**PARLIAMENT OF VICTORIA**

# PARLIAMENTARY DEBATES (HANSARD)

## LEGISLATIVE COUNCIL

## FIFTY-SEVENTH PARLIAMENT

## FIRST SESSION

**Thursday, 18 August 2011**

**(Extract from book 11)**

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

**By authority of the Victorian Government Printer**

## The Governor

The Honourable ALEX CHERNOV, AO, QC

## The Lieutenant-Governor

The Honourable Justice MARILYN WARREN, AC

## The ministry

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

## Legislative Council committees

**Privileges Committee** — Ms Darveniza, Mr D. M. Davis, Mr P. R. Davis, Mr Hall, Ms Lovell, Ms Pennicuik and Mr Scheffer.

**Procedures Committee** — The President, Mr Dalla-Riva, Mr D. M. Davis, Mr Hall, Mr Lenders, Ms Pennicuik and Mr Viney

## Legislative Council standing committees

**Economy and Infrastructure Legislation Committee** — Mr Barber, Ms Broad, Mrs Coote, #Ms Crozier, Mr Drum, Mr Finn, #Mr Ondarchie, Ms Pulford, Mr Ramsay and Mr Somyurek.

**Economy and Infrastructure References Committee** — Mr Barber, Ms Broad, Mrs Coote, #Ms Crozier, Mr Drum, Mr Finn, #Mr Ondarchie, Ms Pulford, Mr Ramsay and Mr Somyurek.

**Environment and Planning Legislation Committee** — Mr Elsbury, #Mr Finn, #Ms Hartland, Mrs Kronberg, Mr Ondarchie, Ms Pennicuik, #Mrs Petrovich, Mrs Peulich, Mr Scheffer, *Mr Tarlamis, Mr Tee and Ms Tierney.

**Environment and Planning References Committee** — Mr Elsbury, #Mr Finn, #Ms Hartland, Mrs Kronberg, Mr Ondarchie, Ms Pennicuik, #Mrs Petrovich, Mrs Peulich, Mr Scheffer, Mr Tee and Ms Tierney.

**Legal and Social Issues Legislation Committee** — Ms Crozier, Mr Elasmar, #Mr Elsbury, Ms Hartland, Ms Mikakos, Mr O'Brien, Mr O'Donohue, Mrs Petrovich, #Mr Ramsay and Mr Viney.

**Legal and Social Issues References Committee** — Ms Crozier, Mr Elasmar, #Mr Elsbury, Ms Hartland, Ms Mikakos, Mr O'Brien, Mr O'Donohue, Mrs Petrovich, #Mr Ramsay and Mr Viney.

** Inquiry into Environment Protection Amendment (Beverage Container Deposit and Recovery Scheme) Bill 2011*

*# Participating member*

## Joint committees

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## 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 COUNCIL**

**FIFTY-SEVENTH PARLIAMENT — FIRST SESSION**

**President:** The Hon. B. N. ATKINSON

**Deputy President:** Mr M. VINEY

**Acting Presidents:** Ms Crozier, Mr Eideh, Mr Elasmar, Mr Finn, Mr O'Brien, Ms Pennicuik, Mr Ramsay, Mr Tarlamis

**Leader of the Government:**
The Hon. D. M. DAVIS

**Deputy Leader of the Government:**
The Hon. W. A. LOVELL

**Leader of the Opposition:**
Mr J. LENDERS

**Deputy Leader of the Opposition:**
Mr G. JENNINGS

**Leader of The Nationals:**
The Hon. P. R. HALL

**Deputy Leader of The Nationals:**
Mr D. DRUM

| Member | Region | Party | Member | Region | Party |
|---|---|---|---|---|---|
| Atkinson, Hon. Bruce Norman | Eastern Metropolitan | LP | Leane, Mr Shaun Leo | Eastern Metropolitan | ALP |
| Barber, Mr Gregory John | Northern Metropolitan | Greens | Lenders, Mr John | Southern Metropolitan | ALP |
| Broad, Ms Candy Celeste | Northern Victoria | ALP | Lovell, Hon. Wendy Ann | Northern Victoria | LP |
| Coote, Mrs Andrea | Southern Metropolitan | LP | Mikakos, Ms Jenny | Northern Metropolitan | ALP |
| Crozier, Ms Georgina Mary | Southern Metropolitan | LP | O'Brien, Mr David Roland Joseph | Western Victoria | Nats |
| Dalla-Riva, Hon. Richard Alex Gordon | Eastern Metropolitan | LP | O'Donohue, Mr Edward John | Eastern Victoria | LP |
| Darveniza, Ms Kaye Mary | Northern Victoria | ALP | Ondarchie, Mr Craig Philip | Northern Metropolitan | LP |
| Davis, Hon. David McLean | Southern Metropolitan | LP | Pakula, Hon. Martin Philip | Western Metropolitan | ALP |
| Davis, Mr Philip Rivers | Eastern Victoria | LP | Pennicuik, Ms Susan Margaret | Southern Metropolitan | Greens |
| Drum, Mr Damian Kevin | Northern Victoria | Nats | Petrovich, Mrs Donna-Lee | Northern Victoria | LP |
| Eideh, Mr Khalil M. | Western Metropolitan | ALP | Peulich, Mrs Inga | South Eastern Metropolitan | LP |
| Elasmar, Mr Nazih | Northern Metropolitan | ALP | Pulford, Ms Jaala Lee | Western Victoria | ALP |
| Elsbury, Mr Andrew Warren | Western Metropolitan | LP | Ramsay, Mr Simon | Western Victoria | LP |
| Finn, Mr Bernard Thomas C. | Western Metropolitan | LP | Rich-Phillips, Hon. Gordon Kenneth | South Eastern Metropolitan | LP |
| Guy, Hon. Matthew Jason | Northern Metropolitan | LP | Scheffer, Mr Johan Emiel | Eastern Victoria | ALP |
| Hall, Hon. Peter Ronald | Eastern Victoria | Nats | Somyurek, Mr Adem | South Eastern Metropolitan | ALP |
| Hartland, Ms Colleen Mildred | Western Metropolitan | Greens | Tarlamis, Mr Lee Reginald | South Eastern Metropolitan | ALP |
| Jennings, Mr Gavin Wayne | South Eastern Metropolitan | ALP | Tee, Mr Brian Lennox | Eastern Metropolitan | ALP |
| Koch, Mr David Frank | Western Victoria | LP | Tierney, Ms Gayle Anne | Western Victoria | ALP |
| Kronberg, Mrs Janice Susan | Eastern Metropolitan | LP | Viney, Mr Matthew Shaw | Eastern Victoria | ALP |

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## THURSDAY, 18 AUGUST 2011

# Thursday, 18 August 2011

**The PRESIDENT (Hon. B. N. Atkinson) took the chair at 9.33 a.m. and read the prayer.**

## RULINGS BY THE CHAIR

### Minister for Planning: conduct

**The PRESIDENT** — Order! On Tuesday, Mr Viney, the Deputy President, raised a point of order during question time in relation to a response given by Mr Guy to a question asked by Mr Tee. Mr Tee's question related to the role of individuals in influencing government policy. In his response Mr Guy read excerpts from a letter sent to him by Mr James Merlino, the member for Monbulk in the other place. In that letter Mr Merlino made a request of the minister on behalf of a constituent organisation.

Mr Viney raised two separate issues in his point of order, and members will recall that I dealt with them in part on that day but said I would give further consideration to the matters raised by Mr Viney, particularly the second point, which I regarded as the more substantive part of his point of order. The first matter, which I dealt with on the day but on which I wish to make some further remarks today, was that in reading aloud the letter from Mr Merlino, Mr Guy was attributing an improper motive to him in an answer to a question without notice. Mr Viney claimed that attributing an improper motive to a member should be done only by substantive motion, which of course is correct, and I agree that any such matter should be raised only by way of a substantive motion.

However, I do not agree that Mr Guy's reading of the letter attributed improper motive to Mr Merlino on this occasion. I refer to standing order 12.20(2), which states:

> No member will make an accusation of improper motives or a personal reflection on any other member of either house.

The threshold at which words could constitute an accusation of improper motive must necessarily be high in the inherently political environment of a parliamentary debating chamber. The rule relating to accusations of improper motives is not in place to prohibit members from discussing the activities of fellow members or including a reference to correspondence between members and ministers.

A ruling from the Senate from 1955 is useful here. It states:

> When a man is in political life it is not offensive that things are said about him politically. Offensive means offensive in some personal way. The same view applies to the meaning of 'improper motives' and 'personal reflections' as used in the standing order. Here again when a man is in public life and a member of this Parliament, he takes upon himself the risk of being criticised in a political way.

With this guidance in mind I will read the *Hansard* record of Mr Guy's reading of extracts from a letter from Mr Merlino on the day on which the point of order was raised.

> I am writing in support of Waverley Golf Club and their planned relocation from Bergins Road, Rowville, to a new site in Lysterfield, within my electorate.
>
> …
>
> Waverley Golf Club are seeking to be included in the urban growth boundary as part of the state government's assessment of 'logical inclusions'.
>
> Once that is achieved, Waverley Golf Club is proposing that the current site be used for a mixture of residential development (approximately 480 households) …
>
> In my view this would be an appropriate 'logical inclusion'.

That is the quote from the letter. Mr Guy went on and said that the letter further indicated that Mr Merlino had said:

> I request you include the Bergins Road site as part of your assessment of 'logical inclusions' as a matter of priority.

As I stated at the time, and now having read a copy of Mr Merlino's letter passed on to me by Mr Viney and having examined the *Hansard* extracts, I do not believe Mr Guy deliberately misrepresented Mr Merlino in his remarks to this chamber, or impute any improper motive to Mr Merlino beyond the standard discourse of party politics. I am of the view that Mr Guy simply indicated that Mr Merlino was properly bringing an issue and a request to the minister on behalf of a constituent organisation. While Mr Guy may have used this correspondence to indicate that Mr Merlino's actions were at odds with the political point being made by the opposition in question time, this is merely part of the ordinary cut and thrust of politics.

The second issue raised by Mr Viney was whether a minister reading aloud a letter from another member making a representation on behalf of constituents amounted to intimidating or improper practice, given that it may, as Mr Viney suggested, prevent members from making such representations in the future. Former presidents Hunt and Chamberlain ruled in 1988 and 1999 respectively that members are entitled to use correspondence to illustrate their point and to read the contents of a letter during a speech.

I am not aware of any precedent alluding to a restriction on a minister or other member referring to correspondence received from another member. As I stated at the time, the reading of letters has long been a custom and practice of the house. As members of Parliament we must all be conscious of the fact that any statements made outside the chamber or pieces of correspondence we write are not subject to parliamentary privilege and may be referred to on any occasion, including in the chamber. Similar to my comments on Mr Viney's first point, it is a legitimate expectation in most cases that correspondence written by a member to a minister may be referred to in the proceedings of the house.

## Privileges Committee: referral

**The PRESIDENT** — I indicate to the house also that I have subsequently received a letter from Mr Viney, the Deputy President, claiming that the Minister for Planning may have misled the house, and Mr Viney is seeking a determination from me under standing order 21.01 as to whether the matter merits precedence over other business so he may move a motion forthwith to refer the matter to the Privileges Committee for consideration.

In his letter Mr Viney alleges that the Minister for Planning may have possibly misled the house in his answer to a question without notice — indeed, the same question referred to in my previous ruling — asked by Mr Tee on 16 August, when the minister said:

> Only one former or current member of Parliament has ever sought to influence me when it comes to logical inclusions.

The minister then went on to mention that the person writing in support of Waverley Golf Club was James Merlino, MP, the member for Monbulk in another place.

Mr Viney has kindly provided me with a copy of Mr Merlino's letter, and in paragraph 3 of that letter Mr Merlino said:

> I understand that Nick Wakeling, as state member representing Rowville —

which is not accurate; he is the state member representing the electorate of Ferntree Gully, but certainly the Rowville district is part of the electorate of Ferntree Gully —

> has also advocated on behalf of Waverley Golf Club.

