PARLIAMENT OF VICTORIA

PARLIAMENTARY DEBATES (HANSARD)

LEGISLATIVE ASSEMBLY

FIFTY-SEVENTH PARLIAMENT

FIRST SESSION

Tuesday, 1 April 2014

(Extract from book 5)

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By authority of the Victorian Government Printer

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The Honourable ALEX CHERNOV, AC, QC

The Lieutenant-Governor

The Honourable Justice MARILYN WARREN, AC

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(from 17 March 2014)

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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, Mr Hodgett, Ms Kairouz, Mr O'Brien and Mrs Powell.

Joint committees

Accountability and Oversight Committee — (*Assembly*): Ms Kanis, Mr McIntosh and Ms Neville. (*Council*): Mr D. R. J. O'Brien and Mr Ronalds.

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 Drum, Mr Lenders, Ms Lovell and Ms Pennicuik.

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

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

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

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

Family and Community Development Committee — (*Assembly*): Ms Halfpenny, Mr Madden, Mrs Powell and Ms Ryall. (*Council*): Mrs Coote.

House Committee — (*Assembly*): The Speaker (*ex officio*), Ms Beattie, Mr Blackwood, Mr Burgess, Ms Campbell, Ms Thomson and Mr Weller. (*Council*): The President (*ex officio*), Mr Eideh, Mr Finn, Ms Hartland, Mr D. R. J. O'Brien and Mrs Peulich.

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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 Garrett, 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 D. R. J. O'Brien.

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. CHRISTINE. FYFFE (from 4 February 2014)
The Hon. K. M. SMITH (to 4 February 2014)

Deputy Speaker:
Mr P. WELLER (from 4 February 2014)
Mrs C. A. FYFFE (to 4 February 2014)

Acting Speakers:
Mr Angus, Ms Beattie, Mr Blackwood, Mr Burgess, Ms Campbell, Mr Languiller, Mr McCurdy, Mr McGuire, Mr McIntosh, Ms McLeish, Mr Morris, Mr Nardella, Mr Northe, Mr Pandazopoulos, Ms Ryall, Dr Sykes and Mr Thompson. (to 2 April 2014)
Mr Angus, Mr Blackwood, Mr Burgess, Mr Crisp, Mr McCurdy, Mr McIntosh, Ms McLeish, Mr Morris, Ms Ryall, Dr Sykes and Mr Thompson. (from 3 April 2014)

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The Hon. E. N. BAILLIEU (to 6 March 2013)

Deputy Leader of the Parliamentary Liberal Party:
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The Hon. P. J. RYAN

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

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The Hon. D. M. ANDREWS

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

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Green, Ms Danielle Louise	Yan Yean	ALP	Southwick, Mr David James	Caulfield	LP
Halfpenny, Ms Bronwyn	Thomastown	ALP	Sykes, Dr William Everett	Benalla	Nats
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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

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TUESDAY, 1 APRIL 2014

Tuesday, 1 April 2014

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

QUESTIONS WITHOUT NOTICE

Geelong Hospital

Ms NEVILLE (Bellarine) — My question is to the Premier. On 23 March a man in his 80s lay in an ambulance ramped at the Geelong Hospital for over an hour with his spine immobilised following a serious fall. This man was one of at least eight patients who sat in ambulances for up to 2 hours that night just to get in the front door. With the Geelong Hospital already in crisis, can the Premier detail how many more patients will wait in pain because of another $12 million Liberal Party cut to our hospital?

Dr NAPTHINE (Premier) — I thank the honourable member for her question and for her belated interest in health in the Geelong area. The honourable member asked a question about ambulance services and the Geelong Hospital. I can advise the house that under the coalition government our health services have received a record level of funding. In the 2013–14 financial year our health services received funding of $14.3 billion, which is $2 billion — or 14.6 per cent — more than they received under the Labor government.

Honourable members interjecting.

Dr NAPTHINE — Ambulance services have received an increase in funding of 17.3 per cent since the coalition came to office. That is a record level of $662 million. There have been 465 paramedics added to Ambulance Victoria's ranks since the coalition came to office. This has delivered an additional 28 598 shifts. With respect to the issue of transfers from ambulances to hospitals, the figures show that in the 12 months from July–September 2012 to July–September 2013 there was a significant reduction in ambulance wait times to transfer patients.

There has been increased funding for health services, there has been increased funding for ambulance services and there has been — —

Honourable members interjecting.

The SPEAKER — Order! The Premier has been speaking for 3 minutes and 55 seconds, and the Leader of the Opposition has been interjecting for 2 minutes. The member for Pascoe Vale is warned, and if she interjects in that manner again, she will be leaving the chamber.

Dr NAPTHINE — With respect to the specific issue of Barwon-south western region, 50 additional paramedics have been added in that region since 2009–10, providing 2555 additional shifts. At the same time, we on this side of the house recognise that not only do you have to provide additional money for ambulance services, not only do you have to provide additional — —

Ms Neville — On a point of order, Speaker, in relation to relevance, the Premier was asked about a specific date in Geelong when ambulances were ramped, and he has failed so far to address that question.

Honourable members interjecting.

The SPEAKER — Order! The house will come to order. Not only should the house be quiet when a member raises a point of order, there should also be quiet when the Chair is trying to rule on a point of order. On the point of order, I believe the Premier was being relevant to the question asked.

Dr NAPTHINE — As I was explaining to the house, not only have we provided record funding for Ambulance Victoria, we have also put on 465 additional paramedics. We have provided additional resources and new ambulance stations, and we have provided record funding for our health services, including Barwon Health. We are also investing significantly in capital works, with over $90 million being spent on upgrading facilities at the Geelong Hospital and $50 million being provided for the new Waurn Ponds hospital.

The question asked specifically about, as I recall, 23 March 2014. I am advised that on 23 March 2014, 10 ambulances arrived between 3.00 p.m. and 9.00 p.m., and there were no reported delays. Between 3.00 p.m. and 8.00 p.m. the longest time to off-load was 6 minutes, and between 8.00 p.m. and 9.00 p.m. it was 19 minutes. Staff did have a busy time there, but the patients were transferred within an appropriate time frame and there were no adverse outcomes as a result of that. That is what I am advised, and that is what I can advise the house.

Ms Neville — I seek leave to table the document that relates to this. It shows that the Premier is not — —

The SPEAKER — Order! Is leave granted? Leave is refused.

VicRoads Ballarat relocation

Ms McLEISH (Seymour) — My question is to the Premier. What action is the coalition government taking to grow jobs and stimulate economic growth in regional Victoria, and is he aware of any alternative policies?

Dr NAPTHINE (Premier) — I thank the member for Seymour for her question and for her huge interest in jobs and economic growth in regional and rural Victoria. On Sunday I was delighted to be in Ballarat with local mayor, Cr Joshua Morris, to announce that if the coalition is re-elected in November, we will relocate the VicRoads headquarters to Ballarat. That decision will deliver 400 or more jobs to the CBD in Ballarat — that is, at least 400 new jobs in the CBD of Ballarat.

That decision will deliver 400 new jobs to Ballarat. It will deliver $40 million a year into the economy of Ballarat. Ballarat is an ideal site for the VicRoads headquarters and its key activities and functions. This will build on Ballarat's position as a leading centre for information and communications technology, with Federation University Australia and the Ballarat Technical Park — and particularly the Ballarat tech park CBD centre, which I opened recently, creating more jobs in Ballarat.

The new VicRoads headquarters will be located on the corner of Mair Street and Armstrong Street North, which is close to the CBD of Ballarat and close to the Ballarat railway station so that people who are employed in that facility will be able to take advantage of this government's massive commitment of $4.8 billion into the regional rail project, which will provide regular, reliable, punctual services to and from Ballarat for staff at the VicRoads headquarters.

This relocation will include licensing and registration, finance, human resources, administration, legal and risk management and a number of senior management positions. This relocation decision has been enthusiastically endorsed by the Ballarat community. The mayor, Cr Joshua Morris, said:

> This is a very significant announcement for Ballarat.

He said further:

> … this relocation of 400 jobs into our CBD will certainly be of great benefit to the economy here. We're talking about $40 million of … economic activity within our CBD as a result of this announcement …

Indeed the Ballarat *Courier* today, under the heading 'Traders hope for a boost to businesses', states:

> CBD traders have united in support of a new VicRoads headquarters with the potential to flood the area with hundreds of additional shoppers and diners.
>
> A number of business owners and operators around Mair and Armstrong streets … voiced their excitement —

at this decision. The Your View section of the paper states:

> Brilliant news for Ballarat.

And:

> In my 34 years of being in Ballarat this is the best announcement I have heard by any government.

That is what they are saying in Ballarat. Joseph Van Dyk, in the Ballarat *Courier* letters section, said:

> The VicRoads relocation is an insightful decision by Premier Dr Denis Napthine with a huge array of benefits for Ballarat and the region.

This builds on the decision we have already made to relocate the Victorian WorkCover Authority headquarters in Geelong, with 600-plus jobs for Geelong.

This is a great decision for Ballarat, and a great decision for regional and rural Victoria. This is about growing the whole state. It is also about creating jobs in the construction of new headquarters. What we know is that when the coalition is involved in the construction of new headquarters, it will be delivered on time and on budget. It is not like the desalination plant, where rogue unions ran amok and bikies were allowed free rein on the desalination site while the Labor Party turned a blind eye to the activities of its rogue mates in the Construction, Forestry, Mining and Energy Union.

Austin Hospital

Mr CARBINES (Ivanhoe) — My question is to the Premier. On 26 March an 80-year-old woman with internal bleeding lay in an ambulance ramped outside the Austin Hospital for 2 hours. With the Austin Hospital already in crisis, can the Premier detail how many more patients will wait in pain because of another $18 million Liberal Party cut to our hospital?

Dr NAPTHINE (Premier) — I do not accept the premise of the question, particularly in relation to the allegation of reduced funding for the Austin Hospital, because the facts are that under the coalition government the Austin Hospital has received increased funding — that is, more funding, not less funding.

The coalition government has provided a record level of funding to our health services across the state —

$14.3 billion worth of funding. That is $2 billion more than under the previous Labor government and the previous health minister in Victoria. With respect to the Austin Hospital, in this year's budget the Austin Hospital is getting $54 million more funding under the coalition government, not less funding, so I do not accept the premise of the question.

I also note that in the latest data on health service performance at the Austin Hospital there has been an improvement in the time taken for ambulance transfers into the hospital. Across the state we have seen a decrease in the time taken for ambulances to transfer patients to hospitals, and part of that is a decrease in the time taken at the Austin Hospital. What we are seeing at the Austin Hospital is more money for the health service and more money for the hospital.

With Ambulance Victoria we are seeing a record level of funding of $662 million. We are seeing 465 additional ambulance officers, who are being managed by Ambulance Victoria in the best interests of delivering services to the people of Victoria. The figures show there is more money for the Austin Hospital and record levels of funding for ambulances across Victoria.

Regional Victoria Living Expo

Mr DELAHUNTY (Lowan) — My question is to the Minister for Regional and Rural Development. How is the coalition government promoting investment, growth and job opportunities to encourage families and businesses to make the move to regional and rural Victoria?

Mr RYAN (Minister for Regional and Rural Development) — I thank the member for Lowan for his question — —

Ms Allan interjected.

The SPEAKER — Order! If the member for Bendigo East is going to continue interjecting like that, she will be leaving the chamber.

Mr RYAN — I know the member for Bendigo East is excited, because we are getting natural gas to Huntly. It is happening at last, and I know she has pined for it to happen for years. As we know, that is but one example of how it is that rural and regional Victoria is a key to the future growth of this great state. Much of this is being driven by the $1 billion Regional Growth Fund. We are using it to create thousands of new jobs — thousands of new jobs in relation to construction — and to preserve thousands of jobs in circumstances where they might otherwise have been lost. The Regional Growth Fund is a great banner leader.

One of the things we want to do as a government is to encourage Melburnians to move out to the regions of Victoria, but we also want those who are coming to Victoria in the great numbers that they are to come and live with us in the regions. That is why we are conducting the third Regional Victoria Living Expo. It will run for three days, from 11 April to 13 April, at the convention centre. It will be great event.

Honourable members interjecting.

The SPEAKER — Order! The level of noise — the level of general conversation as well as the interjections — is showing disrespect to this house. I ask all members to behave as a member of Parliament should.

Mr RYAN — The first of the great series of events will be a luncheon on Friday afternoon, and I can tell the house that, apart from yours truly saying a few words, the real speaker for the day will be the great Garry Lyon, who wore the no. 3 with such distinction for the mighty Demons for so many years. He will be there to tell his life story, how he began in Kyabram and advanced to the great levels he did over the succeeding years. That is but one attraction in this series of events.

Honourable members interjecting.

Questions interrupted.

SUSPENSION OF MEMBER

Member for Ripon

The SPEAKER — Order! The member for Ripon will leave the chamber for 1 hour.

Honourable member for Ripon withdrew from chamber.

Honourable members interjecting.

The SPEAKER — Order! I have 10 other names down here. If members want to join the member for Ripon, they should keep behaving the way they are.

QUESTIONS WITHOUT NOTICE

Regional Victoria Living Expo

Questions resumed.

Mr RYAN (Minister for Regional and Rural Development) — This is about jobs. It is about housing, education and health opportunities in regional Victoria, and it is about business promotion. It enables those who conduct business in the regions of the state to show their wares, as it were. There will be 140-plus exhibitors. The 48 rural and regional councils will be there promoting their interests, not only the 10 regional cities but also the 38 rural councils. They will all be represented.

Key employers and key employer organisations will also be there. A series of seminars will be conducted over the course of the weekend. They will include references to business start-ups, to career change, to home and education options — all these sorts of alternatives will be there, being promoted by various businesses, by the private sector in particular.

There will be an extensive arts and culture program. That has been organised through Arts Victoria and Multicultural Arts Victoria. I thank the Minister for the Arts and her department for the great part they played in this. I know that this is of great interest to all persons in this chamber, particularly, I might say, the Minister for Police and Emergency Services, who always enjoys these occasions and these arts issues.

There will be a sports-in-the-community precinct because people need to be able to see how important sporting pursuits are in rural and regional Victoria. We want more people more active more often. That is what we want to have happen in rural and regional Victoria, and that precinct will be there so we can promote those sports interests.

For the third year First National Real Estate will be the major sponsor of the event. It has been with us for three years, since the inception of this great project. It has created its own website in relation to the event which can be accessed at www.firstnationalrural.com.au. I know everybody will rush to look it up because it is a great indicator of the weekend's events. This is a critically important event for us. Last year we attracted 9500 people; this year we are after the magic 10 000. I say to everybody here. Be there!

Northern Hospital

Ms GREEN (Yan Yean) — My question is to the Premier. On 21 March a Kilmore-based Wallan ambulance crew was forced to wait ramped outside the Northern Hospital in Epping for 3 hours with a patient in severe pain. With the Northern Hospital already in crisis, can the Premier detail how many more patients will wait in pain if another $10 million Liberal Party cut is enacted?

Dr NAPTHINE (Premier) — I thank the honourable member for her question. When we came to the government we recognised that the Northern Hospital was in serious need of additional resources. That is why we have put a record level of funding into our hospital system: $14.3 billion. That is why we are investing in capital works at the Northern Hospital — capital works that were ignored by the previous government. That is why in our time in government, in the three and a half years we have been here, we have put funding in for a new emergency department, to completely rebuild the emergency department at the Northern Hospital. We also understand that you have not only — —

Honourable members interjecting.

The SPEAKER — Order! The Leader of the Opposition has a choice: he will cease interjecting in that manner or he will be leaving the chamber.

Dr NAPTHINE — As well as additional emergency beds and an emergency department, we also understand that you must build ward beds. That is why we have provided funding for the expansion of ward beds at the Northern Hospital. We have significantly invested in capital works at the Northern Hospital to cater for the growing needs of that community. At the same time we have invested significant additional funding into Ambulance Victoria — a record $662 million, 465 additional paramedics and a significant increase in the number of shifts for those paramedics.

With respect to the time it takes for the transfer of patients into emergency departments, in January 2014 — —

Honourable members interjecting.

The SPEAKER — Order! I advise the member for Clayton that communication with the gallery, whether by voice or by gesture, is not permitted. I ask him to cease doing so.

Dr NAPTHINE — The January 2014 statewide patient transport data indicates that 85 per cent of patients were transferred in less than or equal to 40 minutes, which is a 5 per cent improvement on the same time last year. That was in January this year,

when we had significant heat conditions that increased significantly the activity for Ambulance Victoria. The September quarter 2013 figures show significant reductions in the time it takes to transfer patients from ambulances into our health system. That is because we have taken a comprehensive approach to dealing with this problem and to fixing the problems we inherited from the Labor government.

Ms Green — On a point of order, Speaker, on the question of relevance, it might be very interesting for the Premier to look in the rear-view mirror about what has occurred, but that is not what the question is about. The question is: if there is a $10 million cut, how many more patients will wait in vain?

The SPEAKER — Order! The member for Yan Yean!

Dr NAPTHINE — I am saying that there is more money for health and not less money. The premise of the question is fundamentally wrong — there is more money for health under the coalition government and significantly more than there was under the Labor government. On top of that, at Northern Hospital we have had two tranches of significant capital works. We have had more money going to Ambulance Victoria, more staff employed by Ambulance Victoria and a significant drop in the transfer times for patients from ambulances into our emergency departments.

As I was saying, what you need to do in these situations is take a comprehensive view. You need to have the resources with Ambulance Victoria first and foremost to respond to these emergencies. That is why we have put record funding into Ambulance Victoria. That is why we have put 465 paramedics on. That is why we have more ambulances, more ambulance stations and more ambulance paramedic shifts. We are putting more resources into ambulances. Secondly, you must have the emergency departments ready to accept those patients. That is why we have spent $30 million building a new emergency department at the Northern Hospital. That is why we are doing that across the state at Frankston Hospital and other hospitals across Victoria, and of course we then need to have the beds in our hospital system. That is why we are increasing beds across our hospital system.

Mr Andrews interjected.

Dr NAPTHINE — The Leader of the Opposition says, 'Give me a list'. There are 220 beds at Bendigo hospital for a start — 220 beds at Bendigo.

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

Building industry

Ms MILLER (Bentleigh) — My question is to the Attorney-General and Minister for Industrial Relations. How is the coalition government improving security and tackling dangerous work practices on Victorian building sites, and is he aware of any alternative policies?

Mr CLARK (Attorney-General) — I thank the honourable member for Bentleigh for her question. The honourable member will recall that in February this year we announced that as a government we would be introducing two further measures to improve safety and security on Victorian government construction sites by extending the coverage of the implementation guidelines for the Victorian code of practice for the building and construction industry. Those extensions were to make two significant changes. The first was to require companies that win Victorian government tenders to work to implement drug and alcohol screening measures on their sites and the second was to implement measures to ensure the security of their sites.

I am pleased to be able to inform the house that the construction code compliance unit is well advanced in the preparation of these new guidelines. It has already engaged in extensive and ongoing stakeholder consultation, only yesterday commenced public consultation on the guidelines and is on track for the new guidelines to commence midyear in line with the government's announcement.

If ever any further demonstration were needed of the importance of those measures, it has been provided by the revelations in this morning's newspapers and on this morning's radio. Time after time we have seen the problems that the previous government left to the current government because the Labor government abandoned any attempt to uphold the rule of law on building sites. Labor having capitulated to the Construction, Forestry, Mining and Energy Union (CFMEU) and having told tenderers to go down to Trades Hall Council to take their orders, Victorians are now paying — —

Ms Allan — On a point of order, Speaker, under standing order 58, in the content of his answer the Attorney-General is both debating the answer and it is factually incorrect. I ask that you listen carefully to the Attorney-General's answer to the question, to ensure that he does — —

An honourable member interjected.

Ms Allan — Are you auditioning for the Speakership as well?

Honourable members interjecting.

The SPEAKER — Order! Has the member for Bendigo East finished her point of order?

Ms Allan — I would love to, Speaker. The Attorney-General is heading down the path of making allegations that can be made only by substantive motion. I urge you to listen very carefully to his answer to ensure that he does not offend against the standing orders and go down that path.

Honourable members interjecting.

The SPEAKER — Order! Before calling the Leader of the House, I assure every member that the Chair makes every attempt to listen to every word that is spoken in this house. If members did not make it so difficult, it would not be so hard for the Chair to rule.

Ms Asher — On the point of order, Speaker, it is not open to the member for Bendigo East to anticipate where the Attorney-General may be going. He 'is heading down the path' was her exact terminology. One can take a point of order on the actual words that have been uttered in the Parliament. As far as I am aware, the member for Bendigo East does not have a crystal ball and has no idea, in fact, what the Attorney-General may say next. I ask that you rule her point of order out of order. The Attorney-General was answering the question that was asked of him.

The SPEAKER — Order! I do not support the point of order. I will be listening intently to every word that is spoken in this house.

Mr CLARK — The point I was making was that thanks to the conduct of the previous government this government inherited a situation where Victorians are paying the price, not only in higher water bills for the desalination plant of around $1.8 million a day for a plant that is not delivering any water but also with a culture that seems to allow anything to go on Victorian building sites. The reports overnight have come on top of longstanding concerns about this that have been — —

Ms Allan interjected.

The SPEAKER — Order! If the member for Bendigo East wishes to take a point of order, she should stand. The Chair will not enter into conversations with her across the chamber. She knows that references to the previous government are permissible.

Mr CLARK — These most recent revelations come on top of longstanding concerns about drug and security problems on Victorian building sites, as have been expressed by employer groups and many others. Indeed there seems to be only one group that does not consider there is such a problem in Victoria and that is the CFMEU. When the government made its announcement in February, the CFMEU issued a press release claiming that the government's reforms were an attack on construction workers. It is time that Mr Setka and others took their heads out of the sand and actually backed the government's reforms because those reforms support decent, honest and hardworking construction industry workers to earn a living for their families.

I have been asked about alternative policies. I am aware of only one alternative policy in this area — namely, a policy to abolish the construction code compliance unit and the workplace guidelines. We need only to consider this morning's media reports on top of all the other evidence of problems that are posed in our community by ice and other drugs and the pernicious infiltration by criminal bikie gangs and other organised crime gangs to see how dangerous and counterproductive such a policy would be if it were ever implemented.

We cannot afford to have Victorian building sites handed over to the dominance of the CFMEU and into a culture of coercion and intimidation that would open the door to not only industrial thuggery but to much more besides. I see only one reason why anyone would want to scrap those guidelines and that is because they are beholden to the CFMEU. Until the Leader of the Opposition cuts his ties with the CFMEU, Labor can have no legitimacy in this state.

Ballarat hospital

Ms KNIGHT (Ballarat West) — My question is to the Premier. On 17 March four ambulance crews were forced to wait ramped outside the Ballarat hospital for hours with their patients, including one patient in an altered conscious state who had to wait almost 2 hours. With the Ballarat hospital already in crisis, can the Premier detail how many more patients will wait in pain because of another $7 million cut by the Liberal government to our hospital?

Dr NAPTHINE (Premier) — Again I do not accept the premise of the question.

Mr Merlino — What is wrong with it?

Dr NAPTHINE — The Deputy Leader of the Opposition interjects, 'What is wrong with the

question?'. What is wrong with the question is that it makes allegations about the funding of Ballarat hospital which are simply not substantiated. The facts are that we have put more money into the hospital system, and more money into the Ballarat hospital, not less. The only ones who took money out of the Ballarat hospital were the previous federal Gillard and Rudd Labor governments. They took $107 million out of Victorian hospitals. They were the ones who took money out of the hospitals. The Gillard and Rudd governments took money out of our hospitals. There was silence from the Labor opposition when that money was being taken out of hospitals — —

Honourable members interjecting.

Dr NAPTHINE — What we get from the other side is the Construction, Forestry, Mining and Energy Union (CFMEU) and Labor first and Victorians second, third and fourth. Their mates at the CFMEU come first, then Labor mates — —

Ms Knight — On a point of order, Speaker, my point is on relevance, I ask you to draw the Premier back to answering the question for the people of Ballarat.

The SPEAKER — Order! The Premier, to answer the question.

Dr NAPTHINE — I am pleased to say that recently I was in Ballarat, at the site of the Ballarat hospital, turning the first sod on a $50 million expansion of the hospital. Under the coalition government there is more money for capital works to build the expansion of the Ballarat hospital, which the hospital and the Ballarat community deserve, and build the much-needed helipad, which the Ballarat hospital was denied during 11 years of Labor government. For 11 years local Labor members turned their backs on the need for a helipad at the Ballarat hospital.

But we are getting on with the job. We are going to build the expansion of the Ballarat hospital. We are going to build the helipad at the Ballarat hospital. We are delivering more funding to the Ballarat hospital.

Ms Knight — On a point of order, Speaker, the Premier is now debating. This is about ambulance ramping and the Liberal Party cuts and how they will impact.

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

Dr NAPTHINE — I again remind the house that in the three years the coalition has been in office in Victoria the only body to have cut funding to hospitals has been the federal Labor government. The coalition government on this side of the house has increased funding to our hospital system, with a record level of funding of $14.3 billion to our hospitals. We have funded the Ballarat hospital, including for capital works.

With respect to ambulance services, which was also part of the question, we have provided $662 million for ambulance services in 2013–14, which is 17.3 per cent more than when the Labor government was in office. Under our government there are now 465 more paramedics; that is 19.6 per cent more paramedics under the coalition government than when Labor was in office. There is more money and more paramedics.

With respect to the Grampians region, I advise the house that there are 36 more paramedics in the Grampians region now than when we came to office, to repair the damage done by the previous government. There are now 2619 more Ambulance Victoria shifts in the Grampians region than when we came to office. The house can see why I doubt the premise of the question, because there is more money for health, more money for the Ballarat hospital and for its capital works, more money for ambulances and more ambulance shifts.

Employment

Mr BATTIN (Gembrook) — My question is to the Treasurer. How is the coalition government's management of the economy growing jobs and investment in Victoria, and are there any threats to this?

Mr O'BRIEN (Treasurer) — I thank the member for Gembrook for his question and for his great interest in growing jobs in Victoria. Members opposite may not be interested, but I am pleased to advise the house that the latest Australian Bureau of Statistics data shows that Victoria's annual employment growth is the strongest of all the non-mining states in the country. Importantly Victoria's employment growth over the past year has been driven by an increase in full-time jobs of 18 900. There are over 64 000 more Victorians now employed than when we came to office three years ago.

Victorians are feeling more confident, because our participation rate is now the highest of all of the non-mining states. Our regional unemployment is lower than the national average and lower than it was when Labor left office three years ago. This is a government that is growing the economy, creating jobs and building

a better Victoria. I have been asked about threats to job creation in this great state, and one of the major threats to job creation is the behaviour of rogue unions like the Construction, Forestry, Mining and Energy Union (CFMEU).

Honourable members interjecting.

The SPEAKER — Order! The member for Macedon is warned.

Mr O'BRIEN — In the Supreme Court of Victoria yesterday His Honour Justice Cavanough handed down a very important judgement on actions of the CFMEU. In finding the CFMEU guilty of counts of criminal contempt, he said:

> … the pattern of repeated defiance of court orders by the CFMEU revealed by those four cases is very troubling … I regard these contempts as exceptionally serious. So much so — —

Honourable members interjecting.

Mr O'BRIEN — Members opposite are mocking the Supreme Court of Victoria! They are mocking the judges of this state. They are treating the Supreme Court with the same contempt the CFMEU does.

Justice Cavanough said:

> So much so that they warrant explicit classification as criminal contempts, perhaps for the first time in the Australian industrial context.

His Honour has found the CFMEU criminally guilty of contempt of court, and he has imposed on that organisation fines of $1.25 million. The actions of the CFMEU are a threat to jobs. This sort of lawless behaviour costs jobs, costs projects, delays projects, drives up the cost of projects and makes it harder for honest Victorians to get a job. This sort of behaviour frightens away investors. It cannot stand, and it will not stand under a coalition government. Of course not everyone has the same view. The CFMEU is an organisation now convicted of criminal offences, and it is run by a man who has a rap sheet as long as your arm and who has been convicted of bashing police officers.

Honourable members interjecting.

Mr O'BRIEN — The member for Bendigo East said I would not say that outside. It is in the *Australian* newspaper! John Setka is a convicted police bash artist. He leads an organisation that has been convicted of criminal contempt, and this party, this government, would not have the CFMEU in its organisation. It would not have John Setka cosying up. We would not take John Setka's money, we would not take John Setka's votes, we would not take John Setka's orders, but the Leader of the Opposition is in John Setka's pocket. He is a disgrace, and he cannot be trusted with Victoria's economy.

Royal Children's Hospital

Mr ANDREWS (Leader of the Opposition) — My question is to the Premier. Today more sick kids are waiting to receive their surgery at the Royal Children's Hospital than at any other hospital in Victoria, and last year alone 1600 sick kids did not receive their surgery on time. How many more kids will wait too long in pain because of yet another $12 million Liberal Party cutback to our Royal Children's Hospital?

Honourable members interjecting.

The SPEAKER — Order! If the Minister for Environment and Climate Change and the Leader of the Opposition wish to have a conversation, I ask them to leave the chamber.

Ms Duncan interjected.

Questions interrupted.

SUSPENSION OF MEMBERS

Member for Macedon

The SPEAKER — Order! The member for Macedon will leave the chamber for 1 hour.

Honourable member for Macedon withdrew from chamber.

Mr Battin interjected.

Member for Gembrook

The SPEAKER — Order! The member for Gembrook has been warned about conversations across the chamber. He will also leave the chamber for 1 hour.

Honourable member for Gembrook withdrew from chamber.

Mr Merlino interjected.

The SPEAKER — Order! The member for Monbulk knows very well that when the Chair is speaking he should not interject. I was hoping that today he would not be asked to leave the chamber. It is very disappointing when I have to do that.

QUESTIONS WITHOUT NOTICE

Royal Children's Hospital

Questions resumed.

Dr NAPTHINE (Premier) — I thank the Leader of the Opposition for his question. The Royal Children's Hospital, as we all know, is a world-recognised leader in services for sick children in our state. All Victorians recognise the great work of the Royal Children's Hospital, both for the services it provides to sick children across Victoria and for its research. We take our hats off to the work of the doctors, nurses and auxiliary staff at the hospital.

The question went to the funding of the Royal Children's Hospital. I can advise that in the overall health budget there is a record level of funding of $14.3 billion. I can advise with respect to the Royal Children's Hospital that funding under this government has increased by over 16 per cent. There is 16 per cent more funding for the hospital during the term of this government, because we put more money into health. We recognise that the Royal Children's Hospital does a fantastic job. That is why we have increased funding for the hospital — and we will continue do so. We also understand that there is a need for more specialist services for our children.

Mr Andrews interjected.

Dr NAPTHINE — The Leader of the Opposition says, 'You bet there is', and there is. That is why this government is getting on with the job of building a Monash children's hospital. That was a pipedream under the previous government. For 11 years a number of its health ministers failed at that task, they failed to get on with the job. We are getting on with building a Monash children's hospital to complement the work of the Royal Children's Hospital. We on this side of the house are extremely proud of the work of the Royal Children's Hospital — —

Mr Andrews — On a point of order, Speaker, on relevance, the Premier has been given five opportunities today to speak out against these Liberal Party cutbacks. Instead he has backed Tony Abbott instead of Victorian patients.

