be expected to behave, expecting them to immediately complain about the

offending. This direction will allow the trial judge to address any such misconceptions early in the trial.

Directions on the failure to give or call evidence

The bill will insert a new part 12 into the Jury Directions Act to simplify directions when the accused does not give or call evidence and when the prosecution does not call or question a witness.

In relation to when the accused does not give evidence or call witnesses, the bill will set out a clear and simple direction that the trial judge must give the jury, if requested by the defence counsel, based on the common-law Azzopardi direction. The bill will prohibit the trial judge from giving the overly complex common-law Weissensteiner and *Jones v. Dunkel* directions. These directions are difficult for trial judges to apply and lead to directions that are difficult for a jury to understand. The bill also removes distinctions between what the co-accused can say on this issue, and what the other parties and the trial judge can say. These reforms will lead to simpler directions that are easier for the jury to understand and apply.

Corroboration

Corroboration of evidence is no longer required under section 164 of the Evidence Act, except in cases of perjury and similar offences, and the trial judge is not required to direct the jury on corroboration. Despite this, directions on corroboration are sometimes still given. As discussed in the Weinberg report, these directions are problematic and unnecessary.

The Weinberg report did not recommend any amendments to section 164 as it is not leading to successful appeals against conviction. However, these directions are complicated, there is a risk of 'appeal proofing', and they may have a backfire effect on the accused, as the trial judge gives a warning but then lists all the evidence capable of constituting corroboration.

Accordingly, the bill will amend section 164 of the Evidence Act to abolish corroboration directions except in the case of perjury or a similar offence. Other directions, such as unreliable evidence directions, are available to adequately highlight problems with particular evidence. However, where corroboration is required (for example, in perjury cases), the bill will make it clear that a corroboration direction is required. This will enhance transparency and clarity in this area of the law.

Conclusion

The Jury Directions Act marked a fundamental change to the legal framework for jury directions in Victoria. The bill will extend those reforms and apply the principles and framework of the act to a number of problematic jury directions. Increasing the reach and effectiveness of jury direction reforms will further assist trial judges to give directions that are as clear, brief, simple and comprehensible as possible.

I commend the bill to the house.

Debate adjourned on motion of Ms HUTCHINS (Keilor).

Debate adjourned until Thursday, 26 December.

PARLIAMENTARY BUDGET OFFICER BILL 2013

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 Parliamentary Budget Officer Bill 2013.

In my opinion, the Parliamentary Budget Officer Bill 2013, as introduced to the Legislative Assembly, is compatible with the human rights set out in the charter act. I base my opinion on the reasons outlined in this statement.

Overview of bill

The bill seeks to establish an authoritative, independent and credible election policy costing service for parliamentary leaders and Independent members, which delivers relevant and readily understandable election policy costing information to the Victorian community before each state election.

The model envisaged by the government and to be implemented by the bill is underpinned by the following principles:

Independence — the PBO will be beyond any perceived or real political, executive or bureaucratic interference in carrying out its functions in a non-partisan manner;

Effective operational performance — the PBO will provide high-quality, timely and value-for-money outcomes to the Parliament and the community;

Confidentiality — the PBO will employ systems and processes to ensure that sensitive material will be retained securely and remain outside the public domain;

Accountability — the PBO will act under high governance standards that ensure it has clear

responsibilities and effective performance criteria and oversight mechanisms; and

Transparency and credibility — the PBO will provide to Parliament and the community independent, timely, relevant and readily understandable information.

Human rights issues

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

No clauses in the bill will have an impact on or engage human rights under the Charter of Human Rights and Responsibilities Act 2006.

Robert Clark, MP
Attorney-General

Second reading

Mr CLARK (Attorney-General) — I move:

That this bill be now read a second time.

This bill will establish an independent Parliamentary Budget Officer to undertake costings of election policies put before Victorian voters by parliamentary party leaders and Independent MPs.

The establishment of the Parliamentary Budget Officer and the Parliamentary Budget Office within the Parliament will help ensure Victorians can have full and impartial information about political parties' election policy costings.

In the past, various Australian governments have conducted Treasury-run election policy costing systems in the lead-up to general elections. These systems have frequently been criticised because of the way they risk politicising the Treasury and its public servants and fail to provide non-government parties with an assurance of independence from government. The scheme run by the previous Labor government in the lead-up to the 2010 state election is a stark illustration of these failings.

The establishment of a Parliamentary Budget Office will provide an authoritative, independent and credible source for the costing of parliamentary political parties' and Independent members' election policies, and will provide timely, relevant and readily understandable election policy costing information to the Victorian community.

The Parliamentary Budget Officer, like the Auditor-General and the Ombudsman, will be an independent officer of the Parliament.

The PBO will be appointed from 1 May in each election year until after the election, and will be subject to review and report to Parliament by the Auditor-General.

The PBO will cost proposed election policies on request from parliamentary parties and Independent MPs, and will make each costing public following official announcement of the policy by the party or Independent MP.

The PBO will also publish a budget impact statement for each parliamentary party and Independent MP, assessing the overall budget implications of their costed and announced election policies.

Prior to bringing this bill to Parliament, the government released a discussion paper setting out a proposed model for the PBO in order to seek views of the community and of other political parties. The government thanks each of the organisations and individuals who made submissions in response to the discussion paper. Based on the submissions and other feedback, the government has made a number of modifications to the model outlined in the discussion paper.

The bill provides for the Parliamentary Budget Officer to be appointed by the Governor in Council on the recommendation of the Public Accounts and Estimates Committee. While the discussion paper proposed a more complex appointment model, upon consideration of the feedback received, including the approach proposed by the opposition, the government has concluded that appointment on the recommendation of the PAEC, in similar manner to the appointment of the Auditor-General, is the most straightforward and effective manner of appointment.

The Parliamentary Budget Officer will be appointed from 1 May in each scheduled election year and will hold office until 31 December of that year.

The officer will develop operational plans and protocols that will make clear the timings and other procedures that the PBO will apply in costing policies and publicly releasing those costings.

The bill provides for information and documents relating to policy costing proposals to remain confidential, except for the public release of requests and the costings themselves. Such confidentiality provisions are essential for parties and Independent members to have confidence in the PBO's operations.

Importantly, political parties will not be required to have committed to policies before having them costed, nor will they face having costings made public by the PBO whether or not the party wishes to proceed with

the policy after having received the costing. Rather, policy costings will only be published by the PBO once the party concerned has announced the policy and has notified the PBO that the policy has been announced. This will allow political parties, particularly opposition and minor parties, to retain control over the timing of their policy announcements and to have the option of considering the PBO's costing of a policy prior to deciding to proceed with that policy.

Following an election, the records of the Parliamentary Budget Officer and his or her supporting office will be held confidentially by the Public Record Office for 30 years, subject only to their being available to future parliamentary budget officers and the Auditor-General or, in the case of material submitted by a parliamentary party leader, to that leader or their successors.

The bill provides that a parliamentary party leader or their nominee, and any Independent member of Parliament seeking election in the next Parliament, may request the PBO to cost an election policy on or after 1 September in the election year.

The government considered proposals in several submissions to provide for the Parliamentary Budget Officer to hold office on an ongoing basis. However, the government's policy initiative was for an independent and authoritative costing of election policy commitments. In this regard, the PBO to be established by this bill is similar to the PBO that has been established in NSW for some years. The PBO is intended to validate the costings of policies that parties have already developed, not to do the opposition's homework for them.

The government also considered a possible earlier commencement of the time from which the PBO would receive policies for costing. However, the government considers that receiving policies for costing from 1 September allows ample time for parties to have their policies costed in the lead-up to the general election. In 2010, for example, the then government did not submit any of its policies for costing under the scheme it had established until 5 November 2010. Under the bill, parties can submit previously announced policies for costing by the PBO once costing commences on 1 September.