Mr Viney further claims that he has been advised that Mr Wakeling has advised the Waverley Golf Club that he has made representations on its behalf to the minister. Mr Viney claims that the Minister for Planning has had several opportunities to check the accuracy of his comments subsequent to that question time and to correct the record but has chosen not to. Because of the minister's failure to correct the record, Mr Viney believes it is appropriate for the house to entertain a motion to refer such a matter to the Privileges Committee and that the matter merits precedence over other business.

As Presiding Officer I am not in a position to question the veracity of the contents of Mr Merlino's letter, particularly in relation to his understanding that Mr Wakeling may or may not have made representations to the minister about this matter, nor can I determine whether or not the minister has inadvertently or otherwise misled the house. I should point out that the deliberate misleading of the house is a serious matter — I stress 'deliberate misleading of the house' — and it could be dealt with as a contempt of the house. In my view a charge that a member has done so should be made only by way of a substantive motion, and Mr Viney has sought to do that through his correspondence with me. He has sought to do it initially as a matter of precedence, which is the area to which I am now addressing this ruling.

As I stated to the house on 5 May this year in regard to another matter, under standing order 21.01 when a matter of privilege is raised with me by a member the only thing I can do is determine as soon as practicable whether or not the matter warrants precedence over other business. If I decide that the matter merits precedence, I am required to inform the Council of this decision, and the member who raised the matter may forthwith move a motion without notice in relation to the matter.

Standing order 21.01(5) provides that, if the President is of the view that the matter does not merit precedence, the member making the complaint will be advised in writing. The President may also advise the Council of such decision if he thinks it appropriate, and on this occasion I have deemed it so. The standing orders contain no criteria for determining whether or not to grant precedence. Consistent with my previous ruling on the question as to whether to grant this matter precedence, I have again followed Australian Senate practice.

The Senate standing orders relating to the raising of matters of privilege have many similarities to those of this house. Senate privilege resolution 4 sets out the criteria to be taken into account by the President in determining whether a motion arising from a matter of privilege should be given precedence over other business. For the benefit of members I will read out that resolution.

Notwithstanding anything contained in the standing orders, in determining whether a motion arising from a matter of privilege should have precedence of other business, the President shall have regard only to the following criteria:

(a) the principle that the Senate's power to adjudge and deal with contempts should be used only where it is necessary to provide reasonable protection for the Senate and its committees and for senators against improper acts tending substantially to obstruct them in the performance of their functions and should not be used in respect of matters which appear to be of a trivial nature or unworthy of the attention of the Senate; and

(b) the existence of any remedy other than that power for any act which may be held to be a contempt.

It is not my view that Mr Viney's proposal is a trivial matter, but having regard to the other aspects of Senate practice it is my view that Mr Viney's proposal that the matter be given precedence does not meet the tests of the Senate resolution I have just read out, and that is a position consistent with my previous ruling on the other occasion. I have again also had regard to Senate privilege resolution 8, which provides that a motion to:

(a) determine that a person has committed a contempt; or

(b) impose a penalty upon a person for a contempt

shall not be moved unless notice of the motion has been given not less than seven days before the day for moving the motion.

The reasons for the requirement of notice are clear. An allegation that a member has misled the house is a serious matter, and a cooling-off period between the giving of notice and the consideration of the motion will enable members to fully inform themselves on the issue and consult with colleagues and others, as required, to assist them in coming to a decision on the question. On this occasion I am not convinced that the waiving of that cooling-off period is justified. The matter could be adequately dealt with in the next sitting week should Mr Viney give notice of a motion to refer the matter to the Privileges Committee.

Having regard to all the matters before me, including, as I have indicated, the difficulty I have in establishing the veracity of statements that have been made in letters, I therefore rule that under standing order 21.01 the matter submitted by Mr Viney in his letter to me regarding the Minister for Planning should not be afforded precedence over other business on this day of meeting. I have duly informed Mr Viney by letter of my decision, and it is within Mr Viney's rights to give notice of a motion at the appropriate time on this day if he wishes to pursue the matter further.

# PETITIONS

**Following petitions presented to house:**

## Children: Take a Break program

To the Legislative Council of Victoria:

The petition of certain citizens of the state of Victoria draws to the attention of the Legislative Council that funding for the Take a Break occasional child-care program, which is provided at more than 220 neighbourhood houses and community centres across Victoria, will cease after 31 December 2011.

The cessation of Take a Break funding removes a subsidy that currently enables parents, guardians and carers to participate in activities including employment, study, skills development and volunteering, while their children socialise in a quality early learning environment. The subsidy is essential for the viability of occasional child-care services, particularly in rural and/or disadvantaged communities

Full funding for the program was provided by the previous state Labor government in 2010–11 but will not be continued by the Baillieu government beyond December 2011.

The removal of the subsidy will mean that families across Victoria will be unable to access affordable, local, community-based occasional child care to undertake tasks that benefit the family, community and local economies.

The petitioners therefore request that the Baillieu government allocate funding to subsidise community-based occasional child care in Victoria to ensure the continued delivery of this vital service beyond December 2011.

**By Ms MIKAKOS (Northern Metropolitan) (83 signatures).**

**Laid on table.**

## Libraries: funding

To the Legislative Council of Victoria:

This petition of certain citizens of the state of Victoria draws to the attention of the house the Baillieu government's plans to slash recurrent funding for council-operated public libraries.

In particular we note that the Baillieu government's decision to slash library funding will mean that libraries will be forced to:

1. buy less books or reduce access to free internet hours;

2. stop story-time sessions and other free library programs;

3. reduce funding for other council programs to keep their library services afloat.

The petitioners therefore request that the Legislative Council urge the Baillieu government to reverse its decision to cut library funding and conduct a full funding review to protect the viability of public libraries into the future.

**By Ms TIERNEY (Western Victoria) (164 signatures).**

**Laid on table.**

### Rail: Altona loop service

To the Legislative Council of Victoria:

The petition of certain citizens of the state of Victoria draws to the attention of the Legislative Council that the proposed new train timetable will cut service to the Altona loop and the Altona-Seaholme community in four ways:

the Altona loop will lose direct access to the city loop;

the Altona loop will lose all of its express trains;

services will be reduced from 20 to 22-minute intervals during peak periods; and

outside peak periods the service will be reduced to a shuttle, so passengers will have to change trains.

The Altona and Seaholme communities do not need cuts; they greatly need improved public transport services.

The petitioners therefore request the provision of public transport improvements, not cuts. The petitioners request that the proposed Altona loop service cuts be rejected.

**By Ms HARTLAND (Western Metropolitan) (13 signatures).**

**Laid on table.**

## PAPERS

**Laid on table by Clerk:**

Crown Land (Reserves) Act 1978 —

Minister's Order of 21 June 2011 giving approval to the granting of a lease at Albert Park Reserve.

Minister's Order of 29 June 2011 giving approval to the granting of a lease at Scotchmans Creek Linear Reserve.

Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule Nos. 81 and 82.

Victorian Electoral Commission — Report on the Administration of the Victorian State Election held on 27 November 2010.

Victorian Environmental Assessment Council Act 2001 —

Minister's request for the Victorian Environmental Assessment Council to investigate into public land in the vicinity of Yellingbo Conservation Reserve, pursuant to section 16(1)(a) of the Act.

Minister's response to submissions on the proposed Terms of Reference for the Investigation into public land in the vicinity of Yellingbo Conservation Reserve, pursuant to section 16(2) of the Act.

## MEMBERS STATEMENTS

### Angel Flight: air tragedy

**Ms PULFORD** (Western Victoria) — I rise to speak about a tragic event that took place in my electorate this week involving an Angel Flight aircraft. Angel Flight is a charity that coordinates non-emergency flights for financially and medically needy people. All flights are free and assist patients and/or compassionate carers travelling to or from medical facilities anywhere in Australia.

Volunteer pilot Don Kernot was tragically killed when his plane crashed in a paddock in Wallup, near Horsham, around 6.30 p.m. on Monday. Don was a father of three who had lived in Belmont for more than 16 years before moving to Yarrawonga, where he retired last year. Don had flown 24 missions for Angel Flight and had more than 40 years flying experience. The *Wimmera Mail-Times* reported Angel Flight director Terry McGowan as having said:

> … Don Kernot … was a retired Yarrawonga man. He bought a Piper Cherokee plane out of his own money to do these flights.

This is the first incident out of some 11 300 flights involving an Angel Flight plane. A passenger, 15-year-old Nhill girl Jacinda Twigg, was also tragically killed. Jacinda took her first flight with Angel Flight in May 2009 and was on her 26th Angel Flight journey to Melbourne because of her condition, juvenile idiopathic arthritis. The *Wimmera Mail-Times* reported Nhill College principal Leonie Praetz as having said:

> … Jacinda was a special student and the student body and teachers were devastated when they heard about the accident.
>
> … A large number of students are really upset …
>
> She was a very popular, very friendly and very caring person.

This was to be Jacinda's last flight, as her illness was finally in remission. Jacinda's mum, Julie, suffered head, chest and rib injuries in the crash and yesterday remained in a critical condition at the Royal Melbourne Hospital. Hindmarsh Shire Council chief executive Dean Miller told the *Wimmera Mail-Times* that the council had started the Twigg Family Appeal. I urge members to donate to the appeal at any National Australia Bank.

## Carbon tax: Greens achievements

**Ms PENNICUIK** (Southern Metropolitan) — On 10 July I attended a Greens National Council meeting in Brisbane. Proceedings were interrupted for us to watch footage of the announcement of the carbon tax package to put Australia on the road to reducing greenhouse gas emissions and tackling the issue of climate change.

The issue of climate change is the reason that I embarked on a master of environmental science course in 1989. What I had been hearing and reading in the scientific literature alerted me to what is going to be one of the biggest issues facing us in the 21st century. It was also one of the reasons that I joined the Greens 15 years ago. It was 15 years ago, in 1996, that the federal Greens leader, Bob Brown, first raised the issue of climate change in the federal Parliament. I am extremely proud of the work that he and the other federal members of Parliament, particularly Senator Christine Milne and the member for Melbourne, Adam Bandt, have done in the multiparty climate change committee and the role they have played in bringing about the carbon tax package that is going to set Australia on the road to renewable energy and a green climate future.

Mrs Coote mentioned last night that I was the only member for Southern Metropolitan Region not in the chamber and that I was not listening to the people of Southern Metropolitan Region. I say to her that many of them are behind the climate tax and moves to effect climate change reduction.

## Members: presence in chamber

**Mr P. DAVIS** (Eastern Victoria) — Yesterday I saw something in this chamber which I thought was unique and quite astounding. In the time that you, President, and I have been in this house — which is approaching, I hate to say it, 20 years next year — I have never seen an occasion when an opposition party has virtually abandoned its role in representing the community. Periodically during the course of debate yesterday there was only one member of the opposition contributing in the chamber, and that was the member who was addressing the motion before the house. There was no other member of the opposition in the Legislative Council. I found that surprising.

What I found even more surprising was that last night, some 10 to 15 minutes before the conclusion of the adjournment debate, there were no opposition members in the chamber. There were none; they were all gone. I have been trying to deduce why this was, and I think it was the discomfort the opposition members were feeling as a result of the carbon tax issue being raised during debate yesterday and it being pointed out to them that this is a great initiative of the red, brown and green Gillard government, which is entirely a reversion to type and an adoption of the propositions propounded by that great student of capitalism Karl Marx.

**Mr Leane** interjected.

**The PRESIDENT** — Order! I say to Mr Leane that this is not a football match. This is the Parliament. Mr Leane has been in this chamber for a while, and he ought to know better than to yell and scream as if he is at a football match. Mr Philip Davis is to continue for 2 seconds.

**Mr P. DAVIS** — On a point of order, President, I thank you for your intervention, because I think I was having trouble being heard. I noticed the clock kept running, so I am concerned that my contribution is going to be abbreviated. But I will defer to the house and say, 'I have concluded'.

## Information and communications technology: national broadband network

**Mr SOMYUREK** (South Eastern Metropolitan) — Earlier this month I had the pleasure of attending the launch of the national broadband network (NBN) in Brunswick. It was launched by the Prime Minister and Senator Stephen Conroy, federal Minister for Broadband, Communications and the Digital Economy. The Brunswick site is the third Australian mainland site to go live.