The SPEAKER — Order! The Leader of the Opposition!

Mr Andrews — He needs to address these cutbacks. That is what this question was about, Speaker and that is what — —

The SPEAKER — Order! The Leader of the Opposition knows very well that that is not a point of order.

Dr NAPTHINE — As I was saying, we on this side of the house are proud of the work of the Royal Children's Hospital. That is why since we came to government we have employed an additional 200 nurses at the Royal Children's Hospital. There is additional funding for the hospital; we have put in more money not less. Indeed the only challenge our hospitals faced in recent years was when the federal Labor government cut $107 million from our hospitals across the board. We spoke up strongly against those cuts made by the federal Labor government. We heard nothing from the Leader of the Opposition and the Labor opposition when their mates in Canberra cut funding to Victorian hospitals. When surgeries were cancelled and delayed and waiting lists blew out because of federal Labor cuts, they did nothing.

We on this side of the house are proud to stand up for health services in this state. We stand up for our nurses and doctors. That is why we are increasing funding to our hospitals and to our health services — a record $14.3 billion in this budget. The Royal Children's Hospital, which is the subject of the question, received 16 per cent more money under a coalition government than it received under the previous health minister.

Water charges

Mr THOMPSON (Sandringham) — My question is to the Minister for Water. What action has the coalition government taken to reduce the cost of water bills for Melbourne families, particularly in relation to the desalination plant project in Wonthaggi?

Mr WALSH (Minister for Water) — I thank the member for Sandringham for his question. I know the member understands the cost of living pressures on his constituents and on all Melbourne water customers into the future. When we were elected to government we said we would do everything in our power to work on behalf of Melbourne water customers when it came to the desalination contract. Our Fairer Water Bills initiative, which I announced in January this year, will see metropolitan water bills decrease for the first time since 1999. From 1 July this year Melbourne water customers will see a real reduction in their water bills, which will be ongoing into the future. For the first time since 1999 there will actually be a reduction in water bills.

As we all know, the cost of the desalination plant took Melbourne water customers' bills from approximately

$550 per year to over $1200 per year, which was a huge increase. Last week I announced that we had been able to save $187 million in refinancing undertaken by AquaSure because any saving on the refinancing is shared between Melbourne water customers and AquaSure.

That saving is in addition to the $665 million we saved over the life of the contract by renegotiating the power supply for the desalination plant. That is in addition to the $16 million we saved by challenging one of the tax rulings on the plant — and that money goes back to Melbourne water customers as well. On top of that, when the plant was late we won the argument. We withheld the payments that AquaSure wanted, even though they were late, and we saved Melbourne water customers $419 million there.

A total of $1.2 billion will be saved across the life of the contract over the next 27 years. For next financial year that equates to a $53 million saving for Melbourne water customers. Instead of the desalination plant costing $666 million for the fixed charges for next year, it will cost only $613 million — a $53 million saving next year.

As we all know, if a water order had actually been put in, that would have cost Melbourne water customers another $114 million. For the third year in a row we have announced there is a zero order. By 1 April each year, under the rules the previous government set — and there is something ironic about the 1 April being the deadline for this particular announcement — there has to be a communication to AquaSure as to how much water has to be used for the following financial year.

Imagine how much more money could have been saved on this project if the people who built the plant had not had their hands tied by having to have an exclusive deal with the Construction, Forestry, Mining and Energy Union (CFMEU). A decision of the previous government gave the CFMEU exclusive rights over industrial relations at the desalination plant at Wonthaggi.

On the front of the *Herald Sun* today we see a report about the rorts that went on in that project, the fact that people were paid excessive amounts of money for effectively doing nothing, particularly union organisers. Union safety officers were paid to effectively do nothing on that site. If you look at the CFMEU, you can see that last year it donated $180 000 to the Labor Party. If you look at the construction division headed up by John Setka, you see it donated $136 000 to the Labor Party. We are calling on the Leader of the Opposition to distance himself from the CFMEU and to sack the CFMEU from his party.

LOCAL GOVERNMENT AMENDMENT (GOVERNANCE AND CONDUCT) BILL 2014

Introduction and first reading

Mr BULL (Minister for Local Government) — I move:

> That I have leave to bring in a bill for an act to amend the Local Government Act 1989 to further provide for councillor conduct issues and other matters, to consequentially amend the City of Greater Geelong Act 1993, the City of Melbourne Act 2001, the Legal Profession Uniform Law Application Act 2014 and the Victorian Civil and Administrative Tribunal Act 1998 and for other purposes.

Mr WYNNE (Richmond) — I ask the new minister to advise us in a bit more detail of the scope of this bill.

Mr BULL (Minister for Local Government) — The Local Government Amendment (Governance and Conduct) Bill 2014 will make various changes to the Local Government Act 1989 to substantially enhance standards of governance and behaviour across local government in Victoria.

Motion agreed to.

Read first time.

BUSINESS OF THE HOUSE

Notices of motion

The SPEAKER — Order! Notices of motion 1 and 10 to 18 will be removed from the notice paper unless members wishing their notices to remain advise the Clerk in writing before 6.00 p.m. today.

PETITIONS

Following petition presented to house:

Nunawading Primary School site

To the Legislative Assembly of Victoria:

The petition of certain citizens of the state of Victoria draws to the attention of the Legislative Assembly of Victoria:

> that the local community in the City of Whitehorse around the former Nunawading Primary School (96–106 Springvale Road, Nunawading) believe that the land should be kept in public hands and not sold for residential or commercial uses.

The petitioners therefore request that:

1. the state government transfers the land at no cost to the Whitehorse City Council or maintains the land for public/community use only;

2. the state government undertakes genuine consultation with the community in the city of Whitehorse, including the council prior to making any further decisions about the future of this land.

By Mr BROOKS (Bundoora) (1073 signatures).

Tabled.

Ordered that petition be considered next day on motion of Mr BROOKS (Bundoora).

DOCUMENTS

Tabled by Clerk:

Crimes Act 1958 — Instrument of Authorisation under s 464Z

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

Benalla — C10

Boroondara — C147

Mornington Peninsula C163 Part 2

South Gippsland C79

Southern Grampians — C31

Stonnington — C174

Towong — C31

Wangaratta — C38, C46

Whittlesea — C177

Statutory Rule under the *Gas Safety Act* 1997 — SR 9.

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

Electricity Safety Amendment (Bushfire Mitigation) Act 2014 — Whole Act (other than s 12(2)) — 1 April 2014 (*Gazette S94, 25 March 2014*)

Energy Legislation Amendment (General) Act 2014 — Whole Act — 1 April 2014 (*Gazette S94, 25 March 2014*)

Gambling Regulation Amendment (Pre-commitment) Act 2014 — Whole Act (except ss 32, 33 and 34) — 30 March 2014 (*Gazette S94, 25 March 2014*).

ROYAL ASSENT

Message read advising royal assent to:

Corrections Amendment (Parole) Bill 2014
Education and Training Reform Amendment (Registration of Early Childhood Teachers and Victorian Institute of Teaching) Bill 2014
Environment Protection and Sustainability Victoria Amendment Bill 2014
Gambling and Liquor Legislation Amendment (Reduction of Red Tape) Bill 2014
Health Services Amendment Bill 2014
Victorian Civil and Administrative Tribunal Amendment Bill 2014.

BUSINESS OF THE HOUSE

Standing orders

Ms ASHER (Minister for Innovation) — By leave, I move:

That so much of standing orders be suspended so as to allow ministers' second-reading speeches, in relation to the bills listed on the notice paper for Wednesday, 2 April, or Thursday, 3 April 2014, to be incorporated into *Hansard*.

Motion agreed to.

Program

Ms ASHER (Minister for Innovation) — I move:

That, under standing order 94(2), the orders of the day, government business, relating to the following bills be considered and completed by 4.00 p.m. on Thursday, 3 April 2014:

Fences Amendment Bill 2013

Honorary Justices Bill 2014

Jury Directions Amendment Bill 2013

Sale of Land Amendment Bill 2014

State Taxation Legislation Amendment Bill 2014

Vexatious Proceedings Bill 2014

Witness Protection Amendment Bill 2014.

There are seven items on the government business program, and that is a reasonable workload — a word I am very fond of using — under the circumstances. At this stage there are no other items of business such as motions or joint sittings or anything like that occurring this week. I think it is a government business program the opposition should support. The opposition has asked to go into a consideration-in-detail stage on the

State Taxation Legislation Amendment Bill 2014, and the government will consider that in good faith.

There is also the government matter of public importance on Wednesday morning, and obviously people will be notified of that in due course. Two second-reading speeches will be taking place in the Legislative Assembly and three will take place in the upper house this week in terms of government business. I thank the member for Bendigo East for giving leave to allow incorporation of the second-reading speeches into *Hansard* — —

Ms Allan interjected.

Ms ASHER — Indeed the member for Bendigo East says this was her idea. It is true that she has prosecuted this for some time, but what the member for Bendigo East does not advise the house is that some considerable time ago — last year — the Labor Party was offered this as part of a parliamentary reform package and it refused it. It refused the parliamentary reform package — —

Ms Allan interjected.

Ms ASHER — The offer is still on the table, if you want to take it up. I just want to put that on the record, Speaker — —

Ms Allan interjected.

Ms ASHER — And I have remained discreet until now. However, I think it is very important that members of this Parliament realise that this was offered to the ALP last year as part of a package of reform of this Parliament, and the ALP for its reasons — and it was free to reject it — rejected that package of reform. As I said, I am happy to take one item out of the package to make sure that second-reading speeches are handled in an expeditious manner.

We are seeing the opposition voting against the government business program every week, and I hold out enormous hope that there will be a rational response to this motion. I make the observation that during the last term of the Labor government — from December 2006 to November 2010 — the coalition agreed to 71 per cent of the government business programs put forward by the Labor government and opposed 29 per cent of the government business program motions. The coalition then in opposition opposed those motions on a range of bases, including that we had not been briefed properly or there were too many items on the program or such like. We did not as a matter of course come into this chamber week after week and vote no, no matter what. Programs with four and five bills have been opposed. Programs have been opposed for whatever reasons came to the minds of the member for Bendigo East or other members of the Labor opposition.

This is a reasonable business program. The opposition will state what is going to do shortly, but there are no grounds for opposing this particular program, because it is, as I said, reasonable, and it is as issued on Thursday. I hope some sanity prevails and the opposition supports this program. There is no need to waste the time of the house any more on something that is obvious and straightforward. I urge the opposition to support the government business program.

Ms ALLAN (Bendigo East) — I assure the Leader of the House that I am of sound mind and enjoy this debate each and every week. I am pleased that she is busily holed up in her office checking the *Votes and Proceedings* that is produced by our wonderful clerks to make sure she is accurately presenting the views of the Labor opposition. I am sure it is a great use of her time.

I would like to make a brief contribution to the debate on the government business program. The Leader of the House has gone through her usual comments — that is, that it is a reasonable program and that she would love to see it supported. There is one big problem with the program this week: the State Taxation Legislation Amendment Bill 2014, which is finally on the program. It was off and it was on and it was off and now it is on again. We all know the reason it is on the program this week; it is because the member for Frankston told the government to put it on this week. The member for Frankston has given the government the green light, and the Treasurer said as much in a press release put out last week that signalled that the government had been bought off in terms of the member for Frankston's support for the bill and therefore for the business program.

We have asked for a consideration-in-detail stage on the bill to interrogate the dodgy dealings going on in relation to it within the government. We anticipate that that may not be supported, but we do not support the dodgy dealings going on between the government and the member for Frankston. We will not be supporting this program.

Mr McINTOSH (Kew) — Back in harness.

Ms Allan — We've missed you.

Mr McINTOSH — I am sure you have. This is an appropriate program. True to form, there is a lot of whingeing coming from the other side. As the Leader of the House has indicated, more often than not in

opposition we were prepared to support the government business program proposed by the Labor government as being an appropriate program for the Parliament to debate. We are getting more whingeing from the opposition this week, but I think it is an appropriate program with some seven bills on it. There is more than enough time to adequately debate the bills and give every member who wishes to make a contribution an appropriate amount of time to do so. Accordingly, I am pleased to be back in harness and to support the motion of the Leader of the House on the government business program.

Mr DELAHUNTY (Lowan) — This is my first opportunity as the whip for The Nationals to make a contribution to the debate on the government business program. As the Leader of the House has outlined, this is a very reasonable program with seven bills, including the Fences Amendment Bill 2013, the Honorary Justices Bill 2014 and the Jury Directions Amendment Bill 2013, two of which were overlooked by the previous government. We are fixing up the mess again.

As the Leader of the House said, the opposition was informed of the government business program on Thursday. I do not believe I heard from the manager of opposition business any reason why the opposition is opposing the program. Thinking back to last week, the opposition also opposed last week's government business program. It was whingeing and whining then, and it is doing it again today. Last week the opposition ran out of speakers for most of the bills. One night after dinner there was not one member of the opposition in the chamber, and that includes the shadow minister. The opposition wants to be in government, but it cannot even be a good opposition. This is a good government business program, and on behalf of The Nationals I strongly support it.

Mr K. SMITH (Bass) — This is a good government business program. The opposition is saying it is going to oppose it, but none of its members have enough courage to stand up and say why they are opposing it. One speaker was prepared to get to her feet and say the opposition was not going to support the business program. What sort of an excuse is that? How is that going to read in the record? The opposition does not have a reason for knocking it back apart from saying that it will just make things more difficult for the government. It is a waste of time.

Opposition members could quite easily agree to it. The government business program is an easy one even for the opposition, which has trouble getting enough speakers on the bills. The opposition has to cajole people to talk on the bills, and members on this side of the house have to fill in most of the speaking time. Opposition members are like their union thug mates; they just cannot help themselves. They intimidate this house — —

The SPEAKER — Order! On the business program.

Mr K. SMITH — It is on the business program. There is plenty on the business program that opposition members could quite easily agree to, but do they? No. They say, 'Let's just make it difficult for the government'. They are as stupid as they could possibly be, and the manager of opposition business does not have a clue what she is doing.

Mr PALLAS (Tarneit) — I rise to oppose the government business program for one salient, considered and continuing reason — that is, the government has yet again failed to commit to a consideration-in-detail stage for a vital bill that is before this place. It is a bill that stinks of a dirty deal done dirt cheap between this government and the member for Frankston. It is an issue that people need to have adequately ventilated. We oppose the government program because once again it is a demonstration of a government in crisis that will not listen to the opposition around considered matters of concern. On that basis, I oppose the government business program.

House divided on motion:

Ayes, 42

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

Noes, 42

Allan, Ms	Howard, Mr
Andrews, Mr	Kairouz, Ms
Barker, Ms	Kanis, Ms
Beattie, Ms	Knight, Ms
Brooks, Mr	Languiller, Mr

Campbell, Ms	Lim, Mr
Carbines, Mr	McGuire, Mr
Carroll, Mr	Madden, Mr
D'Ambrosio, Ms	Merlino, Mr
Donnellan, Mr	Nardella, Mr
Duncan, Ms	Neville, Ms
Edwards, Ms	Noonan, Mr
Eren, Mr	Pakula, Mr
Foley, Mr	Pallas, Mr
Garrett, Ms	Pandazopoulos, Mr
Graley, Ms	Perera, Mr
Green, Ms	Richardson, Ms
Halfpenny, Ms	Scott, Mr
Helper, Mr	Thomson, Ms
Hennessy, Ms	Trezise, Mr
Herbert, Mr	Wynne, Mr

The SPEAKER — Order! The results of the division are ayes, 42, noes, 42. As the government business program is a long-established practice of the house and it provides members and the public with some certainty as to what will be considered during the week — —

Mr Foley — What a rort!

The SPEAKER — Order! Who said that? Who referred to what I was saying as a rort?

Mr Foley — Speaker, I did.

The SPEAKER — Order! I ask the member to apologise.

Mr Foley — I withdraw.

The SPEAKER — Order! As the government business program is a long-established practice of the house and it provides members and the public with some certainty as to what will be considered during the week, I cast my vote with the ayes. Therefore the program is agreed to.

Motion agreed to.

Ms Allan — On a point of order, Speaker, this is another point in the history of our Parliament where we reach a juncture in which rulings from the Chair are critical and stand with some history of precedents. The ruling you have just made about the standing of the government business program has the potential to offend the other long practice ruling, which is of course that the Speaker, when there is a tied vote, votes in preference for the status quo. I put to you, Speaker, that casting your vote in the way that you have breaks tradition because the status quo is yet to be established.

We have a government business program debate to establish whether there will be a government business program. There is no government business program until this house determines that there is one at the conclusion of that debate. If there is no need to have that debate, why would we waste the house's time in having one? We would just proceed each and every week to the set program put forward by the government.

It is in hands of this house as to whether there is a government business program. It is something for this house to determine. This house has not been able to make a determination that there should be a government business program this week because of the tied vote. We put it to you that your ruling has shattered the precedents that historically go with this issue. It is a very grave matter that is before the house, and we would urge you to reconsider that view and that vote; otherwise we would have to question why we bother to have a standing orders book and why we bother to have standing orders around government business programs if the practice of the house and the standing orders of the house are not to be followed.

Ms Asher — On the point of order, Speaker, what the member for Bendigo East fails to realise in making this point of order is that, according to tradition, where there is an equality of votes on the floor of the house there are some circumstances where the Speaker is required by tradition to vote no and there are some circumstances where the Speaker is required by tradition to vote yes. There is a not a blanket rule that the Speaker will vote no if there is an equality of votes. Again, the member for Bendigo East asked in her point of order, 'What is the point of having a debate?'. The point of having a debate is to find out what the house thinks and the result of it.

There are certain circumstances where Speakers in this delicately balanced Parliament have voted no and there are other circumstances where Speakers have voted yes. The tradition of this place is that when the Speaker considers whether good order can be maintained or not, the Speaker is well within his or her rights to vote for the smooth running of the house and good order. Indeed that is what the Speaker has done by casting her vote in favour of the government business program. It is indeed what has occurred in this Parliament over the issue of the naming of members of Parliament, where the then Speaker was entitled to use his casting vote. The Speaker used his casting vote in that instance to maintain good order in the house.

The analysis of the use of the Speaker's casting vote by the member for Bendigo East is amateurish at best. She needs to go and do a bit more revision on this. There are circumstances where the Speaker is required to maintain the status quo and vote no — for example, on

a bill — and there are circumstances where it is well within the rights of a Speaker to maintain good order in the house, as Speaker Fyffe has just done. I put it to you, Speaker, that your vote has been cast legitimately. Your vote is absolutely part of the traditions of this place, and we should proceed with dealing with the government business program.

Mr Andrews — On the point of order, Speaker, I put this to you respectfully: you stated that, based on longstanding practice or convention, the government securing a majority for a government business program would be of comfort to the Victorian community. This government is a minority government, it is shambolic and it has again failed to secure a majority on the floor of the Parliament. I put it to you, Speaker, that it is not for the Speaker — whomever might occupy that chair — to give to the government a majority in whatever circumstance that may be.

If we want to have a discussion and a debate about longstanding convention, the longstanding convention in our system is that the Speaker casts a vote so as to in effect not influence the position, not to give to the government a majority. What you have done, Speaker, is give to the government a majority to deliver a government business program — a program of business as determined by the government — when the government cannot get a majority on the floor of the house. I do not know that that is in keeping with longstanding custom, practice or tradition. That is the first point.

The second point, Speaker, is that nothing you do will give the community confidence about the stability of this government. No matter how often you vote for a business program or whatever else may come before this house, the community will not be convinced that this shambolic, dysfunctional minority government, which has yet again lost the vote on the floor of the house.

It will not matter how many times, Speaker, you vote with this government; that will not convince the people of Victoria that this is a stable set of arrangements. This is not the Premier Victorians voted for. It is not the government Victorians voted for, and no matter how many times the Chair sides with the Liberals and The Nationals — —

Honourable members interjecting.

Mr Andrews — It does not matter how many times the Chair sides with the Liberals and The Nationals; this is neither an adherence to convention, custom or practice nor a source of comfort for the Victorian people, who have worked this mob out — an unstable, dysfunctional minority government. No amount of support from the Speaker will change that.

Mr Clark — On the point of order, Speaker, the arguments raised by both the member for Bendigo East and the Leader of the Opposition are completely ill founded. The member for Bendigo East suggested that your exercising of your casting vote was contrary to standing orders. That is completely incorrect. I refer to standing order 167, 'Casting vote':

> If the numbers are equal, the Speaker has a casting vote. The Speaker may give reasons for the casting vote and those reasons are entered in the *Votes and Proceedings*.

Speaker, it is absolutely clear that you have a responsibility under the standing orders to exercise a casting vote, and there could be no suggestion that you have failed to exercise a casting vote in accordance with standing orders.

The issue relates to one of convention, and the arguments put by the Leader of the Opposition in that regard are also completely ill founded. Clearly there is a tradition that the Speaker, on a substantive question — for example, whether or not a bill should pass — would cast the Speaker's vote for the noes because that maintains the status quo in relation to the legislation and the statute book of this state. However, that was not the question that was before you. The question before you was about the good order and smooth operation of the house, and, as the manager of government business put very cogently, you have a responsibility.

The SPEAKER — Order! I am sorry to interrupt the Attorney-General. The member for Macedon still has 6 minutes to go; I ask her to leave the chamber.

Mr Clark — Speaker, as part of your responsibilities for ensuring the smooth operation of this house, you have a discretion open to you as to how you exercise your casting vote in order to ensure the smooth operation of the house. Certainly, for the reason you gave, the government business program facilitates the smooth operation of the house. If the opposition disagrees with any one of the measures on the government business program, they can vote against that measure, and if there is an equality of votes on that particular measure, you would then cast your vote accordingly in those circumstances.

However, if it is relevant to your discretion, Speaker, as to how to ensure the smooth operation of the house, I think you have a manifest opportunity, based on what you and other members of the house and the community have been able to observe in recent times as

to the conduct of the house when there is no government business program, to conclude that it does support the smooth operation of the house to support a business program. Time and again when there has been no government business program opposition members have acted in complete bad faith in the way they have conducted themselves in their attempts to frustrate, delay and filibuster the decisions of this house on the matters before it. That is entirely germane to your decisions and your discretion, Speaker, and it reinforces the conclusion that you have expressed, which is fully in accordance with your responsibilities as Speaker, to ensure that the substance of the business that needs to be considered by this house can be addressed, rather than there being the time wasting, the filibustering and the disruption that the opposition has manifested to date.

Mr Merlino — On the point of order, Speaker, the Attorney-General talks about the smooth operation of this house. Once again, we have seen the dysfunction of this government on display — the dysfunction, the chaos and the shambolic nature of this Parliament and this chamber under the leadership of the Premier and his minority government. The member for Frankston is the only reason that the member for South-West Coast is Premier.

The SPEAKER — Order! I advise the member for Monbulk that the house is debating a point of order. Was the member for Monbulk in the house when the point of order was raised by the member for Bendigo East?

Mr Merlino — I was, Speaker.

The SPEAKER — Order! I ask the member for Monbulk to relate his response to that point of order.

Mr Merlino — I am making the point that this house is dysfunctional under this government, and we see it whenever the member for Frankston is either not in the chamber or votes against the government. This government is completely beholden to the member for Frankston. The deal was done. The basketball stadium was delivered.

The SPEAKER — Order! The member for Monbulk is straying far away from the point of order.

Mr Merlino — I think the member for Bendigo East mentioned the basketball court in her contribution.

The SPEAKER — Order! The member for Monbulk on the point of order.

Mr Merlino — On the point of order, Speaker, it is unfortunate that following the demise of the previous Speaker you are going down this path. As we have heard, there is a longstanding practice that the Speaker's casting vote goes with the status quo. There was no majority for the government business program because the member for Frankston was not in the chamber. Speaker, you have decided to change the longstanding practices of this chamber and vote with the government on the government business program.

What is the use of having a debate on the government business program and having a division that clearly shows the government does not have majority support to go with the government business program, if you, Speaker, go down this unfortunate path and do not go with the status quo but indeed support the government? This government is desperately relying on the vote of one man, and when he is not here, Speaker, it seems that you take the place of the member for Frankston. That is indeed unfortunate.

The SPEAKER — Order! The member for Monbulk should not make reflections on the Chair when taking a point of order.

Mr Pakula — On the point of order, Speaker. I rise to speak on this point of order and particularly to respond to a couple of the comments made by the Attorney-General. The Attorney-General suggested that when there has not been a government business program, the opposition has somehow engaged in an abuse of process. What the opposition has done when there has not been a government business program is debate bills in detail, consider bills in detail and have a range of members to speak on bills — that is, to do what the Parliament is meant to do. There has been no abuse of process, but we have in fact been able to debate bills fulsomely in the absence of the gag and the guillotine. That has been to the absolute benefit of both the Parliament and the Victorian people in those weeks when we have not had a government business program.

The Attorney-General's attitude shows that, as well as being dysfunctional, just three years into government, this government has become unbelievably arrogant and allergic to any form of scrutiny. The Attorney-General also has effectively tried to change the test for when the Speaker should vote in favour of a motion. The Attorney-General tried to argue that the status quo rule only applies to legislation, and that in regard to any other kind of motion the Speaker is free to make an assessment based on what the Speaker considers to be the good order of the house or to the benefit of the Victorian people. What I would respectively submit to you, Speaker, is if that is right, then the

Attorney-General is actually suggesting to the house that on anything other than a bill the Speaker is entitled to vote any way the Speaker likes.

In those circumstances of course he is really saying that other than on a bill the Speaker should always vote with the government. That is what he is effectively saying. The test is not the test as suggested by the Attorney-General. The test and what this all hinges on is the definition of the status quo. That ought to always be the test that the Speaker applies. There is no question that in this respect, as in most respects, the status quo dictated that you, Speaker, should vote no. Having a government business program is not the status quo. The fact that Parliament is able to debate all matters to their logical conclusion is the status quo in the absence of a motion that says otherwise. For the government to suggest otherwise is pure sophistry. The status quo is that the Parliament debate matters to their logical conclusion without fetter unless there is a motion that says otherwise. In those circumstances, Speaker, I respectfully put to you that to support the status quo demands that you vote with the opposition and against the government business program.

Mr Ryan — On the point of order, Speaker, I refer you to the 24th edition of *Erskine May*, particularly page 420 under the heading 'Casting vote of Speaker', which reads:

> If the numbers in a division are equal, the Speaker must give the casting vote. In the performance of this duty to give a casting vote, the Speaker is at liberty to vote like any other member, according to his —

'his' is the expression used —

> conscience, without assigning a reason …

It then goes on with some commentary around this. As it is, Speaker, you have chosen to assign a reason, and respectfully you are perfectly entitled to do that as *May* indicates. However, the practical fact is you are perfectly entitled to cast the vote in the manner in which you have done. As *May* would have it, you are obliged to cast that vote and are perfectly entitled to cast it in whatever way you deem appropriate.

With respect to opposition members, where they are getting themselves lost is when you look at the further rulings in *May*, they relate to the casting of a vote by the Speaker in circumstances related to a legislative issue. This is a procedural issue of the house.

Having been perfectly entitled to cast your vote and having cast it as you have — in the same manner, as I recall at least, that former Speaker Smith cast his vote last year — this matter should now end. There is no point of order and the house should move on.

Mr Nardella — On the point of order, Speaker, I am personally disappointed in the ruling you have made. I say this on the basis of being somebody who has been in the Parliament for quite some time and for whom the traditions and conventions of this house and of this Parliament are extremely important. The procedures and the votes that occur in this house are extremely important for democracy and for the people of Victoria.

I am personally disappointed that you have taken this course of action and broken the convention and the tradition of this house with regard to the government business program. In all other instances in the past, and certainly while I have been in this house, the Speaker has not voted with the government to support the government business program. There has been no excuse given by the Speaker for not voting that way and there has been no debate, because the conventions and the traditions of this house are that the Speaker does not vote that way.

The Speaker does not have a view on the government business program because the government business program is part of the democratic process conducted on the floor of the house for determining the agenda for the rest of the week. That is the process that should have been followed, Speaker. In the Westminster tradition we follow the process whereby the votes are counted and tallied on the floor of the house and the Speaker does not vote. It has certainly been the case in this house that that has been the truth, and that is why I am personally disappointed. A vote can show a number of things. It can show that the government is dysfunctional, that it has lost the control of the floor of the house or that it has a majority in the house. In terms of the passing of the government business program, regardless of the result, that should not have been determined by you, Speaker. That is why it is critical that the vote on the floor of the house, that testing process, take place without the Speaker's intervention.

I will make another couple of points. This Parliament has a process to follow in dealing with the government business orders of the day that are before us. There is a process for honourable members to be involved in the debate and for a vote to be taken or for the government to negotiate to get the program through. The failure of the government to gain a majority on the floor of the house should have resulted in the democratic process provided for under the standing orders, conventions and traditions of this house. Those traditions should have been upheld. I am personally disappointed, Speaker,

and I do not say this lightly: I expect this from the federal Speaker, the Honourable Bronwyn Bishop, but I do not expect it from you. That is why I support the honourable member for Bendigo East.

Further, this is of such concern to me and to some of my colleagues that we will consider whether to support the Chair's position in future in terms of the role of acting chairs. That is how seriously I take this. I ask you, Speaker, to understand my personal disappointment and why I support the point of order raised by the honourable member for Bendigo East.

Mr McGuire — On the point of order, Speaker, the logic is clear: the Parliament of Victoria has operated for 137 years without a government business program. The proposition is that the traditions and conventions of the house should be upheld. The vote on this motion was 42 ayes and 42 noes and in that case the Speaker, I suggest, should have upheld the status quo — that is the form and conditions of the house. The argument was clear and has been well enunciated.

I humbly submit that the vote of the Speaker should not be used to save the government from an embarrassment, and effectively that is all this is. The issue is that we should be able to get on with the business of house. It is about upholding the status quo and voting as the Parliament has decided on the floor. It is not about saving the government from the embarrassment of again being shown to be unstable. That is the way the vote has fallen. It is not about the reality of who was in the house or not; it is really about how the vote has been tallied. I would submit, Speaker, that you should uphold the status quo in that case and therefore vote with the opposition.

The SPEAKER — Order! I thank everyone for making their contributions on the point of order. I understand the passion in a house as finely balanced as this one. I am comfortable with my decision to support the government business program. Members have referred to the status quo and tradition. I am also a great follower of tradition and of the Westminster principles. As I said, I am very comfortable with my decision, and it will stand.