The government has, however, brought forward the date from which the Parliamentary Budget Officer can be appointed. This was originally proposed to be from 1 July in election years, but the bill now provides for appointment from 1 May. This will provide additional time for the officer to recruit staff, establish protocols and make other preparatory arrangements.

As well as costing individual election policies, the bill requires the PBO to prepare a budget impact statement for the respective policies of each parliamentary party leader or Independent member. The budget impact statement will show the aggregate effect on the state budget of all costed and announced policies of the relevant party or Independent member.

Some have argued that it should be made mandatory for political parties to submit their election policies for costing by the PBO. The government considers that this would be unduly restrictive on political parties' ability to conduct their election campaigns as they see fit. However, any political party that chooses not to submit some or all of its election policies for costing by the Parliamentary Budget Officer and inclusion in a budget impact statement will need to answer to the community as to why it is not prepared to be open and accountable in having its policy costings and their budget impact independently verified.

The bill also corrects an anomaly in the Constitution Act 1975. The Constitution Act has for many years provided for the Presiding Officers to continue to exercise the responsibilities of Presiding Officers in the period between the dissolution of the Parliament and the election of their successors.

However, during preparation of the bill, it became apparent that this provision does not apply to the period between the expiry of the Legislative Assembly and the appointment by each house of a new Presiding Officer. It appears clear that this was an unintended consequence of the changes made in 2003 to introduce fixed terms for the Parliament, when the Constitution Act was amended to distinguish between the expiry of the Legislative Assembly at the end of a fixed four-year term, and its dissolution at any other time following a loss of confidence or an irreconcilable difference between the two houses.

The bill therefore amends the Constitution Act to provide that the Presiding Officers administrative responsibilities continue after expiry, as well as dissolution, of the Parliament, until their successors are chosen. This will include the responsibilities vested in the presiding officers under the bill.

This bill delivers on an important election commitment by this government. It will establish a new independent officer of the Parliament to provide impartial and robust costings of election policies and enable voters to be better informed in making their choices. It will thereby promote political debate that is focussed on the merits of policy proposals rather than on unproductive and inconclusive disputes about costings.

I commend the bill to the house.

Debate adjourned on motion of Ms HUTCHINS (Keilor).

Debate adjourned until Thursday, 26 December.

SUMMARY OFFENCES AND SENTENCING AMENDMENT BILL 2013

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, (the 'charter act'), I make this statement of compatibility with respect to the Summary Offences and Sentencing Amendment Bill 2013.

In my opinion, the Summary Offences and Sentencing Amendment Bill 2013, as introduced to the Legislative Assembly, is compatible with 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 amends the Summary Offences Act 1966 by expanding the grounds on which police members and protective services officers (PSOs) may direct a person to move on from a public place, and enabling police members to apply to the Magistrates Court for an exclusion order where they have repeatedly been directed to move on from a public place. The bill also amends the Sentencing Act 1991 by creating a new alcohol exclusion order that prohibits a person who has been convicted of a relevant offence, in circumstances where the person's intoxication was a significant contributing factor, from entering or consuming liquor in specified licensed premises in Victoria.

Human rights issues

Changes to move-on powers and the related exclusion orders

The bill expands the grounds on which the move-on powers under section 6 of the Summary Offences Act may be used. A person who is directed to move on from a public place by police members or PSOs must leave that public place and is prohibited from returning to it for up to 24 hours. The related exclusion orders also prohibit a person from entering a particular public place but for up to 12 months.

The amendments impose a limitation on an individual's right to move freely within Victoria as set out in section 12 of the charter act and may, in certain circumstances, limit the rights to freedom of expression (section 15), and peaceful assembly and freedom of association (section 16). However, for the reasons that follow these limitations are consistent with explicit or implicit internal limits on the rights or are reasonable and justified under section 7(2) of the charter act.

All of these charter act rights can be subject to restrictions, including to protect public order, public safety and the rights and freedoms of others. Section 15 contains an explicit internal limitation to this effect (section 15(3)), but the other sections may be implicitly limited in the same way (in accordance with the reasoning in *Magee v. Delaney* [2013] VSC 407). In the International Covenant on Civil and Political Rights, from which each of these charter act rights is derived, there are express internal limitations for each of the rights in relation to measures that are necessary to protect public order, public health or morals, or the rights and freedoms of others (see article 12(3) on freedom of movement, article 19(3) on freedom of expression, article 21 on peaceful assembly and article 22 on freedom of association). Although these internal limitations do not appear in the relevant charter act rights, the internal limitations in the international covenant illustrate matters that may be considered to justify limitations on those rights in accordance with section 7(2). The new grounds for the use of move-on powers are aimed at protecting public safety and order and the rights and freedoms of others. The grounds ensure there is an appropriate balance between the right to freedom of movement, freedom of expression, peaceful assembly and freedom of association of one individual and the protection of the rights of others, including the rights of others to freedom of movement, privacy, property rights and security. These are important objectives that are sufficient to justify the bill's careful and safeguarded provisions and any limitations those provisions may impose on these charter act rights.

The bill includes a range of safeguards that minimise effects on the relevant charter act rights and ensure any limitation is reasonable. A police member or PSO may tailor a move-on direction as required. For example, a direction can be given in respect of an entire public place, or just part of that place. The duration of the direction cannot exceed 24 hours and need not be for the full 24 hours.

The making of an exclusion order by a court is discretionary and the court must be satisfied that an order would be a reasonable means of preventing that person from continuing to behave in a manner that would be the basis for another move-on direction. The court can tailor the scope of the order. For example, it may determine the nature and extent of the public place that the order applies to, and the duration of the order. Similarly, new section 6E(5) of the Summary Offences Act enables the court to allow a person to enter a place to which the exclusion order applies for specified purposes where it is appropriate. Exclusion orders may also be varied upon application where the court is satisfied it is appropriate.

There are also specific safeguards around the enforcement of move-on directions and the related exclusion orders. For example, a person does not commit the offence of contravening a move-on direction where he or she has a reasonable excuse for doing so. A similar exclusion applies to the offence of contravening an exclusion order.

Section 6(5) of the Summary Offences Act excludes the use of move-on powers based on the grounds set out in section 6(1)(a) and new section 6(1)(f) in relation to a person who is picketing a place of employment, demonstrating, protesting or publicising his or her view about a particular issue. That exception will no longer apply to the grounds in sections 6(1)(b) and (c) nor to the remaining four new grounds. Those grounds are more closely related to unlawful conduct and a move-on power on those grounds should not be excluded simply because a person is engaged in picketing, protest or publicising a view. The application of these

grounds in such circumstances will assist police in protecting the rights of others and maintaining public safety and order.

Power to require name and address

The bill creates a new power enabling police members and PSOs to require a person being directed to move on to provide their name and address. The right to privacy set out in section 13 of the charter act is relevant to this power. However, in my view this provision is compatible with the right to privacy as it is lawful and not arbitrary. Police will only be able to utilise this power where they intend to direct a person to move on. This new power will enable police to keep track of when a person has been repeatedly moved on for the purposes of applying for a related exclusion order. It will also assist police in determining whether a person contravenes a move-on direction. The use and disclosure of that information would be subject to the usual protections under the Information Privacy Act 2000.

Arrest power

The bill inserts a new power into the Summary Offences Act, which provides that a police member or a PSO may, without warrant, arrest a person if the officer suspects on reasonable grounds that the person is or has committed an offence against section 6(4) of the Summary Offences Act (contravention of a move-on direction). In my view these provisions are compatible with the right to liberty as the grounds for arrest are clear and appropriate, and cannot be regarded as arbitrary. Section 6(4) also provides safeguards that minimise interference with liberty by expressly limiting the reasons for which a person may be detained in custody.

Alcohol exclusion orders

Alcohol exclusion orders prohibit a person from entering into a range of licensed premises including nightclubs, bars, restaurants, reception centres and major events. These orders limit the right to freedom of movement and are relevant to the right to peaceful assembly and freedom of association.