The NBN will create jobs, boost productivity, provide new and improved online health and education services and improve government service delivery. As with the other first-release sites, Brunswick residents will participate in a trial phase ahead of the delivery of commercial services. The testing phase is an important part of the rollout. The first-release sites, including Brunswick, will provide crucial information to assist the NBN rollout.

It is disappointing that the Baillieu government has failed to put aside partisan politics for the good of Victoria and introduce opt-out legislation, which would definitely make the rollout more efficient in this state.

## South East Melbourne Manufacturers Alliance

**Mr SOMYUREK** — On another matter, earlier this month I had the pleasure, together with Mr Dalla-Riva, the Minister for Employment and Industrial Relations, and Mrs Peulich, of attending the annual general

meeting of the South East Melbourne Manufacturers Alliance (SEMMA). The electorate of South Eastern Metropolitan Region is the heartland of the Australian manufacturing industry, and it produces 44 per cent of Victoria's manufactured output, so it is fitting that a professional and well-respected organisation such as SEMMA should have emerged in this region.

Paul Dowling and the team at SEMMA do a tremendous job in promoting SEMMA and addressing the lack of understanding on the part of the government and the general community about the manufacturing sector. They also provide support to manufacturers to grow and develop their businesses. SEMMA makes a significant contribution — —

**The PRESIDENT** — Order! The member's time has expired.

## Princes Freeway and Princes Highway: improvement projects

**Mr O'DONOHUE** (Eastern Victoria) — I am pleased to bring to the attention of the house some improvements that have been made to the Princes Freeway. Firstly, the opening of the Morwell bypass is anticipated to occur prior to the September school holidays. It will be welcomed both by the residents of Morwell, as it will take heavy traffic out of their township again, and by the people who commute to East Gippsland and are looking forward to school holiday vacations on the Gippsland Lakes and elsewhere. I congratulate the ministers involved, particularly the Minister for Energy and Resources, Mr O'Brien, and the Minister for Roads, Mr Mulder, on their focused and evidence-based approach to this significant issue.

I also welcome the announcement by the government with regard to road improvement projects on the Princes Freeway between Longwarry and Traralgon, which are due to start in November this year. Sadly this area is notorious for crashes, with one of the highest crash rates per kilometre in regional Victoria. The project will involve the installation of safety barriers, removal of roadside hazards and other improvements.

Premier Baillieu further announced on a recent visit to East Gippsland that the Princes Highway between Stratford and Bairnsdale and from Orbost to Cann River will also have such improvements undertaken, which is great news for that part of Victoria.

## Traralgon West Sports Complex

**Mr O'DONOHUE** — Finally, I was pleased to attend the opening of the upgrade of Traralgon West Sports Complex with my colleague Russell Northe, the member for Morwell in the other place. It was an event welcomed by all in that local community.

## Rail: Paisley and Galvin stations

**Mr EIDEH** (Western Metropolitan) — I came to the house early today, and I drove my car, but if I were living in Hobsons Bay, then I would have found it difficult to get here on time for the sitting of Parliament. There is a desperate need to reopen two closed stations, and yet the state government is ignoring the community.

*Honourable members interjecting.*

**Ms Pennicuik** — On a point of order, President, earlier Mr Davis was interrupted by interjections, I was interrupted during my members statement and now Mr Eideh is being interrupted during his members statement. Members have only 90 seconds to deliver their statements, so I think other members should refrain from interjecting during members statements.

**The PRESIDENT** — Order! I do not know whether this is a case of 'fools never differ' or 'great minds think alike', but I absolutely agree with Ms Pennicuik. I have allowed several members to run over time this morning on the basis of interjections. I agree with Ms Pennicuik that in a 90-second statement members have a very short time to get across a message. I notice that some members are referring to more than one matter in a members statement, which further increases the pressure in terms of getting those matters across. Partly because of that time constraint, we are obviously lenient on members reading their contributions, as it enables them to make sure they are able to fit in exactly the message they want to get across in that short period of time.

I regard members interjecting as not just a discourtesy but also an actual disruption of the proceedings of the Parliament, particularly the excessive interjections we have heard this morning during members statements. Those interjections disrupt the opportunity for members to get their information across in the short time given to them. I entirely uphold the point of order raised by Ms Pennicuik, and I ask members to have regard to this aspect of the Parliament's proceedings by refraining from incessantly interjecting on future occasions.

As I have done with other speakers, if Mr Eideh's speech runs a bit over 90 seconds on the clock, I will

accept that because I have done that with each of the speakers this morning on the basis of those interjections.

**Mr EIDEH** — Yet again the government is showing that it is ignoring the people of Western Metropolitan Region by denying the residents of that broad area the same access to public transport that people have in Hawthorn, Essendon, Richmond or Frankston. The deputy mayor of the City of Hobsons Bay, Cr Tony Briffa, has written to the government pleading for help. The response was as negative a response as we have come to expect from this government.

Paisley and Galvin stations are desperately needed. As that community grows and as we are all seeking to use public transport to reduce the number of cars on the road and their carbon footprints, it is amazing to see that this government is not taking the action necessary to reopen two train stations. I wonder if the decision would have been the same if those stations had been in Liberal Party seats.

## South Eastern Metropolitan Region: multicultural events

**Mrs PEULICH** (South Eastern Metropolitan) — In Australia we are very lucky to have a form of multicultural integration, where the best of the heritages that immigrants bring to this country are preserved and welcomed whilst immigrants can relish the values and opportunities that Australia provides.

One of the most important and enjoyable parts of my job is attending various multicultural events throughout South Eastern Metropolitan Region, which is a very multicultural electorate. The drama we have seen unfold in the Norway terror attacks and the riots in England contrasts greatly with Australia's brand of multiculturalism and events in my region, which have included my sharing in a pleasant day with members of the Cook Islands community as they celebrated the 46th year of independence for their 15-island nation.

Recently at the Cinnamon Club in Cheltenham I also joined in celebrating India's anniversary of independence from British rule and its birth as a sovereign nation in 1947.

I also attended the Victorian Indigenous Youth Advisory Council's launch of its publication *VIYAC Voices Telling It Like It Is — Indigenous Young People on Education*. I recommend that members have a good read of that publication; it is an important document. I also had the pleasure of attending the Deakin University Iftar dinner, which commemorates the breaking of the fast during Ramadan. All this is evidence of an effective brand of multiculturalism.

## Buses: Kinglake service

**Ms BROAD** (Northern Victoria) — This morning on the steps of Parliament House I was pleased to meet with constituents from Kinglake who had travelled to Parliament House to express their concern that a shuttle bus service set up to help the Kinglake community rebuild following the fires has been cancelled by the Baillieu-Ryan government.

These residents expressed their concern not only that the service has been cancelled but also that the Baillieu-Ryan government had not consulted the local community and not considered alternative solutions on behalf of the community. The community has expressed its belief that the bus company concerned is willing to consider a regular fare-paying service, but their understanding is that the Baillieu-Ryan government has chosen to ignore this option as a solution for the Kinglake community. This means the only bus service to Whittlesea for Kinglake residents is the 562 service at 7.05 a.m., which returns at 4.47 p.m. Not surprisingly, this is just not good enough for the residents of Kinglake, and I support their view. I call on the Baillieu-Ryan government to reconsider its decision.

## Dangerous dogs: control

**Mr FINN** (Western Metropolitan) — I rise this morning to express my horror and deep sadness at the events in St Albans last night. In doing so I take the opportunity to express my deepest sympathy to the family of the young girl who was killed in tragic circumstances.

When I heard the news on the radio last night I felt physically ill. As a father of young children, it affected me in a way that is hard to describe. After all, what could be safer, you would think, than having your four-year-old in your own home playing with her five-year old cousin? What could be safer? As a parent I am always acutely aware of, and must know, where my children are. You would think you would have peace of mind in knowing that your child is at home. But, no; the horror of what occurred must have been beyond belief. The dog entered the property, killed the four-year-old girl and mauled her two cousins, who then had to be hospitalised.

There has been much discussion about this this morning. I hope the Brimbank council will launch a crackdown on illegal dogs within its boundaries. Many people suggest there are too many there. I hope the Brimbank council will bring about that crackdown. I also appeal to people who own those dogs to show some care and responsibility and get rid of them. Get rid of those dogs! There is no time or place — —

**The PRESIDENT** — Time!

## Children: Take a Break program

**Ms MIKAKOS** (Northern Metropolitan) — Over the past few weeks I have continued to visit many occasional child-care providers affected by the Baillieu government's axing of funding for the Take a Break occasional child-care program. Along with the member for Albert Park in the Assembly I attended the Southport Playhouse launch of its Operation Big Fridge project. With the Leader of the Opposition I visited the Arrabri community house in Bayswater. With the member for Macedon I visited Goonawarra neighbourhood house. And on Monday this week I visited the Nagambie preschool, the only occasional care provider in Nagambie. Minister Lovell would do well to visit some of the affected centres herself.

Communities around Victoria are rightly outraged at funding for Take a Break being axed. Affected parents have led a fantastic grassroots campaign. Great Labor stalwarts such as the Victorian Farmers Federation, the Country Women's Association of Victoria and United Dairyfarmers of Victoria have called on the Baillieu government to reinstate the funding. Thousands have signed petitions. It is a wonder the government is not listening. Minister Lovell should come to the 1 o'clock rally today and meet with affected parents. The Leader of the Opposition, Daniel Andrews, has today written to the Premier proposing that he meet with a delegation of affected parents and staff, but I will not hold my breath.

The government cannot find $1.9 million for child care, but it can find $2 million to boost the prize pool for jumps racing and $1 million for greyhound adoption. Children should be the government's top priority. When Minister Lovell should be standing up, front and centre, advocating for her community, she is doing nothing. Last week she launched the Smalltalk project, claiming credit for a project commenced and funded by the Brumby government last year. When it comes to new ideas, Minister Lovell has little to show for her nine months in government. She needs to listen to her own constituents and act, finally, to save the Take a Break program.

## Bendigo: transport strategy

**Mr DRUM** (Northern Victoria) — In recent months the City of Greater Bendigo has released a draft Bendigo transport strategy as a way of trying to deal with future traffic demands in the Kangaroo Flat area where vehicles come in from Melbourne to get to different parts of Bendigo. The original draft strategy proposed that traffic be diverted around industrial estates but also go through the heritage area of Gladstone and Galvin streets and Quarry Hill, which has certainly been heavily impacted. To their credit the council and VicRoads have held a series of public meetings. There was one meeting at the city library, where all the representatives were in attendance, that enabled everybody from the affected area who wanted to step up to the microphone to have their say. It was an interesting meeting that went for 4 hours, and many people got up and had their say to all of the councillors and the directors and chief executive officer of VicRoads.

To their credit those representatives listened to the concerns expressed. Recommendations have now been put to the councillors that the transport corridor through Quarry Hill be scrapped. Other parts of the transport strategy plan will, I think, be implemented, to the benefit of many people in Bendigo. I have also had many meetings with concerned residents who have been very unhappy with the original draft transport strategy. I want to take this opportunity to thank the City of Greater Bendigo and VicRoads for enabling the concerned citizens to have their voices heard, for listening and for arriving at a compromise position that will deal with future traffic needs — —

**The PRESIDENT** — Time!

## Kurnai College: language and culture centre

**Mr SCHEFFER** (Eastern Victoria) — I was honoured to officially open the new language and culture centre at the recognition ceremony at Kurnai College on 5 August. I congratulate the school community, led by school council president Marianne Robinson; principals Tony Rodaughan and Nello Carbone; school captains Michael Lock, Genevieve Blakeley, Nathan Noblet and Kaitlyn Turner; as well as the architects and builders of this magnificent new centre. I also acknowledge the federal government for funding the facility under its Building the Education Revolution program.

The recognition ceremony included a joyful dance and song performance by the Dedlee Kultya dancers and an uplifting welcome to country given by Uncle Wayne

Thorpe. Those who attended the recognition ceremony heard from students speaking and translating from a range of languages that were taught and spoken by students of Aboriginal background. Other students spoke Mandarin, German, Tagalog, Fijian and Arabic, and special guests and students marked the places of their birth or origin on a map of the world.