MEMBERS STATEMENTS

Swinburne University of Technology

Mr MERLINO (Monbulk) — The Liberal government forced the closure of the Swinburne University of Technology Lilydale campus as a result of its savage cuts to TAFE. Since June last year the gates have been padlocked and the opportunity of a university or TAFE education has been lost to thousands of young people in the outer east. Those opposite stand condemned for closing Swinburne Lilydale. The community has not forgotten nor forgiven the government. The reaction of the community and its support for the Save Swinburne Lilydale campaign have made the closure the most passionately felt of any local issue I have been aware of in my 12 years as a member of this place. The people want their TAFE back; they want the only higher education facility in the east back. At a time when youth unemployment in the outer east has increased by almost 50 per cent, for the sake of the future of young people in the region the people of the outer east must get it back.

This morning the Leader of the Opposition joined with me, the shadow minister for higher education and many members of the local community in front of the locked gates of Swinburne Lilydale to make an important announcement. I am very proud to inform the house that Labor will reopen Swinburne Lilydale. If elected in November, Labor will return higher education and TAFE to the Lilydale campus. Indeed if it is sold off to developers or the local council before the election, which those opposite want to do so they can have a Taj Mahal, Labor will compulsorily acquire it back. If this magnificent site is sold off, it will never be replicated. That is why we say that it is not for sale. The university and TAFE buildings should be used solely for TAFE and higher and community education.

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

Indian Film Festival of Melbourne

Ms ASHER (Minister for Tourism and Major Events) — Last Friday, along with Indian film star Vidya Balan, I launched the program for the 2014 Indian Film Festival of Melbourne (IFFM). The festival will be held from 1 to 11 May and will feature over 40 films, with more than half being Australian premieres. Films will be shown in 20 languages, and we will have five free film screenings at Federation Square. In response to community feedback, in addition to showing many favourite films, we have also added a new section called New Voices, which will feature six films from first-time filmmakers. We have a stellar international guest list lined up, including Bollywood screen legend Amitabh Bachchan, who is scheduled to open the festival on 1 May. The Victorian government will honour Mr Bachchan at the inaugural IFFM awards night to be held on 2 May at the Princess Theatre.

On this topic, I was pleased to see the member for Narre Warren North and the Honourable Gavin Jennings from the other place attend a dinner held at Raheen to celebrate the Indian film festival. The Victorian government established the Indian Film Festival of Melbourne after a commitment made during the 2010 election to build closer economic, institutional and cultural engagement between Victoria and the subcontinent. The festival brings together prominent Indian filmmakers and screen professionals, and promises to be an outstanding event. I encourage all members of this place to get involved in the Indian Film Festival of Melbourne.

Bendigo Hospital

Ms ALLAN (Bendigo East) — The Tony Abbott-Denis Napthine double-act axing of our health system has caused Bendigo patients to be deeply worried about the latest Liberal cuts to our hospital. Bendigo Hospital is already suffering after $11 million was cut out of its budget by the first two budgets of the coalition government. We are now seeing the latest instalment of Liberal Party cuts, with a further $7 million cut inflicted on the Bendigo health service by Tony Abbott's health cuts. The initial round of Liberal Party cuts to the Bendigo Hospital system has seen a significant impact on the hospital. There has been a reduction in intensive care unit services, with only 44 per cent of category 2 elective surgery patients being treated within 90 days — well short of the 75 per cent target — and many other problems have been caused by this health cut.

The member for Bendigo West, the federal member for Bendigo and I are constantly being told by our constituents about the problems and challenges they have accessing services at Bendigo Hospital and the challenges posed with their position on the waiting list as a result of the existing cuts inflicted by the Napthine government. This situation is going to be made a lot worse as a result of the $7 million cut by Tony Abbott. We well remember the role the Bendigo Health CEO and board chair played in protesting previous issues of this nature during 2012 and 2013, which is why we have written to them about this issue. We hope they will join with us in protesting against these cuts.

National Emergency Medal presentations

Mr WELLS (Minister for Police and Emergency Services) — I had the absolute privilege last Friday evening to be in Marysville to present 123 national emergency service medals to Country Fire Authority (CFA) members from the Alexandra group of brigades. Few areas were hit as hard by the Black Saturday fires as Marysville and the nearby area were. I was joined by the member for Seymour, and this special evening provided us with the opportunity to acknowledge the extraordinary service given by CFA members during that period, as well the service of those who came to help from the Metropolitan Fire Brigade, other states and New Zealand. The people who received the medals at Marysville were some of the 4470 CFA members from across Victoria who have been awarded the National Emergency Medal in recognition of their service during those fires.

The awards are an opportunity to recognise those who were on the front line, those who organised logistics, those who worked in incident control centres and those who supported individuals and communities as they tried to rebuild blackened towns and shattered lives. The medal is but a small part of the gratitude the community expresses for the outstanding service and courage shown by CFA members during the worst fires Victoria has faced. Five years may have passed since the Black Saturday fires, but Australia has not forgotten the bravery of CFA members and the sacrifices made during the summer of 2008–09. Victoria is very fortunate and proud to have such dedicated CFA members. On behalf of the coalition government and the people of Victoria, I acknowledge the work of all CFA members and thank them for their ongoing service and sacrifice.

Employment

Mr BROOKS (Bundoora) — In the last few months figures have been released that show the extent of the jobs crisis in Victoria, which is in large part due to the dysfunctional Napthine government. Victorians watched in shock as the automotive industry waved goodbye and companies like Qantas moved hundreds of jobs out of our state. We have still not seen an employment strategy from the Napthine government to protect and create jobs. In Victoria youth unemployment stands at 14 per cent. The north-east of Melbourne, the community that I represent, has seen the number of unemployed grow by over 18 000 on the watch of this disastrous government to nearly 24 000 people. That means that 24 000 people are looking for jobs in the north-east of Melbourne! The unemployment rate has blown out by 6.9 per cent in north-east Melbourne during the life of this government.

What has been the government's response to this crisis in the north-east of Melbourne? Has it implemented or driven a jobs plan? No. Has it identified key employment sectors and supported them to grow and invest? No. Has it invested in the skills and education

needed for the future? No. Disgracefully the Napthine government has shut the Greensborough campus of the Northern Melbourne Institute of TAFE. It was a TAFE campus where people learnt new skills and improved their prospects of getting a job, and it has been closed down by this shoddy government. Despite a booming population in the Plenty growth corridor, the Napthine government has forced the closure of the TAFE campus at Greensborough. Doing so was a betrayal of all the families of the north-east, families who want nothing more than a fair go from government and a good job for themselves and their kids.

National Youth Week

Mr R. SMITH (Minister for Youth Affairs) — National Youth Week, which kicks off this Friday, 4 April, and goes to Sunday, 13 April, will include more than 100 events for young people across Victoria — events such as film festivals, music performances, art exhibitions and skate competitions, plus an exciting opening event at the State Library Victoria featuring a range of high-energy, interactive music performances, a fun dance class and much more. This year's theme is 'Our Voice. Our Impact', and many of the activities involve young people expressing their views and ideas in a variety ways. It is important that we celebrate the unique contributions young people make to Victoria. It is also important that young people have opportunities to participate in their local community and play a role in shaping a great Victoria now and into the future.

Through its document entitled *Engage Involve Create — Youth Statement*, the Victorian coalition government aims to ensure that all young Victorians have an opportunity to be engaged in education, training and employment, involved in their communities and in decisions that affect them, and create change, enterprise and culture. In partnership with the federal government, the coalition has provided over $180 000 in grants to support events right across Victoria for National Youth Week. I acknowledge the work of this year's National Youth Week Young Member for Victoria, Zac Slattery. Zac was previously on the Involve Ministerial Advisory Committee, and he is actively involved in his community. He is a great ambassador and role model for all young Victorians. I encourage all members to get involved in this important celebration.

Northern Hospital

Ms GREEN (Yan Yean) — The Northern Hospital is set to lose $10 million due to Abbott government cuts, and this will place even more pressure on a system already in crisis, particularly at our local hospital, the Northern. As if the cuts by the Baillieu and Napthine governments were not bad enough, we are now seeing a further $10 million cut. The Premier seems totally disinterested in this, and he seems to be saying that everything is all right on his watch.

Today during questions without notice I asked the Premier a question about a patient who waited in pain for 3 hours outside Northern Hospital and who eventually was tended to by the Kilmore-based Wallan ambulance crew. I did not receive an answer. One wonders if anyone in government knows anything about geography in this state. The Wallan ambulance crew's base is located 20 minutes drive away from the Northern Hospital. That shows how little this government cares about the north, and things are set to get worse under the current federal government. The opposition will stand up against the cuts coming out of Canberra.

Federation of Indian Women's Associations in Australia

Ms GREEN — I was privileged to represent the Leader of the Opposition at the Federation of Indian Women's Associations in Australia on Saturday night at the Thornbury Theatre. I congratulate Mrs Madhu Dudeja for her great work with this women's organisation, and I hope the federal government listens and does not bring back — —

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

Fruit fly

Mr CRISP (Mildura) — The pest-free area for fruit fly is vital to horticultural exporters in Sunraysia. The temporary suspension of the pest-free area is a necessary measure for its long-term preservation. The government, horticultural industries and the community of Mildura are dedicated to undertaking the work necessary to gain reinstatement. We have been here before, and we now have expanded cold disinfestation facilities at Wakefields Transport to continue to service our valuable markets.

Mildura Relay for Life

Mr CRISP — Well done to all those who participated in Relay for Life on the weekend. Some 2000 people gave up their weekend to support this event — they raised $150 000 for cancer research — and to remember those who are battling or have succumbed to this disease. I acknowledge the support

of my staff, who entered a team. Their encouragement kept me walking!

Berriwillock fire station and community centre

Mr CRISP — Congratulations to the community of Berriwillock on the opening of its combined fire station and community centre. This facility is an excellent example of what can be achieved when the community, local government, the Country Fire Authority and state government work together. I was delighted to attend my first formal function in what will become my expanded electorate.

Sunraysia Community Health Services

Mr CRISP — I congratulate Sunraysia Community Health Services on winning an additional $400 000 over four years to deliver expanded voluntary men's behaviour change programs in Mildura. Mildura has been identified as an area that would benefit from an expansion of its current service. The program is not only beneficial to victims of violence but to the community as a whole. Violence has had a significant impact on health services, crime rates and workplace participation.

Sunraysia Multicultural Festival

Mr CRISP — I am looking forward to attending the Sunraysia Multicultural Festival this coming Saturday. Over the years Mildura has been developing multicultural events that build on our southern European heritage and it has expanded to new members of our community — —

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

Albert Park electorate schools

Mr FOLEY (Albert Park) — Last week I was pleased to join with the Leader of the Opposition and the Deputy Leader of the Opposition in announcing Labor's commitment, should Labor be elected later this year, to a $1.5 million refit of the now vacant Circus Oz site in Port Melbourne as a dedicated year 9 hub for science and the arts for the very successful Albert Park College. This commitment reflects that it is only Labor that builds education in Victoria, particularly in the inner south. As our local community knows, every year, year on year, over its 11 years in government, Labor built and expanded permanent capacity for local schools.

Under the Napthine government we have seen no permanent capital expansion or investment in growth. What we will soon see, however, is that after two years of promising, and two years too late, the government will finally get around to purchasing the site of the former Melbourne Theatre Company building in Fishermans Bend for the primary school it has promised for that area. Announced in 2012, the school is now over two years behind. The government has promised the school will open in 2017. This looks highly unlikely given the Minister for Planning's public statement that any building community infrastructure in the Fishermans Bend precinct will be funded by developer contribution payments, none of which have been set and which still have some way to come. Whilst Labor is committed to building young people's futures for quality education, the local community knows that the Liberal Party cuts and cuts hard, and it does not commit to public education.

Construction, Forestry, Mining and Energy Union

Mr K. SMITH (Bass) — There is great news. The Construction, Forestry, Mining and Energy Union (CFMEU) — the Leader of the Opposition's sponsoring union — led by John Setka, has been fined $1.25 million plus costs. I refer to the Leader of the Opposition's socialist mates, whom he pleaded to have brought back into Trades Hall. These left-wing rabble think they can intimidate, threaten and physically attack building company executives and workers who want to work on sites across Victoria. I can only say thank God for Daniel Grollo and his company for having the guts to stand up to these thugs — these trade union standover merchants who have ruled the roost for too long through threats and intimidation. We have to remember that the Leader of the Opposition got them back into Trades Hall because he knew his mates would vote for him as leader.

What a disgrace this Labor opposition is, with socialist thugs like the CFMEU financially supporting it to the tune of $180 000 last year. How many members across the chamber can actually thank the CFMEU for their being here? The CFMEU provides not only financial support but also factional votes. What about those who got the tap on the shoulder because the thugs wanted more of their socialist mates in here to support the Leader of the Opposition, only to then get the flick themselves?

I have said it before: these pinko, commo thugs from Trades Hall — these troglodytes who live by fear and intimidation — are now going to be held to account. Congratulations to Daniel Grollo and to Justice Anthony Cavanough. It is great to see justice happening

in Victoria. We hope it keeps going on and on and that they get their just deserts.

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

Altona rail loop

Ms HENNESSY (Altona) — I will bring the tone down a little bit, Acting Speaker. I recently attended a community forum of commuters and local community members who are very frustrated with the service levels they are currently receiving using the Altona loop. The Napthine government unfairly reduced their service levels when it changed the timetable three years ago. A litany of transport challenges has arisen as a result, and unsurprisingly patronage has dropped.

Whilst he was the subject of understandable frustration, I will commend the CEO of Metro Trains Melbourne for attending the community forum. Attendees were slightly disappointed that neither the Minister for Public Transport nor representatives from Public Transport Victoria attended.

Of the many and varied issues discussed, I would like to place on the public record one of the most critically important — that is, what service levels and timetable will be provided to the Altona loop commuters once the regional rail link, a great project initiated by the former Labor government, has been completed? Altona loop commuters are looking for the assurance previously provided to them that their service levels will increase to a 20-minute frequency and that direct services will be reinstated. I would like the government to confirm when this will occur.

Given the horror experiences that so many on the Altona loop have been subjected to for the past three years — including constant bypasses, cancellations, meltdowns on the service and a lack of bus provision — the least the government could do is provide certainty around when the timetable will be changed and consult with this important community.

National Emergency Medal presentations

Mrs POWELL (Shepparton) — On Sunday, 30 March, I had the great honour of representing the Minister for Police and Emergency Services in presenting 41 Country Fire Authority (CFA) members from the Shepparton region in district 22 with national emergency medals. There will be 4470 CFA members who will receive medals to recognise their exemplary service during the 2009 Victorian bushfires on and around Black Saturday. Those fires were the worst in Victorian history, taking 173 lives, destroying thousands of homes and buildings and killing farm animals, pets and wildlife.

The medal was awarded to recognise those on the front line, those who organised logistics, those in the incident control centres and those who supported individuals and communities in trying to rebuild blackened towns and shattered communities. The 41 medal recipients came from the fire brigades at Bailieston, Euroa, Kialla, Mooroopna, Murchison, Numurkah, Shepparton, Toolamba, Violet Town and Yarrawonga.

A number of district 22 personnel were also awarded the medal, including Lyn Brereton and her late husband, Peter Brereton, a firefighter for 39 years who tragically lost his life. His passing reminds us of the dangers our firefighters face when they go about their business of protecting lives and property. I had the honour of presenting Peter's medal to his children, David and Marianne, whom I thanked on behalf of the community for the wonderful contributions their father and mother have made to their community.

I thank all our firefighters and their families for the courage and commitment they show and the sacrifices they make in protecting us all.

School funding

Mr PANDAZOPOULOS (Dandenong) — I have been noticing in press releases of recent weeks the government announcing its support of Labor members' campaign projects for the funding of school projects across the community. Labor members have been supporting campaigns for rebuilding Geelong High School and Coatesville Primary School. It is good to see that the government has responded to these campaigns, and I look forward to it continuing to respond to more of Labor's initiatives.

As an opposition member and a Labor member, I have raised the need to finish the final stage of Dandenong High School and the upgrade and rebuild of Rosewood Downs Primary School in Dandenong North, which had its master plan completed just prior to the coalition winning government in 2010. These school communities in the Dandenong electorate have been waiting for a long period of time to see funding from this government that continues the good record of the school rebuilding program under the Bracks and Brumby Labor governments.

The Minister for Education often refers to Dandenong High School as a model school. He opened one of the redevelopment stages at the school, which was a Labor-initiated project. He continued the support for

Labor-funded works that are nearly complete. However, for the school to actually be completed it requires a final stage of funding. It is highly inconsistent and contradictory of the minister to be talking about Dandenong High School as a model school, to open some of its wings and to continue with some of its funding yet not finish the school and at the same time announce a number of other projects — —

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

Marand Precision Engineering

Ms MILLER (Bentleigh) — Congratulations to Mr Orlando Carvalho, executive vice-president, aeronautics, Lockheed Martin, Mr David Ellul, managing director, Marand, Mr Rohan Stocker, general manager, Marand, and Mr Cliff Robson, senior vice-president, BAE Systems, on yesterday's successful ceremony celebrating the handover of the first completed Victorian-made F-35 vertical tail assembly — an integral part of the US joint strike fighter — to BAE Systems and Lockheed Martin.

The Premier, the Minister for Manufacturing, the Minister responsible for the Aviation Industry, the federal Special Minister of State, Senator Michael Ronaldson, and I visited Marand yesterday for the ceremony and to view the full-scale mock aircraft. Marand Precision Engineering is a family business. In 1969 Andy Ellul commenced business as a one-man toolmaking operation in a small, 900-square-foot factory. I would also like to make special mention of Mr Tom Burbage, former executive vice-president and general manager at Lockheed Martin, who has recently retired but who was instrumental in the project's success.

The company has operated in Victoria for the past 45 years, employs 250 highly skilled people and has a substantial turnover of about $70 million. I am proud to have Marand Precision Engineering as a hugely successful local business in my electorate.

Greek Independence Day

Ms MILLER — I was proud to participate in a wonderful parade along with thousands of Greek Victorians, from youths through to seniors, who were paying tribute to their nation by commemorating Greek Independence Day. It was great to see the Greek community come together on such a momentous day, especially people from the Bentleigh Greek Orthodox parish, Oakleigh Grammar, the Greek Orthodox community of the Oakleigh Grammar Saturday school, the Greek Orthodox community of Clayton and the Hellenic community of Moorabbin. The Premier paid respect to those whose sacrifices helped build modern Greece today — —

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

Lyndhurst Primary School

Mr PERERA (Cranbourne) — It was with great pleasure that I attended Lyndhurst Primary School's student leadership presentations yesterday morning. Lyndhurst Primary School places a great deal of importance on the example their student leaders set and on its role in ensuring that the highest standards are adhered to at Lyndhurst Primary School. Lyndhurst Primary School also recognises the leadership team's role in helping to provide the sort of educational experience that is relevant and responsive to the school's needs.

I wish to congratulate school captains, Ryan, Diya, Moksha and Cameron, who are all in grade 6. Ryan and Diya, with the help of Moksha and Cameron, conducted the assembly admirably, proving that they are future leadership material. I also wish to congratulate the house captains, student representative council and Lyndhurst Primary School's peer mediation leaders. I thank the vice-principal, Marc de Ley, and the staff for receiving me warmly.

Lyndhurst Primary School opened in 2011 with 160 students and has been growing steadily, with an annual growth rate of 145 to 150 students. At present the school student population is 600. It is located in a neighbourhood that is still growing and will grow enormously in years to come.

Victorian College for the Deaf

Mr NEWTON-BROWN (Prahran) — As my first engagement as Parliamentary Secretary for Education I recently attended the launch of the Victorian College for the Deaf's new resource kit for deaf and hard of hearing children. This new initiative sees families supported with increased links through early intervention settings and educators supported with increased training. I thoroughly enjoyed finding out more about this initiative and spending time at the Victorian College for the Deaf, which is in my electorate.

Toorak Primary School

Mr NEWTON-BROWN — It was great to once again visit Toorak Primary School on National

Ride2School Day to serve breakfast to students and parents. I spoke with many local families about a range of issues. It is always great to see the inspiring work of the principal, Julie Manallack, and her staff and what they do to ensure that Toorak Primary School continues to be a well-respected school of choice in the area.

Rotary Club of Prahran

Mr NEWTON-BROWN — I was very pleased to address a meeting of the Rotary Club of Prahran to discuss local Prahran initiatives. Local Rotary clubs are a great resource for garnering feedback on community-related issues. I look forward to working with the president, Graeme Newton, and his dedicated group of Rotary volunteers in the future.

Melbourne High School

Mr NEWTON-BROWN — I recently attended Melbourne High School and spoke at a junior assembly about my experiences in Parliament and the events that shaped my political opinions and ideals. I thank junior assembly coordinator Anna Berlin for providing the opportunity to speak, and I look forward to attending again in the future.

Victorian Trugo Association

Mr MADDEN (Essendon) — On 28 February I had the good fortune to attend the Victorian Trugo Association preliminary final between Ascot Vale and Brunswick trugo clubs. I had a great time. It was a great event, and I had the opportunity to meet some fantastic people. I want to congratulate Harry Grimwood, the president of the Victorian Trugo Association, for the great work he does. I also want to make extra special mention of Michael Greenway, who is the president of the Ascot Vale Trugo Club. In recent years he has revitalised the club and seen the refurbishment of the facility on Raleigh Road alongside Maribyrnong Park. He has seen the greens renewed, the clubhouse attended to and the renewal of club membership.

Whilst they played very well at the preliminary final, Ascot Vale club members were not able to beat the Brunswick Trugo Club at Temple Park. I understand that Port Melbourne won the grand final against Brunswick a week later. I congratulate all those associated with the fantastic work and the great sport that is trugo. It is truly a workers' sport and truly Victorian. I wish the players well into the future.

Regional Victoria Living Expo

Dr SYKES (Benalla) — I encourage Melburnians to visit the Regional Victoria Living Expo at Jeff's Shed from 11 April to 13 April. The Regional Victoria Living Expo is a Liberal-Nationals coalition government initiative that around 9000 people have attended in each of the past two years. Attendees have learnt much about business and lifestyle opportunities in regional Victoria. Local government and local businesses have embraced the expo and are working collaboratively and successfully to attract people and businesses to make the move to regional Victoria. The expo, plus the coalition government's relocation of the VicRoads headquarters to Ballarat and the $1 billion Regional Growth Fund, highlights the coalition government's commitment to growing regional Victorian economies.

I urge members to contrast this with the conduct of members of the Labor opposition and their union mates — for example, the ongoing outrageous conduct of the Construction, Forestry, Mining and Energy Union (CFMEU), which was exposed yet again in the Supreme Court ruling in *Grocon and Ors v. The Construction, Forestry, Mining and Energy Union and Ors*. Key phrases in the ruling included 'public defiance', 'criminal', 'the end does not justify the means' and 'destructive to the rule of law'. Fines totalling $1.25 million highlight the severity of the charges. Similarly the conduct of people at the CFMEU-controlled Wonthaggi desalination plant site, as exposed in the *Herald Sun* today, was disgraceful. When will the parliamentary Labor Party, and in particular the Leader of the Opposition, stop standing shoulder to shoulder — —

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

Renewable energy

Ms D'AMBROSIO (Mill Park) — I was pleased to open the Clean Energy Council wind energy forum on 19 March. Despite having been invited to the forum by the Clean Energy Council, the Minister for Energy and Resources failed to show up and did not send a representative. That shows total disregard for an industry that has provided thousands of jobs to Victoria, including regional Victoria, and in the order of millions of dollars of investment for that same area of Victoria. Also thanks to this government the wind energy industry has stalled, costing regional Victoria many prospective jobs and much-needed local investment. Planning rules, of course, have been one key problem that has led to that.

Adding insult to injury is the utter silence from members of this government on their Liberal allies, their federal mates who are threatening the federal

renewable energy target (RET) program. With the abolition or undermining of the renewable energy target, projects that had been approved by the Labor government — that is, wind energy projects — are unlikely to go ahead.

One would think that a Victorian Premier who claims to support the wind energy sector in his own local community would stand up for local jobs in his community and back the RET continuing in its form, as the Premier of Tasmania has done. We know, however, that he is more interested in cosying up to Liberal Prime Minister Tony Abbott than he is in sticking up for Victorian jobs. The slow bleed of the Victorian energy efficiency target scheme has cost us more than 2000 jobs so far.

Parliamentary procedure

Mr MORRIS (Mornington) — In the wake of the revelations today from the Leader of the House that Labor refused to consider a comprehensive proposal for reform of the parliamentary program, it is worth recalling what Labor did — or rather, what it did not do — when it had the opportunity. Those with long memories will recall that Labor promised extensive reforms to the way we do business in this house when it last had the opportunity to govern.

The house was going to adjourn at 7.30 p.m. — remember family-friendly hours? There was going to be a matter of public importance debate every day, yet there was barely one in four. There was going to be provision for private members bills to be debated, yet for 11 years Labor refused to even allow leave to have them introduced. Times for the government business program were going to be fixed by agreement one week in advance, and those times were going to be advertised. An hour was going to be set aside for consideration of petitions, and that was to include allowing petitioners to speak. There was a proposal to allow supplementary questions in the Legislative Assembly. Every parliamentary committee was going to consist of six members, three government and three non-government.

Not one of these innovations was introduced in the 11 years that Labor had the opportunity to bring them forward. Not one element of Labor's plan saw the light of day in 11 years. It is clear that when it comes to upholding parliamentary democracy and when it comes to keeping promises, Labor can't be trusted.

Construction, Forestry, Mining and Energy Union

Mr BATTIN (Gembrook) — The Leader of the Opposition should disassociate himself from the Construction, Forestry, Mining and Energy Union. The way he is behaving is a disgrace.

The DEPUTY SPEAKER — Order! The time set aside for members statements has concluded.

FENCES AMENDMENT BILL 2013

Second reading

Debate resumed from 12 December 2013; motion of Mr CLARK (Attorney-General).

Mr PAKULA (Lyndhurst) — I think it is fair to say that if there had been a fence between where the member for Gembrook is sitting now and his microphone, he would not have got that little contribution in.

It gives me pleasure to rise to speak on the Fences Amendment Bill 2013. Of course this bill has already passed the other place. It was not opposed by the opposition in that place and it will not be opposed by us in this place. Fences might seem to be a rather grey subject matter, but fencing disputes are a reasonably significant aspect of what generally would be considered minor litigation in our court system. As the owner of a property with a very old fence between myself and my neighbour, with an 11-year-old boy who likes to kick or hit balls — tennis balls, footballs and soccer balls — into the fence, with it being a fence that may have the odd pale missing, and with a small Jack Russell terrier who considers my next-door neighbour's property to be somewhat like Narnia, I can see why these fencing rules — —

Mr Delahunty interjected.

Mr PAKULA — I didn't quite hear what the member for Lowan just said.

Mr Delahunty — You should feed your dog.

The DEPUTY SPEAKER — Order! The member for Lowan should not interject, and the member for Lyndhurst knows it is disorderly to respond to interjections.

Mr PAKULA — For the record, Deputy Speaker, I both feed and walk my dog. It is quite clear how dividing fences between properties can conceivably and potentially become matters of some contention. This

bill is aimed at putting rules around these matters, and not for the first time: the Fences Act 1968 has been in place for a long period of time. This bill seeks to change the procedure for the sharing of costs of dividing fences between neighbours and to provide an up-to-date mechanism for the resolution of disputes about dividing fences.

The Fences Act was the subject of a report by the Victorian parliamentary Law Reform Committee and recommendations were made about alterations to it. When the Labor Party was in government it instituted the Dispute Settlement Centre of Victoria and that has become the forum where a range of fencing disputes have been mediated rather than going to full court hearings. Certainly in many circumstances use of the centre has led to the resolution of fencing disputes. The present government commissioned another review of the Fences Act in 2011, there was some public consultation on a discussion paper in 2012 and now we are dealing with this bill in 2014.

The effect of the bill is that owners of adjoining lands are liable to contribute in equal proportions to the construction of or necessary repairs to a sufficient dividing fence. A range of factors set out what constitutes a sufficient dividing fence. It would be appropriate to consider what kind of fence was in place previously, what types of fences are commonly used in the local area and obviously and importantly the purpose for which the adjoining blocks of land are used. There will be different requirements for different types of fences depending on what kinds of uses those lands are put to.

The bill provides that where a sufficient dividing fence would be different for adjoining owners — and again that would depend on what is occurring on the two blocks — and one of the two owners requires something that is less substantial than that required by the owner of the other property, the lesser standard is taken to be the sufficient dividing fence. That is appropriate. If someone is carrying out heavy industry on one side of the fence and someone else has a residence on the other side, it would not be appropriate for the resident to have to pay for a fence that would be sufficient for the industrial use next door.

The bill provides an opportunity for the owner of the land where the more substantial fence might be required to have that more substantial fence, but in those circumstances that owner would have to pay the difference between what a sufficient dividing fence for the other owner would cost and what a sufficient dividing fence for himself would cost. Again that means that if there is an absolute requirement for someone to have a more substantial fence, they can have one, provided they are prepared to pay the difference in cost between the fence they need and the fence the other person needs.

The bill shifts the liability for payment from the occupiers of land to the owners. Whilst the opposition thinks it is appropriate for legislation to be introduced which updates the rules and arrangements in relation to fencing, this is one of the provisions where we can contemplate ongoing disagreement, because whilst there are some exceptions in the bill for long-term leaseholders where they may still be liable for fencing repairs, in other circumstances it becomes the responsibility of the owner of the land.

It would be useful if government speakers could indicate what recourse an owner of land might have if the occupier of the land is responsible for whatever damage might be done to the fence. In other words, if a landlord has a tenant and the tenant wrecks the fence, what recourse does the owner have in those circumstances against his or her tenant? It is clear what happens when you have a tenant with a long-term unexpired lease, but is not clear what happens in circumstances where you have a tenant with only, for instance, a 12-month lease and when the behaviour of the tenant has caused the fence to become damaged. In those circumstances the recourse of the owner against the tenant may well become the subject of another type of dispute — admittedly not the same type of dispute that we might have at the moment, but a new type of dispute.

The bill also provides that an owner who proposes to undertake fencing works in respect of a dividing fence must generally either reach agreement or give written notice to an adjoining owner. There is a provision about what happens in circumstances where the owner cannot be located or fails to respond within 30 days. The bill is not clear, and in the briefing that was provided — —

Mr Clark interjected.

Mr PAKULA — I hear endless muttering from the other side of the table. The Attorney-General says he is trying to sort out my muddles. If it were not such a muddle, I imagine that the Attorney-General would not need to seek advice from the advisers box.

In regard to an owner being unable to be located or failing to respond within 30 days, it is reasonable to have a situation where one party does not need to search forever for the neighbour in order to have the fencing repairs carried out. It is quite conceivable for people to go away on holiday and be uncontactable for

a period of a month or more. I am sure that in the Attorney-General's electorate there would be many circumstances where people are away on holiday for a month or more. What happens in those circumstances? What happens if someone has failed to respond within 30 days or been uncontactable for 30 days simply because they are away, and they come back and find that fencing works are being carried out or have been carried out on their property in circumstances where they have been unable to respond, not because they are bad neighbours but because they are not there?