Alcohol exclusion orders are aimed at protecting public order and the rights and freedoms of others, including the right to life and the right to liberty and security of a person. The orders may only be made after a person has been convicted by a court of a relevant offence and the court is satisfied that the offender's intoxication significantly contributed to the commission of the offence.

There is a clear and rational connection between the limitation on the right to freedom of movement and the purpose of the order. Before making an order, a court must be satisfied that the person was intoxicated at the time of the offending. Further, that intoxication must have significantly contributed to the offending. Thus, any person subject to an order has demonstrated through their offending that they are a risk to public safety when intoxicated. The alcohol exclusion order will reduce that risk by ensuring the person cannot enter or consume liquor in many places where they could otherwise become intoxicated in public.

The effect of an alcohol exclusion order reflects the significant contribution of alcohol to that offending. Applying the order to a narrower range of licensed venues could channel those subject to the order towards those licensed venues not covered by the order and thus place the public at those venues at risk. The strong, mandatory scheme provided for in this Bill is also intended to provide a clear and powerful deterrent against others committing relevant offences. The deterrence of a discretionary scheme would be undermined by cases where an order is not made.

As with the move-on-related exclusion orders, there are safeguards to ensure alcohol exclusion orders do not inappropriately limit other rights. Courts may create conditions where appropriate allowing a person to enter licensed premises for specified purposes. Such purposes might include employment, reaching accommodation, or attending particular events where appropriate. Section 89DG allows a person subject to the order to apply for its variation throughout the duration of the order. Given this capacity to adjust alcohol exclusion orders appropriately if justified by a person's individual circumstances, I do not consider that they create an unreasonable limitation on the right to freedom of movement when balanced with the important objectives of the orders, including public safety and protecting the rights of others.

Offences for contravening exclusion orders

New sections 6G of the Summary Offences Act and 89DF(1) and (2) of the Sentencing Act make it an offence to contravene a move-on-related exclusion order or an alcohol exclusion order. Sections 6G(3) and 89DF(4) have the effect of placing an evidential onus on the accused where the prosecution adduces proof that the accused was present in court when the order was made, or proof of service of the order on the person. The right to be presumed innocent until proved guilty according to law is relevant to these provisions. However, the right is not limited. Where the accused points to evidence that puts knowledge of the order at issue, the prosecution will still have a legal onus to prove beyond reasonable doubt that the accused knew or was reckless as to whether the order was in place.

Robert Clark, MP
Attorney-General

Second reading

Mr CLARK (Attorney-General) — I move:

That this bill be now read a second time.

This bill makes important changes to the law to better protect the community from lawless behaviour on our streets and to deter and prevent alcohol fuelled violence.

First, the bill amends the Summary Offences Act to give police clearer and more effective move-on powers and to create longer lasting exclusion orders.

Secondly, the bill delivers the government's election commitment to ban those convicted of alcohol fuelled violence from licensed premises for two years.

Clearer and more effective move-on powers

Move-on powers provide police and PSOs with a useful tool for safeguarding the peaceful enjoyment of public spaces by all, as well as defusing situations that threaten public order and safety. Police and PSOs are currently

able to direct people to move on from public places for a range of reasons. These include where they reasonably suspect that a person is breaching or is likely to breach the peace, or is endangering or is likely to endanger the safety of another.

The bill provides further grounds on which these powers may be used. Police and PSOs will be able to direct a person to move on from a public place if they suspect on reasonable grounds that a person:

has committed an offence in the place;

is causing a reasonable apprehension of violence to another person;

is causing, or is likely to cause, an unreasonable obstruction to others;

is present for the purpose of procuring or supplying drugs; or

is impeding, or attempting to impede, another person from lawfully entering or leaving premises or part of premises.

These new grounds will provide greater certainty for police members and PSOs as to when they may exercise move-on powers, and expand the range of circumstances in which such directions may be given.

Move-on powers may be applied in relation to one person or many. The bill clarifies that police and PSOs may give one direction to an entire group rather than having individually to direct each person in the group to move on.

The bill continues to protect legitimate rights to lawful protest or demonstration, but it makes clear that if protesters go beyond legitimate expression of views and instead resort to threats of violence or seek to impede the rights of others to lawfully enter or leave premises, police will have the power to order those protesters to move on.

To this end, the bill provides that move-on powers may be used in respect of people engaged in picket lines, protests and other demonstrations. However, the existing ground relating to breach of peace and the new unreasonable obstruction ground will not apply in those situations. These grounds are excluded because of the scope for dispute about their application in the context of demonstrations. Police will instead be able to rely on the impeding access ground and other grounds to deal with protesters who blockade or otherwise impede access to or from premises or who resort to threats of violence or to illegal conduct.

The bill will also improve the enforcement of move-on directions. For example, the bill expressly provides that police and PSOs may arrest a person who contravenes a move-on direction. The bill also assists the detection of such contraventions by providing that police may require a person being directed to move on to provide their name and address. Currently, police are unable to do this in many cases, making it difficult to detect contraventions of the move-on directions where the person returns a few hours later. This change will also enable police to keep a record of people who are repeatedly moved on.

Move-on-related exclusion orders

Move-on powers can keep a person away from a public place for up to 24 hours, but no more. Consequently, a person may return to the place and engage in the same conduct the very next day. This can be a particular issue where police know that people are returning to a certain area repeatedly, such as for the purpose of buying or selling drugs.

The bill addresses these situations by enabling police to apply to the Magistrates Court for an exclusion order against an individual.

The making of an exclusion order will be discretionary, and the court may only make an order if it is satisfied that:

a person has been repeatedly directed to move on from the same public place or part of a public place; and

an exclusion order would be a reasonable means of preventing that person from continuing to behave in a manner that would be the basis for another move-on direction.

If a court decides to make an exclusion order, it can specify a duration of up to 12 months. During that time a person will be prohibited from entering the public place specified in the order. However, the bill does allow the court to create exemptions allowing a person to enter the place if there is a good reason for doing so and the court considers it appropriate in all the circumstances.

Once an exclusion order is in place, it will be an offence to contravene that order. The offence will carry a maximum penalty of two years imprisonment.

These exclusion orders will give police a new tool for addressing low-level street drug dealing and for breaking up gangs that gather in public places to threaten people or engage in criminal behaviour.

Alcohol exclusion orders

The government made an election commitment to ban those found guilty of committing a violent offence while under the influence of alcohol from licensed premises for two years. This bill makes amendments to the Sentencing Act 1991 to give effect to that commitment.

A high proportion of violent behaviour is caused by people who have had too much to drink. These measures will better protect the public from the recurrence of such behaviour and create a strong deterrent to the offender and to others.

Under the requirements, a court must make an alcohol exclusion order where it is satisfied that:

a person has been convicted of a relevant offence;

the person was intoxicated at the time of the assault; and

the person's intoxication significantly contributed to the commission of the offence.

These orders will apply to most indictable offences against the person, ranging from homicides to intentionally causing injury, as well as sexual assaults such as rape or indecent assault, and to offences such as threats to kill and assaulting police.

Alcohol exclusion orders will prohibit the offender from entering specified licensed premises or consuming liquor in any licensed premises anywhere in Victoria for a period of two years. Where an offender goes to jail for their offence, the exclusion will apply from the time they are released from jail. Where an offender is sentenced to a community correction order of longer than two years, the court will be able to impose alcohol treatment conditions that will continue to operate after the expiry of the alcohol exclusion order.

The licensed premises from which persons are excluded are the same as those covered by alcohol exclusion conditions made under a community correction order pursuant to section 48J of the Sentencing Act 1991. These include nightclubs and bars — including pubs — as well as licensed restaurants and cafes. Bar areas of other licensed premises will also be covered, including hotel bars and bars at sporting grounds and clubs. A person is also prohibited from entering major events covered by a relevant liquor license, such as the formula one grand prix.