Kurnai College also deserves high praise for its strong academic program which includes non-English languages, and for its multicultural and global perspective. Kurnai College students know that Gippsland is at the centre of the global race for a low greenhouse gas emissions future and that they will play key roles in developing the technologies and industries of the future. The new language and culture centre will play a critical role in educating them to actively participate in this exciting future.

## Angel Flight: air tragedy

**Hon. D. M. DAVIS** (Minister for Health) — I will make a short contribution to talk about Angel Flight, which takes patients to medical and hospital appointments in a voluntary capacity. The tragic incident that occurred this week shocked many in our community, but it also offers an opportunity to focus on the good work that Angel Flight does. Those who contribute, sometimes using their own resources — —

**Mr Koch** interjected.

**Hon. D. M. DAVIS** — Mr Koch makes the point that it is always their own resources. They are to be commended. The community feels great sympathy for those affected by this week's tragedy. Ms Pulford's contribution a moment ago was a welcome one. All parties across the chamber will have the same view: that the non-emergency assistance that Angel Flight provides is welcome and deserves our support and encouragement. The community is aware of the tragedy this week and will carry forward that awareness to ensure that we strengthen and support these voluntary contributions to patient transport.

## PARLIAMENTARY SALARIES AND SUPERANNUATION AMENDMENT BILL 2011

*Second reading*

**Debate resumed from 30 June; motion of Hon. G. K. RICH-PHILLIPS (Assistant Treasurer).**

**Mr LENDERS** (Southern Metropolitan) — I rise to speak on this bill, and at the outset I say that the opposition will oppose the bill. My remarks in the second-reading debate will not be extensive, but I flag that I will have a series of questions for the Leader of the Government in the committee stage of this bill.

From the opposition's point of view we have a fundamental philosophical issue with the bill. I flag now that I am in a difficult position. Out of deference to you, President, I will refer a lot of my comments on this to the Legislative Assembly and to the past, because in my view much of what this bill does is give unfettered powers to presiding officers who are members of the governing party. It also puts pressure on presiding officers. It is difficult for members to speak in this debate, because it will be seen as a reflection on the Chair. I will be mindful and conscious of this and sometimes circumspect in how I speak because it is a difficult — —

**The PRESIDENT** — Order! I apologise to Mr Lenders for intervening, particularly in the introduction to his speech. I indicate that I am not at all aggrieved by a robust debate on this matter, and I will not regard any contributions to be a reflection on the Chair. This is legislation that has been put forward by the government, and it is fairly contested. I say to Mr Lenders and other speakers that they should not hold back out of any concern about me taking any personal — —

**Hon. D. M. Davis** — Umbrage.

**The PRESIDENT** — Umbrage is the word I had in mind, although I did not think it was a very good parliamentary word. I have no problem with this being a robust debate, and Mr Lenders should not feel constrained in that respect. I appreciate and note the remarks he has made thus far, but they are not necessary in the context of the proceedings of this house.

**Mr LENDERS** — What we have here is a bill before the house that in essence enables a member of Parliament to have a day's salary docked if they have been named. For the record, and as we know, there are different ways a Presiding Officer can keep control of the house. There are the normal admonishments, directions and rulings. If a member is still unruly, there are provisions under standing orders to suspend a member for half an hour or another period of time, although the member can enter the chamber and vote if the bells ring. There is then the further sanction whereby if the Presiding Officer names a member, that member is suspended from the house, generally for the rest of the day, and cannot come in even if there is a division. While the bill does not seek to expand the

naming provisions — nothing is changed regarding that — it brings in a penalty for being named.

I want to start by explaining why I think this is bad legislation in a philosophical sense. This measure was not sought by the presiding officers. Without verballing the Speaker, Ken Smith, following the announcement of this important matter by the Premier and his media director on the first day of Parliament this year, the Speaker was doorstopped and he said he knew nothing about it. The point I wish to make is that if this were a tool that the presiding officers thought would help them control the chamber, one would have thought that the Speaker would have known about it and would not have said in a doorstop interview that he was unfamiliar with it. If this is being presented as a tool to help control the chamber, it is very strange that it comes from an incoming Premier and not from an outgoing or incoming Presiding Officer. I will just put that on the record.

The context of that leads to my broader point, which is that this is part of a government agenda to close down debate and stifle criticism. That is my premise. If I were more charitable, I would say this was a distraction because some media outlets and a lot of the public think we are all a pack of low-lifes and the more that people beat up on politicians, the better. However, my premise is that it is closing down debate. I do not say that lightly.

All governments as they are in power for longer and longer find scrutiny unpleasant. The only difference here is that this government has taken this step to close down debate in its first week. I will use a few examples to explain why this is a problem and how it fits into a pattern. On Tuesday, in the committee stage of the Transport Legislation Amendment (Port of Hastings Development Authority) Bill 2011, Ms Pennicuik asked the minister at the table, Mr Guy, a series of questions. I cannot remember what the questions were, but I am sure Ms Pennicuik can. What amazed me was that the minister said: 'Look, I have answered that seven times. I am not going to answer it again'. I have been at the table as a minister and I was sometimes irritated by members asking the same question many times, but the point I make is this: this is a Parliament, and it is the right of a member to ask a question. Ms Pennicuik was not filibustering; she was asking a question, and the minister was irritated by it. All ministers get irritated by them. I am not making a Labor-versus-Liberal argument; it is a fact of scrutiny of the executive.

When you, President, were delivering your ruling on the privileges matter the same minister exclaimed — I do not know how parliamentary it is — 'for goodness sake!'. I would probably be feeling the same way if someone moved a privileges motion against me and I was caught unawares by it. Mr Viney gave notice of a privileges motion, and the minister said, 'You are a grub!'. This is all part of the parliamentary process; it has always been thus, and the current environment is not unique. I am not trying to have double standards or say that Labor ministers never did this and only coalition ministers do. The point I am making is that this move to add a fine to the naming of members is part of closing down debate.

I will be political now and explain why I am anxious about this bill. The first actions of the last coalition government, the Kennett government of 1992–99, were all about closing down debate. We lost the Director of Public Prosecutions (DPP) and a series of independent statutory officers, including the Auditor-General, who were in the end all silenced. It is a partisan view; others might contest the argument, but the government legislated for that to happen. We have a new government in place, and lo and behold the DPP is gone, the Chief Commissioner of Police is gone and the equal opportunity commissioner is gone. In that context we have — —

**Mr Barber** — We didn't legislate for it.

**Mr LENDERS** — That is correct, Mr Barber, no legislation is necessary, but whenever there are questions or debates on this matter the Parliament is always robust. Governments of whatever persuasion do not welcome the scrutiny; there is an eternal tension in relation to this. This bill changes some of that balance. That is the main concern of the opposition. If a member of Parliament wants to fearlessly defend the rights of a constituent against the executive government, there is one more threat or one more stick to intimidate that member, and that is this sanction.

I would argue that presiding officers have full authority now to manage the house. In the end the sanction for a member of Parliament who is in the sin bin or named and thrown out for the day — however you want to describe it — is: 'You are out of the house'. This is one more threat, which is financial. Touching on this point, I am an MP on a very good wage, and I am thrilled. This is the best job I could ever have. I am doing what I love doing, and I am paid well for it. If I lose a day's pay, frankly it does not particularly bother me. I am now in my 50s, and I have been on a good wage for a number of years, so losing a day's pay for me is not going to make a difference or intimidate me — but there are a number of members who it will intimidate.

Another thing is the inequity of this bill, which proposes the sanction of one day's pay for an MP. Out in voter land I am sure people say, 'They are all paid well on $130 000 a year, isn't that good!'. But the inequity of this sanction, which defies all public policy, is that the Premier, for example, is on double the salary of other MPs. If, hypothetically, the Speaker were ever to throw out the Premier, which I will get to in a moment, the sanction is not commensurate with the offence.

If an offender breaks the law when driving a car in Victoria, demerit points are the standard sanction. Regardless of your wealth or income there is a measure to impose a sanction on people that in some way reflects their ability to pay. Courts have a degree of discretion that tries to reflect that. This bill is designed to intimidate oppositions and third parties; it is not designed for ministers or governments. Mr David Davis and Mr Drum shake their heads, but I put to the house that this bill was designed in a hurry by the executive government to intimidate the opposition and create a good story that it is going to introduce some discipline into the Parliament. I do not accept the premise that that is the way you do it.

The whole idea of naming and how it just defies natural justice also comes into this. Even statutory offences in the state are different from this. The President has now left the chair, but if the President were to name Mr Leane, who has just walked in, what would happen would be that the minister at the table would instantly move that his services be dispensed with, there would be a vote without debate and then without having heard the case for or against he would be expelled from the house on party numbers. I know that former President Smith named Mrs Peulich and that that naming was not carried out on party numbers.

**Hon. D. M. Davis** — There was a thing going on there.

**Mr LENDERS** — That was an example on the other side. Without commenting on the merits or demerits of whether or not Mrs Peulich should have been thrown out, the point was that the President and Mrs Peulich could not put their cases to the house. There was no natural justice — President Smith named her; Mr Pakula, who was the minister at the table, moved that her services be dispensed with; the house voted on it without hearing the case; and members entered the chamber for the division and were asked to vote on whether or not she should be suspended. My point is not whether she should or should not have been suspended. My question is: how would anybody in this house with any sense of natural justice have been able to form an informed opinion about whether she should be in or out? If the Greens had voted with the Labor Party, the DLP or a number of coalition members — it would not matter who, so long as there were 21 members who voted to suspend Mrs Peulich — she would have had a fine and she would not have even been able to put her case to the house, had she done wrong or not.

The Parliament is a political body; I know that. I cannot think of many other circumstances in which a person can be fined and they cannot even make out a case for why that is unfair. A Presiding Officer could be biased — and I will take up the President's invitation for robust debate. The member for Niddrie in the other place, Rob Hulls, was suspended from the Assembly because he contested with the Speaker the rights or wrongs of a pregnant woman getting maternity leave. Speaker Smith made a decision that Jaclyn Symes, who at the time was Rob Hulls's electorate officer, was not eligible for maternity leave. He made that decision rightly or wrongly, and Rob Hulls contested that in the house. He took on the Speaker, was named and thrown out. I am sure Speaker Smith has a view as to why that was appropriate, so I am not trying to verbal him. But what I am saying is that it is a classic illustration of a naming that has happened in this Parliament. A member of Parliament was contesting the Speaker's decision on the appropriateness of the member's electorate officer being entitled to maternity leave.

**Hon. D. M. Davis** interjected.

**Mr LENDERS** — I say to Mr Davis that I was making a point. Mr Hulls had a dispute with the independent Speaker, who happened to have ministerial powers on a discretionary issue as to whether the electorate officer was entitled to maternity leave. Whether she was or was not entitled is not a debate I am getting into. Mr Hulls was standing up for a staff member who also lived in the Niddrie electorate, so she was also one of his constituents.

**Hon. D. M. Davis** — It was about his behaviour.

**Mr LENDERS** — Mr Davis says it was about his behaviour, but who determines behaviour? The Speaker gets up and says, 'I name you'. The minister gets up and moves to suspend the member, 44 members of the government vote to suspend him and 43 members of the opposition vote against it, but there is no discussion, and that is my point about the arbitrariness of this. That situation exists; a member can be named, but the difference is that we are adding another dimension to it and adding a fine.

I put the case that this is more about shutting down debate. Mr Davis shakes his head. I do not want to verbal the Premier, but during the first sitting period of the Parliament — it was either in December or in the first sitting week of this year — he talked with Josephine Cafagna about the action the government was going to take to fix the problems. He said, 'We are going to get stuck into MPs with a big stick'. It was supposed to be the most important piece of legislation. That is fascinating because that most important piece of legislation in February, and I am assuming it was February, is being debated in August. It was debated in the Assembly in June. We have this urgent legislation which is not urgent. It sort of worked as measure one of the government's key performance indicators because the government made the 6 o'clock news that night.