It is incumbent upon the opposition to raise these questions and it is incumbent upon the government to provide an answer to them, because this is not some fanciful circumstance or some fanciful hypothesis. In reality it is very likely that there will be a situation where someone has been unable to respond to attempts by one neighbour within 30 days because they have been out of the state or out of the country and in those circumstances fencing works have commenced without their knowledge. It is almost inevitable that a matter of that nature will come before the courts at some point. The intention of the government in those circumstances will be gleaned from the debate today, and it will be useful if government contributors indicate the intention of the government in circumstances where someone does not respond within 30 days through no fault of their own and where they do not know that their neighbour is trying to contact them.

The bill also provides for fencing to be carried out without a normal response from the neighbour in situations that are urgent. The bill provides no definition for what constitutes an 'urgent' situation. The note to new section 23 of part 2, division 2, indicates some of the circumstances which might constitute urgency, including:

> … where the dividing fence has been damaged or destroyed by a falling tree or branch or by fire or flood.

As members are aware, a provision which is inclusive rather than exclusive does not provide the kind of certainty that would avoid disagreement or controversy in all circumstances. It is clear from the bill what might constitute 'urgent', but there are a range of other circumstances that might or might not constitute an urgent situation, which would then allow fence construction to commence without a fencing notice. For example, if someone has a German shepherd dog and the damage to the fence is such that the dog is getting into the neighbour's yard, does that constitute an urgent situation in which one neighbour can carry out fencing works without a fencing notice being provided? That is a question this house should be able to answer because if we are going to the trouble of amending the Fences Act 1968 and we have a brand-new piece of legislation that does that, should we not in all possible circumstances create the greatest clarity we can?

Where you have a provision which says that without giving a fencing notice and without the agreement of the owner of the adjoining land you may carry out fencing works and any subsidiary works if the fencing works and any subsidiary works need to be carried out urgently, it would be of benefit to all those people who may be subject to this law in the future to have clarity about what the term 'urgently' means. As I have indicated, we know from the note that 'urgently' includes a branch falling down, fire or flood, but there are conceivably a range of other circumstances that may or may not constitute an urgent situation.

When you consider that these fencing disputes can be the cause of significant disagreement and significant bad blood between neighbours, the avoidance of these types of controversies at all costs ought to be the priority for this house. To the extent that government members can clarify the matter of what constitutes urgency, I suggest that that will lead to the smooth and proper operation of matters under this act moving into the future. If the government has the opportunity to clarify this matter and chooses not to clarify this matter, then the government will have nobody but itself to blame when this becomes a matter of contention and controversy down the track.

The bill clarifies the power of the Magistrates Court to hear and determine disputes and make orders. The court may make a range of orders, 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, what contributions are to be made and that any party cease an activity or conduct that is unreasonably damaging a dividing fence. That is in contrast to the matter I have just been dealing with: this is a provision that provides clarity. It provides clarity about what the Magistrates Court's powers are in these kinds of disputes and clarity about what parties can expect the Magistrates Court to order. If it is good enough for the bill to provide clarity in that regard, it is good enough for the bill to provide clarity in all regards.

There are a very large number of civil disputes that centre on liabilities around the allocation of responsibility for fencing issues. Home owners and occupiers will appreciate a greater degree of clarity about rights, responsibilities, the power of the court, what matters can and cannot be ordered by the court, who is to pay, the notice requirements and the

circumstances in which they will have to pay. All of those things are useful, but there is no doubt that regardless of this legislation — and in fact regardless of any legislation in regard to fences — there will always be disputes in this area. It is the nature of the beast that when you have neighbours, neighbourly relationships are not always good. People have conflicts with their neighbours; it would be best if it were avoided, but it is not always possible to avoid. Fences by their nature deteriorate; they fall down. People have different views about who is responsible for that, and so there will always be disputes about who is responsible for the deterioration of a fence and who ought to be responsible for its rebuilding, who ought pay for it and how much they ought to pay.

While greater clarity is welcomed, the matters that I have raised during this debate are matters about which I think there is still a lack of clarity: relationships between owners and their tenants, the nature of what constitutes an urgent repair and what is to occur where someone has been unable to be located within 30 days through no fault of their own. They are but three areas where a cursory examination of the bill and the minister's second-reading speech indicate there may continue to be areas where there is insufficient clarity. Given that we have the opportunity through this debate to provide some of the clarity that the bill currently lacks, I urge government speakers to provide that clarity during their contributions. With those few remarks, I commend the bill to the house.

Mr MORRIS (Mornington) — I am pleased to rise to support the Fences Amendment Bill 2013, which as the explanatory memorandum indicates, is intended to facilitate fairer dealings between neighbours. As the member for Lyndhurst said, dealings between neighbours are not always as amicable as they would be in an ideal world. It is very important that we have legislation in place to prevent difficulties wherever they can be prevented. Neighbourhood disputes are sometimes considered — principally by those who are not affected by them — to be somewhat trivial, but they are not. If a person is uncomfortable or uneasy in their own home, if they feel threatened in any way, then not only does it impact on the enjoyment of their own residence, it can potentially impact on their capacity to lead a normal, productive life. It is important that we have the capacity in legislation to ensure that wherever possible these matters are able to be resolved as simply and effectively as possible. That is the intention of this bill.

These matters were also addressed by the Law Reform Committee of this Parliament by way of a report in 2011. The committee made 69 recommendations. I do not intend to go through all of those in detail, or indeed many of them, but I hope to have the opportunity to speak briefly about how this bill addresses some of the most important of those recommendations.

The Fences Act 1968 currently provides that the occupiers of adjoining land rather than the owners are liable to contribute to fencing costs. One of the things this bill does is shift that liability from occupiers to owners because clearly a fence becomes an asset of a property. It is a fixture and ultimately it will benefit the landowner, unless of course the occupier is there over an extended period beyond which the asset may depreciate. The bill makes it clear that the liability rests with the owner and that where in very limited circumstances a tenant may be liable to contribute, that contribution depends on the length of the unexpired term of the tenant's lease.

The bill also provides some clarity around the role of municipal councils, particularly where they hold land for the purposes of a public park or reserve. For those purposes they are not considered to be an owner and the contribution provisions do not apply. That has been the practice in general terms for some time, but this bill makes that completely clear. It also contains some minor amendments to update the Crown exemption, but the effective policy position of successive governments remains unchanged. The bill also amends the act to make it clear that adjoining owners are obliged to contribute in equal proportions to fencing works — that is, the construction, repair and maintenance of a dividing fence.

The bill also sets out, importantly in my view, factors that are determinant of a sufficient dividing fence. New section 6, which is inserted in the act by clause 5, provides an extensive definition of when a dividing fence is considered to be sufficient. It runs over one and a half pages of the bill and covers things to be taken into account, such as the purposes for which the adjoining lands are intended to be used; privacy concerns — in the case of lots with limited private space, perhaps a post-and-rail or a post-and-wire fence will not do the job; any policy or code that may be in force from the local council; any planning instruments which would apply; building laws; the existence of any agreements or covenants that may be relevant — in an area that prohibits not only front fences but side fences back 20 metres or so on a block, clearly that needs to be taken into account; the duties of an owner under the Catchment and Land Protection Act 1994, if those apply; and a provision regarding waterways.

All of those things are intended to be taken into account in determining whether a fence is of a sufficient

standard to meet the minimum — and meet the benchmark, which is probably a better way of putting it, is what is intended with this legislation. If people want to go further — if instead of a paling fence, they want a Colorbond fence or a brick fence or whatever other form of construction that may be aesthetically pleasing to them but is well beyond the utilitarian nature of a paling fence — they are still free to stump up the money themselves and get that work done. However, that should be at the expense of the person who wants the improved aesthetics, rather than 50 per cent of that burden being sought to be imposed on the other property owner.

The bill amends the Fences Act 1968 to permit adjoining owners of land to agree to carry out any works that are not on a common boundary, if it is not practical to undertake those works on a common boundary. If there is a tree or a waterway or some other form of obstacle in the middle that makes it difficult to build a fence in that location, the bill will allow an alternate course of action to be taken. It also includes a procedure for the resolution of disputes about where a common boundary might be. The procedure provides guidance for engaging a surveyor and the fair apportionment of costs.

The bill clarifies the jurisdiction of the Magistrates Court to resolve those matters, including the placement of a fence. It proposes some simple procedures for fencing works, particularly to require an owner of land who proposes to undertake works to give notice of those works to the adjoining owner whether or not they are seeking a contribution, so that that person does not simply wake up one morning and find someone out there digging stump holes for a fence on the boundary. The bill will seek to mitigate that circumstance, which is not as foreign as it might sound, as I am aware. The bill also provides for a process where if adjoining owners cannot agree on a resolution within a particular time limit, an order can be sought from the Magistrates Court.

As I mentioned, in 2011 the Law Reform Committee made 69 recommendations. The bill provides for much of what was proposed by that committee. Additional powers were proposed to be included in the principal act, and the bill largely provides for those. There were recommendations around definitions, and the bill largely applies to those. There were recommendations around barriers and so on, and the bill applies to those. There also were provisions around agricultural land adjoining residential land, and the bill applies to those. It is a practical and reasonable solution to the issues raised in the committee report.

Mr PERERA (Cranbourne) — I wish to make a short contribution on the Fences Amendment Bill 2013. The bill proposes to amend the Fences Act 1968 to provide a procedure for the sharing of the costs of dividing fences between neighbours and a mechanism for the resolution of disputes about dividing fences.

In 1999 the Victorian parliamentary Law Reform Committee released a report recommending the repeal and replacement of the existing fences legislation and made several further recommendations. The former government conducted further consultation regarding possible reform to the Fences Act 1968. It also invested in the Dispute Settlement Centre of Victoria and encouraged people to utilise that free service to resolve their fencing disputes. Mediation in the dispute settlement centre provides a safe environment for property owners to raise uncomfortable issues that are clearly causing them distress. The mediators control the discussion to make sure everyone has a chance to put forward their point of view and that they listen to each other. Mediators also keep a positive focus on the discussion, helping neighbours to reach agreement on the problems they have been having.

In one case, during mediation over a fencing dispute, one owner was shocked to hear some of the things her neighbour believed she had said about her, but she was also grateful to have an opportunity to put across her point of view and to apologise for any offence she had caused. In this situation the dispute probably would have kicked off from a different angle rather than from the issue of a dividing fence in itself. Therefore the dispute settlement centre can be helpful in many different ways. Unless you have had one, arguments over fences may seem a throwback to a bygone era, but they are more common than you might think. According to the Attorney-General, over 6000 residential fencing disputes were tabled in 2012–13 — the greatest number of disputes of any type.

The changes in the bill have been drawn from public discussion around the issue in 2012. Under the changes neighbours will generally be required to contribute equally to the construction cost of a sufficient dividing fence, which is to be determined by the existence or otherwise of a fence, the type of fence usual in the neighbourhood and the purpose for which the neighbours are using their land. Owners wanting a more expensive fence will have to meet extra costs. These clarifications are very important. Owners will have to seek agreement from their neighbours before building fences even if they intend to shoulder the cost themselves. Neighbours who do not comply may face court orders for their share of costs.

Further, local councils will be permitted to give out a resident's contact details to allow for the serving of notices. This has been a major issue when you have neighbours who are tenants as opposed to owners. Tenants are more likely to be unaware of a landlord's details if they have rented premises through an agent. In this situation it becomes harder, and owners have to rely on the council contacting the landlord and getting the landlord to contact the owners. If this bill facilitates councils providing that information, this will be a great help in fencing disputes.

At present if you are a tenant, you must send a notice to fence to your landlord by registered post within 14 days or you may become liable for the cost of the fence. You may have to pay towards the cost of the fence if you have been living at the property for three years or more. How much you have to pay depends on how long you have lived there. I am not sure if this existing law is being overridden by the new bill because I have not seen anything which says that that has been changed so that sole responsibility continues to be the landlord's even if the tenants have lived there for three years or more.

If neighbours cannot agree formally about a new replacement fence, the new rules allow one party to give notice to the other setting out details of a proposed fence type, location and estimated cost breakdown. If the neighbours cannot then reach agreement, either owner will be able to seek an order from the Magistrates Court specifying what fence should be built and how the costs should be shared.

The bill makes life easier for property owners when they have difficult neighbours and will create harmony between neighbours. Putting up a fence is part and parcel of the life of a property owner in Victoria, and it happens that the vast majority of Victorians own properties. Most migrants buy their first home within the first five years. I know that that is definitely the case with migrants from South Asia. The clarification of the responsibilities of putting up a fence and sharing costs is very important for new migrants who have found a home in Victoria. In their original place of residence things might be different, and it may not be the case that neighbours share the cost of the fences. The bill will create neighbourhood harmony as it clarifies matters. I commend the bill to the house.

Mr KATOS (South Barwon) — I am very pleased to rise this afternoon to make a contribution in support of the Fences Amendment Bill 2013. I will note a few of the comments and questions raised by previous speakers. This bill has its genesis in 1998 when the then Law Reform Committee reviewed the Fences Act 1968. The Bracks and Brumby governments undertook an 11-year consultation around doing something about fencing disputes but never quite managed to get there with legislation. I am pleased today to be doing something about addressing what is a very common form of dispute. Fences are the subject of probably the most common disputes between neighbours. The *Herald Sun* of 17 September 2013 reported in an article headed 'Wars next door' that:

> Fencing disagreements were the no. 1 problem reported to the dispute settlement centre, with 6611 calls in 2012–13.

That was even higher than the number of calls made on behavioural issues, for example.

The member for Lyndhurst raised the issue of who would pay for damage to a fence, whether it would be a tenant and if so how that would be done. The answer is that when a tenant signs a lease they put down a bond, so obviously if they damage any part of the property, whether it be a fence, windows, doors or anything else, the landlord would have recourse to being able to withhold money from the bond to pay for any damage. to a fence or anything else. That is a fairly simple way of seeing that issue resolved.

The member for Lyndhurst also talked about urgent fencing works. That matter could arise perhaps in rural areas, where there can be emergency situations. A storm, flood or fire can take out a fence. If there are then stock out on the road, that is a quite urgent situation and the fence needs to be fixed as quickly as possible. Obviously the owner of the property is liable for that stock and sometimes it might not be practical to issue a fencing notice. The bill allows for fencing works to be undertaken when they need to be carried out urgently and it is also impracticable to give a fencing notice. In the circumstance of stock being out on the road and that stock needing to be contained, the fence just has to be fixed. If subsequently there is a dispute between neighbours — and I venture to say that the neighbour who was not there might not want to pay — that can be resolved later in court, if necessary. There just has to be a common-sense approach to fixing the problem.

The bill will facilitate fairer dealings between neighbours over shared boundary fences and encourage the resolution of fencing disputes without people having to go to the Magistrates Court or even the Victorian Civil and Administrative Tribunal. It provides greater guidance on the principles for contributing towards fencing works, the type of fence to be built and the placement of fences, and it reduces complexity and confusion. The bill shifts the liability for fencing from occupiers to owners. That is an important part of the

bill. Obviously a fence is a fixture of the land, so it is logical that the owner of the land be responsible for fencing. If someone is leasing the land, they may be responsible for a new fence, or as the fence gets old or needs to be repaired, they may be responsible for that work.

The bill makes it clear that where there is a council reserve or a public park the municipal council, a trustee or other person or body that owns or holds that land is not liable for their share of the cost of adjoining fencing. Unfortunately when people buy a property that backs onto a council reserve they have to pay for the entire cost of the fence — but that is obviously something that people know before they purchase the land. It is not something that is hidden.

As far as the obligations of adjoining owners are concerned, the bill makes it clear that adjoining owners are obliged to contribute in equal portions for the fencing work, which might include construction or even repairs. As has been indicated by other speakers, a paling fence is usually the standard divide between properties, but you might have the situation where one owner wants to put up a brick fence. Obviously if that is the case, the neighbour who is not interested in a brick fence will be liable for half of what a paling fence would cost, for example, and the neighbour who wants a brick fence would pay the difference, which in this case would be quite a substantial difference. I suppose these days a lot of people are starting to use Colorbond fencing, which is a little bit dearer than paling fencing. A person could install Colorbond for aesthetic purposes but that person would pay a bit more because of the additional cost.

The bill contains guidance on the location and placement of dividing fences. It amends the principal act to commit adjoining owners of land to agree to carrying out any fencing subsidiary works on land that is not located on the common boundary of the adjoining properties. Again, this is more common in rural areas where, for instance, a creek might be the divide between two properties. Obviously it would be impractical to put a fence down the centre of the creek. By agreement the property owners can put a fence on one side or other of the creek, which is a sensible arrangement. Sometimes when you are out in the country and the creek is not flooding you can see old fence posts in the middle of the creek. It is perhaps more sensible to have a fence on one side of the creek in such circumstances.

The bill revises the Fences Act to require an owner of land who proposes to undertake fencing or subsidiary works to give to the adjoining owner a fencing notice, which must be in writing and contain specific information. The bill also provides a process whereby if adjoining owners cannot agree to the matters in a fencing notice within a specific time, they can seek an order from the Magistrates Court to try to remedy the situation.

As I said, in essence the bill's purpose is to allow for the resolution of fencing disputes. I encourage all property owners to talk to their neighbours to try to get a proper outcome in fencing disputes. There is no need to go to court over them. In my view fences are trivial matters and should not cause as much angst as they do. It is simply a matter of speaking with your neighbour. Some people get bees in their bonnets about fence lines, whatever the type of fence. In modern living arrangements we are obviously getting people packed in tighter than they used to be, particularly given the member for Essendon's mandate of 15 lots per hectare. Lot sizes are smaller and people tend to live on top of each other.

People should still talk to their neighbours to try to get a resolution of any dispute, but there will always be circumstances where that is not possible and unfortunately a remedy will have to be sought in the Magistrates Court. The aim of this bill is to limit that as much as possible and to try to get people to resolve things in an orderly manner. I am more than happy to commend the bill to the house.

Mr MADDEN (Essendon) — This is a great opportunity for me to speak on the Fences Amendment Bill 2013 because what I have learnt over my many years in this place is that it is often the small, domestic issues which people are most passionate about. Whether it be tail docking of dogs or the construction of fences, it is those little things which impact directly on people and about which people get excited.

Mr McGuire interjected.

Mr MADDEN — Or the big stuff. Sometimes the general public can let the stuff in between pass them by. Fencing is a very important issue for the vast majority of the Victorian population because while it might be a small issue in people's lives, it can be the straw that breaks the camel's back. It is not surprising that there are so many disputes over fencing. A very philosophical uncle of mine, who is no longer on earth, used to say to me that you can sit on a mountain but you cannot sit on a tack. It is the little things in life that bring you undone.

Honourable members interjecting.

Mr MADDEN — If members did not get that saying, I am not going to explain it to them. A fence might not be a big deal in a person's life until it has to be replaced. It is at that time that all those issues between neighbours that were lying dormant become big issues. People may not want to tell each other about the noise coming over the fence or the cars backing up and down the driveway at various times of the day and night. Neighbours might leave those issues to one side until they finally need to have a discussion about the cost of a fence or the fact that they might have to replace a fence. It is not surprising that such disputes arise.

Recently in my electorate I have seen a fencing dispute become quite an acrimonious issue between a couple of neighbours. A fence is the last little thing that is dealt with in the whole building process. A resident has a very large renovation with building works that extend right to the boundary. There is a brick wall on the boundary. Some of the building works are still not completed and of course the last bit to go in is the new fencing. Funnily enough, as it comes to the end of the project the neighbour with the big building project is trying to find some money to complete it and has decided not to complete the fencing in a hurry — and now of course there is a quite acrimonious dispute going on between the neighbours. While I am sure it will be resolved, I expect there will be a degree of anxiety experienced by those involved before the new fences are put in. A surveyor has already marked out the line of the fence, which will require some realignment, and when the contractor comes to put in the fence there will be disputes between the neighbours because of the acrimony that has built up between them over years of their living next door to each other.

At the end of the day I suspect too that the provisions in the bill, while they are important and will clarify procedural issues, are not going to reduce fencing disputes to a great extent because some disputes exist outside a fencing issue. In terms of relationships between neighbours, a fencing dispute is often emblematic of built-up tensions.

I am interested in the issue of where the obligation falls when a fence needs to be repaired. One of the examples I have seen in my electorate in recent times is where during the course of a building project an owner did not put in stormwater drainage. The building project took longer than it should have and the stormwater was draining to one side of the property. Funnily enough the water pooled alongside the property, right on the fence stumps. It had been a pretty good fence and probably had another 10 or 15 years of life left in it, but unfortunately the stumps had rotted away and so the posts needed replacing. The neighbour was quite concerned because they felt they were being asked to pay for a new fence, and their expectation was that a new fence was not warranted because it was the fault of the owner who had not connected the stormwater drainage from the building site. This was one of those disputes that was going to play out through the natural course of events. Some of these disputes are not necessarily just about the cost or extent of a fence; more often they are to do with how the decline or deterioration of a fence came about.

The irony of one of the provisions in the legislation is not lost on me. The fact is that this government wants to ensure that councils do not have to pay for fences where a property boundary sits along council land. However, I can remember that when in opposition Liberal-Nationals coalition members were very vocal about who should pay for fencing costs which lined up along Crown land after bushfires, grassfires and the like. They felt there should be no obligation on the farmer and that the full cost of the fence should sit with the Crown. The legislation before the house provides that payment for a fence on a boundary with municipal land does not sit with that level of government but with the landowner. The irony of that situation is not lost on me, but then again we have come to expect a lot of irony from this government when it comes to what its members used to say and what they do now.

I am glad to see that the bill clarifies the relationship between the owner of a property and the tenant in regard to who pays for fencing. However, there is another pertinent issue in relation to fencing. In my student days — this is going back a long time — I recall a student house where after a long day a barbeque had turned into a party. The students were sitting around a 44-gallon drum with a fire in it to keep warm, but later in the evening they ran out of wood. Unbeknown to some of the students from that house, people at the party decided to search for timber, but unfortunately the timber they found was part of the fencing in the backyard behind the trees. By the time the students woke up the next morning there was very little of the fence left. These people were tenants in a student house and even before the fence issue they were going to lose their bond. The posts and rails were left, but there were not many palings left on the fence by the time the party had finished. Unfortunately the students comprehensively lost their bond, and they had to ensure that a new fence was built at their own personal expense.

It is important that fencing issues be clarified, but I remain concerned that the bill will not necessarily see acrimony resolved between neighbours, an issue which

underpins the need for work in the legislation. Issues that arise with buildings on property boundaries and what owners are entitled to do on the new boundary surface are not touched on in the bill. If somebody builds a new garage right on the boundary where there was a fence before, previously the neighbour could grow things against it, paint it or do other things to that fence so long as it did not interfere with the other side of the fence, but once people build right to the property line, the building that sits on the property boundary is still the property of the person who has built to the property boundary. Issues remain about what people can do. Can they put a backboard against a brick garage or a brick house? Probably not, because they are going to drive the people in the house next door crazy. Issues remain around what you can and cannot do to structures and buildings that are built right to a property edge.

This issue has not sought to be clarified in this piece of legislation, but as was mentioned by the previous speaker, as we see people building on smaller allotments and building towards the boundary more often than was the case in the past, then there will be more disputes in the future — not about fences, but about the entitlements of people whose properties sit alongside those structures built right against the boundary and how those issues should be resolved. Those issues cannot be resolved unless there is goodwill. If there is no goodwill in the first place because of disputes between neighbours that have happened over a long period of time, then the legislation will not necessarily remedy those fencing disputes. However, I hope the bill resolves some fencing disputes in the future.

Mr CRISP (Mildura) — I rise to support the Fences Amendment Bill 2013. The purpose of the bill is to provide a procedure for sharing the costs between neighbours for the construction and repair of dividing fences, provide a mechanism for the resolution of disputes about dividing fences and provide for other matters relating to dividing fences. The bill also makes consequential amendments to other acts. It has been a long time since the Parliament looked at the Fences Act 1968, which was last amended in 1998. Some work was done on the bill between 2011 and 2012 when the government undertook a review and consultation process.

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 or the resolution of fencing disputes. The monetary amounts in dispute may be relatively small, but fencing disagreements can create tension between neighbours. We have heard quite a lot about that today from other members. In 2012–13, fencing disputes represented the greatest number of calls to the Dispute Settlement Centre of Victoria, with 6600-odd inquiries. As time goes on, the amount in dispute may be dwarfed by the legal expenses involved in sorting out a dispute. Such matters often begin small but can soon become very big. There is no more certain way to upset a neighbourhood than to initiate a fencing dispute. Such disputes divide neighbourhoods as people take the position of their friends or take the high ground on various issues.

We need to consider a number of issues, and that includes issues around obligations, which the bill clarifies. The bill also clarifies the difference between owners and occupiers. It works on dispute resolution. Previous speakers have raised a number of issues. The shadow Attorney-General sought clarification around the issue of what constitutes urgency in relation to a dispute area, pointing out that there is no definition. That omission was intentional. There are so many circumstances that surround matters related to fencing that to define them in the act would be foolish and cause more problems than it would solve. The definition of what constitutes urgency has been left open, because we cannot define it. If people are very upset, they can go to the Magistrates Court to get definitions. That has deliberately been left open so that various circumstances can be accommodated.

The bill clarifies the powers of the court and the Crown land issue. The latter issue was raised by the member for Essendon. The bill mostly deals with issues surrounding residential fences, but when you get into rural areas, these issues are more nuanced. One issue the member for Essendon raised is bushfire damage to fences. If a farmer's fence that borders a national park burns down, the Crown does not accept the full liability. We have changed that responsibility. The government has delivered this for the farmers who have land that adjoins Crown land, in particular national parks — we will pay for half the cost of materials required to rebuild the fence. In my electorate this issue is very much in play at the moment. We had some very large bushfires in my electorate in late January and early February, and there are large areas where boundary fences between national parks and farmers' land were destroyed. The Department of Environment and Primary Industries is the lead agency assessing these matters. As a rule, the Crown does not accept responsibility for fences that have burnt down, but for cases in which a national park adjoins a farmer's land we have put some other arrangements in place.

The bill clarifies provisions for situations where a tenant has destroyed a fence. It also clarifies provisions

for situations involving multiple properties sharing a common boundary that are not overseen by a body corporate or owners corporation and which have separate titles. The bill clarifies provisions related to the negotiations that have to occur between owners in such situations.

This sound legislation will tidy up an area that has in many ways been in need of work for some time. It contains common-sense amendments to overcome common problems that often turn big problems into serious problems, such as neighbourhood disputes. With those words, I commend the bill to the house.

Mr CARBINES (Ivanhoe) — I am pleased to make a contribution to the debate on the Fences Amendment Bill 2013. I want to spend some part of my contribution speaking on issues related to public housing tenants, who make up a significant portion my constituents, particularly in the suburb of West Heidelberg, where my electorate office is located and where I lived for many years. I have had public housing tenants as neighbours, and I have had a number of fencing issues that I had to resolve with the Office of Housing.

The Attorney-General touched on a range of issues in his second-reading speech, but it would have been good for him to have given some further assurances about the obligations of the Crown, the obligations of the government and the obligations of government departments as significant landlords across Victoria. It would have been good for him to have given further assurances about the role of the Office of Housing to make sure a range of disputes such as those that members have alluded to during this debate will be dealt with more swiftly and efficiently. The Office of Housing has a desire to meet its obligations under the law, and it has a desire to act not only on behalf of tenants who raise maintenance and fencing issues with them but also on behalf of private land-holders whose properties adjoin Office of Housing properties. It seeks to resolve those matters often in the first instance with tenants in public housing and their neighbours and obviously then seeks to resolve them with landlords.

Issues often arise in disputes between public housing tenants and private landowners. I have had to deal with many of these issues in my electorate office. I often see the frustration and stress of public housing tenants and the frustration and stress of private land-holders and neighbours. Often they are unable to get the Office of Housing as the landlord to meet its responsibilities and obligations, to take its obligations seriously and to resolve matters on behalf of the tenants who reside in Office of Housing properties with neighbours who seek resolution around fencing issues.

A media release of the office of the Attorney-General dated 12 December 2013 states:

> In 2012–13 fencing disputes represented the greatest number of calls to the Dispute Settlement Centre of Victoria, with 6611 inquiries.

That is a staggering number, and I know the Attorney-General is hopeful the reforms outlined in this bill will go some way towards reducing it and resolving disputes more quickly. When private land-holders need to resolve fencing disputes with the Office of Housing, tenants in Office of Housing properties mostly likely seek to maintain good neighbourly relations with their neighbours and want the Office of Housing to act on those concerns swiftly and efficiently, but often they get blocked and bogged down in red tape and do not get responsive answers from the Office of Housing. That causes them greater stresses and difficulties in their neighbourhood with their neighbours. We have many of these issues amongst the thousands of public housing tenants in the 3081 postcode, which covers West Heidelberg, Heidelberg Heights and Bellfield in my electorate.

I can speak to several examples where despite good relations between neighbours and their good intentions to resolve these matters there have ultimately been bitter disputes, in part because the Office of Housing does not seem to swiftly meet its obligations to respond to maintenance and fencing issues on behalf of its tenants.

I am not clear whether that relates to a lack of desire to deal with those things or is because of a lack of a maintenance budget within the Office of Housing, but in relation to the Fences Amendment Bill I would like to hear some assurances from the Attorney-General that while we touch on Crown land and talk in broad terms about the responsibilities, as I would see them, of the landlord — and in many cases in my electorate where there are there are disputes the landlord is the government through the Office of Housing and the director of housing — we will make sure those matters are also being addressed appropriately.

I would like to hear the Attorney-General say that he feels that the amendments in the bill will go some way to putting greater accountability on the Office of Housing to meet its obligations to those tenants who seek to maintain good neighbourly relations with their communities, particularly when they are trying to meet their commitments but they are being ignored by the Office of Housing. As previously stated, there are many public housing properties in the West Heidelberg region, including some 600 that the government is in the midst of selling, so the government's desire to

resolve maintenance issues in relation to fencing is perhaps comparable with its desire not to maintain those properties because it intends to sell them.

In his second-reading speech the Attorney-General stated:

> 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.

I have been down this path as a past resident of Olympic Village in West Heidelberg, where I lived for some seven years. We wanted to get a new fence in Goodenough Court, where I used to reside. The neighbours were in a public housing property. There was no fence so we needed to establish one. Despite the best intentions and goodwill of me and my neighbours, we were unable to get the Office of Housing to deal with this matter swiftly and effectively and to replace a fence for which it was responsible.

This just shows the Office of Housing is under great pressure and has a very limited maintenance budget. That is driving a lot of the disputes in my electorate that relate to public housing tenants, who have the best of intentions in trying to resolve fencing issues on behalf of their landlord. They are the people at the coalface dealing with their neighbours, but they are unable to get those matters dealt with because the Office of Housing is not acting on them swiftly. In large part I would say that is because the Office of Housing does not have a maintenance budget with which to resolve those fencing disputes. I would like to see the Attorney-General cover some of those matters in his closing statements on the debate on the bill.

As a former City of Banyule councillor and current member of Parliament I am well aware that fencing and neighbourly disputes make up a significant number of constituent inquiries to local and state governments. I note in the second-reading speech the Attorney-General also states:

> 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.