Provision is made for the court on application to vary the exclusion conditions in circumstances where that is justified, such as where a person lives above licensed premises or works at licensed premises. A court may also allow a person to enter licensed premises for a specified purpose if there is a good reason and the court considers it appropriate. However, the courts cannot allow a person to drink on those premises.

Contravention of an alcohol exclusion order will be an offence, carrying a maximum penalty of two years imprisonment.

Alcohol exclusion orders will send a clear message that drunken, violent behaviour will not be tolerated in Victoria and that those who engage in it will face significant consequences for their personal and social life, in addition to whatever other sentence they receive.

I commend the bill to the house.

Debate adjourned on motion of Ms GREEN (Yan Yean).

Debate adjourned until Thursday, 26 December.

FENCES AMENDMENT BILL 2013

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 (the 'charter act'), I make this statement of compatibility with respect to the Fences Amendment Bill 2013.

In my opinion, the Fences Amendment Bill 2013, as introduced to the Legislative Assembly, is compatible with human rights as set out in the charter act. I base my opinion on the reasons outlined in this statement.

Human rights issues

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

Privacy (section 13)

Section 13(a) of the charter act provides that a person has the right not to have his or her privacy unlawfully or arbitrarily interfered with.

If an owner does not know the whereabouts of an adjoining owner for the purposes of giving a fencing notice under the bill, they must make reasonable inquiries to locate the adjoining owner, including asking the municipal council about the whereabouts of the adjoining owner. Section 9(1)(b) of the existing Fences Act contemplates that a person wishing to construct a fence will obtain the adjoining occupier's address details from council records in order to serve a fencing notice but does not expressly confer a power on councils to disclose such information. The amendments

introduced by the bill provide that municipal councils may disclose to an owner the name and address of an adjoining owner, if satisfied that the owner will use the name and address for the purposes of giving the adjoining owner a fencing notice.

The information to be disclosed is limited to that which is necessary for the purpose of giving a fencing notice under the bill, namely the adjoining owner's name and address. Municipal councils are only permitted to make disclosure of this information where satisfied that the information will be used for the purposes of giving a fencing notice. For these reasons, such disclosures serve a legitimate and necessary purpose, are not arbitrary and are authorised by law. As a result, the bill does not limit the right set out in section 13(a) of the charter act.

Property rights (section 20)

Section 20 of the charter act provides that a person must not be deprived of his or her property other than in accordance with law.

The bill provides that owners may agree to locate a dividing fence off the common boundary if a waterway or other obstruction is on, or forms, the common boundary, which may result in an owner losing occupation of a small area of their land. These arrangements require the agreement of both parties and the bill also provides that these fencing arrangements do not affect title to or possession of land.

Any deprivation of property is in accordance with law in clearly defined circumstances. For these reasons, the bill does not limit the right set out in section 20 of the charter act.

Fair hearing (section 24)

Section 24 of the charter act provides that a party to a civil proceeding has the right to have a proceeding decided by a competent, independent and impartial court or tribunal after a fair and public hearing.

The bill provides that an owner of land who is unable to locate the adjoining owner after making reasonable inquiries may seek to recover a contribution from the adjoining owner by filing a complaint in the Magistrates Court in the absence of the adjoining owner (an ex parte application).

The bill includes a safeguard which allows an adjoining owner who has had an ex parte order made against them (requiring contribution to fencing works or any subsidiary works) and considers the order to be inequitable to seek a further order from the Magistrates Court.

It is doubtful that empowering the court to make ex parte orders only after the applicant has discharged a duty to make reasonable inquiries to locate the respondent is a limitation on the fair hearing right. Even if it is, such limitation is demonstrably justifiable and reasonable under section 7(2), noting that the absent respondent can seek a further order. These powers will enable the timely and efficient disposition of fencing disputes and will also ensure that land owners will not have to bear the entire cost of fencing works and any subsidiary works in circumstances where an adjoining owner cannot be located but the adjoining owner obtains a benefit from the fencing works undertaken.

Robert Clark, MP
Attorney-General

Second reading

Mr CLARK (Attorney-General) — I move:

That this bill be now read a second time.

The Fences Amendment Bill 2013 contains a range of measures to facilitate fairer dealings between neighbours over shared dividing fences and to encourage resolution of fencing disputes.

The bill builds upon the work of the parliamentary Law Reform Committee, which in 1998 reviewed the Fences Act 1968. The committee's report made a number of recommendations to make fencing processes more comprehensive and transparent, and to give parties clearer guidance about their obligations. Informed by the committee's work, the government undertook a further review of the Fences Act in 2011 and conducted public consultation on a discussion paper in late 2012.

The Fences Act contains little guidance about how to initiate and seek contributions for fencing works, the type of fence to be built, the placement of fences and the resolution of fencing disputes. In addition, it has been more than 40 years since the Fences Act came into operation and aspects of it require modernising. It also contains separate processes for the construction and for the repair of dividing fences, resulting in unnecessary complexity and confusion.

Although the monetary amounts in dispute may be relatively small, fencing disagreements can create tension between neighbours. In 2012–13, fencing disputes represented the greatest number of calls to the Dispute Settlement Centre of Victoria, with 6611 inquiries made. The amount in dispute in a fencing matter is also likely to be significantly less than the cost of consulting legal representatives, pursuing court proceedings and enforcing small judgement debts. For these reasons, clear and streamlined processes that assist neighbours to undertake fencing works and resolve disputes are essential. The bill makes a number of amendments to provide for this.

While the bill provides guidance about fencing works for those who wish to use it, it retains flexibility for parties to enter agreements about fencing works outside of the act without being required to give notice or follow the time limits and processes set out in the act.

Contributing to a sufficient dividing fence

The bill shifts liability to contribute to dividing fences from occupiers of land to owners of land, in recognition that in most circumstances it is the owner of the land

who benefits the most from the improvement to the land made by a dividing fence.

The bill provides guidance about what constitutes a 'sufficient dividing fence' and establishes the general principle that adjoining owners must contribute in equal proportions to a sufficient dividing fence for their adjoining lands. What constitutes a sufficient dividing fence is determined by reference to a range of factors, including the type of fence that was previously in existence (if any), types of fences used in the area and the purposes for which the adjoining lands are used.

Where a sufficient dividing fence would be different for adjoining owners, the lesser standard of fence is taken to be the sufficient dividing fence. If an owner wants or requires a fence that is of a standard greater than that of a sufficient dividing fence, that owner bears the cost of the fence so far as it exceeds the cost of a sufficient dividing fence. This principle applies where agricultural land adjoins residential land. For example — the dividing fence that would be sufficient for the agricultural land is taken to be the sufficient dividing fence and if the owner of residential land wants a fence that exceeds what the owner of agricultural land requires, the owner of residential land will bear the additional cost for this.

In certain limited circumstances, where a tenant has an unexpired lease term of more than 5 years or more than 10 years, the tenant may be liable to contribute to fencing works.

Initiating fencing works

The current Fences Act does not contain any guidance on the process for commencing fencing works. The bill addresses this gap by providing that an owner who proposes to undertake fencing works in respect of a dividing fence must generally either reach agreement with or give notice to an adjoining owner, even if no contribution towards the fencing works is being sought. Such notice must be in writing and contain particular information about the proposed fencing works.

However, the bill allows fencing works to proceed if an owner cannot be located for the purposes of giving notice, or if fencing works need to be undertaken urgently. Fencing works may also be undertaken without the agreement of an adjoining owner if they are given notice but do not respond within 30 days. If fencing works are undertaken in circumstances where an adjoining owner could not be located or did not respond to the fencing notice, the owner who undertook the fencing works may recover contributions from the adjoining owner who could not be located or did not respond by filing a complaint and seeking an order in the Magistrates Court.

These processes strike an appropriate balance between notifying interested parties of proposed fencing works and permitting them to negotiate about the works, and ensuring that fencing works are not unduly delayed where they need to be undertaken urgently or where a party is unresponsive or cannot be located.