We have a Presiding Officer in the Assembly whose only measure of accountability is that he must have his party on his side. So long as the Speaker, Mr Smith, can get 44 government members to vote with him — —

**Mr Drum** — Or opposition members.

**Mr LENDERS** — Or opposition members. That is exactly the same point. It is a partisan issue without debating its merits. It is like me accusing Mr Drum of something, and I often do, but he is able to debate back. But if I have 21 members in this house behind me, no matter what they think or say, I can have Mr Drum's salary docked. If that happened to any of Mr Drum's constituents, he would rightfully be aggrieved.

I do not want to overdo this because a lot of these measures are already in place. I am trying to be fair-minded; they are in place. A member can be suspended from this house and they can lose their vote, which happened to me a number of times in the last Parliament. If it had not been for the good grace of Mr Kavanagh saying he would only support the motion if the coalition paired him, the government would have lost the vote and my constituents would have been disadvantaged.

Without overdramatising it, this is an extension of an existing flaw. It is not horrendous or draconian or the Baillieu government trying to massacre citizens; I am not pretending it is that. But it is part of the closing down of debate by going one step further and letting a Presiding Officer fine a person. In any other workplace, and perhaps I see it this way because I am from the Labor side of politics, it would be seen as horrendous. If any of the attendants or clerks in this place were told capriciously and without any ability to put a case, 'You are going to be booted out and have your pay docked', the union movement would be aghast, as would most of our citizens, not because someone had done something wrong but because of the capricious nature of it.

My final comment in my general remarks — I will go into more detail during the committee stage — is that I am gobsmacked about where this money will go. I will not overly dwell on it because it will probably not happen a lot and it will not be a large amount of money, but for goodness sake, if the government is going to do this, it should put it into consolidated revenue or into a skills disadvantage fund, or somewhere like that, and not into this nonsensical and difficult to administer fund at the discretion of the Presiding Officer. A number of charities have been mentioned — and Mr Davis will like this. The money could be given to the 500 Club, the Free Enterprise Foundation or the Cormack Foundation. It could even be given to The Nationals or the Labor Party funds. It could be given to any favourite charity of Speaker Smith.

**Mr Drum** — Business First.

**Mr LENDERS** — Mr Drum said it, not me. It could be given to Business First, although not even I would accuse Mr Smith of wanting to do that. My point is that this is a nonsensical idea.

**Mr Drum** interjected.

**Mr LENDERS** — No, it is not. It is about a principle. There are question marks about our Speaker and his relationship with various Chinese organisations and international bodies. There are questions out there.

**Hon. D. M. Davis** — On a point of order, Acting President, the Leader of the Opposition well understands that if he wants to make substantive attacks on other members, he should do that by way of a substantive motion. What he has just indicated is completely unacceptable.

**Mr LENDERS** — On the point of order, Acting President, the comment I made was that there are questions about the Speaker's connections with China.

**Mr Drum** — Whose questions?

**Mr LENDERS** — There are lots of questions. I hardly think that is unparliamentary. Yesterday in this house there were questions about my dealing with electronic gaming machines. That did not stop a robust debate. My saying there are questions about the Speaker's dealings is no different from most of the opposition in the adjournment debate yesterday saying there were questions about my dealing with electronic gaming machines. There are two standards.

**The ACTING PRESIDENT** (**Mr Eideh**) — Order! Mr Lenders to continue.

**Mr LENDERS** — To be charitable to those opposite who are saying there is a different standard for a Speaker than that for a minister, I make the point that under these arrangements the Speaker is no different to a minister. In the case of Jaclyn Syme, he is administering an act of Parliament like a minister does — and Mr Davis administers many acts of Parliament. The Speaker makes a decision on government administration based on his interpretation, rightly or wrongly, of that act. When he is asked questions about it, the difference between the Speaker and Mr Davis is that Mr Davis is in this house and there is someone else presiding over this house and making a judgement. In the case of Mr Smith there is not that person. In effect it is like a Star Chamber, the only qualification being that he needs to get 44 government members to vote with him.

The point I make, and the outburst highlights the point, is that if this were the House of Commons, which has a different set of rules, or another commonwealth country where the Speaker is a separate position, it would be different, but our Speaker has a partisan position. I am not saying that in a derogatory way. Other than in exceptional circumstances in Victoria we have never had a Speaker from anywhere other than the government party. Most Speakers will manage quite professionally to have the illusion of being an independent Speaker, but in the end they are from the government party. The people in the Bass electorate voted for Mr Smith as a member of the Liberal Party. There is nothing wrong with him being a member of the Liberal Party and being a partisan member of the Liberal Party, but the point I am making — —

**Hon. D. M. Davis** — It is very generous of you to concede that, very democratic even.

**Mr LENDERS** — Thank you, Mr Davis. I am trying to make a genuine point that that is why this legislation is inappropriate, because the Speaker is not some mythical person like the Chief Justice of the High Court. What we are doing is giving the Presiding Officer an extra power. The caveat is that the Speaker needs to get 44 members of the Assembly to back him up. I accept that is the caveat.

The other thing, which I do not accept, is that the Speaker goes and puts it into a trust fund for what he or she wishes to do. I will ask the Leader of the Government — I give him notice of this — about what the auditing requirements of the trust fund are and if there will be a report. There is a range of questions. Where would the fund fit in under the Financial Management Act 1994? I will ask the Leader of the Government these questions in committee; he will not be surprised by them.

**Mr Barber** — Can it go to Greenpeace?

**Mr LENDERS** — Good point, Mr Barber. I do not expect that Speaker Smith will send it to Greenpeace.

**Mr Barber** — To whom will he send it?

**Mr LENDERS** — I suggested something before, Mr Barber, and there was outrage on the other side that I was besmirching the Speaker.

I conclude my remarks. The opposition does not support this bill. We think the bill was poorly drafted, in a hurry, by the Premier to get a media story in February. He got his media story in February, and now the Parliament is debating a bad piece of legislation that is one further step towards silencing the voices of dissent. I oppose the bill.

**Mr BARBER** (Northern Metropolitan) — I certainly concur that this bill was most likely dreamt up by the Premier or his office for the simple expedient of getting himself a headline. However, on most of the other matters that Mr Lenders raised I draw a different conclusion. The Greens will be supporting this bill. I now need to make my case why.

The first and most important issue to deal with is the role of the presiding officers. We have confidence in the Presiding Officer in our chamber, and that is very unlikely to change over the course of the next four years. If we did not have confidence in the Presiding Officer in our chamber, we would have much larger problems than even this legislation might envisage. Going with that is a set of extremely strong powers that the Presiding Officer has, including the power to name and suspend a member. That power arises out of the standing orders that we ourselves adopt. In the case of that standing order, it, or something very like it, has been in place for a very long time.

In our view this is not a bill that attempts to codify privilege or the standing orders into legislation, and that is very important. If we thought this bill was in any way codifying privilege, then we would be demanding an even higher level of scrutiny of the legislation and its operation. In fact, as far as we read it, this bill leads to some consequential actions that arise only when the Presiding Officer and the house have taken certain action that occurs under the standing orders. That is quite important.

The naming and suspension of members has occurred regularly over the years. In the last Parliament there were five members suspended by the Presiding Officer in this house and one attempted suspension, which was unsuccessful. I do not intend to dwell on the particular circumstances of any of those namings and suspensions. They go all the way back to 1897. I have a list in front of me.

**Ms Pennicuik** — Who was the worst offender?

**Mr BARBER** — I am not going to reflect on particular individuals, nor will I go to the circumstances that surrounded the suspensions; the fact is they were suspended.

The thesis put forward by Mr Lenders, now that we are proposing to fine members when they are suspended, is that perhaps the suspensions were in some way improper or stifling of debate. I do not agree with his point on that. I did not follow the train of logic that said suspending and naming was a suppression of debate — after all, it has been happening in this place occasionally for a century — and that somehow this measure, which will put a fine onto the suspension, fundamentally changes the character of that issue.

Without having looked into the history, I guess the purpose of suspension and naming is to maintain order in the house. I do not think it is ever meant to be a punitive measure. We are not punishing a member by naming and suspending them. The purpose of the standing order is to ensure that the Presiding Officer can maintain order at all times. The government is changing the nature of it with this bill. The government is now adding punishment to the issue.

That is not any surprise at all, because the Libs are all about punishment. The Liberal Party and the debate it has run over the last four years have been about punishment, punishment, punishment and the idea that if we can just find the right level of punishment, we can create social order. These guys think they could get an octopus to play Chopin if they could just get the right level of voltage to give the octopus its incentive. I do not believe that for a minute. I believe humans, much less octopi, react to a whole range of factors and there is a whole range of social determinants and environmental factors as to why people end up doing the wrong thing. Simply upping the punishment constantly is not going to create better order in society. My distant ancestor was sent to Australia as a convict for stealing a sheep and a door.

**Mr Lenders** — From New Zealand?

**Mr BARBER** — He was on the Australian side, Mr Lenders.

Today it seems like a pretty harsh punishment, and I suspect the social circumstances at the time had something to do with why he was stealing a sheep and a door.

**Mr Ondarchie** — What is the connection between a sheep and a door, by the way?

**Mr BARBER** — I have absolutely no idea; that is simply what the records indicate. That is not going to lead to nirvana. But the Labor Party plays that game too. Over the last four years members of the Labor Party have on many occasions come in here and suggested that fines and sentences need to — how would they express it? — reflect the public's values and meet the public's standards. That is what members of the Labor Party would have argued, in conjunction with the Liberal Party.

**Mr Drum** — And The Nationals.

**Mr BARBER** — Mr Drum does not want to be left out, so we will include The Nationals in this.

**Mr Drum** — Not when it comes to punishment meeting public expectations — no, I do not want to be left out.

**Mr BARBER** — Correct. The question I would ask of members — —

**Mr Lenders** interjected.

**Mr BARBER** — Mr Lenders is now going back to his original argument, which is that people should not be named and suspended. Well, they already are, and they have been for a long time. The only difference here is that there will be a fine associated with the bad behaviour.

Mr Drum apparently agrees with the proposition that fines and punishments under law should reflect the community's expectations. I ask the question: does this bill set up a fine that the community would expect? If you apply that rule to it — the rule that the Lib-Labs have been using for the last four years — of course it does. Labor Party members in opposing this bill simply do not get it. For some reason they have simply forgotten what the public thinks when they see politicians carrying on in question time. They think you guys are a pack of idiots.

I sat through the last two sessions of question time in this place, which is nothing like as ridiculous as it is in

other chambers, but for the first two days of this week question time, from my angle, was like watching monkeys throw excrement at each other. When the public see that — —

**Mr Lenders** — Mr Barber asks Matthew Guy questions like a monkey scratching the other's back.

**Mr BARBER** — Now Mr Lenders wants to get into it, and he seems to indicate that he thinks my questioning of Mr Guy is a bit soft. Yesterday I heard him suggest, by way of interjection, that Mr Guy's answer to me was a bit polite. It was a pejorative, from Mr Lenders's perspective, that Mr Guy gave a polite answer to me.

**Mr Lenders** — No, it is the cosy relationship that is the pejorative.

**Mr BARBER** — Mr Lenders says it is a cosy relationship between Mr Guy and me because my questions are framed and delivered in a polite fashion and his answer comes back in a polite fashion.

**Mr Lenders** — You are verballing me now.

**Mr BARBER** — Thank you very much, Mr Lenders. You have provided further evidence that you just do not see it the way the public sees it. Check out our mother Parliament, the House of Commons, and see questions being asked, including often quite pressing questions, on serious issues — even questions from government members against their own government — and being politely answered. That is our mother Parliament. If its members can comport themselves in that way, even in relation to the most difficult issues they constantly face, why can we not do the same?

Mr Lenders really is helping me mount my argument — that is, that there are community standards and MPs no longer seem to recognise what those standards are. That, I would imagine, is the reason why Mr Baillieu introduced this bill. I do not agree with Mr Baillieu's view of the world, and I have said that from the beginning. But Mr Baillieu is getting away with it and getting applauded by some sections of the media and no doubt some nodding from the community because members in this chamber and other parliamentary chambers have gone so far away from what the community expects of political debate.