In the issue with my neighbours that I raised earlier I recall we had a range of fencing notices going both to the tenants next door and to me as the resident but it was very difficult to find out what the process was to get the Office of Housing to step in and take action. Usually it was not the dispute; it was trying to get some action taken. I think it is incumbent upon the government to ensure that its departments deal with these matters.

I am sure these issues will also be a problem for people whose properties may adjoin other Crown land or land owned by other government departments. However, it is a significant issue in public housing that needs to be dealt with by government. I understand the bill talks about landlords and says that they have greater accountability; that is clear in the bill. However, it is important that statutory authorities and government departments also understand that while they may not always be parties to disputes, a lot of disputes arise because of the lack of action and because tenants in Office of Housing properties or private land-holders dealing with government departments around fencing issues are unable to get timely and swift advice and action and decisions that resolve fencing disputes.

The parliamentary Law Reform Committee inquiry in 1998–99 touched on some of those matters. It would be good to hear some further discussion and assurances from the Attorney-General in relation to the Fences Amendment Bill.

I wish I could say that based on the amendments made by this bill the opposition has greater confidence that those matters will be dealt with. However, I remain concerned that the cutbacks and lack of investment in public housing maintenance means there is greater pressure on tenants when they try to resolve these matters in good faith with their neighbours in their communities because they are relying on the Office of Housing to take action and assume leadership. That has not always been the case in my electorate, where you have thousands of public housing tenants and the potential for many disputes to arise because we cannot get accountability and action from the Office of Housing. I look forward to hearing the Attorney-General's views on those matters.

Mr SOUTHWICK (Caulfield) — It is my pleasure to rise to contribute to debate on the Fences Amendment Bill 2013. This bill will ensure that we have clearer, simpler and fairer laws when it comes to disputes among neighbours on issues such as the location of fences and boundaries and disputes over who should be obliged to pay when it comes to fences.

We have heard many times in this chamber that often disputes arise between neighbours over what many of us might think are small matters. However, for many constituents that I see, these are very large matters that cause anxiety and stress among neighbours and can flare up into larger issues. We are seeing an increase in the number of people facing disputes. Last year more

than 20 000 people called the Dispute Settlement Centre of Victoria to resolve neighbourhood disputes.

In fact fencing disagreements were the no. 1 problem reported to the dispute settlement centre, with 6661 calls received in 2012–13. This bill ensures a clearer, more transparent process surrounding who is obliged to pay. In most circumstances it moves the obligation from the tenant to the owner. It also ensures that if one neighbour wants to build something more expensive than what the other neighbour wants, there must be an agreement on the cost of the basic fence and any additional costs must be borne by the neighbour wanting the more expensive fence. It is a fairer and more transparent system.

I note that opposition members are supporting this bill. A number of committee hearings took place during their period in office and a number of recommendations were made to create a simpler and fairer process, but in 11 years nothing was done to reform this important area. I am pleased that the Attorney-General has brought before the house a number of reforms that will make this area fairer and more transparent, helping to take away the stress and anxiety that sometimes exists between neighbours. It is up to us in this Parliament to make it easier for neighbours to get along with each other and to reduce the incidence of these disputes. That is what we are doing.

This bill facilitates fairer dealings between neighbours over shared boundary fences and encourages the resolution of fencing disputes, and through providing a single streamlined procedure for initiating and undertaking fencing works, ensures greater guidance on the principles of contributing for fencing works and reduces the complexity of and potential for confusion in the process for the repair of fences. Neighbours will be assisted to more readily resolve disputes about the construction and repair of dividing fences.

There are a number of elements to this bill. I will not spend a lot of time going into detail, but I want to pick up one matter. There is a provision in the bill that stipulates that even where an owner wishes to take on the full cost of a fence there is an obligation to notify a neighbour before initiating fence works. A constituent of mine facing such a situation came to my office. My constituent's neighbour had gone about replacing a fence without notifying my constituent. The new fence was a couple of metres higher than the old fence, and my constituent was horrified, feeling it overwhelmed them and their property. A dispute ensued, which went through the tribunal, taking up a lot of time and causing a lot of stress for the owner. This bill will lessen the likelihood of such occurrences in the future because it will ensure that owners must consult with neighbours.

We are ensuring that there is consultation and that there is an obligation for neighbours to work together. Importantly these procedures are clearer and more transparent. We are trying to resolve possible disputes before they arise and, more importantly, before they flare up. Any law which ensures a clear set of rules around who pays, how they pay, what the obligations are, where the fence should be located and how the boundary fence works, and which transfers the obligations from the tenant to the owner, is very important.

I note that fences bordering Crown land are an exception; the tenant needs to be responsible for such fences. In my electorate of Caulfield there is Caulfield Racecourse, around which there is a lot of fencing. The obligation would be on the tenant, not on the Crown, for that. This is a good bill. I commend the Attorney-General for what he has done, and I commend the bill to the house.

Mr NARDELLA (Melton) — I rise to speak on the Fences Amendment Bill 2013. There are three things that usually cause neighbourhood disputes that we have to deal with in our offices. One is barking dogs. I hate barking dogs. I have shifted houses because of barking dogs. In the worst case, as I was shifting out of my first home in Melton, the next-door neighbour, whose barking dog had driven me out, put his head over the fence while I was putting the last load onto the trailer. He said, 'Don, do you know what's happened?. I said, 'The dog's dead, isn't it?'. He said, 'How did you know?'. Dogs are bad news.

Mr Wells — Was it poisoned?

Mr NARDELLA — No, it should have been poisoned but it died of natural causes. The second cause of neighbourhood disputes is neighbours and friends having a falling out, and that can be really difficult. Number three is fences. Fences are the bane of an electorate officer's life. They cause immense disruption. I agree with the member for Lowan, who spoke earlier and said that these disputes can be very distressing for neighbours. They can also be distressing for contractors, who are put in the middle. If there is no agreement or if there is a misunderstanding, it is extremely difficult.

In 2011, after the review of 1999, Parliament updated and reviewed the Fences Act 1968, and so now this amendment has come into the house. The bill contains a number of principles. One of the major principles in

sections 7 to 10 of new part 2, which is inserted by clause 6 of the bill and is entitled 'Contributing to fences', is that the fences being built are to be paid for in equal contributions. If there are other requirements — if the fence is bigger, higher or of a different quality — there are provisions in this legislation to make sure that the landowner who wants the fence to have additional specifications pays for it.

The bill clarifies legislative provisions. I hope many people could in fact work through these neighbourhood issues and disputes that occur over fences and do so amicably, but there are times when that is not possible. As my honourable friend from Ivanhoe has informed me, in 2002 there were something like 6600 neighbourhood fencing disputes. That is a lot of disputes and a lot of time taken up by and aggravation owing to these disputes, and hopefully this legislation will go part of the way to reducing those. I do not think it will ever get rid of the disputes. Unfortunately human nature and the way people react to each other and sometimes longstanding issues between neighbours come to the fore when you start talking about fences.

To take the example of your seat of Benalla, Acting Speaker, the issues can range from those about cattle or stock meandering into someone else's property and the damage or the concerns that may create in the metropolitan area, such as where I am in Melton and Bacchus Marsh, where fencing disputes usually occur once a fence needs to be replaced. Sometimes it is difficult to resolve and people need to take legal action to recoup money or to work through their issues. I hope this legislation will clear a lot of that up, and I wish the bill a speedy passage.

Mr DELAHUNTY (Lowan) — I move:

That the debate be now adjourned.

Ms ALLAN (Bendigo East) — In speaking to the motion before the house, the opposition would like to signal that it does not wish to see debate on the Fences Amendment Bill 2013 adjourned at this point in time. We say that on the basis of the significant discontent we have about the events in the chamber that occurred earlier this afternoon with respect to the decision that there be a government business program for this week. It was very clear from the outcome on the floor of the house when that vote — —

Honourable members interjecting.

Ms ALLAN — And I will address that in a moment. The outcome of the vote on the government business program was the house not determining that there should be a government business program. There was no resolution of that matter on the floor of the house earlier today; therefore, the opposition has some significant concerns about the way processes have not been appropriately followed, the precedent of the house has not been followed and about the way significant conventions have been tossed aside simply so the government can save its own skin.

Honourable members interjecting.

Ms ALLAN — I hear murmurs from those opposite that they feel a deal was in place. Over the last few weeks we have constantly heard government members crowing about having a government business program in place and how wonderful that is and how the government business program is their show. Well, sure, it is their show, but what we saw today was a significant vote of no confidence in the proposition that there should be a government business program. There was no resolution of that matter before the house, and we have advice, Acting Speaker, that before today — before the unprecedented decision by the Speaker to cast her vote with the government on the establishment of the government business program — there is no record in the history of this place of a casting vote by a Speaker on the government business program.

Yet again, therefore, Acting Speaker, we are having tradition, practice, precedent and the rule book all being tossed out of the window by this dysfunctional, chaotic, crisis-ridden government in repeated, desperate attempt after desperate attempt to try to control the uncontrollable — that is, the proceedings on the floor of this Parliament. Government members are murmuring about deals being done on particular bills and speaking lists: again, it is up to the government to determine the practice it wants to follow in the house — —

Mr Wells — So you can make a deal but you can break it?

Ms ALLAN — How was the tennis in January, Kim? How was the — —

The ACTING SPEAKER (**Dr Sykes**) — The member for Bendigo East, without the assistance of the Minister for Police and Emergency Services.

Honourable members interjecting.

Ms ALLAN — I can understand why government members are desperately embarrassed by it once again being revealed to the state of Victoria just how dysfunctional this government is. It is a government that does not hold the majority on the floor of this Parliament. It is a government with a Premier who no-one in the state of Victoria voted in as Premier. We

know very clearly from events over the past year or so and particularly over the past couple of weeks that it is the member for Frankston who determines whether there is a government business program or not, and when he was absent from the chamber today, there was no government business program in place. We are very concerned, as I said, about how that completely trashes the history, precedent and practice of this place. I have already indicated that the history books show that there is no record of the Speaker casting a vote in the affirmative on a government business program motion, so that is grey in itself.

What we need to consider is what is appropriate for this house to be considering, and this house should be considering these very significant matters. Last week no less a person than the Treasurer put out a press release crowing from the rooftops about the secret deal — I guess it was not secret, because he put it in a press release and was prepared to crow from the rooftops about it — that he had done on the side, behind closed doors, with the member for Frankston to secure support on the important state taxation bill.

Ms ASHER (Minister for Innovation) — I wish to speak on the simple motion before the house — that is, to adjourn or not adjourn debate on the Fences Amendment Bill 2013. The motion is to adjourn it, and members will be asked to decide that matter. Whilst the member for Bendigo East spoke extensively about the government business program and the issues she has with what has occurred on the floor of the house today, this is not a debate about the government business program or about the Speaker's ruling on that program; this is a debate on whether we adjourn the debate on the Fences Amendment Bill 2013. I might add it is a bill that the opposition has indicated it is not opposing, and it did not oppose it in the Legislative Council.

Oppositions are free to oppose whatever procedural motions they wish, but what offends me about this is that the whips had an agreement that there would be an adjournment — —

Honourable members interjecting.

Ms ASHER — Now I am being told no. It was my understanding that the whips had an agreement to adjourn this debate and the matter was in the Labor Party's hands. If the Labor Party does not wish to adjourn debate on the bill, we are happy to debate fences all night, but the fact is that we were allowing an opportunity for a range of lead speakers from the Labor Party to address the bills before the house. From an opposition perspective I would have thought it would be desirable for the opposition to put on the record its response to each bill rather than having the absurd situation of debating only one bill this week. We can debate fences all night if that is what the Labor Party would like to do — our side can debate fences all night — but I would have thought it would defeat the purpose of allowing ample opportunity for the opposition to have lead speakers talk on a range of bills before the house.

As I said, what offends me most of all about this is that I believed we had an agreement that there would be an adjournment. This is the way houses operate whether there is a government business program or not. Generally there is a modus operandi, a working relationship, between the manager of government business and the leader of opposition business. I have now found out on the floor of the house that the working relationship that I thought we had and that I thought had secured an agreement between the whips is now about to be trashed by the Labor Party, which is upset about a decision made by the Speaker.

It is one thing to seek to make some comments about the Speaker and to use that as a device to debate whether we adjourn a debate, but I can indicate to the opposition that if it wants to debate fences all night, then we will debate fences all night. If on the other hand the Labor Party would like to have a sensible arrangement, and I make this offer to the leader of opposition business, the member for Bendigo East, we will remove this matter from the whips seeing as there has obviously been a doublecrossing on the floor of the house. I am happy to undertake a personal discussion with the leader of opposition business to see whether she wants to continue with this nonsense all night or all week or whether we will have a proper and orderly debate on the bills designated in the government business program.

I understand your leniency, Acting Speaker, in allowing the member for Bendigo East to speak about another matter — that is, the Speaker's ruling on the government business program — when in fact she was speaking on the adjournment of the fences bill. I am incredibly impressed by your leniency, Acting Speaker, in allowing that debate to occur, which was not the debate before the Chair. It is yet another example of people wanting to try to make this Parliament work. In the belief that the Labor Whip had consented to an adjournment the government has moved an adjournment, and I urge people to support the motion.

Mr PAKULA (Lyndhurst) — I rise to speak in opposition to the motion to adjourn the debate on the Fences Amendment Bill 2013 and to respond to a number of the matters raised by the manager of

government business in her contribution. I will confine my comments to the greatest extent possible to those comments.

Firstly, I seek some clarification from the manager of government business, because in speaking in favour of the motion to adjourn the debate she indicated she was happy for the house to speak on the fences bill all night. It is somewhat unclear to members of the opposition whether the manager of government business was speaking in favour of the motion or against it. If she is now indicating that the government will consent to continuing debate on the fences bill, then I imagine that the debate on its adjournment can be significantly foreshortened.

Secondly, the manager of government business has indicated that because the opposition does not oppose the bill we ought be happy to have the debate adjourned, but a number of concerns raised about the bill during the debate have not been adequately dealt with by government members. In fact the last opposition speaker, the member for Melton, indicated with great flourish some of the enormous issues that are presented to electorate officers by fencing disputes. This is a significant piece of legislation, and there are opposition members who would like to continue to debate it.

As for the manager of government business's allegation of a doublecross by the Opposition Whip, the Opposition Whip has made it clear by interjection, in the same way that the Government Whip indicated his view by interjection, that in fact there had not been a deal to adjourn this debate. There had not been a deal, and for the manager of government business to make that accusation against the Opposition Whip other than by way of substantive motion is quite inappropriate. It is quite inappropriate for her to reflect on a member of the opposition in that way, in particular the Opposition Whip.

The manager of government business then in effect accused the opposition of trashing the arrangements for the good governance of this house by virtue of its opposition to this adjournment motion. But the fact is that that trashing occurred some 3 hours ago, when government members chose to accept a situation whereby the forms of this house have been altered, possibly irrevocably, by the Speaker voting other than for the status quo in the event of a tie. The government asks us all to suspend disbelief and to believe that it was just the happy recipient of that decision. It asks us to accept and imagine that it had no prior knowledge of what was likely to occur in the event of a tied vote on the government business program.

When the government says at 6 o'clock tonight, in relation to opposition to its motion to adjourn debate on the bill, that somehow the opposition is altering the forms of the house and changing the way these things have historically been dealt with or it has somehow reneged on a deal, I would say to government members, and to the manager of government business in particular: take a look in the mirror. Take a look at what the government's conduct today has done, not just in regard to the debate on the Fences Amendment Bill 2013 but also in regard to the spirit of cooperation that exists between the government and the opposition in this place and has done for many years. What this government has done in its desperation is try to impose a situation in which the Speaker will in all circumstances vote with the government to break a tie. That does more damage to the fabric of cooperation in this house than mere opposition to an adjournment of debate on a bill.

Mr WELLS (Minister for Police and Emergency Services) — The motion before the Chair is that the debate on the Fences Amendment Bill 2013 be adjourned; that is the situation. What this shows is that state Labor is in absolute chaos. The Opposition Whip and the manager of opposition business cannot get their act together; one says yes and the other says no. The member for Bendigo East has come in here, has not checked with the whip and has been caught out by not having an understanding of the deal that was made between the Labor whip and the one on this side. It is either one of two things — —

Ms Allan interjected.

Mr WELLS — The member for Bendigo East, you have been caught out for dishonesty already — —

The ACTING SPEAKER (**Dr Sykes**) — Order! The minister will speak through the Chair and without the assistance of the member for Bendigo East.

Mr WELLS — Either the member for Bendigo East does not understand what the Labor whip has said — there is some misunderstanding — or a deal has been broken. It is either one or the other.

Ms Allan — Which one do you reckon it is?

Mr WELLS — I do not know, because you have been caught out for dishonesty. I am just not sure which one it would be — whether you do not trust the Labor whip or maybe you have just come in here and broken a deal. It is either one or the other. Either way, it shows that Labor does not trust its own members and does not even trust its whip. It is either one or the other.

Hansard will show that the government business program has been voted on and accepted. To go and try to rewrite history is not doing anything valuable for the house whatsoever. As was pointed out by the Deputy Premier, *May's Parliamentary Practice* makes it very clear that the Speaker can vote as he or she sees fit. For the good running and the good order of the house, the Speaker has voted in favour of the government business program.

The opposition has put forward the understanding that the Speaker must always vote no in order to maintain the status quo. That just does not make any sense at all. I urge the opposition to at least try to get its act together and to at least try to work out between the manager of opposition business and the whip what is actually going on and allow the adjournment of debate on this bill to proceed so that the lead speakers from the opposition can participate in debate on the other bills before the house.

Mr HERBERT (Eltham) — I have been listening to the debate on this motion, and I assume the member for Scoresby was speaking in favour of adjourning the bill, although quite frankly there were a lot of red herrings and a lot of blustering there. I refer to the comments of the manager of government business in terms of her statement here, and it would seem from what she was saying that, unlike the member for Scoresby, she is happy for the debate to continue. She seems to be in favour of our position of not adjourning this debate and of enabling the bill to be debated in absolute fullness and in some detail.

Really it is kind of ironic, is it not, that earlier today the manager of government business opposed the position we put that by opposing the government business plan we would have more time to debate these bills. On the one hand, earlier today she said, 'No, we have to have the government business program because we need to have the government business program and we cannot debate all of the bills', then she comes in here at this particular division and says, 'Oh, I am happy to debate all night'. I cannot work out what is actually going on, but it seems that an enormous amount of either double thinking or absolute hypocrisy is going on over there.

As we have heard from members on this side of the house, this issue goes back to what happened earlier in the chamber, when we had the forced, shameful situation in which the Speaker voted against the status quo. It is really that simple. We have heard lots of different explanations et cetera, but we had the circumstance where there was a tied vote on the government business program and the muscle went in and the Speaker was forced to break the long-term traditions of this house — traditions that we on this side hold dearly because they are central to the representative democracy we have in this chamber.

No-one on the other side ever talks about this, but one of the great things about Victoria is that we have a strong system of representative democracy. We have a strong system that many other states do not have simply because we adhere to the forms of democracy we have. Today we have seen an absolute trashing of those forms and an absolute trashing of the ideals that we see should adhered to here. We have seen a major change in the way the Speaker uses her vote without any debate in this chamber about the rules and conventions of this chamber. No wonder people are upset.

When it comes to the Fences Amendment Bill 2013, I am happy to take up the invitation of the manager of government business and be the next speaker on this side on the bill, and I look forward to making my contribution.

House divided on motion:

Ayes, 43

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

Noes, 42

Allan, Ms
Andrews, Mr
Barker, Ms
Beattie, Ms
Brooks, Mr
Carbines, Mr
Carroll, Mr
D'Ambrosio, Ms
Donnellan, Mr
Duncan, Ms
Edwards, Ms
Eren, Mr
Foley, Mr
Hutchins, Ms
Kairouz, Ms
Kanis, Ms
Knight, Ms
Languiller, Mr
Lim, Mr
McGuire, Mr
Madden, Mr
Merlino, Mr
Nardella, Mr
Neville, Ms
Noonan, Mr
Pakula, Mr

Garrett, Ms	Pallas, Mr
Graley, Ms	Pandazopoulos, Mr
Green, Ms	Perera, Mr
Halfpenny, Ms	Richardson, Ms
Helper, Mr	Scott, Mr
Hennessy, Ms	Thomson, Ms
Herbert, Mr	Trezise, Mr
Howard, Mr	Wynne, Mr

Motion agreed to and debate adjourned.

Debate adjourned until later this day.

CORRECTIONS AMENDMENT (FURTHER PAROLE REFORM) BILL 2014

Introduction and first reading

Received from Council.

Read first time on motion of Mr WELLS (Minister for Police and Emergency Services).

HONORARY JUSTICES BILL 2014

Second reading

Debate resumed from 19 February; motion of Mr CLARK (Attorney-General).

Mr PAKULA (Lyndhurst) — It gives me pleasure to rise to speak on the Honorary Justices Bill 2014 and to indicate that the opposition will not be opposing the bill. My pleasure in speaking on this bill is tempered by the inappropriate comment by the Attorney-General in his second-reading speech, where he asserted:

> The legislation will also implement government commitments to restore the standing, community recognition and independence of honorary justices, which regrettably were undermined by the previous government.

That assertion does the Attorney-General no credit at all and is roundly and comprehensively denied by the opposition. In 2009 the then government instituted a review into the role of justices of the peace (JPs), and that was the result of an independent advisory panel's recommendation on the appointment of JPs. For a government that has not covered itself in glory when it comes to reviews and has been the initiator of more reviews, inquiries and navel gazing than any other government in recent history to assert that a review carried out by the former government into a role that has been part of the justice system for decades was somehow an attack on the independence of JPs is an absolute nonsense.

If you follow the government's twisted and contorted logic to its conclusion, then you would assert that every review this government has carried out — that is, the dozens of reviews this government has carried out into all manner of things — somehow transforms itself into an attack on the independence of those bodies it has inquired into. In fact this government has been the culprit when it comes to the most insidious attack on the independence of our judicial system by its attempts to introduce legislation that restricts and constrains the role and ability of judges to make decisions they believe to be appropriate in response to the circumstances of individual cases. For a government that has sought to restrict, fetter and constrain judges, magistrates and justices in the way this government has by taking away sentencing options and restricting their independence in much more substantive ways to then suggest that a review carried out in 2009 into the role of JPs was somehow an undermining of them is nothing more than windy words from the Attorney-General.

Members know that JPs play an important role. They are volunteers. They provide a document-witnessing service to the community. Bail justices are called on to conduct hearings outside court hours in relation to applications for bail or remand, and they are able to participate in hearings relating to interim accommodation orders for children. As I have indicated, in 2009 the Department of Justice undertook a review of the role of JPs and released a consultation paper that sought the views of Victorians about the wider functions of justices of the peace and whether in contemporary society there was a need to reform the role.

This government comes in here all the time trumpeting the fact that it has refreshed the law, has brought the law up to modern standards and is moving with the times. Indeed it often makes the claim that it is doing things that ought to have been done over the previous 11 years. In other words, when the Attorney-General and the Liberal Party updates or refreshes the law it is a good thing, but when the Labor Party conducts a review into the role of justices of the peace to ensure that role keeps step with modern times and when the Labor Party conducts a review to ensure that we are getting the best out of our bail justices and/or justices of the peace, then somehow in the view of the current Attorney-General that becomes an attack on their independence and an undermining of their role. It is utterly nonsensical.

The fact is the review carried out by the Department of Justice attracted some 540 written submissions and, unsurprisingly, 97 per cent of those submissions came from serving justices of the peace. The Labor Party, the government of the day, reviewed and considered that feedback very closely. Having undertaken that important consultation and having reviewed that

feedback, the Brumby government announced reforms to the office of justice of the peace.

Those reforms included developing targeted recruitment strategies to encourage members of more diverse groups to apply to become JPs — an important change I would have thought; abolishing lifetime appointments and introducing fixed-term appointments of five years for all JPs with an option for reappointment if the JP is active and competent; introducing additional selection criteria; introducing some appropriate probity checks; ensuring all justice of the peace applicants are able to maintain the integrity of that office; introducing into regulation a code of conduct for justices of the peace; reviewing the complaints process in order to address some issues in regard to breaches of that code of conduct and suspensions; very importantly, introducing a formalised training package for justices of the peace as part of the appointment and reappointment process; and providing those people who become JPs with some professional development and training in fraudulent documents and identity crime.

Justices of the peace date back, literally, for centuries. It is a title that was originally applied to people who were charged with keeping the king's peace. In their original iteration JPs had the power to hear criminal cases and to issue warrants, but it is the case in Victoria that the office of justice of the peace has over many years been stripped of most of its judicial functions and those functions have quite rightly become the preserve of trained magistrates. I do not think there is anyone who would suggest that we ought to wind back the clock and take those powers that are currently in the hands of magistrates and give them back to JPs who are not trained to the same level as magistrates. However, it is also the case that JPs provide a very convenient and, might I say, free service to the community in the witnessing of documents.

That is a role the Labor Party has always acknowledged and respected. When in opposition, the government went to great pains to politicise, quite mischievously and in quite an unworthy way, what was quite a routine review into the functioning of justices of the peace. The fact of the matter is the matters contained within this bill are testament to the fact that the government, now that it is in government, agrees with the bulk of the changes the Labor Party proposed as a consequence of the review carried out in 2009. This bill does little more than formalise into legislation most of the reforms introduced by the Labor Party in 2009, and for that reason we do not oppose it.

JPs and bail justices together are now known as honorary justices. The bill proposes to repeal the provisions in the Magistrates' Court Act 1989 that relate to honorary justices and create a new act that solely relates to the honorary justices scheme. It provides for the eligibility and appointment of honorary justices, but there is no substantive change. This bill effectively replicates a current process, which is the Governor in Council process. I will continue after the dinner break.

Sitting suspended 6.30 p.m. until 8.02 p.m.

Mr PAKULA — Unlike the situation last week, I had not concluded my contribution before the dinner break, so I will continue.

Ms Asher interjected.

Mr PAKULA — The Leader of the House was trying to get me to wind up earlier, but last week we got through to the joint sitting of Parliament, did we not? Prior to the dinner break I was making the point that the bill before the house — which really does very little more than formalise through an act of Parliament reforms that were introduced by the former government — does a number of things, including repealing the current provisions in the Magistrates' Court Act 1989 and creating a new stand-alone bill. The bill replicates the current Governor in Council process and provides for the eligibility and appointment of honorary justices without any substantive changes.

The bill clarifies the powers of honorary justices so that they are able to perform functions and exercise powers that are conferred upon them under various acts — namely, the Evidence (Miscellaneous Provisions) Act 1958 for justices of the peace (JPs) and the Bail Act 1977 for bail justices (BJs). The bill provides for bail justices to be appointed up to the age of 70 and reappointed up to the age of 75 — an increase from the current ages of 65 and 70. JPs will be able to be appointed for life, but they will be required to provide information upon request from the Secretary of the Department of Justice. That information is unable to be requested more than once every five years. I am inclined to go on for the next 16 minutes and 52 seconds to make government members regret the fact that they have all decided to stick around, but it would be almost impossible to go on about the bill for as long as that. The bill specifies that honorary justices have to complete prescribed training or personal development and comply with a prescribed code of conduct, and it places upon them the requirement that they be reasonably available and active.

The bill also provides for a new procedure for suspension and removal from office. Under the Magistrates' Act there is currently no provision for suspension of a justice of the peace. The bill details numerous grounds for removal, including serious or repeated breaches of the code of conduct, refusal to undertake training as required, failure to carry out duties or comply with the act — that is, not being active and available — being found guilty of an offence punishable by six months or more in prison, being no longer physically or mentally capable, engaging in misconduct or bringing the office into disrepute. That removal is subject to a recommendation from the Attorney-General to the Governor in Council.

We do not believe those provisions are inappropriate, and we will not go through the dishonest sophistry that the then opposition did in 2009 of suggesting that somehow this provision for removal is an appalling attack on the independence or role of JPs. That is what the Attorney-General said when he was in opposition in response to Labor's mere holding of a review into justices of the peace. The Attorney-General has substantial powers of removal in his hands, and the opposition says that if any of those circumstances come to fruition, removal in those circumstances would be appropriate. We are not going to be hypocrites in the way that the Baillieu-led opposition was back in 2009.

The bill provides for a new offence of impersonating an honorary justice, and it is easy to conceive of circumstances where people might, either for gain or for reasons of status or perceived status, go about trying to pretend they are a bail justice or a JP. They are important roles and they ought not have people impersonating them. It will also be an offence to take financial reward for performing the services of an honorary justice, because once again, it is work done in a voluntary and honorary capacity, and the act makes clear that that ought to be the case. Again, that provision is important for any individuals who might see the roles of bail justices or JPs as a way of improperly enriching themselves or holding themselves out to be providing a fee for service, when of course that is not the case. It is appropriate, and the act makes it clear that it is an offence to seek or take financial reward in that situation. The bill also enables a retired bail justice or JP to use the titles of BJ (retired) or JP (retired) as a recognition of their service. Again, that is not an alteration that the opposition takes issue with.

As I said, these changes formalise many matters that were the product of the review commissioned by the former government in 2009. At the time the then shadow Attorney-General, who is now Attorney-General, tried to make hay with that review, but it was a quite appropriate review and it led to a number of recommendations that have been carried out and formalised in legislation as a consequence of the introduction of this bill. The Labor Party is not opposing the bill, but we utterly reject the ridiculous, over-the-top commentary by the minister in his second-reading speech. The fact that the government has effectively benefited from the review that was carried out in 2009 is evidence for the proposition that those comments about the review are completely out of order.

Mr GIDLEY (Mount Waverley) — I rise to make a contribution to the debate on the Honorary Justices Bill 2014. My contribution will concentrate on two areas: firstly, I wish to put on the record my ongoing thanks and gratitude to the hardworking people of Glen Waverley and Mount Waverley and indeed the people across the state who undertake these roles on a voluntary basis; and secondly, I wish to correct the rewriting of history by the member for Lyndhurst and talk about the former government's attacks on those citizens of good standing.

The bill undertakes important reforms to legislation governing the roles of bail justice and justice of the peace. For the first time in our state's history, the law related to honorary justices is going to be consolidated in a single piece of legislation, a stand-alone act. That underlines the importance this government places on those roles and the service they provide to our community. The bill also implements the government's commitment to restore the standing of these individuals in our community and ensure their independence. The bill provides legislative protection against arbitrary dismissal. It allows honorary justices to retain their title when they can no longer continue on an active basis due to age, ill health or other good reasons.

The bill requires all persons who accept appointment as an honorary justice to make themselves available on a reasonable basis to perform their duties. That is to ensure that those who undertake these duties do not suffer simply because of a small minority. The bill will also assist in ensuring that those who undertake those rules do so on an active basis. That is important because in my view they are particularly important roles. The bill creates statutory requirements of all honorary justices to notify the secretary within 26 days of a change in their circumstances, to undertake training and to be reasonably available and active. That should assist in keeping an up-to-date record of the honorary justices who continue to serve our community.