Facilitating agreement between the parties

The recipient of a fencing notice may either agree to the proposal in the fencing notice or object to any aspect of the proposed works. If 30 days have passed and the owners still do not agree about any aspect of the proposed fencing works, either owner may commence proceedings in the Magistrates Court seeking orders about the fencing works. The 30-day period gives neighbours the opportunity to resolve any disagreement before commencing court proceedings. In some circumstances, a tenant who is liable to contribute to the fencing works is also involved in the negotiation and court process.

The bill provides for a process to resolve disputes over the common boundary when it relates to a fencing matter. It gives owners an opportunity to state their view about the location of the common boundary, negotiate about this and, if they do not agree, engage a licensed surveyor to define the common boundary. The time after which either owner may seek orders in the Magistrates Court is suspended until the boundary dispute process is complete.

Clarifying the powers of the Magistrates Court to hear and determine fencing disputes

If neighbours are unable to agree about any aspect of their fencing works, the bill clarifies the power of the Magistrates Court to hear and determine the dispute and make orders. The court may make a range of orders in respect of fencing works, including in relation to: the line on which fencing works are to be carried out; whether or not a dividing fence is required; the nature of the fencing works to be carried out; contributions; and that any party cease an activity or conduct that is unreasonably damaging a dividing fence.

The bill also clarifies the jurisdiction of the Magistrates Court to hear and determine claims in adverse possession that may arise in the context of a fencing dispute. This removes uncertainty and ensures that, if an adverse possession claim arises as the result of proposed fencing works, the matter can be determined by the Magistrates Court, saving the parties from costs associated with additional court proceedings. If the

common boundary changes as a result of an agreement or order under the bill, parties may apply to the registrar of titles to amend the register.

Repeal of outdated provisions

The bill repeals part III of the Fences Act, which deals with vermin-proof fencing. This part contains historical provisions that are no longer used and there are now other enactments that provide for the management of pest animals in rural areas.

The amendments made by this bill provide much-needed clarity for neighbours to undertake and contribute to fencing works. The bill establishes clear, streamlined processes for circumstances in which agreement about fencing works is not possible. Most importantly, it provides a basis for neighbours to negotiate and agree about fencing works and aims to reduce the likelihood of neighbourhood disputes arising.

I commend the bill to the house.

Debate adjourned on motion of Ms GREEN (Yan Yean).

Debate adjourned until Thursday, 26 December.

Remaining business postponed on motion of Mr CLARK (Attorney-General).

ADJOURNMENT

The SPEAKER — Order! The question is:

That the house now adjourns.

Schoolground political advertising

Mr MADDEN (Essendon) — The matter I wish to raise tonight is for the Minister for Education. I believe this to be a critical issue, and it relates to an incident that occurred on 22 November at the Essendon North Primary School Spring Fair. My understanding is that a Liberal Party marquee was set up at the school fair, with Liberal Party balloons and Liberal Party bunting. As if that was not already enough, it appears there was a mobile billboard parked on the schoolgrounds displaying the former federal Liberal candidate for Maribyrnong's face as well as his name, Ted Hatzakortzian.

I want the minister to investigate and report on this matter. I want him to clarify the policy position of the Department of Education and Early Childhood Development in relation to political advertising inside schoolgrounds, whether for fundraising purposes or not. This is a critical issue, and I ask the minister to inform me of what his investigation reveals and what the policy position is in relation to political advertising on schoolgrounds.

I also think this is particularly important because Mr Ted Hatzakortzian provides after-school care services to Essendon North Primary School. I would be worried if there was a relationship between the after-school care provision of Mr Hatzakortzian's organisation and his ability to access the school during the school fair for political advertising on behalf of the Liberal Party and have his mobile billboard parked on the schoolgrounds during that fair.

This is an issue of critical concern. The minister must clarify this with the Department of Education and Early Childhood Development so he understands and can inform me of what is acceptable, so I know if I am, or anybody else in this place is, entitled to provide political advertising on schoolgrounds during a school fair or festival or at any other time.

Wedge–Dandenong-Frankston roads, Carrum Downs

Mrs BAUER (Carrum) — I wish to raise a matter for the Minister for Roads. The action I seek is that the minister meet with me in the new year to discuss what safety improvements can be made at the intersection of Wedge Road and Dandenong-Frankston Road in Carrum Downs. On a typical weekday more than 19 500 vehicles a day on Dandenong-Frankston Road cross its intersection with Wedge Road and Boundary Road in northbound and southbound directions. More than 2700 of these are heavy vehicles and trucks. A further 3700 vehicles a day make turning movements, either left or right, at the intersection of Dandenong-Frankston Road, Wedge Road and Boundary Road.

Significant changes have been made to the Carrum electoral boundaries resulting in the exclusion of Aspendale, Aspendale Gardens, Chelsea, Chelsea Heights and Edithvale and the addition of Carrum Downs, Sandhurst, Skye, Bangholme, Lyndhurst and Dandenong South. The suburbs of Patterson Lakes, Carrum, Bonbeach and Seaford will remain within the electorate of Carrum. I am privileged to serve the people of Carrum. I will continue to represent my existing communities, and I am looking forward to representing the new areas of Carrum Downs, Sandhurst, Skye, Bangholme, Lyndhurst and Dandenong South.

Since the announcement by the Victorian Electoral Commission and ratification of the new electoral boundaries I have been contacted by many constituents who are concerned about the dangerous intersection of Wedge Road and Dandenong-Frankston Road. They are concerned that even after a decade of community concern the member for Cranbourne has not delivered an outcome for this intersection. I note that the issue of safety at the Wedge Road intersection was raised with the former Minister for Roads and Ports in Parliament on 7 October 2008 by the member for Cranbourne, who said:

> I raise a matter for the attention of the Minister for Roads and Ports. The action I seek is for the minister to support the need for the construction of traffic lights at the intersection of Wedge Road and Dandenong-Frankston Road, Carrum Downs. Many residents living in the Carrum Downs area have contacted my office advising me that they find it very difficult during peak periods …

The member for Cranbourne has had since 2002 to address community concerns. However, no action was taken, and community concerns were ignored by the previous government. As the member for Carrum, and now that Carrum Downs is within the Carrum electorate, my focus over the next 12 months will be the same as it has been since I was elected — that is, working hard to get good outcomes for my community.

I am proud that I have been able to deliver significant projects for my community. The coalition government has done much to improve safety in the Carrum area, including the installation of pedestrian-operated signals on Edithvale Road and the provision of protective services officers at the Carrum and Chelsea train stations. We continue to improve roads and public transport for residents of the south-east. I am proud to now be able to advocate for the residents of Carrum Downs and users of the busy Wedge Road and Frankston-Dandenong Road intersection. I am already talking to colleagues and investigating ways of achieving the best outcomes for residents. I look forward to the minister's visit.

Minister for Manufacturing

Mr FOLEY (Albert Park) — The compliments of the season to you, Speaker, and to all the parliamentary staff. The matter I wish to raise is for the attention of the Premier. The action I seek is that the Premier sack the Minister for Manufacturing, take charge of the government's failed industry policy on the future of the automotive industry and save the manufacturing sector from this hapless minister. Someone has to take responsibility for the government's failures in manufacturing generally and in the auto sector specifically.

Let us be clear: the announcement Holden made yesterday that it was ending manufacturing production, closing the engine plant and severely scaling back the design and engineering facilities is a critical tipping point in the manufacturing sector. This has come on top of Ford's announcement earlier this year. It comes in addition to Qantas's relocation of engineering away from Avalon and Tullamarine. It comes in addition to the 25 275 jobs lost in manufacturing since this hapless, clueless government was elected. Sadly it has prompted Toyota to announce a review of its operations. As a result of the ideological chains binding those free marketeers opposite, driven by their scorched earth alliance with their mates in Canberra, they are pursuing now — after the horse has bolted — a pretence to support and a pretence to consult only after irrevocable decisions have been made.