Here is the thing, though. If Mr Baillieu really wanted to change the standard under which question time is conducted, he could do it tomorrow. This is a trivial attempt by the Premier to raise the standard of parliamentary debate — and generally we are talking about question time. There is a long list of MPs who have been suspended over the years. Clearly leaders of the opposition try it on quite regularly as some kind of theatrical stunt to be expelled. As you see each party go from opposition to government and back again, you find that the opposition leader gets suspended then becomes the Premier, and then the new opposition leader gets suspended — and on it goes. We even had Mr Ken Smith, who is now the Presiding Officer in the other place, getting suspended in the last Parliament. It just goes to show that it is a bit of theatre and that governments and oppositions take turns to try to disrupt question time and get suspended so as to make some political point.

I put it to the Premier that if he wanted to raise the standard of question time and ensure that no member ever got suspended again because they never needed to, he could walk into question time tomorrow and do it. All he would have to do is get the government team to lift the standard of debate to what an ordinary citizen would expect. He does not need a bill to do that. Mr Baillieu can simply order government members — or, as leader, get their support — to raise the standard in question time. If he did that, the opposition would do it the next day, and it would be all over. It is as simple as that.

For that matter, if opposition members decided they were going to comport themselves like mature adults in question time, I am pretty sure government members would find it hard to behave any differently. But there is no consensus on that from the — let us call them old — political parties represented in this Parliament. They love it; they get off on it. The public hates it; they get turned off by it. We saw it yesterday when a group of primary school children sat in the gallery while down here a bunch of elected MPs, whose responsibility it is to lead the state — you cannot even say they acted like primary school children — acted in a way that no primary school child would ever act or expect to get away with. Their teacher would not allow it to happen in the classroom. That is the yawning expectation gap between MPs in this place and the public. Into that gap the Premier has thrown this little crumb; this little piece of legislation. He recognises the gap is there, but he has absolutely no intention of otherwise doing anything about it. It is a pox on both the houses, and they deserve it; they deserve the opprobrium of the public.

That brings us back to the legislation itself. There are one or two questions about the mechanics of this bill that need to be asked in the committee stage. Clearly the opposition is bereft of ideas as to how to reform Parliament and, in any case, has the problem of — —

**Mr Lenders** — You're here because of our reforms, brother.

**Mr BARBER** — I might argue, brother — if it is not too informal — that the reason this bill is here is because your idea of reform was not that reformist. Mr Lenders introduced a system of proportional representation against his party's policy and against the recommendation of his own independent panel that pretty much ensured that numbers in a proportional representation election would always be rounded up to benefit one of the major parties.

In that respect Mr Lenders did introduce a reform, but being the calculating numbers man he is, I am pretty sure he introduced the version that gave him more than a better shot at winning majority, which he came within 100 votes of doing in the last term. The same system has delivered fewer Greens than there ought to be, according to the proportional representation of our vote. I have no doubt that Mr Lenders was one of the architects of that system.

I reiterate my point that, in Labor's time in government the number of potential reforms it squandered vastly outnumbered the actual reforms it introduced. That is no doubt something Mr Lenders and many of his party members will be reflecting on as they sit there quietly for the next four years.

Labor attempts to use its numbers and volume to yell down the government — and vice versa. We few Greens cannot compete on volume. It would be to our advantage if question time was operated a bit more like it is in the UK Parliament. Mr Lenders seems to be implying my questioning of the planning minister is a bit soft. I would suggest Mr Lenders look at the questions I ask, think about the implications of the questions, have a look at Mr Guy's answers and think about their implications. It is not all about bravado. It is certainly not about volume. That might be frustrating when you are in opposition, but here we are.

In my view the measure being debated is fairly ineffective. It relates only to matters which are well established under the standing orders and to well-established procedures which have been used many times on both sides of the house. If there is an argument to be mounted that the powers of the presiding officers have been abused in the past, I would be glad to hear it. I do not believe they are being abused. In fact I would positively endorse the way our Presiding Officer is running this Parliament right now. I do not know what in historical record leads Mr Lenders to argue that the power has been abused. I do not believe it is being abused.

**Mr Lenders** — Rob Hulls getting thrown out for standing up for a pregnant woman.

**Mr BARBER** — As Mr Lenders knows, we do not reflect on what happens in other chambers.

**Mr Lenders** — You asked the question, and the President gave us licence.

**Mr BARBER** — Mr Lenders can certainly raise that point, but as he knows, we tend not to reflect on what happens in other chambers when we have our own debates. We keep a good, friendly, arms-length relationship with the other chamber, and we talk about what is in here — for example, you could move an amendment that it only apply in the lower house, and I might have to think about that. In any case, we have confidence in our Presiding Officer at the moment, so I do not have any particular reason to believe he is about to abuse this power. If he abused it, it would not be the issue of the fine attached to it that would be the problem; the issue would be that people were being thrown out for no reason. I have no comment on what happens in the other chamber. We are not represented in the other chamber, as Mr Lenders knows. He also knows why we are not represented there.

**Mr Lenders** — You didn't get enough votes.

**Mr BARBER** — We got plenty of votes.

**Mr Lenders** — You wouldn't have won under first past the post or under this system.

**Mr BARBER** — Perhaps that is another reform you are putting forward from your new perspective of opposition. Again, the system would adjust.

The most important issue here is not the content of the legislation. It comes back to the culture and the reform of question time. That is a culture, and the Greens can only do their bit. Either of the current parties, government or opposition, could, on their own, decide to change the culture and therefore achieve reforms to question time. I remember the Premier had some plans to do that. The former Premier's response was that he was going to rip out the dispatch box and make people face the Speaker when they answered a question. I put that down with this tiddler as one of the weakest suggestions for the form of question time I have ever seen, but Mr Brumby is no longer with us and that one has been forgotten, as it should have been. This bill will also be quickly forgotten, but the overarching impression of the public — that politicians do not rise to the occasion — will remain. I hope that at some time or another one of the other parties in this Parliament joins with us in seeking a positive change in that area.

**Mr P. DAVIS** (Eastern Victoria) — I have an opportunity to follow two interesting speeches. We are addressing the Parliamentary Salaries and Superannuation Amendment Bill 2011. The purpose of the bill is to amend the Parliamentary Salaries and Superannuation Act 1968 to provide for a fine to be imposed on a member who is suspended after being named. I intend to address substantially in my commentary the comments made by the Leader of the Opposition. I will peripherally make a comment about the leader of the Australian Greens in the Victorian Parliament, albeit that the Australian Greens are not recognised as a political party because there are only three members and you require 11 members to be recognised as a political party. The views of the Australian Greens as reflected by Mr Barber do not carry as much weight as Mr Barber would like them to carry. I am absolutely delighted that Mr Barber has decided to become a hanging judge. His view is that the penalty is not enough. What he wants is Ted Baillieu as the Premier of Victoria to be tougher and to hang them high. That was the message I got from Mr Barber's contribution: that the incrementalism in terms of raising the bar on parliamentary standards is just not good enough. That was the view expressed by Mr Barber. I would say to Mr Barber that he has got a lot to learn.

As we know from over 150 years of parliamentary government in Victoria as a colony and as a state, it is always about incrementalism. The government should not be condemned for taking this step to improve parliamentary standards, it should be congratulated, and I congratulate Ted Baillieu as Premier on making this move. I say that because I confess that I have spent some time discussing parliamentary behaviour with the Premier. I was invited by him to make a contribution before the last election in relation to some of the issues that we might think about in terms of parliamentary reform. My view is that it is clear that the Premier is attempting to progressively bring the Parliament as a whole along to a higher standard. I think that is commendable, and I endorse it.

I want to make a point about the detail of the legislation that is before us. This bill is incremental in the sense that it imposes a further penalty and sanction on members who are behaving disorderly and endeavours to assist presiding officers in both houses with the enforcement of rules of debate that retain good order. We know that over a period of time there have been progressive changes to the standing orders in both houses that have incrementally given new tools to the presiding officers. One of those obvious tools is ordering members to leave the chamber for a limited time, which we colloquially describe as being 'sin binned' — in other words, you are sent off. In the sporting vernacular it is a red card: you are sent off for a penalty period and when that penalty period has expired you are allowed to come back onto the field of endeavour.

**Mr Lenders** — That is, if you are into world football, Mr Davis, not the local football.

**Mr P. DAVIS** — In this case it is the Parliament and in the other case, as Mr Lenders interjected, it is the world football code, kicking a basketball around. However, in my view the important thing in this debate is the substantive reason for the opposition opposing the bill, which is, as I understand the case, that — and I had some difficulty following the argument made by the Leader of the Opposition, Mr Lenders — essentially naming by a Presiding Officer is intrinsically unfair because the Presiding Officer is in charge of the house and has a unilateral power to name a member.
Mr Barber made the most valuable contribution to the debate, which I followed in the Assembly and which I have listened to in this house. Mr Barber's contribution was to say that he has seen no evidence in the time that he has been in this Parliament, nor from his study of parliamentary proceedings over the life of the Victorian Parliament, that that power of a Presiding Officer to name a member has been abused.

We have evidence in this house from our own experience, which Mr Barber participated in, of the naming of a member by the President in the previous Parliament having failed. I am interested in that argument. Mr Lenders argues that this measure was not sought by presiding officers, and to support that case he said the Speaker when doorstopped did not know anything about it. I would say to Mr Lenders that it is a new standard that the Baillieu government is setting in terms of the parliamentary process.

**Mr Lenders** — That is a very novel spin.

**Mr P. DAVIS** — I have to say it is a matter of important fact that the principles that have been followed in my time in Parliament have meant that the Speaker of the Parliament has not participated in the government party room deliberations on legislation. I have to congratulate the current Speaker, the Honourable Ken Smith, on observing that precedent, which has been well established by preceding coalition or Liberal Party presiding officers in the Assembly. It is critical in my opinion that there is a separation between the executive and the Parliament, and that has been maintained. The Honourable Ken Smith would not have known until he was otherwise advised that the government was intending to bring this bill in. Why is that significant? It is significant because it goes to show

that the executive is not in a position to determine the outcomes of the decisions that the Speaker may make in enforcing standards in the house.

Mr Lenders alleges that somehow this measure is an attempt to close down debate. I do not see any restriction on debate on this or any other bill. The reality is that the rules for procedures in the Assembly are substantially the same as the rules that were in place under the Labor government. The rules in this place are the rules adopted when Mr Lenders was in charge of affairs in this place. We are conducting debate under the rules that were adopted by Mr Lenders. I cannot see how, on any measure, this proposal limits and closes down debate. Applying a penalty to somebody who is disorderly — that is, a fine equivalent to the period of the suspension from the service of the house — is an incremental measure and hardly, as Mr Lenders posited, a threat to the capacity of a member to represent constituents.

If a member wants to represent constituents in this place, they know the rules we observe to achieve that. They either put a case during a debate on legislation, as I am doing at this present time, or they make representations to ministers at question time, during the adjournment or other forums through the parliamentary process. There is no inferred limitation on a member's capacity to vigorously represent their constituents' view in this house as a result of this bill. I would hope as a result of improved good order as to the business and the carriage of business in the house that it would be possible for members to more robustly put their constituents' views.

I take the contrary position. I experienced disorderly conduct this morning during an attempt to make a point on the capacity of members to make statements to the house. It was Mr Lenders's colleagues who behaved in a disorderly way to the extent that the President had to get to his feet and call the house to order and shut down discussion. The poor and unruly behaviour of the opposition resulted in my not being able to be heard. Given that I am not shy about putting my point of view and I have a fairly good volume control, for me to be squelched out by the raucous interjections of the opposition was truly disorderly.

I would not argue that members of the opposition should have been named, suspended and fined for doing that, but this is a place for robust debate. If members are not capable of putting their point of view coherently, then members should find another vocation. As the President said to Mr Leane this morning, 'It is not a football match'.