The bill contains a comprehensive regime for the suspension, investigation and removal of an honorary

justice in specified circumstances. That is also welcome. Importantly, in recognising the contribution these people make to our community, the bill introduces the new title for a bail justice of BJ (retired) and for a justice of the peace of JP (retired), which may be used by a person who satisfies certain criteria regarding age and years of experience. That underlines and highlights the values the government places on these roles. The bill creates an offence of impersonating an honorary justice, using a title without authorisation and providing false information regarding an application to be appointed an honorary justice or false information regarding a person's capacity to exercise the role of honorary justice.

The bill will clarify that an honorary justice must not demand, take or accept any fee, patronage or award for carrying out their duties. These are very important duties. These people perform a role in providing certain services that relieves a number of other people in our community who might also provide those services. The services include witnessing documents and other services people might seek at their local police station. If we did not have the honorary justices in our community, there is no question that Victoria Police would have additional responsibilities.

There have been recent administrative changes that have seen the establishment of justice of the peace signing centres. They have been established to witness documents within police stations and local community facilities such as neighbourhood houses. There are about 64 document signing centres across Victoria. If those centres were not in operation or if our justices of the peace were not appointed, the services they provide would need to be picked up by others and in many cases that may be Victoria Police.

The office of bail justice is unique to our state, but it is an important role and the bail justice has an important responsibility. As I understand it, there are approximately 200 Victorian bail justices, and the Department of Justice has calculated that in the three years from June 2010 to June 2013 they conducted more than 20 000 hearings — that is, 20 000 hearings well worth the particular individual's time. What a service those bail justices have provided to the community.

The current legislation for justices of the peace under the Magistrates' Court Act 1989 does not adequately support the work of standing justices of the peace. The bill will introduce a significant reform that provides a broad range of innovations. For example, the bill will establish eligibility criteria for justices of the peace. It requires justices of the peace to comply with a code of conduct, undertake suitable training and, as I mentioned, be reasonably available and active, which is obviously very important. In a busy world there are many things people can do with their time, and serving our community as a justice of the peace or undertaking the role of bail justice is a special service provided to our community. I thank those in Glen Waverley, Mount Waverley and across the state who provide that service.

I must take exception to the comments of the member for Lyndhurst. The former government did nothing but undermine the role of justices of the peace when it last looked at this issue. The comments of the Attorney-General in the former government, Rob Hulls, reflect this very clearly He said that it is open to debate whether there is still a need for justices of the peace in the 21st century. It would have been highly offensive to have the chief law-maker in the state at the time indicate that it is open to debate whether there is still a need for justices of the peace in the 21st century. In my view, the chief law-maker should support people who donate their time, energy and resources in that role, and should not undermine them.

Victoria Police has gone on the record and said how irresponsible and damaging the removal of JPs would be. A police inspector, Nigel Howard, has said that in his experience, if justices of the peace were not on hand, people would be lining up at police stations waiting for their documents to be signed and that it would be an enormous drain on police resources. He has also said that without justices of the peace there would be concerns about the workload on police and that justices of the peace play a valuable role in the community. Those are not my words or those of another member of Parliament; those are the words of a front-line Victorian police officer. They are the words of someone who has been hurt and offended by the comments of the former chief law-maker that undermined and attacked justices of the peace. That is regrettable. I am here to say that this government, through this legislation, is putting into effect its commitment to recognise the contribution justices of the peace make to our state. In doing so we are respecting their office rather than undermining it.

The idea that this is about undermining the role of JPs simply because they have been around for a period of time just does not make sense. If there was a desire by the Labor government to put in a code of conduct, it would not have waited until 5 minutes to midnight before undertaking a review in the final days of its term in office and then backflipping in a state election year — and we saw a number of backflips. We saw a backflip on suspended sentences after Labor had campaigned against them for many years. We saw a

backflip on attacks on justices of the peace, which was welcome at the time but which should not be seen as anything other than what it was — a cheap, election-year stunt that undermined Labor's determination at any other time not to respect or value the role of the JP.

In addition to that backflip a range of questions in relation to JPs were raised during the term of the previous government. I do not want to go into those, because they are already well documented and on the record, but they very clearly fed into a desire to undermine the role of JPs. This government takes a very different approach; this government, through this legislation and other comments its members have made, supports the valuable role played by JPs and will support the role of bail justices where it can. I commend the bill to the house.

Ms DUNCAN (Macedon) — That was another fine contribution from the member for Mount Waverley, who continually fails to let the facts stand in the way of a good story. This so-called reform, the Honorary Justices Bill 2014, is described by the Attorney-General as an important reform which is apparently going to restore the standing of honorary justices of the peace (JPs). As we have too often seen from this government, and certainly from this Attorney-General, this bill is again an overcooked, overstated, does-not-do much piece of legislation. It has been introduced by the Attorney-General with a lot of fanfare and hyperbole and claims that it is reforming legislation. It completely overstates what the legislation will actually do, which despite what the member for Mount Waverley says, is really not that much. If we did so much damage to honorary justices as a result of the review conducted by the Department of Justice in 2009, then this legislation clearly does not fix it, because it does not do a whole lot.

According to the Attorney-General and the member for Mount Waverley — probably from the notes he has been given as one of the speakers on the list — the Labor government undermined the good standing of honorary justices. The legislation apparently now reforms the law governing the role of bail justices and justices of the peace and will strengthen their standing and independence. How did the previous government manage to undermine their position? The member for Mount Waverley seemed to suggest that an Attorney-General who says, 'Let's see if these roles still meet the current need' does not appreciate those roles or the amount of change that has occurred in them over a long period. If the member for Mount Waverley was suggesting that justices of the peace were being undermined simply through a review of their role to see whether it fitted the then current practice, then I suggest he was on pretty shaky ground. There are now a whole range of other people who can do a lot of what justices of the peace do. However, there is no doubt justices do a fabulous job. I have had a bit to do with a couple of local people who do a sensational job, and bail justices are probably doing as much if not more, and we are grateful for the work they do.

I note that the member for Mount Waverley is now leaving the chamber. Just so that he is informed following his earlier ill-informed comments, I note that in 2009 the Department of Justice undertook a review of JPs which focused on the future need for them and their role. This review — again for the benefit of the member for Mount Waverley, who unfortunately is not here to understand what the review was about — was the result of an independent advisory panel's recommendation on the appointment of JPs. This incidentally followed an Ombudsman's report which — as the shadow Minister for Local Government, who is at the table, would know — looked into the conduct of the Brimbank City Council. As part of the review, the Department of Justice released a consultation paper — and this is seriously undermining stuff — seeking the views of Victorians, for goodness sake, on the role of JPs and whether in a contemporary society there was a need to reform their role. Heaven forbid that a government should do such a thing! The Department of Justice received 540 submissions, 97 per cent of which were from existing JPs. After reviewing the feedback received through this consultation process — —

An honourable member — Feedback!

Ms DUNCAN — Yes, feedback and consultation. I know — what the former government did was outrageous! The government announced reforms to the office of justices of the peace including developing strategic targeted recruitment strategies to encourage more diverse groups to apply to become JPs. How revolutionary it was to abolish lifetime appointments and introduce fixed appointments of five years for all JPs with an option for reappointment if the JP was active and competent. How revolutionary to introduce additional selection criteria and probity checks, for goodness sake, to ensure that all JP applicants maintain the integrity of the role and the office, and to introduce a JP code of conduct into regulations and review the existing complaints process to address issues of suspension and breaches of the code of conduct. How revolutionary to have a formalised training package for JPs that included training as part of the appointment and reappointment processes and professional development, including identity crime and fraudulent document training. Is this what the member for Mount

Waverley was suggesting constituted undermining the role of JPs?

Let us now look at what the government is proposing to do. This bill establishes eligibility criteria for justices of the peace, requires justices of the peace to comply with a code of conduct, undertake suitable training and be available and reasonably active. The bill protects the integrity of the office by having a clear and transparent process regarding the investigation and possible removal of justices of the peace. I ask members to spot the difference. However, the bill also does a few things that were not in the previous legislation around honorary justices. As I said earlier, if the previous government had so undermined honorary justices that we now need this revolutionary reform that is being announced by the Attorney-General, then this bill effectively replicates the processes that currently exist.

The bill introduces a procedure for the suspension and removal from office of justices of the peace. If anyone is suggesting someone is undermining the role of JPs, they need only look at this government, which has basically rolled up everything we previously did into one bill, called it a reform and then introduced procedures for the suspension of JPs. How is that not undermining the role of JPs? Everything we did, which was to simply undertake a review to look at the then current processes, is somehow seen as undermining the role — again with all the hyperbole that the Attorney-General goes on with in relation to all his justice bills — yet this government is introducing a process for getting rid of JPs and that is somehow seen to be about restoring their standing.

The opposition does not oppose this bill. Why would we? It basically endorses everything we did in government. It does not do much more than that, despite the hyperbole of the Attorney-General. It formalises the reforms introduced by the previous government. We are very pleased that the government has adopted so much of what we did and that that work was not for naught. But what is frustrating from an opposition point of view is the carry-on — the overstating, overblowing, overcooking exaggeration — that goes on with the justice bills that are introduced to this Parliament.

Mr Nardella — And the hyperbole as well.

Ms DUNCAN — There is absolute hyperbole. All of this is their 'tough on crime' approach, and it does not do a whole lot, but anyone listening to the Attorney-General or the government backbenchers would not know that. I do not know whether government backbenchers read the legislation; perhaps they simply read the notes that are provided to them. We saw a fine example of that from the member for Mount Waverley, who was obviously reading from a document. I did not see his eyes look up much when he spoke. Perhaps government backbenchers believe all the stuff they are fed through the Attorney-General's office.

Mr Nardella interjected.

Ms DUNCAN — They might have some pictures as well, which could make it a little easier. In a way it is comforting to know that the work we did under our previous Attorney-General, who we remember so fondly as a true reformist, and many of the things that came about as a result of our review are now enshrined in this legislation. That is why the opposition does not oppose it. It is really quite flattering to us that those opposite have introduced this legislation in the manner they have. I commend the bill to the house.

Mr SOUTHWICK (Caulfield) — It is my honour to rise to speak on the Honorary Justices Bill 2014. I commend the Attorney-General and the Victorian coalition government for doing what the previous Attorney-General, Rob Hulls, and the Labor opposition failed to do, and that is properly recognise honorary justices for the outstanding work that they do. The legislation will restore standing in the community, recognition and independence of Victoria's honorary justices. It will, for the first time, consolidate the laws relating to bail justices (BJs)and justices of the peace (JPs) in a single act. Let us not forget that the previous Labor government threatened to abolish justices of the peace altogether. As we heard before, Mr Hulls said:

> It is open to debate whether there is still a need for justices of the peace in the 21st century.

Let us make no mistake about this: justices of the peace serve a valuable role within our community. In many instances they do so after hours, volunteering their time. In many cases they sacrifice family time to sign and witness documents and to serve in a bail justice capacity in the justice area. We see justices perform valuable work in our community in many different ways. I commend the work they do for our community.

This bill will ensure that there is legislative protection against arbitrary dismissal and will also ensure the right of long-serving honorary justices to use the title JP (retired) or BJ (retired) after ceasing active service. It will be a requirement for all persons accepting appointment as an honorary justice to make themselves available on a reasonable basis to perform their duties. It will allow bail justices to be appointed up to the age of 70 and reappointed until the age of 75.

We have heard a number of statistics that suggest that justices of the peace witness a number of documents. In fact they witness several million documents per year, and this is done in all sorts of areas. We even have people coming into our electorate offices asking to have documents witnessed. In many instances the JPs free up Victoria Police front-line members to do their job. The police station in Caulfield has a roster for Monday nights when a JP will come in and volunteer their time. The public can come in and have documents witnessed at the station each Monday night. We have approximately 64 signing stations across Victoria, and these stations ensure that instead of witnessing documents, Victoria Police staff members are doing what we want them to do, and that is protect the community.

I would like to thank our honorary justices and JPs, who do a marvellous job in Victoria, particularly given the number of volunteer hours they put in. As I said earlier, in many instances they work after hours at the expense of family time to provide this valuable community service. My father is a justice of the peace. I recall many times while I was growing up when he would be called out or people would turn up at home to have a document witnessed by him. Neither he nor any JP that I am aware of would ever say no; they would always make themselves available at any time to witness documents. They provided a valuable service.

We heard that between 2010 and 2013 some 200 bail justices presided at over 20 000 hearings. If you put that into dollar terms and you had to pay people to appear during that time it would be a huge cost to the Victorian taxpayer. We are certainly grateful for those volunteer hours, and we should never underestimate their value.

I thank all justices across Victoria who put in those countless hours, and in particular I thank the many honorary justices in my electorate of Caulfield who do such a wonderful job serving the community. I would like to point out just a few of those. They include Mr Checri Haddad, Mr Patrick McCormack of Ormond and Mr Campbell Reid of Clayton. They do a fantastic job. I also note Dr Meredith Doig, Mr Roy Geier, Mr Peter Lewis and Mr Richard Waluk, who do a great job in the St Kilda East area. I thank Mr David Ash, Mr Wayne Freeman, Mr Ivan Kalbstein, Mrs Rhonda Nirens and Mr Soos of Elsternwick.

Mr Nardella interjected.

Mr SOUTHWICK — We hear the carrying on from the member for Melton, who is saying that I am reading out a list of Liberal Party membership. I take offence at that, and I am sure the many people whose names I have just read out would also take offence because these are people who are on the register of the Royal Victorian Association of Honorary Justices. Anyone can google that list and bring it up. I say to the member for Melton that this is not a Liberal Party membership list; these are independent people — volunteers who do the job regardless of where they come from and what they believe in. I think it is very offensive to all those people that I have referred to, to say that they come from a particular membership whereas they are in fact volunteers within our community who do what they do because they believe in it.

If I could go on, Dr Felicity Allen from St Kilda; Ms Sandra Anderson from Caulfield South; Mr Michael Borowick from Caulfield North, who I believe is a member of the Labor Party but nevertheless does a great job of being an honorary justice; Mr Graham Colling from Caulfield; Ms Patricia Elder from Caulfield; Mr Graeme Gillard from Caulfield; Mr Alain Grossbard from Caulfield South; Mr Ronald Hearn from Mornington; Mr Alan Katz from Caulfield; Miss Marion Lau from Caulfield; and Mr Peter Lewis all do fantastic jobs as honorary justices in the voluntary time in which they provide service. There is also Mr Norman Mermelstein from Caulfield North, Mrs Jennifer Nicholls from Caulfield, Mr Sam Parasol from Caulfield North, Mr Alan Samuel from Caulfield North, Professor Geoffrey Sussman from Caulfield, Mr Allan Walker from Caulfield North and Mr Panayiotes Yiannoudes, also from Caulfield North.

Despite the aspersions the member for Melton may cast, these are independent members of the community who, along with many others within our community, have signed up and committed their time; they have volunteered countless hours. As a government we have ensured that these people are rightfully acknowledged and respected for the countless hours they put in. We do not agree with the previous Attorney-General, who said JPs were irrelevant in the 21st century, and we would never act in line with that belief in relation to volunteers who put their time on the line. In fact with this bill we are recognising their work, their importance and their value to the community.

I extend a thankyou to all those who offer their time. I say to them that this is a time when the coalition government is putting on the record through this act of Parliament the respect they deserve for the work they do in serving our community. I commend the Attorney-General for the work he has done on this, I commend the coalition government and I commend the bill to the house.

Ms EDWARDS (Bendigo West) — I am pleased also to rise to speak on the Honorary Justices Bill 2014. I would like to commence by reading from a press release put out in February 2010 by the then Attorney-General, Rob Hulls. It states:

> Justices of the peace will be retained and their role strengthened by reforms including a formalised code of conduct, a revised complaints process and a formalised training process …
>
> Mr Hulls said a Brumby Labor government review of JPs found strong support for retaining the office and title of justice of the peace but with important changes.

This reflects exactly what is in this bill and what this bill does. Sadly, during the grievance debate last week we saw a 15-minute performance from the Attorney-General in which he did not once mention any of the great reforms he has put before this house; he preferred to spend his 15 minutes attacking Labor and the unions. I think it is an absolute shame that the Attorney-General of this state had nothing good to say about his government or his great reforms.

Justices of the peace (JPs) have a very long and noble history, dating back to 1195 in Britain when Richard the Lionheart committed certain knights to preserve the peace in unruly areas. Maybe this is what the Prime Minister, Tony Abbott, had in mind with his recent announcement of the reintroduction of honorary knights and dames. Keepers of the peace, as they were known, were responsible to the king — —

Mr Wynne interjected.

The ACTING SPEAKER (**Ms McLeish**) — Order! The member for Richmond!

Ms EDWARDS — Insert 'Prime Minister' in place of 'king'. They were responsible to the king for ensuring that the laws were upheld. It is just a thought, Acting Speaker.

JPs were recognised in the Australian colonies from 1788, and the first JP was appointed in 1836, in South Australia. There are of course no national JPs at the moment, and each state and territory sets its own legislation; hence the legislation before us today. As we know, Acting Speaker, and as other members have mentioned, JPs and bail justices are volunteers, and, like many volunteers in our community, they give their time freely, often while living busy lives themselves. They provide document-witnessing and certification services to the community both during and outside business hours.

Unlike the member for Caulfield, I will not go through a list of Labor Party members who are JPs. However, I will mention that my husband, Steve, is a JP and has been for 22 years. Many members of both the government and opposition benches have benefited from his services. In his role as a JP he has served his community around Coburg all that time, giving up his free time, particularly on weekends and after hours, to cater for people who are working. His role involves witnessing statutory declarations, affidavits and powers of attorney and certifying copies of original documents. Working in the city of Melbourne, he has also provided this service in the Melbourne CBD during the working day.

What I know from my experience of having a husband who is a JP is that people from many different backgrounds and locations seek to access the services of JPs, particularly after they have accessed the Department of Justice website and called for his help. I have noticed also that many people from non-English-speaking backgrounds seek his help, and although JPs do not provide legal advice, there have been many times when a detailed explanation of the requirements has been needed, and this has often led to lengthy sessions in the lounge room. Some of these people are under enormous personal stress — going through divorce proceedings, for example — and a good degree of empathy is needed to assist them through the paperwork, which is often overwhelming, particularly when they are under duress and when it is not clearly understood.

As part of the review undertaken by the Department of Justice in 2009, when the Labor Party was in power, a consultation paper was released seeking Victorians' views on the wider functions of JPs. As previously mentioned, the Department of Justice received 540 submissions, 97 per cent of them from existing JPs. The reforms that resulted from this review included abolishing lifetime appointments and the introduction of five-year fixed-term appointments for all JPs; new selection criteria and probity checks to ensure integrity is maintained in the role; the introduction of a code of conduct and a review of the complaints process in order to address breaches of the code of conduct and issues of suspension; and formalising a training package for JPs around appointment, reappointment and professional development, including training in identifying fraud and document fraud.

The bill relates specifically to the honorary justices scheme and implements the reforms introduced by the Labor government. It provides for the powers of honorary justices, and it provides for bail justices to be appointed up to the age of 70 years and reappointed up

to the age of 75 years. While JPs may be appointed for life, and I think my husband, Steve, will be very pleased to hear that, there is a new offence of impersonating an honorary justice — God forbid that anyone would want to impersonate Steve — and for seeking or receiving financial reward in the role. It also enables a retired justice of the peace or bail justice to apply to use the title post retirement in recognition of community service. I think Steve will be thrilled about having the words 'JP' on his headstone after he is long gone, although I hope that does not happen for a long time.

One of the most beneficial services for the community is the provision of document-signing stations. There is a JP regularly at the Bendigo police station to provide this service, and it is well used. In fact I have had occasion to use the service. Document signing stations provide a free JP service.

Bail justices are often called out at 2.00 a.m. or 4.00 a.m. to attend court proceedings. Sometimes it is also a requirement that a justice of the peace be present to sign certain documents. We have families across the Bendigo region who are struggling and under enormous stress. Child protection in particular is a big issue. When these issues are before the courts and a bail justice is required in the middle of the night, it is the bail justice volunteers and sometimes the JPs who give their free time to come out in the early hours of the morning to support those families and their children.

In the past JPs and bail justices were often referred to as 'the great unpaid'. Under a 1389 English act the early justices received a subsistence allowance of 4 shillings a day. This lapsed, mainly because for centuries most JPs were well-to-do landowners who did not bother about expense accounts. Sadly that is not the case with my husband. I am fairly certain that Steve is not a wealthy landowner; in fact I know he is not, yet like most JPs he is very passionate about his voluntary role and takes it very seriously. Labor is not opposing the bill because it introduces what it started in 2009.

Mr McCURDY (Murray Valley) — I am delighted to rise to make a contribution to the Honorary Justices Bill 2014. It is a bill that Labor is not opposing, and I am pleased to hear that. Although it tries to claim credit for everything good that we do in this house, it does not seem to want to take the blame for the things it did not do quite so well. We can talk about the Construction, Forestry, Mining and Energy Union, the desalination plant and the water pipeline, but Labor does not want to hear about that; it just wants to hear about the things it believes it had everything to do with.

Members on the other side of the house have neglected to outline the main objectives of the bill, and I will go through them in some detail so we understand the bill, which is important at this time of night. Its objective is to enhance the government's framework for justices of the peace and bail justices, which is something we have not heard from members on the other side. The bill provides for a stand-alone act solely relating to honorary justices. It provides for the appointment of honorary justices, sets out the criteria for their appointment and describes the powers and functions of bail justices and justices of the peace. It also creates a statutory requirement for all honorary justices to notify the secretary within 21 days of a change in circumstances, to undertake training and to be reasonably available and active.

Justices of the peace (JPs) and bail justices are very active; they often work out of hours for little pay. I have great admiration for the work they do. The bill introduces new titles that may be used by a person who satisfies certain criteria regarding age and years of service. It also creates offences for impersonating an honorary justice, using a title without authorisation and providing false information regarding an application to be appointed as an honorary justice.

I note the work done by the Attorney-General to complete this process. Honorary justices are volunteers in our community. We need everybody working together, whether it is paid on unpaid, and making a contribution because it is important for our communities to survive.

Bail justices and justices of the peace play an important role in the Victorian legal system. They conduct bail hearings out of court hours, and justices of the peace witness affidavits and statutory declarations. Approximately half of those appointed as bail justices are also JPs. There are approximately 4500 justices of the peace and 200 bail justices in Victoria. Both are volunteer positions, although bail justices receive an honorarium based on their activity, to a maximum of $307 per annum. Clearly this reminds us that these are honorary positions.

The current provisions relating to bail justices and justices of the peace are contained in the Magistrates' Court Act 1989. It contains basic provisions regarding the appointment of justices of the peace, providing that a justice of the peace is appointed by the Governor in Council, must be under 70 years of age and must not have been bankrupt. The provisions regarding bail justices were amended in 2010 and now contain eligibility criteria such as age, citizenship and various other things.

The current bill provides for the appointment of a bail justice for a period of five years, with reappointment for a further period of five years. It repeals part 6 of the Magistrates' Court Act 1989 in its entirety. The bill aligns the provisions relating to bail justices and justices of the peace so that for the first time common governance provisions will apply to all honorary justices. It also implements important reform through the provision of a comprehensive, transparent and fair process for the appointment and removal of honorary justices. All honorary justices will be required to undertake training, and a new process for oversight is introduced.

In October 2012 the Attorney-General released a paper entitled *Consultation on Justice of the Peace Initiatives 2012* for public consultation. A total of 194 responses to the paper were received, most of them from honorary justices, and this bill arises out of those responses. It is terrific that we heard from those who are affected by this legislation and that they have had input as JPs or bail justices. The bill comes into operation on 1 September.

I will touch on a few key features of the bill, which will consolidate and modernise the provisions relating to bail justices and justices of the peace into one stand-alone act, extend the current provisions governing the appointment and training of honorary justices, and provide a new framework for the suspension, investigation and removal of honorary justices.

There are many JPs and bail justices in the Murray Valley electorate. In Cobram Dave Darby, Robin Harwood, John von Appen and Dom Siciliano are terrific contributors to our community in many different ways. Being a JP is just another way in which they enhance our communities. Dom has been a leader in the Italian community for many years and continues to show his leadership as a JP. The one common thing amongst the four gentlemen is that they show leadership not in one area but throughout their communities. In Wangaratta Garry Nash and Rosie Parisotto are terrific contributors to our communities. They are JPs as well as being involved in other aspects of our community.

The criteria for appointment as a JP include that a person is over 18 years and under 70 years, that they are an Australian citizen and that they are not insolvent or under administration. They are required to undertake the prescribed training and have a sufficient background in English so they can be understood. They are also required to ordinarily reside in Victoria. Appointments as a bail justice or a justice of the peace are made by the Governor in Council on the recommendation of the Attorney-General. Bail justices will be appointed until 30 November and after their appointment may be reappointed.

The new provisions will enable the applications of all bail justices seeking reappointment to be considered together during that year. Some of the other detail includes that an investigator can be appointed at any time if the secretary is satisfied on reasonable grounds that an investigation is warranted to determine whether there are grounds for the removal of a JP or a bail justice. The investigator must be a person who has served as a judicial officer. An honorary justice can be removed on various grounds, such as if there have been serious or repeated breaches of the code of conduct, if there has been a failure to comply with a request of the secretary as to training or where a justice has been found guilty or convicted of an offence punishable by imprisonment of six months or more. It is not all one-way traffic here. JPs have commitments and responsibilities and need to live up to those, which most do.

Other JPs who make contributions in my electorate are Rob Chuck, Kevin Howard and Greg Larkins. These three are from Wangaratta. One has been involved with council, another is still with the RSL and the third is with Business Wangaratta. Their contribution is about sharing their leadership and their responsibility. These people have an enormous amount on their plates already, but they choose to take on these extra responsibilities, and we are very pleased with the contribution \they make.

Lou Cook form Numurkah is literally Mr Numurkah — he is involved in everything that is going on — and it would be very easy for him to say, 'I have enough on my plate, and I won't do this role anymore'. I do not know Lou's age, but he would be well into his 70s. He is very well in the 70s. But wait — maybe he is only well into his 50s! Certainly he has made a fine contribution. And as I have said the contribution of these people is not just as bail justices or JPs. The coalition government acknowledges the work that JPs and bail justices do. We like to honour people who have done terrific work in our communities, and this is all part of that process. As I said at the outset, Labor members continue to claim credit for the changes that we make that they see as positive. However, there is also a need for them to take responsibility for the changes that were not so great on the Labor side of things. They will work that out as time goes on.

This bill is another example of the Attorney-General rolling out reforms and practical measures that we in this government are very proud of. He is making

changes that reduce red tape and assist us all to get along in harmony in this community. With that, I commend the bill to the house.

Mr NARDELLA (Melton) — I am just amazed that we have so many budding historians on the other side of the house in the Liberal Party and among The Nationals who want to rewrite history. They make history up to attack the Labor Party and to attack the Honourable Rob Hulls, who was one of the greatest attorney-generals that Victoria has ever had. They come into this house and they do not understand what they are talking about. All they do is get their speaking notes and read them, full stop! We have just seen the previous speaker do that.

Mr Wynne — They are well read!

Mr NARDELLA — The notes are very well read by many honourable members on the other side of the house. The truth is that it is on the back of Labor's 2009 review that this legislation now comes to the house. I put that back into the memory banks of members, so they will understand where this comes from. What work did government members do? Zip. They did not do any work. All they did was read a report and then say, 'We are going to put in place legislation'. They were so quick reading the report and putting in the legislation that it has taken them three and a half years. Now, seven months before the next state election, the mob on the other side has just got in the changes proposed in this legislation. The government now seeks to put in place some very sensible things that the 2009 review went into in regard to justices of the peace (JPs) and bail justices.

JPs play an extremely important role in our judicial system and in assisting police. We had the atrocious situation of the member for Mount Waverley talking about JPs going into neighbourhood houses and police stations to help the police out. Do you know what is atrocious about it? Instead of the police going out and doing the work out on the roads, in the divvy vans and in the crime cars, this government is getting the JPs to properly do the work of providing signatures and those types of things such as witnessing documents, while police officers are in the backs of police stations looking after prisoners. That is what this government is all about. It is just using JPs to release police officers, not for crime busting or the work that they are trained to do and should be doing to protect the community but to become prison wardens, as my friend the member for Richmond has said.

We hear histrionics from some of those on the other side of the chamber. They want to become professors, but in fact the rewriting of history — —

Mr Wynne — There is a bit of form there!

Mr NARDELLA — Absolutely, there is a lot of form there. But the rewriting of what has occurred there — —

Mr Wynne — Why would you bother?

Mr NARDELLA — Why would we bother? In fact as professors they would get an F; they would fail in anything they did in terms of reviewing this legislation or any other legislation before the house. JPs and bail justices in the communities in my electorate of Melton, Bacchus Marsh and wider afield undertake a very important role. Some of my friends are JPs and bail justices. My electorate officer is a JP. It is extremely important to understand the work she undertakes when I am not there to assist the community. Just as with any other JP, people come into the office quite often, as they do in the wider community, to have documents witnessed.

Bail justices do an extremely important job. As I said, a couple of my friends are bail justices, and they are out at all hours of the night, going out not just to the Melton police station but to Keilor, to Sunshine, to Altona — going out to wherever they are needed to do the work necessary to make determinations in some very serious cases, including the granting of bail in child abuse cases.

Mr Wynne — Domestic violence.

Mr NARDELLA — Domestic violence and a whole range of matters that come before them. Let me say that unfortunately they are also placed in very dangerous situations when they are going to or exiting police stations or when they are with people they have to make determinations about. Some of these people are extremely violent, as are their families. Especially with some of the domestic violence and children's cases, the family members can be violent and extremely threatening. It is really important that we understand that and give bail justices the support they require.

Without bail justices and the work they do and without JPs and the work they do, Victoria and the Victorian community would be much worse off. As has been talked about before, the situation at the Melton police station is that there is a roster of JPs who come in and do a fantastic job doing work that would normally be given to the police officers to do. It is extremely time consuming. Certainly in Melton the JPs who put

themselves on the roster are just fantastic. They take time out of their busy lives and do that work in an impartial and very professional way, for no thanks. Nobody pats them on the shoulder and says, 'Thank you, and congratulations'. Sometimes people who go to see them do, and I certainly say thank you to every single bail justice and JP within my electorate and the wider Victorian community who takes the time and makes the effort.

I also thank the families — the partners, the husbands and wives — who have to listen and who get woken up by the phone calls at 3 or 4 or 5 o'clock in the morning when these really great Victorians are going out to do their jobs. If I were cynical, I would say that some of these people should be knighted and made madams.

An honourable member — Dames.

Mr NARDELLA — Dames, sorry, not madams. I should get my terms correct.

Mr McGuire — Knights and dames — off with your head!

Mr NARDELLA — Off with my head, that is right. That is the role they play within our community, and I really want to say thank you to every single one of them for the job they do.

The last thing I want to say is that I have heard of some very disturbing aspects of the work that bail justices do and the way that some bail applications are referred to the weekend court and then further deferred until the working week, which is a false process that occurs. It takes police officers away from the work they should be doing so they can take people to and from the courts to be dealt with by bail justices. I think that needs to be reviewed. The duplication and overhandling of people's cases is not warranted and makes the job of bail justices harder. I want to thank them all.