At one level we have sympathy for this minister, because it is his party that is in denial of a role for government in positive co-investment, or a positive role that government can play in the international global allocation of competitive and limited footloose capital around the globe. Let us pretend that this mob opposite, or this big minister with such little capacity, would say that we should have a clean earth approach to this clean sheet of the way economics works in global industries. Let us imagine we can allocate resources according to some Milton Friedman copybook. Such a big man has been such a big disappointment. That is the situation that this hapless minister has been dealt by this government.

There is no point having meetings with stakeholders after the horses have bolted. The lack of resources to allocate to structural investment, no co-investment, no investment in skills and ripping away investment in TAFEs are all because those opposite do not believe in government. They occupy the government benches, but they do not believe in the empowering or enabling role that government can play in the economy, in our community or in our society. The Premier must act. He must sack his Minister for Manufacturing.

Geelong Highland Gathering

Mr KATOS (South Barwon) — This afternoon I rise on the adjournment debate to raise a matter for the attention of the Minister for Tourism and Major Events. The action I seek is for the minister to consider a funding request for the 2014 Geelong Highland Gathering, to be held on Sunday, 2 March, at the Deakin University campus in Waurn Ponds.

The annual Geelong Highland Gathering is one of Victoria's longest running festivals of Scottish culture. The festival originated in 1857 as a clan gathering on the plains of South Geelong. In recent times it has been held at Queens Park at the Newtown and Chilwell Cricket Club's oval, but due to the cricket finals being held there, there was some conflict, as the gathering and the cricket finals were being held at the same time. They moved temporarily to the Geelong Showgrounds, but now they have found a new home at Deakin University. The 2014 highland gathering will be held in my electorate of South Barwon at Deakin University. This is an excellent venue, with ease of parking and convenient access off the Geelong Ring Road for those who are traveling from outside Geelong.

The event includes a range of cultural activities, pipe band contests, dancing contests and highland games. There are also various clan tents which offer visitors a chance to trace their ancestry. The highland gathering is a smaller event in major event terms; however, it has huge local community significance, promoting Scottish culture, dance and music. The event has generally attracted about 3000 visitors and performers, with approximately 60 per cent from outside the immediate Geelong region. The Geelong Highland Gathering provides a real boost for local tourism businesses throughout the Geelong region. I look forward to attending the Geelong Highland Gathering and wish the organisers another successful event promoting their rich Scottish culture. I respectfully ask the minister to support the funding application by the Geelong Highland Gathering.

School support staff

Ms NEVILLE (Bellarine) — The matter I raise is for the Minister for Education, and the action I seek is that the minister take urgent action to provide appropriate funding and support for the school support staff (SSS) networks across Victoria. School support staff include psychologists, social workers and speech pathologists. These highly skilled front-line staff work in government schools and with some of Victoria's most vulnerable children. In many cases their work extends to the children's families and schools. The role of the SSS network is vital in ensuring that each child has the sort of support they need to be able to participate in and get the most out of their education. These support professionals can have a significant impact on a child's social and academic development. It is often the support the child receives that will make all the difference to their experience of school and, consequently, to their future prospects in education, training and employment.

Despite this, there are serious questions around the funding of the service. It is unclear what formula is used to allocate the budget to each of the networks across the state, and over the past 12 to 18 months there has been a reduction of funding in real terms, particularly in the Geelong region, with an inevitable reduction in support services. This impacts also on the service's infrastructure. I know that in Geelong and Bellarine the buildings that are currently being used by the staff are badly in need of repair and maintenance. There are real occupational health and safety issues in relation to the buildings in which the staff are working, and there has been no upgrade of the necessary technology and no technical support.

Budget issues relating to the transfer of management of the service to principals, which has happened under this government, has had a direct impact on the day-to-day and staffing operations, and the only practical solution has been to reduce services. From speaking to principals I know that staff have had an enormous additional workload and enormous extra stress placed on them in relation to this change in management. All of this is undermining the effectiveness of the service, and the situation needs urgent attention. It is in the interests of the whole community that all children have the opportunity of a good education. The SSS service is vital to ensure that our most vulnerable children are not left behind. I again ask that the minister urgently provide the service with the funding and support that is required for it to meet the needs of Victoria's most vulnerable schoolchildren, their families and their schools.

Orbost and Lakes Entrance gas supply

Mr BULL (Gippsland East) — I raise a matter for the attention of the Minister for State Development, whom I am pleased to see at the table, and the action I seek is for the minister to visit my electorate and update the community on the provision of natural gas for the Orbost and Lakes Entrance townships. As members will know, Orbost and Lakes Entrance were announced by the coalition government as being among the key priority towns for connection. The process thus far has been that expressions of interest were initially invited, the next step was that a bounty was offered to companies, and these two steps resulted in the delivery of a reticulated gas network to some of those priority towns. Following these two measures a tender process was entered into for the balance of the priority communities and also for some Murray River townships.

Access to natural gas is something that is being sought by business groups in both Orbost and Lakes Entrance,

and there has also been strong interest from the residential sector in those communities. The connection of reticulated gas will be a welcome boost to their respective economies. Apart from being a cheaper energy alternative for both businesses and residences, it will also provide an additional attraction to those people who are considering a tree change or a sea change and moving to these townships.

A township such as Lakes Entrance that relies heavily on industries like fishing and tourism would welcome access to a reticulated gas network. For the many tourism and accommodation houses it would certainly provide a cheaper and cleaner alternative, and to major industries like the Lakes Entrance Fishermen's Co-operative Society on Bullock Island, which does a lot of its own fish processing on site, it would also be a very beneficial opportunity and energy source. Lakes Entrance also has a number of areas that are being opened up for residential development. The whole area north of Lakes Entrance is presently being subdivided. For those people who are considering land purchases and moving to those towns, it would certainly be a great attraction.

Orbost, as we well know, in relatively recent years has had a downturn in one of the major industries in the town, being the timber industry. It would also welcome the boost of having an alternative energy source for business and industry within that area, which would make it a much more attractive proposition. I ask the minister to come to my electorate and update the community on the provision of natural gas for those two townships.

Manufacturing sector employment

Ms D'AMBROSIO (Mill Park) — The action I seek from the Minister for Manufacturing is that I ask him to urgently develop and release a jobs plan for Victoria and for it to include a particular focus on Melbourne's northern suburbs. On 24 October workers at the Golden Circle factory in Mill Park received the shocking news that nobody ever wants to get, which was that their jobs will disappear, the factory will be shut down and that product lines will be moved to Queensland. The news came as a bolt out of the blue, and this was not because the factory was not making a profit. Two years ago Heinz Australia, the owner of Golden Circle, announced a plan to invest more than $10 million in Mill Park to install robotic palletisation to improve efficiency. What has happened in the interim is unclear, but the decision to close down was made with the factory being described as too small and no longer commercially viable.

Unfortunately this sad news drew no response at all from the Napthine government. It remained silent while more than 120 workers were left wondering what the future will hold for them once their jobs disappear in March. Sadly, this distant and out-of-touch approach is characteristic of the way this government responds to job losses.

How many more jobs have to go before the government takes some action, rolls up its sleeves and gives Victorians some real hope that there is a jobs future for them and their families in this state? Since this government was elected 25 300 manufacturing jobs have disappeared from Victoria, according to Australian Bureau of Statistics data from August 2013. Of course we have had the terrible news that Holden will close its doors in 2017, and just a few months ago Ford announced that its Broadmeadows factory will close in 2016 and 650 workers from the local area will lose their jobs.

Tom Hale from the Australian Manufacturing Workers Union has indicated that the majority of those employees at Golden Circle are looking for new jobs. Together with the member for Thomastown and the federal member for Scullin, I met with Tom recently to discuss the challenges facing the Golden Circle workers. I would like to acknowledge the efforts the union has made in standing up for jobs in the sector more generally, drawing particular attention to the impact that the Golden Circle closure will have on growers and suppliers across regional Victoria.