I am pleased to say that I strongly support this bill. I am looking forward to the committee stage, but there are two further points I want to make. If members wish to be so disorderly that they are named and suspended, it may be appropriate for them to make a salary sacrifice. I thought it was an interesting coincidence that a proposed amendment to the Parliamentary Salaries and Superannuation Act 1968, which this bill introduces at new section 7B, would follow section 7A in the act which is headed 'Salary sacrifice'. We are in fact going to have another possibility for members to make a salary sacrifice. On the one hand we can put our salary sacrifice into a superannuation fund under section 7A of the act or under new section 7B we will be able to put our salary sacrifice into a benevolent fund — that is, a fund which is going to contribute to the betterment of the community in terms of charitable works.

The final point I make in this debate — given the limited time which was imposed by Mr Lenders — —

**Mr Lenders** interjected.

**Mr P. DAVIS** — It was under Mr Lenders's guidance as the Leader of the Government at the time. I want to make a further point in the limited time I have available. I asked the staff from the Legislative Council tables office to give me some advice about the names of members who had been named and suspended. That research indicates that for more than 30 years — since 1979 — there have been nine members who have been named and suspended. Interestingly, seven of those nine members were Labor members. I wondered about the opposition's sensitivity to this bill, and now I know. It has been revealed. But just to be fair — —

**Mr Leane** — You're padding now. You do not have to do your full 15 minutes

**Mr P. DAVIS** — I do not have to pad, because I am about to reveal that there were two Liberal members suspended over the last few years. One of them — and I need to say this for the sake of transparency — was the Honourable Bruce Atkinson; he was suspended on 6 April 2006. It is interesting to see how the wheel goes around, and I am sure with that experience in mind the President will be incredibly judicious on the occasions he names and suspends a member. I note several of the Labor members suspended previously were ministers at the time, including David White, who was suspended on at least a couple of occasions, and Brian Mier. With those few remarks, I am pleased to strongly support the passage of this bill, and I look forward to the committee stage.

**Mr LEANE** (Eastern Metropolitan) — I say to Mr Philip Davis, who mentioned me in his speech, that if I hurt his feelings this morning, I apologise.

It would be only right that I speak on this bill, because a lot of people have said to me the odds are good that I might be one of the members who would be on the end of this piece of legislation. I want to speak on this bill because I understand it is Mr Baillieu's big parliamentary reform. This was the big parliamentary reform we were promised before the election. It was said ministers would answer questions. But their answers have been, 'Yes, Josephine. That is a very good question, Josephine'. The coalition parties said that ministers would answer questions and the government would be open and transparent.

**Mr Lenders** — That debate?

**Mr LEANE** — Yes, that debate. They said the Parliament would be more open and transparent. But I have to say the proof of the pudding is in the eating, and it has been very far from that. It is typical of this Premier that his first piece of reform legislation is just a stunt. This is just a stunt to try to tick off the commitment that there would be parliamentary reform. It is the same sort of stunt as the one about wearing Dracula's cape; it is exactly the same sort of stunt as dancing with kids in Federation Square. The thing I cannot get my head around is how he convinced Mr Hall to participate in that. This is just as much a stunt as the push-ups in the speedos next to the public pool. It is a stunt; it is not reforming Parliament at all — particularly when Mr Barber said, 'Let us concentrate on this chamber'. Good, let us concentrate on this chamber.

In the five years since I was elected to this place not one member has been successfully named, and in the whole term of this Parliament only once has a member been ejected from this chamber — and on that occasion I thoroughly deserved it. I respect the institution and I respect the President, and if one of us should be ejected — and that is the call of the President or the Deputy President — then so be it.

We were going to get rid of Dorothy Dixers, and there was going to be an FOI commissioner; all sorts of things were going to happen that have not happened. If it were six months ago, it would have been the fault of the black hole that these things had not happened in Parliament. An FOI commissioner has not been appointed, ministers are not answering questions and the upper house committees that were set up to look at legislation have not had one piece of legislation referred to them. The openness and transparency of the new Parliament just has not happened.

In relation to those parliamentary reforms, Mr Davis's black holes are gone so I suppose the government is not blaming anything on black holes any more. Let us now blame the carbon tax for the fact that the government has not reformed the Parliament! Going back to that televised debate, it was a case of, 'Good question, Josephine. Yes, that is a very good question, Josephine. We'll be right on to that; ministers will answer questions. Absolutely, Josephine, I am glad you asked that one'. There were no surprises; it was just a Dorothy in itself anyway.

Looking at the current standing orders in relation to naming a member of this chamber, the President may now do so on his own motion. In the last Parliament the President would name a member of this chamber, a motion would be moved — usually by the Leader of the Government or a government minister — and it would have to be carried in this house for that to be triggered, for the member to be named and, if it had applied then, for the $300 fine to come to reality.

In the last Parliament a member was named by the President. It was poor behaviour by the particular member, because she was asked to leave the chamber for 30 minutes but refused to do so. She said, 'I'm not going'. Getting back to the issue of respecting the institution and not the individual, if you are asked to leave the chamber — —

**Mrs Peulich** — On a point of order, Acting President, I believe the member is reflecting on a decision of the house which ultimately supported the member's right to stay in the chamber.

**The ACTING PRESIDENT** (**Mr Eideh**) — Order! There is no point of order. Mr Leane has not named anyone.

**Mr LEANE** — We had a situation whereby the President believed that a member of this chamber had behaved badly and so requested that that member leave the chamber for 30 minutes. The member refused to go. The President then named that particular MP for not leaving the chamber. A motion was moved by a government minister to name that member of the chamber, but that motion was defeated.

**Mrs Peulich** — It was a Labor stitch-up. All you wanted was one less vote in the chamber.

**Mr LEANE** — I concede that motion was defeated. Let us apply that to the situation we have now. If Mr Atkinson is away on official duties and he comes to

me and says, 'Opposition Whip, I have a delegation coming from overseas that I need to entertain. Can you give me a pair?', I will always say yes. I have done this before, and I am sure I will do so again. The Deputy President, Mr Viney, has exactly the same role as the President when he is filling in for the President in the President's absence. Mr Viney can name an opposition member — for example, he can say, 'Mr Leane, you are named'. On his own motion he can say, 'I move a motion that Mr Leane be named, I move a motion that Mr Leane be ejected for the rest of the day and I move a motion that $300 gets taken out of Mr Leane's pay'. Going back to what I said before, I will cop it. I will always cop the decision of the institution.

Mr Viney, in his role of Deputy President, can also say to Mrs Peulich, 'I name you'. Let us think of the machinations here. We have Mr Atkinson's pair, so the government still has the majority. I would be betting that when Mr Leane gets named he hits the showers and he pays the fine. My own party's members would vote for that because I deserved it, and I would cop it. If I had acted like that, I would cop it. Mrs Peulich, in the other case, has the rule of 21-19 on her side. If you take away the pair and if the Greens agree with her, as they did in the last term, she has a majority. But let us just talk about the 21-19 rule. Mrs Peulich gets angry at her own gang. She says, 'This is outrageous. You can't vote for this; this is outrageous'. Out of understanding, her own gang says, 'All right, we're with you'. There is not a hope in hell that the Deputy President will achieve agreement on a motion to name Mrs Peulich and eject her. This all goes back to rule 21-19.

In saying that, this legislation will be passed today. But at the end of the day, whoop-de-do: it is not a parliamentary reform. It is not going to change the Parliament. Going back to the televised debate, it is in no way in line with the answer, 'Yes, that's a good question, Josephine. I'm glad you asked that question about parliamentary reform'. It is in no way in line with the response and the commitments the government gave pre-election. It is in no way in line with its commitments about reforming this Parliament, about getting ministers to answer questions and about being more open and transparent. You just have to look at FOI. The government said, 'We'll appoint an FOI commissioner'. That has not happened.

At the end of the day after we vote on this the Parliament will not be reformed. That will not happen, especially in this chamber. No-one has successfully been named here for probably a decade. Dressing this up as some sort of huge parliamentary reform is just a joke. It is another commitment made by the government that it has not committed to, along with all the others. Let us all wait to catch a train out to Tullamarine and Rowville, let us wait for teachers to be the highest paid in the land and let us wait for all those other commitments. A suite of commitments have not been fulfilled, and the government believes that at the end of this debate it will be able to tick off on its list of commitments 'parliamentary reform'. It is an absolute joke and a stunt. It is very fitting that the first bit of legislation from this Premier should be a stunt, because all we have seen from this Premier is stunt after stunt after stunt. He does not deliver anything. I am sure when more scrutiny is put on this Premier he will get out the Speedos and do more push-ups; he might even go for the mankini. The distraction will be there and more stunts will be on their way. We are expecting it.

We know this bill will get passed today. This side of the chamber will accept the President's ruling; we will accept the institution's ruling, and we will get on with it. But I will say this now: this will not stop us from passionately debating on behalf of our members. This will not stop us from getting angry at times in this chamber. Mr Barber spoke about the Greens being civil and said that they ask questions nicely and that that is the way it all should work. Maybe Mr Barber also needs to show some passion and get angry on behalf of his constituents.

**Mr Barber** interjected.

**Mr LEANE** — We all accept that he is the smartest man in the room, we all conceded that long ago, but now and then maybe his constituents can look for a bit of passion.

**Mr ONDARCHIE** (Northern Metropolitan) — I rise this morning to speak about the Parliamentary Salaries and Superannuation Amendment Bill 2011. I find myself in a very unusual position because — it almost shakes me to say this — I sort of agree with some things Mr Lenders and Mr Leane have said this morning. As unbelievable as it is, I tend to agree with a couple of things they said. One of the things Mr Lenders said in an interjection during Mr Barber's contribution was that constituents expect their local members to represent them. I agree. One of the things Mr Leane said was that if a decision is made he will cop it and, like the sportsperson he is, he will accept the umpire's decision. I agree with that.

This bill amends the Parliamentary Salaries and Superannuation Act of 1968. It provides that members who are named and subsequently suspended from Parliament for the remainder of a day under standing orders shall be fined a day's salary. It improves our accountability as officials. It provides a disincentive for

inappropriate conduct in the house. As Mr Lenders touched on, the fines will be paid into a fund administered by the presiding officers of either house and distributed to charitable organisations. He went off on a bit of a tangent about what those charities can be. I have to say he was so far to the left it was almost extreme, and nobody took that seriously.

This bill — and it is about time — sets a standard for appropriate behaviour in the Parliament. There are many people who visit us in the gallery and listen to or watch us or other parliaments on webcam who shake their heads at the behaviour of some members in the house. It is about time we started demonstrating the values and behaviours that are expected of parliamentarians.

**Mrs Peulich** — No more fisticuffs, Mr Ondarchie.

**Mr ONDARCHIE** — Thank you, Mrs Peulich. The bill will restore the integrity of Parliament and public trust in its members. It builds on a practice adopted by the House of Commons back in 1998. There are members in this house and the other place — members I see from the opposition — who go out and preach about abiding by the rules and regulations of society. But they get in here and act differently. They are not reflecting the values and behaviours that our constituents expect of us. I wonder what the schoolchildren who come in to watch us think about the behaviours they see in our Parliament and how those behaviours reflect their elected leaders. I wonder if any of them who come into this place aspiring to be representatives of their people walk away shaking their heads. I know that on occasion I would have.

The bill makes the consequence of being suspended more severe than simply being prevented from participating in debate. There is already a disincentive in that it prevents the member from taking part in divisions, but that has not really been effective. This goes a long way towards us as a government and as a Parliament saying, 'We expect better of our members'.

This is also about accountability. Mr Lenders and others have spent the better part of the last six months talking about accountability. Well it is time to stand up and support accountability. Admittedly I have been here only a short time and I cannot talk about previous parliaments, but I can talk about the 57th Parliament of Victoria. Let me talk about Mr Lenders's very pointed interjection during Mr Barber's contribution about our constituents expecting their local members to represent them, and let me talk about the representation that has been provided by members for Northern Metropolitan Region in just the 57th Parliament.

**Mr Barber** — The five of us?

**Mr ONDARCHIE** — I am talking about all the representatives of Northern Metropolitan Region, Mr Barber, not just the 5 upper house members but also the 11 lower house members. Let me talk about that representation, representation that Mr Lenders so adequately described. So far in this parliamentary term the member for Northcote has been suspended once from the other place; the member for Richmond has been suspended twice from the other place; and the member for Mill Park, as a timely reminder to this house, has been suspended twice, for the second time, yesterday. That is a timely reminder about why this is so important.