Mr ANGUS (Forest Hill) — I am pleased to rise this evening to talk in support of the Honorary Justices Bill 2014. The purposes of the bill are straightforward and are noted in clause 1:

> The main purposes of this Act are —
>
> (a) to provide for the appointment of justices of the peace and bail justices, together to be known as honorary justices; and
>
> (b) to specify requirements of honorary justices in relation to the provision of information and training; and
>
> (c) to provide for a code of conduct applying to honorary justices; and
>
> (d) to set out the procedures for the suspension or removal from office of honorary justices; and
>
> (e) to provide for the use of titles by current and retired honorary justices; and
>
> (f) to repeal Part 6 of the Magistrates' Court Act 1989.

The overall objective is to enhance the governance framework for justices of the peace (JPs) and bail justices, collectively known as honorary justices. Like other contributors to this debate, at the outset I too want to place on the record my thanks on behalf of the residents of the electorate of Forest Hill for the often very demanding and unsung work honorary justices do. Many of them have acted in that role for a long period of time, and I congratulate and thank them for their great service to the community.

I refer to the details of the bill. The bill provides for a stand-alone act solely relating to honorary justices. It provides for the appointment of honorary justices, sets out the criteria for each appointment and describes the powers and functions of bail justices and justices of the peace. The bill permits the Secretary of the Department of Justice to request specified information of justices of the peace once every five years unless there are certain circumstances to trigger that earlier. The bill also creates statutory requirements for all honorary justices to notify the secretary within 21 days of a change in circumstances, to undertake training and to be reasonably available and active. It also establishes a code of conduct that may be prescribed for honorary justices. This code is currently applicable only to bail justices.

In terms of the preceding comment, 'being reasonably available and active', that is something that is often taken for granted by the broader community. As I said before my comment of thanks, the demands on honorary justices are quite significant. I can fondly remember when I was a young person my grandfather, who lived down on the Mornington Peninsula, sat on the bench at Frankston Magistrates Court in an honorary capacity. From time to time I would go down there with him, sit in the back of the court and try to keep my head down and watch him in action. He used to give up his time to serve as a local JP, and back in those days he also had after-hours call-outs for various bail matters. I obviously did not fully understand it at the time, but he was certainly giving very generously of his time, and often at awkward hours of the day and night, to put back into and serve the community in that very important role.

As I was preparing for this debate I looked in my electorate of Forest Hill and saw that there is a whole

range of JPs in the various suburbs that I represent. There is Mrs Rozalie Dean from Vermont South, Mrs Lynette King from Vermont, Mr Yuet Kwok from Vermont, Mr Gabriel Leveleky from Vermont South and Mr James McCarthy from Vermont. They are just in two of my suburbs; I can go to other suburbs. There are various JPs and honorary justices in Burwood East, Forest Hill, Glen Waverley and other suburbs within my electorate. I could spend my entire contribution naming them, which I will not do. These people are giving up their time and making a significant contribution on essentially a voluntary basis to support other members of the community and to be available, whether it is to witness documents or perform other required duties and so on. That is something that each one of us, as members representing the broader community, need to be very grateful for in our electorates.

The statistics collected by the Department of Justice indicate that justices of the peace witness several million documents per year. That is a staggering number, and if we had to overlay the cost of getting those documents witnessed by other professional people such as accountants or lawyers, it would be an enormous cost to the community. That is one of the ways in which these people are putting back into the community on this voluntary basis. Over the years I have had cause to have documents sworn before JPs and seen the great service and willingness they have to make themselves available to have those documents sworn.

There are approximately 200 Victorian bail justices, and the Department of Justice calculates that in the three years from June 2010 to June 2013 they conducted more than 20 000 hearings. What a staggering contribution that is to the justice system in Victoria, and its importance cannot be overstated. As we know, bail justices hear and determine questions of bail and applications for interim accommodation orders under the Children, Youth and Families Act 2005 where a magistrate is not available. The position of bail justice was created in Victoria more than two decades ago.

As I touched on a moment ago, by virtue of his or her role a bail justice is on call and presides outside the usual hours that a court sits. Bail justices often have to travel some distance to conduct hearings, and obviously this is more so in the country. As I have said, they play a very important role in the effective running of the Victorian criminal justice and child protection systems within the state. Amazing sacrifices are made by people who have taken on that position.

The bill includes a comprehensive regime for the suspension, investigation and removal of an honorary justice in specified circumstances. An investigator is appointed to report to the Attorney-General his or her findings as to whether facts exist that could constitute grounds for removal. If that is the case, the Attorney-General then recommends to the Governor in Council that such a removal take place.

In terms of the criteria for appointment as a justice of the peace, the person has to be 18 years of age or over and under the age of 70, has to be an Australian citizen and must not be insolvent or under administration. The person must have undertaken the prescribed training, have sufficient English proficiency to perform their duties, ordinarily reside in Victoria and be a fit and proper person. Similarly, stringent criteria are laid out in relation to the appointment of a bail justice, and they are very appropriate criteria for obvious reasons.

The bill introduces the new titles of BJ (retired) and JP (retired), which may be used by a person who satisfies certain criteria regarding age and years of experience. It creates offences for impersonating an honorary justice, using a title without authorisation, providing false information regarding an application to be appointed as an honorary justice and falsifying a person's capacity to exercise the role of an honorary justice. It will also clarify that an honorary justice must not demand, take or accept any fee, patronage or reward for carrying out their duties. That comes back to the very noble source of where this came from all those years ago in terms of leading, upright community members standing up and taking that important role in the communities within which they lived.

In relation to the bill, there has been extensive consultation over some period of time on the justices of the peace initiative. In 2012 there was a consultation paper, and extensive consultation was undertaken as a result of that.

In conclusion, I will come back to where I started. The role honorary justices have in the community is one we must never take for granted. It is one we in this place honour and are very grateful for. On behalf of the residents of the electorate of Forest Hill I join with other members in this place in thanking those who selflessly lay down their lives and give their time to support the broader community in achieving the aims of these roles. On that note I commend the bill to the house.

Mr McGUIRE (Broadmeadows) — Because the coalition is the most unstable administration in modern Victorian history, it is given to exaggerated claims to

try to persuade the community it has credibility. Just as the federal coalition beats the drum on the chain reaction of race riots and taxes at every opportunity, the Victorian coalition beats the drum on law and order on every possible occasion.

Lacking a substantive record of achievement on which to contest the forthcoming election, the Victorian coalition tries to demean former Labor administrations and particularly attempts to demonise the former Victorian Attorney-General, Rob Hulls, who no longer is even in this Parliament to defend his record. So that Victoria's former first law officer does not continue to be verballed in this debate, I will quote for the record from a media release from Rob Hulls of 22 February 2010 headed 'Justices of the peace office strengthened by reforms', which states:

> 'Justices of the peace will be retained and their role strengthened by reforms including a formalised code of conduct, a revised complaints process and a formalised training process', Deputy Premier and Attorney-General Rob Hulls said today.
>
> Mr Hulls said a Brumby Labor government review of JPs found strong support for retaining the office and title of justice of the peace but with important changes.

Rob Hulls is further quoted as follows:

> 'The role and responsibilities of justices of the peace in Victoria have changed considerably over the last 200 years', he said.
>
> 'Following an extensive public consultation process, the review recommended the introduction of term limits for justices of the peace, formalised training, a formalised code of conduct, revised complaints process and appointments based on regional demand.
>
> This review also found that more can be done to support current and future justices of the peace in carrying out their role, and to ensure people appointed as JPs uphold the rights and obligations of the office.'

That was back in 2010. Further, in October of that same year another media release from the Attorney-General of the day, Rob Hulls, stated that:

> The appointment of 84 new justices of the peace, including those from diverse backgrounds and those servicing regional areas, shows the success of the … reforms to the office …
>
> The appointments come at the same time as the introduction of a new code of conduct that increases the accountability of justices of the peace, ensuring they maintain acceptable standards of behaviour.

I want to put it on the record that that is really where this bill originates and that so many of its reforms and what it does are derivative of what has come before. It has very little originality, and it is really based on what came out of the Department of Justice review that was undertaken in 2009, which focused on future needs. That review was undertaken as a result of an independent advisory panel's recommendation. As part of that review the Department of Justice released a consultation paper seeking the views of Victorians on the wider functions of justices of the peace (JPs) and whether in a contemporary society there was a need to reform their role. There were 540 written submissions received, and these formed the foundation of the reforms that were made under the Labor government and are now being brought to the Parliament by the coalition government. This is what happens quite often with the evolution of changes to laws and other reforms.

After reviewing the feedback received through the consultation process, the government announced reforms to the office of justice of the peace, including developing targeted recruitment strategies to encourage people from more diverse groups to apply to become JPs. I note the reference that was made by the then Attorney-General, Rob Hulls, to broadening the base and getting people more representative of the broader community to become JPs, including people from regional Victoria, yet I have heard none of The Nationals members even acknowledge that that was a proposition.

I want to go to the point that we need to acknowledge the past without necessarily demeaning it on every political point every time in every debate. I find the whole thing to be demeaning of the Parliament and its processes. We can have a considered debate in this house. Yes, we want to evolve and we want reforms. In this case, Labor supports this bill. The sorts of attitudes we want to see include a more mature approach to how bills are debated, with not everything on law and order being exaggerated just for political purposes.

The bill provides for a formalised training package for JPs that includes training as part of the appointment and reappointment process along with professional development, including identity crime and fraudulent document training. That is all for the good, it is an evolution and it should be supported. This is really where this area has evolved. The bill does little more than formalise through a measure of the Parliament the reforms that were introduced by Labor.

Together JPs and bail justices are known as honorary justices. The bill repeals provisions in the Magistrates' Court Act 1989 that relate to honorary justices and creates an honorary justices scheme. That is an administrative adjustment that is not controversial in any way or of great note; it is a functionary proposition. The bill provides for the powers of honorary justices so

that they may perform functions and exercise powers conferred on them under other acts, such as the Evidence Act 2008 for JPs and the Bail Act 1977 for bail justices.

The bill provides that bail justices can be appointed up to the age of 70 and reappointed up to the age of 75, up from 65 and 70. That again is reform at the margin. JPs will be eligible to be appointed for life. The bill requires JPs to provide information on request to the secretary of the department and specifies that honorary justices must complete prescribed training. That is an obvious, common-sense proposition. The bill provides that honorary justices must comply with a prescribed code of conduct, and it requires all honorary justices to be reasonably available and active, as anyone would expect. These are just mandatory key performance indicators that are a basic necessity.

The grounds for removal of an honorary justice include serious and repeated breaches of the code of conduct, refusal to undertake training, failure to carry out duties, failure to comply with the act, being found guilty of an offence punishable by a penalty of six months or more imprisonment, no longer being physically or mentally capable of performing their duties or having engaged in misconduct or brought the office into disrepute. Removal will be by the Governor in Council on the recommendation of the Attorney-General.

The bill creates a new offence of impersonating an honorary justice and provides that it is an offence to take financial reward for performing the services of someone who is doing something on a voluntary basis. These are non-contentious provisions, and they are supported. That is the view that opposition members have taken on them.

The bill enables honorary justices who are retired to apply to use titles to recognise outstanding community service. This provision is worth supporting, because these people have done something on a honorary basis in the public interest. That is due recognition. It is not in the knights and dames category, as has been mentioned by other speakers. It is not even in the category of that radical idea that an Australian, chosen or elected on merit and performance, should one day become Australia's head of state — that we might actually move to one of those propositions at some stage in the future.

The bill is part of the evolution of these matters. I want to frame it that way to correct the historical record because of some of the misleading comments made in some of the contributions by other speakers. It is not an original initiative. It is a derivative, but it is an improvement — and that is the way a lot of bills progress. With that, Labor is supporting the proposition in this bill because the benefits are in the public interest.

Mr MORRIS (Mornington) — I am pleased to rise to make a brief contribution to the debate on the Honorary Justices Bill 2014. It is an important piece of legislation, and that is why I want the opportunity to say a few words on it. The reforms it makes are important. For the first time we will have a freestanding measure relating to honorary justices — that is, a stand-alone act dealing with an important subject.

As members have heard, the office of honorary justice is an old and honourable one, dating back by some estimates to the days of the Crusades. In a more contemporary sense, honorary justices have played an important role in Victoria. Today they play a key role in witnessing the signing of documents and the making of statutory declarations and affidavits and in certifying copies of documents. According to some Department of Justice statistics, every year justices of the peace (JPs) witness millions of documents. That in itself is a considerable service to the state. As well as justices of the peace, we have approximately 200 bail justices in the state of Victoria. As the member for Forest Hill mentioned, in three years they have conducted 20 000 hearings, which is almost 7000 hearings a year. That is a considerable load, and it is all done on an honorary basis.

The bill makes a series of changes. I do not intend to speak on them in any great detail, but an important one is that if the bill is passed, bail justices may be appointed up to the age of 70 and reappointed up to the age of 75, whereas the current legislation provides for the ages of 65 and 70 respectively. That change recognises the reality of longevity in the 21st century. It also recognises the fact that work patterns have changed substantially and people now have the choice to work a lot longer if they have the capacity to do so.

I will briefly refer to part 6 of the bill, which provides recognition those justices who have made a commitment to their communities and have served for a long period of time. Bail justices and justices of the peace who have served for 20 years or who have served for 10 years and reached 75 years of age or who have retired on the basis of ill health will be able to apply to use the titles of BJ (Retired) or JP (Retired), and that is important. During the debate I have heard some lukewarm comments about that provision, but enabling a person to maintain a title once they retire from the office is a way of recognising the significant contribution they have made to the community.

In the words of the Attorney-General in his second-reading speech, the bill very much restores and strengthens community recognition of these honorary justices. There is no doubt that some of the changes made by the previous government towards the end of the last Parliament weakened the office and undermined it to a degree. It may not be the view of the opposition now, but it is certainly the view that I held at the time, and with the benefit of 20/20 hindsight it is a view I maintain.

Before I conclude I want to recognise the work of the honorary justices in the electorate of Mornington. These honorary justices are no different to honorary justices across the state — it is certainly not a unique situation — but they are the ones I am familiar with. There are so many people to recognise, whether they be, as I said earlier, witnessing documents or doing the hard work of getting out of bed at 3 o'clock on cold July mornings to serve on the bench. I think of Alex Anderson. Mr Anderson wanted to make a contribution to his community and did so for years and years. He served for a long time as a bail justice and now, having attained the age, he continues to contribute to his community by serving as justice of the peace. He is not alone; there are many like him in my community, and I certainly acknowledge their commitment. Alex and his colleagues are very much an example to us all.

With those few words, I commend the legislation. It redresses some unfortunate changes that were made in the last Parliament, particularly from a policy perspective. It provides appropriate recognition for people who serve the community well. I commend the bill to the house.

Ms KAIROUZ (Kororoit) — I thank the Acting Speaker and the Minister for Ports.

Mr Bull interjected.

Ms KAIROUZ — The honorary whips club. I rise to speak on the Honorary Justices Bill 2014 and, as my colleagues have said, Labor does not oppose this bill.

Basically the bill proposes a new principal act for the appointment and governance of bail justices and justices of the peace (JPs). As we all know, JPs are very important members of the community who volunteer a lot of their time to provide document-witnessing services to the community. They tend to work very odd hours and they work all over the place. They sometimes base themselves at police stations. Some base themselves at my electorate office, and all the other professionals who provide such a service in the area send people to my office when they know a JP has been rostered on. In fact two of my staff members are JPs and a lot of their time is taken up in providing this service to the community.

Bail justices are on call to conduct hearings during out-of-court hours. They can be called at 2, 3 or 4 o'clock in the morning in relation to applications for bail or remand or for interim accommodation orders relating to children or domestic violence.

In 2009 the Department of Justice undertook a review of JPs in Victoria. The review focused on the future need for and role of JPs. This review was the result of an independent advisory panel's recommendations on the appointment of JPs. Previously JPs had the power to hear criminal cases and issue warrants, but over time they had been stripped of these judicial functions in favour of trained magistrates. Given that the role of JPs had changed remarkably over the years, the Brumby government undertook this review in 2009. As part of that review the Department of Justice released a consultation paper seeking the views of Victorians on the wider functions of JPs and whether in today's modern society there was a need to reform the role.

During that process the Department of Justice received 540 submissions, of which approximately 97 per cent were from existing JPs, and hundreds of phone calls. After reviewing the feedback received during the consultation process, the government of the day announced reforms to the office of justice of the peace, including developing targeted recruitment strategies to encourage more diverse groups to apply to become JPs. At the time I encouraged a lot of people from diverse backgrounds to apply to become JPs because they are able to provide a niche service to people within their own communities. For example, when documents arrive in my office that are in specific languages, if we do not understand what the documents say, staff who are JPs in my office and I are unable to witness them. When there are ethno-specific JPs, we are able to tell a constituent who comes into the office where they can get their documents witnessed.

The other thing that came about through the consultation process was the abolishment of lifetime appointments and the introduction of fixed-term appointments of five years for all JPs, with the option of reappointment or rollover. That process is done by way of a simple review or a phone call every five years to ensure that all the probity checks are in place and that all JP applicants maintain the integrity of the role and the office. A code of conduct for JPs into regulations was also introduced. The consultation process reviewed the current complaints processes to address issues of suspension and breaches of the code of conduct, and

also recommended a formalised training package for JPs, which was not provided in the past. That training package is included as part of the appointment and reappointment processes, as is professional development, including training in the areas of identity crime and fraudulent documents.

As we have heard from other speakers, the role of JPs dates back two centuries, when they were charged with keeping the king's peace. JPs had the power to hear criminal cases and to issue warrants, but as I said earlier, in Victoria the office of JP has been gradually stripped of these judicial functions in favour of trained magistrates. Today JPs provide a very simple, convenient and free service to the community for witnessing documents and affidavits. This power is shared by other professionals, including accountants, pharmacists, lawyers and MPs. As I said, on a daily basis my office would have 10 to 15 documents that need to be witnessed. If I am not in the office, my two staff members who are JPs are able to witness a document, and if there is something we cannot read, we always know where to send the constituent.

Labor has always acknowledged the invaluable services that JPs provide, despite the efforts of some who tried to politicise the role of JPs in the review of 2009. The bill is testimony to the fact that the government agrees with Labor's initiatives in relation to the future of JPs. This bill does a little bit more than formalise through the act the reforms introduced by Labor. It repeals the provisions of the Magistrates' Court Act 1989 that relate to honorary justices and creates a new act to provide solely for the honorary justice system. The bill also makes provisions about the eligibility and appointment of honorary justices, but there are no substantive changes and the bill basically replicates the current processes.

The bill sets out the powers of the honorary justices and provides that they may perform functions and exercise powers conferred on them under the acts — namely, the Evidence (Miscellaneous Provisions) Act 1958 for JPs and the Bail Act 1977 for bail justices. The bill provides that bail justices can be appointed up to the age of 70 and reappointed up to the age of 75, but JPs will be eligible to be appointed for life. The bill requires that JPs provide information upon request to the Secretary of the Department of Justice not more than once every five years to make sure that everything is in order and that they are, for example, adhering to the code of conduct.

The bill specifies that honorary justices must complete prescribed training, and introduces a procedure for suspension and removal from office. Currently there is no power to suspend a JP under the Magistrates' Court Act. As I said from the outset, Labor does not oppose the bill. I would like to put on the record my thanks to JPs in the Kororoit electorate who volunteer a lot of their time providing this invaluable service to the community. I acknowledge their community commitment and the service they have provided over the years. Members of my staff who are JPs certainly make the running of my office smoother when sometimes we have hundreds of documents that need to be witnessed during the course of a week. I commend this bill to the house.

Ms MILLER (Bentleigh) — I rise to speak about the Honorary Justices Bill 2014, and I thank the Attorney-General for the work he has done on this legislation. This bill undertakes important reforms to the law governing the role of bail justices and justices of the peace (JPs). For the first time, laws relating to honorary justices will be consolidated in a single stand-alone act. This is important for honorary justices because it underlines the important contribution they make in our community and provides a comprehensive framework for their roles.

I would like to thank the JPs in the Bentleigh electorate for the wonderful work they do, and on behalf of Bentleigh residents, for the great community service they provide. We appreciate the time they put into their role — they tirelessly put in hours and hours.

I will acknowledge some of the honorary justices who are registered as being in my electorate. In Bentleigh and Bentleigh East we have Frank Oswald, Keith Duckmanton, William Hendrickson, Kaylene Kachel, Stuart Leigh, Terry Nisbet, Nalini Pulaparti, Michael Read, Paul Reynolds, Ross Seggie, Gary Tragardh, John Turner and Jacob Vecht. The JPs in Brighton East are James Long and George Roubos. In Moorabbin we have Dianne Padgham. In Ormond we have Checri Haddad, Patrick McCormack and Campbell Reid. In Hampton East we have Robert Bell, Thomas Marr and Jennifer Marr. I am sure there are many more I have missed, and I thank them as well.

This is a very important piece of legislation. In the Bentleigh electorate, in addition to JPs we have the Moorabbin Justice Centre located on Nepean Highway. It is a local court that services the electorate and the surrounding suburbs. Currently there are approximately eight registrars in the Magistrates Court office operating as registered JPs. It is very handy that they are there because people visiting the registry of births, deaths and marriages downstairs can access their services as well. The JPs sign whatever documents are presented by people who visit the centre. By providing this

community service JPs are saving the Victorian economy a significant amount because it is costly to have police officers or pharmacists taking time to complete those tasks. I thank the JPs in my electorate for their community service and for volunteering their time to help the community.

The work JPs do is wonderful, and I cannot thank them enough. To be a JP a person must be over 18 years of age and under 70. They must be Australian citizens, and they cannot have a criminal record. They have to be trained, and they attain their qualification after training. I will leave my contribution there, as brief and short as it is, because some of my colleagues would also like to speak on this bill. However, I point out that the bill creates a statutory requirement that all honorary justices notify the secretariat within 21 days of a change in their circumstances, that they undertake training and that they be reasonably available and active. On that note, I commend the bill to the house.

Mr EREN (Lara) — I will make a brief contribution on this important bill. I understand the member for Benalla would also like some time to contribute to the debate, so I will try to be brief. This is a very important bill. It proposes a new principal act for the appointment and governance of bail justices and justices of the peace (JPs). JPs are volunteers who provide a document-witnessing service to the community. Bail justices are on call to conduct hearings out of court hours in relation to applications for bail or remand and interim accommodation orders relating to children.

'Volunteer' is the key word here. I am very proud to be the shadow minister for volunteers. I travel across the state visiting some of the wonderful volunteers we have in all sectors. It is important to highlight the importance of the volunteering that is done, because it contributes a fair bit to our economy. If governments, federal, state or local, were to pay our volunteers to do the very important work they do, they would go bankrupt. The value of the services provided by volunteers in Victoria is roughly around the $4 billion mark. That is what volunteers save the state government. Federally there are about 6 million volunteers, and they save anywhere between $11 billion and $14 billion by volunteering their time and energy to do the wonderful work they do right across the country.

It is no secret that back in 2009, under the former government, the Department of Justice undertook a review of JPs in Victoria. Out of that review came a number of recommendations, of which Labor is very proud. There were some 540 written submissions, and approximately 97 per cent of them were from existing JPs. It has been three and a half years since this government has been in power, and it is about time that something like this bill has come before the house. After doing a quick Google search of justices of the peace, I came across two articles I will quote from on the record. One of them is from the *Geelong Independent*, dated 28 October 2011. It was written by John Van Klaveren. It states:

> The workload of voluntary justices of the peace at the region's police stations has more than doubled, according to coordinator Joan Scott.
>
> She said the JPs were now on average signing each week more than 2580 documents such as affidavits, statutory declarations and proof-of-identification forms.
>
> The JPs had signed more than 142 000 documents since the service began in 2007, she said.
>
> 'Demand is increasing and if we had more volunteers, we could be available more often', Mrs Scott said.
>
> 'Our volunteers often work longer than the rostered hours. They could always stay there longer.
>
> 'I'm always on the lookout for more justices of the peace who can spare three and a half hours to fill a roster spot'.
>
> Mrs Scott said she had a pool of 30 JP volunteers although 300 were registered in the region.
>
> She cited increasing complexity of paperwork requiring witnesses or certifications for the higher workload.
>
> 'Forms have grown no end along with the complexity of things we deal with. For instance, many workers now need a statutory declaration to prove they were truly sick.
>
> 'Immigration issues, affidavits, overseas pension documents, traffic fines, certified true copies, senior's cards and university forms are just some of what we deal with'.
>
> Mrs Scott said JPs now had to deal with computer-based documents as well but were disallowed from acting as referees or guarantors.
>
> 'Some people get annoyed if we can't sign something but there are limits to what we can do'.

Our police stations are always under pressure, and this is yet another indication of how the system was under pressure after a year of this government.

An article of July 2012, again from the *Geelong Independent*, states:

> Justices of the peace are now signing paperwork in Geelong to take pressure off police resources, according to their roster coordinator.
>
> Joan Scott said JPs were handling birth, death and marriage certificates at the city's police station after completing training to replace police officers as signatories.
>
> 'This comes to the delight of the police because before they were the only ones who could do it. Now the police can focus on their other duties rather than doing administrative work'.

The article goes on to indicate how important it is to have JPs doing some of this work. As we all know, the government is under a lot of pressure in terms of cutting back on the resources of the police. As we have seen from year to year following this government's election crime has increased in this state. This government tries to pretend it is tough on crime, but it is often late in coming up with certain legislation.

The opposition is not opposing the bill before the house. However, I highlight the fact that this government has been very slow off the mark, and it has been very lazy in getting certain vital legislation through. As I have indicated before, the volunteering work involved in being a JP is very important. JPs have lives too, and they do this work out of the goodness of their hearts. The more hurdles there are for them, the more issues that are raised in relation to their duties, the more cumbersome it becomes for them to be JPs. We need to look overall at how we can make the lives of JPs a bit easier, and we need to encourage more people to do this type of work — and of course that is not cheap. This government has to put its money where its mouth is in order to get more volunteers to participate in the sector. The government needs to do more than bring before the house legislation that is burdensome on the community and not the government.

As members of Parliament we get people coming into our offices wanting us to sign documentation. I am not sure why security guards are required to get the signature of their local MP; I think that requirement should be removed. Members of Parliament are under pressure in their own electorates. JPs also under pressure. We know the wonderful work that JPs do and we should encourage them to be more involved. We should have more volunteers to take some of the pressure off the police. God knows the police need pressure taken off them because the government has brutally cut back police resources.

I know the member for Benalla also wants to say a few words on this bill. As I have indicated, we are not opposing the bill before the house. We think it should have come before the house earlier. Nevertheless, we acknowledge that over the last three and a half years the government has shown itself to be a bit lazy and slow with legislation — —

Mr Hodgett interjected.

Mr EREN — The Minister for Manufacturing, who is at the table, wants to open up some cans of worms. He has problems in his portfolio; we do not want to go there. We are not opposing the bill before the house. I wish it a speedy passage.

Dr SYKES (Benalla) — It gives me pleasure to make a brief contribution to debate on the Honorary Justices Bill 2014. Given that the member for Mildura wants to make a couple of remarks, I will make my contribution very brief.

Other speakers have covered the extent of the bill and some of its history. In the minister's second-reading speech reference is made to setting up signing centres for justices of the peace (JPs). I can indicate that throughout my time as the member for Benalla we have effectively had a signing centre operating in my office. JPs come in each Thursday and provide a much-appreciated service to our local community. They include Ian Roscoe, who is a former mayor, Gail Bamford, Max Marriot, Joy Poole, Athol Graham and many other people. Often these people are a bit older, which is why the notion of extending their service to the ages of 70 or 75 makes a lot of sense. They have the desire, wisdom and preparedness to serve, which is very much appreciated.

Equally bail justices are excellent in their preparedness to be available at often very antisocial hours. It is therefore very appropriate that this bill will provide protection from liability for both bail justices (BJs) and justices of the peace when they act in good faith and exercise a power under the act and regulations.

Another very important aspect of the bill is that it recognises people who have given outstanding service for 10 or 20 years and have reached the age of 75 or have retired on grounds of ill health. These people will be able to use the title of BJ (Retired) or JP (Retired). This is appropriate recognition of these people, who are givers in our community. The challenge is to get our younger people to take over the mantle of responsibility. I look forward to encouraging people in my electorate to do that. With those few remarks, I will finish and allow the member for Mildura to make some comments.

Mr CRISP (Mildura) — I thank my colleague, the member for Benalla. I rise to support the Honorary Justices Bill 2014. Firstly, I must declare an interest: I was a justice of the peace (JP) for 20-odd years prior to coming to Parliament. I want to acknowledge the work that is done by JPs in my electorate. We have a document signing centre which is manned by a number of our JPs. A former member of Parliament, the Honourable Ken Wright, is one of the stalwarts of that centre. Trevor Frost also comes to my office regularly to discuss issues around being a JP. JPs are regularly called upon to witness and certify true and correct copies of documents. The signing centre has provided a focus for these services for the people of Mildura. As

many members have said, increasingly in life people need JPs to sign documents.

The extension of time provided by this bill is valued by JPs. In many cases JPs are retired and thus are giving up their time as part of community service. Extending the time they can be JPs is important.

I also acknowledge the difficult task of being a bail justice. This is the demanding end of community service because you are required to provide services not only during normal hours but also after hours. Bail justices have the difficult but very important role of making judgements around community safety and individual need. There are 200 bail justices in Victoria. In three years they have presided over 20 000 hearings, which is quite an achievement.

Something JPs do very well is protect people's privacy. When you are providing these services people often like to tell you about their issues, why they are there and what all their documents mean. The skill of the JP is to quickly forget those details once the client leaves, because of privacy concerns. The nature of a document is not really the concern of a JP; it is really about witnessing a signature or verifying that it is a true and correct copy.

I also make the point that when JPs work from home — and there are a number of signs in my electorate about this — they can expect to get a knock at the door at almost any time. Someone always answers. JPs are extremely valuable people in our community. This is particularly the case in rural communities. I do not think anyone wants to go looking for a JP who is much further away than a short drive.

The previous government undervalued JPs. They have been revalued by this government. That very much sums up this debate: the government is revaluing JPs. I support the bill and wish it a speedy passage.

Business interrupted under to sessional orders.

ADJOURNMENT

The DEPUTY SPEAKER — Order! The question is:

That the house now adjourns.

Southvale Primary School site

Mr PAKULA (Lyndhurst) — The matter I wish to raise is for the Minister for Education. It concerns the old Southvale Primary School site at the Noble Park end of Athol Road. The school campus closed after a merger with a neighbouring school in 2012. Many of those pupils now attend Athol Road Primary School in South Springvale, which is a great local school. Kids there come from over 30 different cultural backgrounds, and 80 per cent of students do not speak English at home. The principal, Ruby Toombs, and her team do a great job of supporting kids and their families who have recently settled in Australia and have chosen to call our local area home.