Together with the member for Thomastown, I am in this place to stand up and speak for the workers of Golden Circle and their families — and workers like them throughout Victoria. They certainly deserve better than they are getting from the Napthine government. I urge the Minister for Manufacturing to do the right thing and develop a comprehensive jobs plan for Victoria with a particular focus on the suburbs of Melbourne.

Broadmeadows railway station myki validator

Ms McLEISH (Seymour) — The request I make is of the Minister for Public Transport. The action I seek is that he ensure that there is a myki validator on the platform at the Broadmeadows railway station where country commuters board or alight from trains heading north or south to and from country areas.

The minister would be well aware that many towns in my electorate are on the Seymour rail line. It is a very popular line, and a lot of people use it in their daily commute to and from the city. This line also extends to

Shepparton and Albury-Wodonga, so we have a lot of people coming from the north. The train stops in Seymour and at times in a lot of the towns between Seymour and Broadmeadows, and typically it stops in Broadmeadows. People who decide to hop off the train at Broadmeadows find that there is no myki validator on the country platform. There are validators on the metropolitan platforms, but people from country areas who disembark at Broadmeadows on the Seymour line need to move off that platform and go to one of the other platforms, walking up and down, to find a myki validator to validate their tickets. This is extremely inconvenient, and I would certainly like the minister to have a look at it.

I know the minister has been very helpful in terms of improvements made on the Seymour line, which was completely ignored by the former government. The addition of extra carriages in the mornings and afternoons has been extremely pleasing. There are two additional carriages with 60 seats each running at peak times. That is 120 additional seats each day, Monday to Friday, in both directions. I know it is particularly pleasing to my constituents that the overcrowding on this train line has been addressed in this way. There has also been a lot of investment in the upgrade of the line, with sleeper replacements, ballast replacements and improvements to the platforms at Kilmore East, Broadford and Wallan.

With the changes and improvements that are being made the line continues to become more and more popular, which is a great thing because it is a wonderful way to come to the city from towns in the north. But for those who want to hop off at Broadmeadows — we need to be mindful that not everybody is travelling to Spencer Street; people with country tickets will be alighting at different stations — which is a very large and popular station, I would appreciate it if the minister could look into this matter so passengers can easily validate their myki cards on that country platform.

Coatesville Primary School

Mr LIM (Clayton) — My adjournment matter is for the attention of the Minister for Education. I just saw him come into the chamber, and I appreciate his presence. The matter concerns the promised upgrade of Coatesville Primary School in Bentleigh East. The action I seek is that the minister ensure that there is funding in the 2014 budget for construction of the upgrade.

Coatesville Primary School is in a state of disrepair. Its buildings are rotting and becoming uninhabitable. Birds are nesting in the walls and stairs. The stumps are rotting, causing one room to become so unstable that it has been closed. This particular classroom remains unchanged from the time of its construction in the 1950s. The school community cannot hold whole-of-school assemblies and events as the hall is not big enough to accommodate them. Coatesville is at a point where many families are being turned away due to a lack of usable space. The school is so short of space that the library often has to be used for classroom space. Coatesville Primary School's 600 students deserve better.

At the 2010 election Labor promised an upgrade of the school as part of the former government's Victorian schools plan — a plan that was cut by the Baillieu and Napthine governments. When the government allocated funds for the planning of the upgrade, the community was hopeful that the school would finally receive the upgrade it desperately needs. The last budget came without construction funds for Coatesville, and the school community has rightly been questioning whether this government intends to fulfil its promise. The community fears that the promised upgrade will go the way of many of this government's unfulfilled promises. These fears were compounded when on 5 December the *Age* reported the contents of an internal Department of Education and Early Childhood Development report which shows that this government has halved spending on new school buildings since taking office.

Coatesville Primary School is located in the electorate of the member for Bentleigh, on the border of the new Clarinda electorate. The previous government invested more than $60 million in building schools in Bentleigh, a proud record of achievement. While the member for Bentleigh has been a keen attendee at the openings of Labor's Building the Education Revolution school buildings, which were opposed by those opposite, the Napthine government has not commenced the construction of a single school upgrade in that electorate.

Schools in our local area are suffering. Indeed the education system in Victoria is suffering under this government. The Napthine government has shown it just does not care. It has shown a total disregard for education over the past three years, but the Minister for Education can change all that, and I hope he will attend to this request as a matter of urgency by including the upgrade of Coatesville Primary School in the 2014 budget.

Mount Martha north beach

Mr MORRIS (Mornington) — I rise this evening to raise a matter for the Minister for Environment and Climate Change. It relates specifically to the situation at the Mount Martha north beach. The action I am seeking from the minister is that he avail himself of the earliest opportunity to visit the Mornington electorate and view the situation at Mount Martha north beach, with a view to supporting necessary remedial action.

Until relatively recent times the beach to the north of the estuary of Balcombe Creek was an enclosed coastal system. We had a situation where sand migrated south during the winter under prevailing northerly winds, and then when the summer came in the prevailing winds generally reversed and the sand would move back up the beach. In probably 2000 the rock reef at the northern perimeter of that system sustained fairly severe erosion. Since that time, the substantial movement of sand has been south, and it has not always returned to the north. After that particularly bad storm in 2000, some nine boatsheds were lost. They have been reconstructed to a new building standard, and they are actually hanging in there quite well. In the intervening period we have had quite substantial damage to the cliff face. The esplanade runs fairly close to the edge of the cliff there, and if that damage were to be any more extensive, then obviously the road could be in some difficulty as well. It has not reached that point yet.

In 2010, I think it was, the then Department of Sustainability and Environment undertook some works. It moved around 12 000 cubic metres of sand onto the beach. That solved the problem for the time being and certainly prevented any further erosion. The department undertook quite a lot of works, including battering back the overhanging cliff area. In the interim there has been a two-year study by a leading firm. Now we have further difficulties with sand loss again. In late October I met with representatives of the Mount Martha North Beach Association and the Mornington Peninsula Beach Box Association. I understand that more recently those representatives have also met with representatives of the Department of Environment and Primary Industries. We have now got to the point where we need the minister to come and have a look at it firsthand to see what is going on and what he can do to assist in this unfortunate situation.

Responses

Mr RYAN (Minister for State Development) — The member for Gippsland East has raised with me a very important issue regarding the supply of natural gas to his electorate, very particularly to the beautiful towns of Orbost and Lakes Entrance. He outlined very eloquently the bases upon which those respective communities seek the provision of supply. The magnificent attributes of that electorate are well known to all; accordingly, particularly in the prevailing circumstances, I do not need to reiterate them for the purposes of the members present.

I can assure the member that the project for the supply of natural gas to those towns is in fact proceeding very well. The department has a tender which is the subject of consideration by a number of potential suppliers. This is with regard to an $85 million package that includes $55 million which will ensure that the remaining 9 of the 14 nominated towns the coalition referred to prior to the election as being guaranteed the supply of gas will be incorporated in this tender. Among those nine towns, without going through them all, are the towns of Lakes Entrance and Orbost. The other $30 million of that $85 million tender is for the towns along the Murray River.

We well recognise that this is an important issue for the member's local communities. I have extended the tender, although it was due to be completed by 4 December, simply because considerable interest has been shown by the parties involved in the process. They have asked of the government that there be additional time. Accordingly, to make certain that we get the best outcome for money from the proposal which is on the table, I have agreed to extend the tender into the first quarter of 2014. The bottom line, though, is that the commitment will be met and Orbost and Lakes Entrance will be supplied with natural gas.

Mr DIXON (Minister for Education) — Merry Christmas to you, Speaker, and to all members. The member for Clayton raised the issue of Coatesville Primary School, which has been raised with me on numerous occasions by the member for Bentleigh, who represents that area well. In this year's budget, planning money was allocated to Coatesville Primary School. Unlike the previous government, which allocated planning money to 200 schools and left no money to actually build what was planned, this government will not do that. The only reason the school did not receive its capital funding this year was that the plans had not been finished. You cannot put something out to tender for building unless the plans have been completed. Now the plans have been completed and this government will fund schools that we say we will give planning money to — we will not leave them hanging like the more than 200 schools that were left hanging by the previous government.