The Southvale site, which is just up the road from Athol Road Primary School, has been closed for over two years. Once the keys were handed over I am advised the site became the responsibility of the Department of Education and Early Childhood Development (DEECDD). The state of the site is nothing short of appalling. The grounds are overgrown, vandals have had a field day wrecking the place, graffiti covers every wall, windows have been smashed and old broken furniture is scattered throughout. More recently the buildings have been boarded up, but that has done little to stop the vandals. There is decaying rubbish, broken glass and building debris strewn across what used to be a vibrant playground. There is evidence of drug use and there are exposed outer buildings. The site has become a gathering place for people who are up to no good. At night it is dark and unsafe, and during the day it is scarcely less menacing.

This abandoned Department of Education and Early Childhood Development site is having a negative impact on the local community. It is affecting residents' sense of safety and pride in the local area. Locals have had enough, and rightly so. The local community has not been informed of any plan for the Southvale site, and in an article in the *Dandenong Journal* in November last year the department was unable to shed any light on the site's future. Not even embarrassing media coverage complete with photos of the trashed school has spurred the department into action. Staff at my office and I have been given the runaround on this matter. The south-eastern Victoria region office of the department took days to call us back. It referred us to the DEECD central office. The manager of property management did not return our calls. Instead we were instructed to pursue this matter via the minister's office.

There are a number of questions that local residents want answered. They include: why has the site been allowed to go to ruin, why has more not been done to address community safety issues, when will the Department of Education and Early Childhood Development make a decision about the site's future, and what is the plan for the site?

I know local residents would like to see the buildings demolished. They would like to see the site used for

public open space. The action I call on the Minister for Education to undertake at the very least is to answer the local community's fundamental questions about that site, which include: why is the abandoned school site in its current state, why have community safety issues not been addressed, what are the plans for the site, and when will the minister make an announcement about what is going to happen to it?

Torquay sporting facilities

Mr KATOS (South Barwon) — I rise on this adjournment debate to request action from the Minister for Sport and Recreation. The action I seek is for the minister to meet with residents of the Shire of Surf Coast and tour the community and civic precinct in Torquay North. Over the last 15 years Torquay has experienced significant growth, but unfortunately the previous government failed to provide the necessary infrastructure to cater for this growth. Whether it be in the area of education, early learning, community or sporting infrastructure, Labor failed.

In contrast the coalition government has been proactive in delivering infrastructure for Torquay. In its first term of government the coalition has delivered the new $37.5 million Surf Coast Secondary College, which Labor opposed; purchased land for a new primary school in Torquay North; upgraded and extended the Torquay and Jan Juc kindergartens; provided $2.38 million for stage 2 of the Torquay community and civic precinct; redeveloped the pavilion at Spring Creek Reserve; provided $100 000 for a second soccer pitch at Torquay North; provided $750 000 for Grant Pavilion in the Torquay community and civic precinct; invested $3.86 million upgrading the Surf Coast Highway; and provided a $1.5 million grant to redevelop the Torquay Bowls Club. A new Torquay State Emergency Service station has been built, along with a new Country Fire Authority station at Bellbrae. There has also been a $300 000 upgrade of the Torquay Surf Lifesaving Club.

Despite the coalition government's investment in Torquay, there is still more work to be done due to the 11 years of lack of investment by the Labor government. At present Banyul Warri Fields at the Torquay community and civic precinct has an AFL oval, four netball courts, two soccer pitches and Grant Pavilion, which services the aforementioned facilities. The final stage of the precinct will see an additional AFL oval, a further soccer pitch and two more netball courts to complete what is a truly great facility. The shire is to be commended on having the foresight to purchase sufficient land to allow the expansion of Banyul Warri Fields. The clubs that use the facility include the Torquay Tigers football netball club and the Surf Coast Soccer Club, which both have strong junior participation.

There will be around 10 000 people living in Torquay North, so it is important to have adequate infrastructure to accommodate them. I would very much like to take the minister on a tour of the Torquay community and civic precinct along with the rest of the shire, and I look forward to a positive response from him.

Heidelberg West police station

Mr CARBINES (Ivanhoe) — The matter I seek to raise is addressed to the Minister for Police and Emergency Services. The action I seek is for the minister to immediately fund the reopening of the Heidelberg West police station in Altona Street and to staff it appropriately to keep my community safe.

Unfortunately today there was another homicide in West Heidelberg. The *Age* reported that Mr Michael Jones, 47, was gunned down on the corner of Blackwood and Ebony parades in West Heidelberg shortly before 7.30 a.m. He was found bloodied and dying on the road by a passing truck driver, who desperately tried to resuscitate him. Detective Senior Sergeant Stuart Bailey described the killing as brazen and high risk, given it occurred in a suburban area while children would have been leaving for school.

These sorts of matters are very serious. They go to the confidence the West Heidelberg community has in any government to provide them with the security, safety and resourcing it needs. I am particularly disturbed that despite the fact that I have been raising this matter for many years in this place, it has fallen on deaf ears. West Heidelberg residents have been quoted in the media today. One resident said:

> It's so scary that something like this has happened so close to my home. It's not very safe here. I don't let my children play outside anymore.

She said the neighbourhood was plagued with drug dealers and users. She also said:

> It's time something is done about it …

In a letter to me, received on 22 May 2012, Dean Stevenson, superintendent, divisional commander, north-west metro region, said:

> … as you are aware, the Heidelberg West police station is currently under review …

That letter was from 22 May 2012. I do not know for how long the people in West Heidelberg have to tolerate their local police station being closed, but the

government, in denying that it is closed, that it is sitting there and that it is nothing more than a filing cabinet, is treating the people of West Heidelberg with absolute contempt. As someone who lived for seven years in Goodenough Court in the Olympic Village in West Heidelberg, I know very well the pressures on my local constituents. My electorate office is only a block away from where this serious violent crime happened earlier this morning.

The RACV website shows the top 10 Victorian burglary hotspots. The no. 1 postcode is 3081 — the West Heidelberg postcode. An article appeared in the *Heidelberg Leader* of 24 September last year with the headline 'Burglary concerns as old police unit absorbed', because the burglary unit has been scrapped by Victoria Police. This government shows absolute contempt for the West Heidelberg community. It is time the government stood up and provided the resources the people of West Heidelberg need to feel safe in their community. It is time the government came out to West Heidelberg and answered the community's concerns and fears.

Sandringham electorate manufacturing

Mr THOMPSON (Sandringham) — The matter I wish to raise is for the attention for the Minister for Manufacturing. The action I seek is for him to visit the Sandringham electorate with me during the course of the year to see firsthand various businesses which represent the engine room of the local economy and the wider Victorian economy.

Between Sandringham and Swan Hill and Portland and Mallacoota there have been great entrepreneurs who have established small businesses. Small business represents a driver of the economy. It is a footloose arena: it provides for innovation and opportunity and it also provides for self-employment.

When I first came into this Parliament the question was asked, 'How do you establish a small business in this state after 11 years of Labor rule?', and the answer was: 'Buy a big business first'. It is interesting to note that in the early years of the Victorian economy, in 1857, the third bill passed in this chamber was one that dealt with patents — with manufactures and inventions. In the early days of the economy there was a focus on what entrepreneurship could provide and deliver in terms of jobs, employment and general opportunity.

The Sandringham area and the municipalities of Bayside and Kingston have a diverse range of businesses which were founded in and driven by the post-war opportunities. This involved a combination of hard work and cheap access to energy, is a matter that has been overlooked by Labor governments in recent times with the massive on-cost of the carbon tax and the impost on industry when we are competing against Asian economies that do not have similar imposts.

When I first came into this place I too would note that of all the members on the other side of the house no-one had been an employer. Not one member then had been an employer and understood the pressures of small business — of meeting a payroll deadline; the various production costs and charges, including statutory charges; electricity, water and gas; and the WorkCover and other charges that need to be met to enable a business to survive. In the Sandringham electorate we have businesses that are world leaders in security documentation and router bits or that are experts in the production of sheet metal and laminex, in design tooling, plastics manufacturing, drink production, shade cloth and IT innovation, which is an area of the future.

It has been remarked that the west coast of the United States is Silicon Valley, that the east coast is silicon alley and that Australia is known as silicon beach — an engine room of future opportunities for Australians applying innovation. I look forward to the visit of the minister.

Marine pollution

Ms HUTCHINS (Keilor) — The issue I raise is for the attention of the Minister for Environment and Climate Change, who I note is at the table, and the action I seek is for the minister to investigate and take action to stop the all-too-common dumping of contaminated water from shipping vessels that are illegally cleaned within the anchorage line within Port Phillip Bay.

Last week this was yet again brought to my attention by Australian representatives of the International Transport Workers Federation. These representatives informed me of a serious environmental breach at Altona Beach in Port Phillip Bay by a vessel called the MV *Blue Eternity*, sailing under a Panamanian flag. It has been reported to me that the vessel had been carrying out cleaning of hatches in inner anchorage — within the 1-kilometre boundary of the anchorage line — off either Altona or Williamstown beaches on 28 and 29 March. I also understand that the vessel had failed a survey undertaken by customs staff in relation to compliance with regulations relating to the ability to carry wheat or grain because of residue of coal dust and elements in the hull of the ship.

If these allegations are correct, it is quite possible that upon the cleaning of this vessel within the inner anchorage line this residue would have washed up on either the Williamstown or Altona foreshore last weekend. This is yet again another foreign vessel suspected of flouting our laws and suspected of dumping contaminated waste off the shores of our beautiful beaches, which could have some long-term effects.

I have personally seen some water samples taken from both Williamstown and Altona beaches on Saturday, and the water, particularly from Altona, has a strong presence of black particles which could be coal dust. I make the offer to the minister to provide these photos as evidence, and I also put on the record that I have written to the Environment Protection Authority (EPA) to raise these concerns and the immediate need for water sampling, particularly to trace coal contaminants off Altona Beach in the last week.

This is not the first time I have raised a matter such as this. In the middle of last year I raised another issue relating to the illegal cleaning of a foreign ship in a very similar spot. That was the *Sat Nunki*, a Singaporean ship owned by a Greek company, which did a very similar thing at a similar spot, and the matter was not adequately followed up by the Minister for Ports, the Minister for Environment and Climate Change or the EPA. I ask that this time this matter be investigated and reported back on as a matter of urgency.

Fruit fly

Mr CRISP (Mildura) — I raise a matter for the attention of the Minister for Agriculture and Food Security. The action I seek is for the minister to detail his response to the suspension of the greater Sunraysia pest-free area. The pest-free area (PFA) is a mechanism for area freedom to do with fruit fly. It shows our trading partners that we are fruit fly free, which allows our partners to give us market access for fruit coming from our packing sheds without it having to be disinfested or put through other expensive value-adding processes. The PFA is based on having a low number of isolated outbreaks which are rapidly cleaned up. This has been a very challenging year in terms of being able to state we have had a low number of outbreaks in the PFA.

Our friend the Queensland fruit fly is a hitchhiker who is trying to make the Mildura area home. I want to put on the record for people travelling to Mildura that we have plenty of good fruit up there; people should not bring stuff with them, particularly if they are coming from the north. With school holidays and Easter and Anzac Day coming up, this is a very high-risk period for our area. Although the PFA has been suspended, we also do not need to have any more of these hitchhikers delivered to our fruit growing areas. The PFA has a tracking grid to monitor fruit fly activity, and that grid is important and will be necessary even through the suspension period for monitoring our clean-up activities.

Tomorrow is the day when the PFA will be suspended. With this loss of area freedom, cold disinfestation will be required for access to most of our markets. This is a time and temperature treatment of fruit going to market which operates based on our knowledge of fruit fly — that is, if the fruit is infested, over a certain amount of time and given a low temperature the fruit flies die.

The impact of the suspension will be on the table grape industry first because the export market is at its peak. I am told that the markets this year are going well; however, the fruit will have to go through cold disinfestation for a number of markets. The citrus season starts in May, and it too will be impacted. In managing this the government, through the Regional Growth Fund, has partnered with the Wakefield Transport Group to put cold disinfestation coolrooms and pull-down rooms at Merbein, which means the cold treatment can start on land and then, as the fruit is transferred to containers, continue to be undertaken on the train, at the ports and on the ships to ensure that disinfestation is finished when the fruit arrives. I ask the minister to outline what he is going to do. We have been in this situation before. We had to suspend the PFA two or three years ago. We have cleaned it up before.

Victorian energy efficiency target

Ms D'AMBROSIO (Mill Park) — The action I seek is from the Minister for Energy and Resources. I ask the minister to immediately table in the Parliament the independent review of the Victorian Energy Efficiency Target Act 2007. This is a very serious matter. I make this request in reference to section 76 of the act, which states:

> (1) The Minister must cause an independent review of the operation of this Act, including consideration of —
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> (a) the extent to which the objects of this Act have been achieved:
>
> (b) the VEET scheme target applying under this Act;
>
> (c) technological developments in industries which supply goods or services which reduce the use of electricity and gas by consumers;
>
> (d) the level of penalties provided for under this Act.

(2) The review must be undertaken by 31 December 2011.

Section 76(4) states:

> The Minister must cause a copy of the report of the review to be tabled in each House of the Parliament.

This is very important. Thousands of jobs are at stake because of what this government is threatening to do to the Victorian energy efficiency target (VEET) scheme, which has helped more than 1.3 million households and businesses across the state to save energy and reduce their utility bills. It is not just the opposition saying that; independent agencies have also found that.

The Australian Energy Market Commission found that the net benefit of the scheme is greater than the cost of the scheme — that is, participating households achieved greater savings off their energy bills than the cost of the scheme. The net benefits to Victoria are $500 million. All of the independent evidence which has been published of the modelling shows that the VEET scheme is of net benefit to individual households, businesses and jobs, supporting the equivalent of more than 2500 full-time jobs and the wider Victorian economy.

Jobs supported by the VEET scheme have already slumped since the previous Minister for Energy and Resources, now the member for Bulleen, threatened to axe the scheme a year ago. Having threatened the scheme a year ago, in recent weeks the minister dropped a story to the *Herald Sun* about some of the department's internal modelling allegedly showing that there are net costs. But no-one can see the modelling in order to scrutinise it. It flies in the face of all independent modelling and reports that have been scrutinised and made public for everyone to see, refer to and comment on. Why will the minister not table the report, as he is required to under an act of Parliament? It is now more than two years late, and I ask the minister to come in here, do the job the government is required to do by the legislation and table the report. If the government has nothing to hide and if the report supports the department's internal modelling, then it should release both reports.

Marand Precision Engineering

Ms MILLER (Bentleigh) — I direct my request to the Minister for Manufacturing. I ask the minister to come to the Bentleigh electorate to visit Marand Precision Engineering Pty Ltd. Marand is a defence and aviation manufacturer based in Moorabbin. It has operated in Victoria for almost 45 years and employs 250 highly skilled people. It has a substantial annual turnover of about $70 million. It is a leading global supplier of precision engineered solutions to a range of industries, including the automotive, mining, rail, aviation, aerospace, defence, food processing, whitegoods and general manufacturing industries.

Marand was founded by Andy Ellul, who commenced the business in a small — 900-square foot — factory as a one-man toolmaking operation in 1969. Mr Ellul learnt his trade in the GM Holden toolroom at Fishermans Bend. Since then Marand has evolved greatly, and its customer base is made up of predominately large global organisations, including Lockheed Martin, Boeing, BAE Systems, Ford, BHP, Rio Tinto and Holden, for which it designs and manufactures complex, innovative equipment. Marand's current executive team includes David Ellul, the managing director, and Rohan Stocker, the general manager, who would both relish the opportunity for the minister to visit the Moorabbin premises.

Recently Marand handed over its first completed Victorian-made F-35 vertical tail assembly, which is an integral part of the US joint strike fighter (JSF), to BAE Systems and Lockheed Martin. It is supplying sophisticated equipment to the world's largest collaborative defence and aerospace program by manufacturing three key elements of the JSF program in Victoria for Lockheed Martin, which includes vertical tails, via BAE Systems, engine installation trailers, and F-35 airframe tooling.

Marand was the winner of the 2012 large business category of the Victorian Manufacturing Hall of Fame awards, having been inducted to the hall of fame in 2006. The coalition government provided Marand with an investment support program grant in 2011 to help establish a manufacturing plant in Geelong, which also assisted the business in upgrading the Moorabbin operation to enable it to manufacture the JSF vertical tails and undertake airframe tooling and other aerospace and defence work.

The action I seek is for the minister to come to the Bentleigh electorate to visit Marand Precision Engineering as it celebrates the handover of its first completed Victorian-made F-35 vertical tail assembly, to meet with staff and to learn more about the great work being done at this local Bentleigh business.

Chewton waste disposal

Ms EDWARDS (Bendigo West) — My adjournment matter is for the Minister for Environment and Climate Change. I am pleased to see that he is in the house tonight. The action I seek relates to a petition that I will table in the house tomorrow from

60 concerned citizens of Chewton in the Shire of Mount Alexander. On behalf of the petitioners I request that the minister act to immediately cease the dumping on Crown land of rubbish consisting of trees, plant debris, litter and non-combustible items such as brick pavers and steel plates, all of which were recovered from the Barkers Creek clean-up project, arrange to appropriately dispose of all the currently dumped rubbish, debris and litter to the shire's landfill site and prohibit any planned burning of the dumped rubbish in its current location. This matter has become very concerning for the residents who live in the vicinity of Barkers Creek at Chewton.

Last Friday I visited the site of the rubbish dumping and was shocked at the amount of debris that has been removed from the creek and deposited and stockpiled along its edge. The rubbish piles consist mainly of muddy poplars, grass and debris. The wood cannot be used for anything, and the piles of rubbish also contain seeds from noxious weeds that if burnt will merely regenerate and spread into the waterway again. What is very concerning is that there was no community consultation about the actions of the Department of Primary Industries and Environment (DEPI) in dumping this rubbish on the Crown land.

One of the questions being asked by members of the community is why the rubbish has not been disposed of at the shire's landfill site. They have been told by the department it is because the cost to do that is prohibitive — that it does not have the $6000 required by the shire to dispose of the rubbish at the landfill site. Given that the government has massively cut funding for the department and sacked DEPI workers across the region, it is no surprise that it does not have $6000.

The alternative presented to the community has been to burn the rubbish. There are considerable amounts of non-combustible material in the rubbish piles, and there are concerns about the effect of smoke in the area for local residents who suffer from asthma and respiratory conditions. There will be an impact on people's health from the pall of smoke that will drift across Castlemaine when this type of rubbish is burnt. From observation and talking to local residents it would appear that this rubbish is merely being removed from one problem area and deposited in another area of Castlemaine, where it is creating a new set of problems. As the Mount Alexander shire has been a party to the clean-up of Barkers Creek it would seem a sensible and logical solution for the shire to accept rubbish at its landfill at no charge.

Other parties to the clean-up such as the North Central Catchment Management Authority need to take responsibility for this rubbish as well. I urge the minister to intervene to make sure that this rubbish is disposed of at the shire's landfill site and that any future debris removal from the creek is not stockpiled inappropriately on Crown land near residential properties.

High Country Harvest

Mr TILLEY (Benambra) — I wish 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 funding to support the tourism marketing of the 2014 High Country Harvest to be held between 16 and 25 May. I am delighted to see the minister in the chamber. Members on the government benches know that ministers regularly appear during the adjournment debate, which demonstrates their great interest in matters raised by members on both sides of the house.

The High Country Harvest, north-eastern Victoria's regional celebration of food, wine and beer, has grown to become a signature event in the high country. I always congratulate the hard work of partners Indigo Shire Council, Alpine Shire Council, Rural City of Wangaratta, Beechworth and District Chamber of Commerce and Industry, North East Valleys, Regional Development Victoria and, more recently, Tourism North East for the ongoing development of this program.

Last year the number of events included in the program under the umbrella of High Country Harvest increased by an enormous 55 per cent on 2012 figures. Of these, over half of the events were sold out. In total 5200 visitors attended the various events. The north-eastern tourism industry has once again created a festive and imaginative program, this year involving 40 events over 10 days and reinforcing the region as a premier destination for food and wine experiences.

The invitation is extended to all to attend High Country Harvest, an autumn celebration of the finest food, wine and beer, as I said earlier, in Victoria's spectacular north-east. All Victorians are invited to sip, sample and savour the bounty grown and created by chefs, artisan producers, craft brewers and winemakers at 40 culinary events over 10 glorious days. It is a magical time of the year in Victoria's north-east, and High Country Harvest offers all the ingredients for an unforgettable culinary adventure.

I encourage all Victorians to travel out of Melbourne and to extend themselves. I suggest they make the further than two-hour trip out of Melbourne and travel

up to the top of the north-east of the state, because they certainly will not be disappointed.

Mr R. Smith interjected.

Mr TILLEY — No, we do not have any trams, but certainly people from the country will be able to come to Melbourne in the future and use the trams for free, which is a great bonus for country Victoria. They certainly will not be disappointed.

From Beechworth to Benalla, from Myrtleford to Mount Beauty and in so many locations in between all Victorians can enjoy such delights as Whistlestop high tea at Tallangatta or Lazy Sunday Chocolate Breakfast in Rutherglen. There is an event for everybody.

Mr Thompson interjected.

Mr TILLEY — No, the man cave would not turn out a good breakfast, unlike some of these events. I look forward to a favourable response from the minister.

Responses

Ms ASHER (Minister for Tourism and Major Events) — The member for Benambra has spoken about the success of the 2013 High Country Harvest and has requested funding for the 2014 event, which will be held from 16 to 25 May. The member has a longstanding interest in tourism; he has been an advocate of tourism since he was first elected. In fact he has raised this issue over the past few years, and he knows that this 10-day food and wine event provides an excellent opportunity for the tourism industry in Victoria's High Country.

I am pleased to inform the member for Benambra that the coalition government will again be supporting the High Country Harvest and will provide $35 000 for intrastate and interstate promotion to increase visitation and event-related economic yield to the region. As the member mentioned, last year's event attracted 5200 visitors across the 10 days, including significant visitation from outside the region, and we are keen to build on these figures, as of course is the member himself. The program for 2014 consists of 40 culinary events, with some events also being held in the electorates of Murray Valley and Benalla. The funding is from Tourism Victoria's events program, and it will assist with online, print and radio marketing, and promotional material will also be developed and distributed via the *Age* in Melbourne, the *Canberra Times* and the *Border Mail*. I thank the member for Benambra for his interest in tourism and for his understanding of the economic significance of these events for country Victoria.

Mr DIXON (Minister for Education) — The member for Lyndhurst raised with me an issue regarding the Southvale Primary School site. For the benefit of the member and the house, the process across portfolios for the disposal of land, which has been in place for many years now, is that when the department declares that a school site is no longer required for educational purposes — a fair amount of work goes into that decision, and in this case it was a school that was closed down and merged by the previous government — the land is then offered to other state government departments. If they are not interested, it is then offered to local government, and if local government is not interested, it is then offered to the market at the valuer-general's price.

That last stage of the process is the one where, for many years, all governments have had recalcitrant councillors who drag their feet for a range of reasons regarding the rezoning of land to get the best price available, which under legislation is a requirement of all government land. A lot of councillors do this, and it can take years and years for councils to rezone the land so that it can then be offered for sale at the best possible price. Because of this, we have decided this is not a good enough system. We often have blocks of land and schools that have been closed. They sit there for years and years, it costs a lot of money to maintain them and it is not a good look for local communities, as the member has said.

We are trialling and piloting a new program; six former school sites have gone through the program. Basically it is a condensed process that takes six months at the maximum. It involves community consultation, work with councils and then the minister rezones the land. It has worked successfully for six schools, and we are trialling another six. As far as I am aware, Southvale is not part of the trial, but the trial looks like it is working very well and has been accepted well, and we have been able to dispose of land far more quickly. Therefore it is not sitting around and being subject to the sorts of activities the member referred to. I will follow up this particular block of land, because I am not aware of it, and get back to him regarding the details of where it is in the process at the moment.

Mr NORTHE (Minister for Energy and Resources) — I respond to the matter raised by the member for Mill Park. The member for Mill Park raised some concerns around the Victorian energy efficiency target (VEET) program and with respect to electricity costs more generally. The Victorian energy

efficiency target scheme was implemented in 2009. As the member may be aware, it operates on a three-year cycle, so between 2009 and 2011 the target for that scheme was to reduce greenhouse gas emissions by 8.1 million tonnes over that three-year period.

After the change of government this government doubled that target to 16.2 million tonnes of greenhouse gas emissions over that three-year period from 2012 to 2014. As a government we not only added other initiatives and products that could be utilised for the purpose of reducing greenhouse gas emissions but we also allowed small business to access the program as well. That has been a very important initiative. In terms of the contrast between the former government, which initiated the VEET scheme, and this government, we have doubled the target and allowed the small business sector to be part of the program.

We have introduced a number of initiatives to ensure that we reduce energy prices for consumers, both businesses and households. One of the major things we did upon coming to government was extend the winter electricity concession rate for concession card holders from part of the year to 12 months of the year. It was a massive investment that has really assisted those concession card holders. We have also added a number of provisions with respect to the smart meter rollout. I will not go into the legacy of that program, but the features the government has added to support consumers are well known and have been well respected, particularly by welfare groups in that they ensure that consumers have many more flexible options so they can control their energy costs.

You would know, Deputy Speaker, that we also closed a $94 million legal loophole that was left to us. It was very important that we did that. A number of other initiatives were introduced. Even last week the Minister for Environment and Climate Change, who is at the table, and the Minister for Education talked about a number of school energy grants that are available at the moment, and through my other ministerial position as Minister for Small Business we have the Smarter Resources, Smarter Business program. We have a number of initiatives in place to reduce the cost of electricity.

Further to the issues raised by the member for Mill Park, the Essential Services Commission publishes performance reports on its website with respect to the performance of the VEET scheme. It goes into details about not just the performance of VEET but the presentations and consultations that have occurred with respect to the VEET reports and how that is progressing. We are now coming to the conclusion of the three-year cycle of the VEET scheme. As we have said, we are currently reviewing the outcomes and merits of the VEET scheme, and we will make a decision in due course with respect to the scheme.

Mr WALSH (Minister for Agriculture and Food Security) — I rise to respond to the adjournment issue raised by the member for Mildura about fruit fly in the greater Sunraysia pest-free area, or the PFA as it is more commonly known. The member for Mildura raised an issue around the suspension of the PFA, which occurred yesterday. The Victorian coalition government has put $1.1 million on the table to help clean up the fruit fly outbreaks we have through the greater Sunraysia PFA between now and spring. As the member for Mildura said, this is an important issue, particularly for our export industries and the opportunity to export fruit out of the greater Sunraysia PFA to our overseas markets.

The greater Sunraysia PFA effectively runs from Koondrook, Barham and Kerang all the way through Mildura and up into New South Wales. Victoria and New South Wales share that area, so the Victorian government, in conjunction with the New South Wales government, delivers the services to those horticultural areas on the New South Wales side of the border. We have put $1.1 million on the table to put out bait blocks to help clean up those outbreaks.

One of the challenges we face is that under the current rules of managing pest-free areas, when you are doing the trapping grid program to determine if there is fruit fly in those areas you cannot put the bait blocks out at the same time, because that is contrary to the process. We need to suspend the PFA so we can put those bait blocks out to clean up the outbreaks that are there. At the moment there are something like 23 outbreaks in the PFA. As the member for Mildura said, with the wet, warm summer we had about three years ago there were a significant number of outbreaks. At that time I think there were something like 70. Again we had to suspend the PFA and put the bait blocks out to clean up those outbreaks.

It is a good step for the horticultural industry that we are making a commitment as a government to put those bait blocks out to clean up those outbreaks so that sometime in the future, in the next 12 to 18 months, we can reinstate the PFA to get the opportunity to have export markets without, as the member for Mildura explained, the in-transit cold disinfestation treatment that is needed to get fruit into the Asian markets at the moment. It is a positive outcome for the horticultural industry and something I know the member for Mildura is supportive of. This is a real commitment that has

come from the Victorian coalition government to make sure we can help our export industries.

Mr R. SMITH (Minister for Environment and Climate Change) — The member for Bendigo West raised an issue with regard to the dumping of vegetation and other matter in her electorate. She flagged that there will be a petition tabled in this place tomorrow. I would like to look at the details of that petition, but certainly I will get back to her with some information about this particular issue.

The member for Keilor raised an issue regarding the dumping of contaminated water from vessels. This is a very important issue, because we have some of the strictest regulations in the world about the dumping of bilge water and other sorts of water from vessels. We have these regulations because of the pristine nature of the waters around our state. It is a very important issue.

The Port of Melbourne Corporation has a number of regulations around the dumping of water, and they are clearly articulated in the *Operations Handbook and Harbour Master's Directions*. The hold-cleaning instructions have specific requirements, including that the master or ship's agent is to advise of any hold-cleaning activities to be conducted and that any cargo residues collected during cleaning and sweeping operations must not be disposed of in port waters. The regulations are very clear and the directions are very clear.

I understand that the Maritime Union of Australia is spreading a number of rumours around this issue. I also understand that the water samples the member for Keilor talked about are samples that she has taken herself. I will not debate here her level of expertise in taking those water samples, but my advice to the member is that if there is any definitive evidence around the dumping of contaminated water, then she should substantiate it and report it. She has written to the Environment Protection Authority Victoria. I will certainly follow up on that as well. However, if the member has substantive evidence, then it should be reported. If the maritime union has evidence, instead of going to the member for Keilor as the shadow Minister for Ports perhaps it should report it direct to the Environment Protection Authority Victoria and we can move this issue along a little bit quicker.

The member for South Barwon raised an issue for the Minister for Sport and Recreation. He has asked the minister to visit the Surf Coast shire and discuss various needs of the local community.

The member for Ivanhoe raised a matter for the Minister for Police and Emergency Services with regard to the reopening of the West Heidelberg police station. I will certainly pass that on to the minister.

The members for Sandringham and Bentleigh raised issues for the Minister for Manufacturing. They have asked him to visit their electorates. I have to say, Deputy Speaker, that if you follow the very public media releases from the Minister for Manufacturing, you will see that he has been to a great number of manufacturers in recent weeks and months. He has been visiting those manufacturers that the coalition government has helped in a variety of ways, looking at their businesses and helping them transition to manufacturing in a different direction. He has been a mighty supporter of the manufacturers in this state, and I commend him for his great work. I am sure he will be very keen to visit the electorates of Sandringham and Bentleigh as he moves around the state and sees the great work being done by Victorian manufacturers.

Certainly it should not be the job of any member in this house to denigrate Victorian manufacturing. This government is supporting Victorian manufacturing and Victorian manufacturers in a great number of ways, not least of which is by exposing them to international markets through the many trade missions the Premier and the Minister for Employment and Trade have led, as well as a number of other ministers. The amount of business that has been written as a result of those trade missions is worth in the order of $4 billion to this state and many thousands of new jobs. This government is certainly working hard to ensure that manufacturers are supported in this state, and the Minister for Manufacturing plays a very large part in that. I will certainly pass on those two issues to the minister.

The DEPUTY SPEAKER — Order! The house stands adjourned until tomorrow.

House adjourned 10.46 p.m.