The member for Essendon raised an issue regarding political advertising. There are very, very clear guidelines on the department website regarding that. I caution the member that some of his colleagues and some of his union mates in the Australian Education Union have been sailing very close to the wind on that one as well. It is probably not a good thing for people in glass houses to raise. I will leave it at that. As I said, the guidelines are very clear and they are on the department website.

The member for Bellarine raised with me the issue of the student support services officers and the great job they do. Under the previous government if someone wanted a speech therapist, for example, a school principal had to fill out a 10-page form that was sent off to a central agency. Eventually all the student support services officers had a meeting and allocated somebody to that school and the speech therapist went out to the school. That added weeks and weeks to the time between the time when the need was reported and the time when the child actually received the service. As well as that, a lot of members were caught up in the centre, and they were not getting out to schools. The speech therapist might not be the same one the next time around because someone else was allocated, so no relationship was built up between the specialist and the school, which is a very important part of their job.

We changed that. We said, 'These student support services officers should not be in the regional offices. They should be out in the schools, working with schools and building up relationships with individual schools'. In the last survey of principals that was done on the service there was a 90 per cent satisfaction rate, compared to I think a 60 per cent or 70 per cent rate under the previous service. We have seen an increase in the satisfaction rate, and the principals and school communities are happy. Most importantly, it is about the kids. It is not about money; it is about getting a service without weeks and weeks of waiting, and establishing a relationship between the provider of the service and the student, the family and the teacher. That is what this service is now providing that it never did in the past.

Mr MULDER (Minister for Public Transport) — The member for Seymour, who is a very hardworking member — not much gets past the member for Seymour — raised with me a matter in relation to the Broadmeadows railway station. She has obviously been talking to a lot of her constituents who travel along the line that goes through that station. She has pointed out that there is no myki validator on the country platform although there are myki validators available on the metropolitan platforms. That means country passengers have to make their way over to a metropolitan platform in order to validate their myki card.

It does not seem right to me that this situation exists. I am glad that the member for Seymour, very observant as she is, has brought this matter to my attention. This matter will be raised with Public Transport Victoria, our new public transport statutory authority, which is doing a fantastic job. It is 20 months young, and the impact it has had on the network since taking over has been quite extraordinary.

As the member points out, a lot of country passengers move up and down that network on a daily basis from Monday to Friday. A lot of work has been undertaken to improve the performance of that line, including sleeper and ballast replacement, but a myki validator is needed. I will take up that matter, and I thank the member for Seymour for raising it with me.

The people of Carrum Downs are in for a ride now that the member for Carrum will be taking part of the current electorate of Cranbourne into the new Carrum electorate. You have to wonder what the member for Cranbourne has been doing for a long time, especially with regard to the intersection of Wedge Road and Dandenong-Frankston Road. I do not think the people of Carrum Downs are all that happy with the representation they have received in the past, but I can say one thing: the member for Carrum is an achiever and a hard worker. It is no wonder people in that electorate are writing to the member for Carrum. Her reputation has obviously preceded her down there.

I can advise the member that this is a dangerous intersection. There have been 18 casualty crashes at the intersection of Wedge Road and Dandenong-Frankston Road in the past five years. Nine of the crashes have resulted in serious injuries. I will arrange a meeting with the member for Carrum, and I will come down and look at the intersection with her. I will also arrange to bring along a representative of VicRoads so we can consider what the options are to do something about that crossing, because 18 casualty crashes in five years, 9 of those resulting in serious injuries, is too many.

I am more than happy to come down and have a look at that intersection with the member for Carrum, and I thank her for raising the matter with me in the house.

Mr R. SMITH (Minister for Environment and Climate Change) — Speaker, I take this opportunity to wish you a Merry Christmas, along with the clerks, the Serjeant-at-Arms and the attendants. I very much appreciate the effort that has been put in by all of those people.

The member for Mornington raised an issue regarding sand renourishment at Mount Martha Beach. When we came to office there was no plan in place for the renourishment of beaches. Over the last few years we have been able to create a comprehensive plan and structure for how we renourish beaches. We consider weather and wave patterns and also the economic impact of beaches being in a condition that the public wants to see. As a result we have been able to perform a number of strategic renourishments over the last few years at Blairgowrie, Frankston and a number of other beaches. I welcome the member for Mornington's comments, and I am happy to go and have a look at the situation.

This government has allocated $9.6 million for renourishment and other works around the bay. In addition to that, in the last budget we were able to allocate a further $9.1 million for beach works right along the coastline. As members would know, in Victoria we are blessed with a fantastic coastline with many locations that numerous people visit and enjoy. We should be very proud of our coastline, and I am sure that many members are. They are my comments more broadly, but in relation to the member's request, I will be happy to come down and join him on a sunny Mornington morning and consider the sort of work we can do.

Ms ASHER (Minister for Innovation, Services and Small Business) — The member for South Barwon spoke about a small local event, the Geelong Highland Gathering, to be held in Waurn Ponds on 2 March 2014. I am pleased to inform the member that $2500 has been allocated to assist with promoting this event and to help attract visitation and yield to the region. That funding is being provided by the government through the October 2013 round of the Country Victoria Events program. The government provides this funding to regional Victoria twice a year to help smaller regional events attract increased visitation and to provide an economic boost to local businesses. I am sure that members of this house would be pleased to know that a total of $75 000 has been allocated in this round to fund 28 events across Victoria, but I will not go through all 28 events at the moment. However, I advise members that the next funding round closes on 1 April 2014.

The member for Albert Park has raised a matter for the Premier. I will convey that to the Premier, who I am sure will give it the attention it deserves.

The member for Mill Park has raised a matter with the Minister for Manufacturing in relation to his portfolio, and I will relay that to the minister.

In conclusion, I take this brief opportunity to wish all members of this house and staff of the Parliament a very merry Christmas.

Christmas felicitations

The SPEAKER — Order! I will also take a few moments to give everybody, on all sides of the house, my best wishes for Christmas. I hope you have a safe and very happy break over Christmas with your family and friends. I would particularly like to give my best wishes to the Premier, the ministers, the backbenchers on both sides, my colleague the Deputy Speaker, and the acting speakers. Also, the Clerk, Ray Purdey; the Deputy Clerk, Bridget Noonan, who has taken on a new role this year; the Assistant Clerk Committees, Anne Sargent; and the Serjeant-at-Arms, Robert McDonald, who was put to the jump pretty early in the piece.

I thank the attendants who look after us — Paul Groenewegen and all of his excellent staff who do such a wonderful job around the place; our buildings and gardens people who keep our place in good order; and the contractors who have worked on the renewal of the front steps and those continuing the stonework around the building — they are doing an excellent job for all of us. Peter Lochert and his team over at the Department of Parliamentary Services look after us extremely well. The members of the Hansard team record everything we say and then make it sound good. The IT staff keep us up to date with whatever comes across our computers and our iPads and our iPhones and everything else. The team which looks after the vision over there does a very good job. My thanks also so the staff of our gift shop, which opened up this year — do not forget to buy your Christmas gifts there before you leave today.

An honourable member — It's already closed.

The SPEAKER — Stop complaining! My best wishes also to members of the dining room staff, Paul McConville and chef Michael Craig and of course Karen, who is always there looking after us, and the other staff who look after us in the dining room. My personal staff, Santhi and Jeremy, and my driver, Mark, have been absolutely fantastic this year.

I would like to extend my best wishes to all of you. I hope you really do have a safe and a very happy Christmas with your family and your friends. The house will now adjourn.

House adjourned 5.59 p.m. until Tuesday, 4 February 2014.