Let me now refer to the member for Yan Yean in the other place.

*Honourable members interjecting.*

**Mr ONDARCHIE** — Let me talk about the member for Yan Yean in the other place. The member for Yan Yean has already been suspended from the other place five times in this Parliament, and on one occasion she was named. For 17.5 per cent of her time representing her constituents in this place she was out of the house. On almost one in five days the member for Yan Yean has been removed from the other place. I challenge Mr Lenders: is that adequate representation of her constituents? Yesterday in the other place she spoke about me and called me 'a member for Northern Victoria Region in the Legislative Assembly'. To be fair to the member for Yan Yean, she has been out of that place so often, she probably does not know who is there and who is not there.

**Mr Lenders** interjected.

**Mr ONDARCHIE** — If Mr Lenders is true to his word about accountability — and goodness knows we have not seen accountability from him in the last 11 years! — he will support this bill, because, as he adequately described in his interjection, our constituents expect our members to represent them. We have already seen on 10 occasions where members representing electorates covered by Northern Metropolitan Region being taken out of the house. It is time for us as a Parliament to say it is not good enough. We expect better from those members, and certainly we expect better from the member for Yan Yean, who has been out of the house almost one in five days. The behaviour and the values of this Parliament should reflect the electors' expectations. In business terms — that is where I come from — are they getting a return

on their investment in us? Are they getting ROI (return on investment)? I do not think so.

Let us look at the list of members who have been suspended from the other place. On 9 February the members for Yan Yean and Albert Park were suspended. On Tuesday, 1 March, the member for Niddrie was suspended. On Thursday, 3 March, the members for Albert Park, Forest Hill and Richmond were suspended, and the member for Dandenong was named and suspended. On Tuesday, 22 March, the member for Tarneit was suspended. On Wednesday, 23 March, the member for Footscray was named and suspended. On Thursday, 24 March, the members for Yan Yean, Lyndhurst, Altona and Albert Park were all suspended. On Wednesday, 6 April, the member for Yan Yean was suspended again. On Thursday, 7 April, the member for Monbulk was suspended. On Thursday, 5 May — lookie, lookie; who is here again? — the member for Yan Yean was named and suspended.

**Mr Viney** — On a point of order, Acting President, those examples that Mr Ondarchie is giving are not relevant to the legislation before the chamber, because they deal with temporary suspensions, not cases of naming of members. This is completely misleading for the house, and I do not believe it is appropriate for these examples to be debated and discussed in this part of the consideration of the legislation.

**The ACTING PRESIDENT** (**Mr Finn**) — Order! There is no point of order. I think Mr Viney may have taken the opportunity to indulge himself in the debate a little prematurely, and I would be very pleased if he would not do that again.

**Mr ONDARCHIE** — If Mr Viney is struggling with that list, I am happy to repeat it for him, but on this occasion I will not. On Thursday, 5 May, the member for Yan Yean was named and suspended. Just so members are sure about that, she was named and suspended. Also on that day the members for Albert Park and Footscray were suspended. On Tuesday, 24 May, the member for Narre Warren South was suspended.

On Wednesday, 1 June, amongst others, the members for Albert Park, Richmond, Northcote and Footscray were suspended. On Thursday, 6 June, the members for Monbulk, Footscray, Eltham and Lara were suspended. On Wednesday, 29 June, the member for Mill Park was suspended. On Thursday, 30 June, the member for Eltham and — hello — the member for Yan Yean again, and the members for Altona, Albert Park and Bendigo were all suspended.

I have to ask: is that true representation? I would expect those opposite to support the bill if they were genuine about, as Mr Leane said, accepting the umpire's decision and if they were genuinely behind ensuring better behaviour in the Parliament.

**Hon. M. P. Pakula** interjected.

**Mr ONDARCHIE** — The Leader of the Opposition-in-waiting is interjecting, but I have to say on 10 occasions members representing areas in Northern Metropolitan Region, representing constituents that I look after as well, have been suspended from the other place. This is not the sort of behaviour Victorians expect of our parliamentarians. We go out there and, through legislation and in the newspapers of the day, preach about the behaviours we expect of Victorians. There are many members — and I have named a number of them today — who do not reflect those exact expectations when they come into this most sacred of places. It disappoints us. This is a place that people should be aspiring to, not shaking their heads at.

I commend this bill to the house for a number of reasons, not the least being that it is about time that we cleaned up our act, cleaned up our own behaviour and dealt with the umpire's decisions, as Mr Leane rightly pointed out. But I come back to where I started. Mr Lenders summed it up well when he said constituents expect their members to represent them, so they expect us to be in the house, and this will go a long way to changing the behaviours. No-one is denying Mr Leane's opportunity to make a robust contribution in the house, but there are behaviours that society expects of us and behaviours that we expect of society, and it is about time this Parliament reflected them. I commend this bill to the house.

**Hon. M. P. PAKULA** (Western Metropolitan) — Acting President — —

**Mrs Peulich** interjected.

**Hon. M. P. PAKULA** — Indeed I was in my office preparing for what I know will be a robust and controversial debate on the Accident Towing Services Amendment Bill 2011 later this day, but on hearing Mr Ondarchie's contribution on this bill I felt inspired to enter the chamber and make a contribution.

I also listened intently to Mr Barber's contribution. I did not agree with a lot of what he said. I know in the time that they have been in Parliament Mr Barber and the other Greens have demonstrated a view about themselves that they have the attributes of moral superiority over the rest of us heathens and peons, and

today he has also demonstrated that he believes they have behavioural superiority and that it is his role to counsel and lecture us on appropriate behaviour. I do not agree with a lot of what he said, but I think I agree with what he said about whether or not this is substantive reform that would make a difference and the concept that if the government was serious about substantial reforms to the way we interact with each other in question time it could do things that are more meaningful than this.

In fact it is true to say that before the election, when he was Leader of the Opposition, Mr Baillieu made a number of commitments and a number of comments in the leaders debate and in other forums about the changes that he would make if he was Premier to the way Parliament is conducted. He made a commitment to ensure that ministers would answer questions in question time succinctly, directly and relevantly. He also indicated he believed Dorothy Dixers were a waste of the Parliament's time. Even if some of those comments did not amount to watertight commitments, he certainly gave the impression when he was questioned by his now head of media that he was serious about parliamentary and question time reform and that he would impose reforms that would impact on the way that government MPs, and ministers in particular, carried themselves during debate. He did not say anything about a system of fining MPs who are taken out of the chamber or named in the chamber and removed. That was a comment and commitment that came subsequent to the election and gave the Premier some very good headlines at the time that he made it. I suspect he made it without the knowledge of the presiding officers, but as we know, once made, these commitments can scarcely be taken back.

It is interesting to me that the commitments that were made that would have acted as a shackle on the behaviour of ministers are nowhere to be seen. There is no reform of question time as such, no change to the way ministers answer questions and no change to the system of Dorothy Dixers. I am not going to pontificate about Dorothy Dixers — they have been around since Adam was a pup — but Mr Baillieu said he would do something about them. In an interjection Mrs Peulich said, 'There's still time'. I hope she is right. I hope this is a change that the Premier intends to implement later in the term.

**Mrs Peulich** — I didn't specifically say it about that.

**Hon. M. P. PAKULA** — Mrs Peulich says she did not specifically say it about that. Maybe it was about the change to the way ministers answer questions, because there has been no change to that either.

**Mrs Peulich** — Broad parliamentary reform.

**Hon. M. P. PAKULA** — Broad parliamentary reform in its current manifestation, Mrs Peulich, is about nothing more than this process of fining MPs who are named. In Mr Ondarchie's contribution he ran through — —

**Mr Ondarchie** interjected.

**Hon. M. P. PAKULA** — Mr Ondarchie, you are welcome to leave and welcome to stay — it is a matter for you. In Mr Ondarchie's contribution he went through a litany of opposition MPs in the other place who have been either suspended or suspended and named. Thankfully, he did not name many from this place; I struggle to think of an example of someone who has been ejected from this place in this session. That is a testament both to the fact that there is probably better behaviour in the Legislative Council and to the forbearance of the current President.

**Mrs Peulich** — Better presiding officers.

**Hon. M. P. PAKULA** — As I said, it is a testament to the forbearance of the current President.

**Mrs Peulich** — Correct.

**Hon. M. P. PAKULA** — Mrs Peulich and I seem to be on a unity ticket. What Mr Ondarchie did not go to, either because he did not know or because he did not want to go there, was firstly, how many government MPs have been excluded from the other place — —

**Mr Ondarchie** — I said 'amongst others'.

**Hon. M. P. PAKULA** — He said 'amongst others', but he did not read them out. I suspect the list of government MPs who have been suspended or named and suspended from the other place is a very short one.

**Mr Ondarchie** — Because they are better behaved.

**Hon. M. P. PAKULA** — Mr Ondarchie says it is because they are better behaved. Maybe it is because they are better behaved, but maybe — and more likely — it is because they have less to feel aggrieved about than opposition MPs in the other place.

The other thing Mr Ondarchie did not go into was the reasons why those opposition MPs were ejected. On many occasions it was because of their inability to question government ministers, to pursue lines of questioning, because of the rulings of the Presiding

Officer in the other place. Mr Ondarchie is a smart fellow, but he is not as smart as he thinks he is — —

**Mr Ondarchie** — On a point of order, Acting President, it seems to me that Mr Pakula is impugning the integrity of the Speaker in the other place, and I would ask you to direct him accordingly.

**Hon. M. P. PAKULA** — On the point of order, Acting President, Mr Ondarchie spent 10 minutes impugning the integrity of a litany of members in the other place, but when I spent a mere 15 seconds defending them and giving the reasons for their ejection he jumped to his feet to protect the Presiding Officer.

**Mr Lenders** — On the point of order, Acting President, when I led the debate in this place and the President was in the chair my opening remarks were along the lines that this was a difficult debate that will reflect on presiding officers. The record will show that the President, without verballing, invited members to be robust. I say that for the assistance of the Chair, because the President commented on this earlier in the debate.

**The ACTING PRESIDENT** (**Mr Finn**) — Order! I thank Mr Lenders for his advice and assistance. I recall the words of the President in his opening comments shortly after Mr Lenders rose to his feet to speak in this debate. Taking those comments into consideration, I find there is no point of order.

**Hon. M. P. PAKULA** — Thank you for your ruling, Acting President. Despite the President's ruling, I will keep this within relatively civil confines. However, it has been well publicised that there has been incident after incident in the other place where members of the opposition have felt terribly aggrieved by the interventions of the Presiding Officer and his attempts to prevent members of the opposition from robustly questioning ministers, including the Premier, on a range of matters. In his own way Mr Ondarchie has helped to make the opposition's case for us. The government has failed to implement the changes to parliamentary procedure that would act as a fetter on the government and has instead implemented the one change that would act as a fetter on the opposition.

The only members of Parliament who will be truly constrained and fettered by this change are members of the opposition. The suggestion that this is a change that will raise parliamentary standards is bogus to this extent: it will do nothing to constrain the behaviour of members of the government because they know they will not be named and suspended. The list Mr Ondarchie read out indicated the massive disparity between the number of opposition members who have been thrown out and the number of government members who have been thrown out. If the government is serious about raising standards, it will implement changes that do not only constrain members of the opposition but also members of the government, particularly ministers.

**Business interrupted pursuant to standing orders.**

## QUESTIONS WITHOUT NOTICE

### Planning: Waverley Golf Club land

**Mr TEE** (Eastern Metropolitan) — My question is to the Minister for Planning, and I ask: has the minister met with the Waverley Golf Club as part of its efforts to have club land included as part of the urban growth boundary?

**Hon. M. J. GUY** (Minister for Planning) — I thank Mr Tee for his question. What should be noted in this question is the fact that there is only one member of Parliament who has sought to lobby me on an outcome for an urban growth boundary change in Waverley. A number of — —

**Mr Lenders** — On a point of order, President, the question Mr Tee asked of Mr Guy was in relation to whether he had met with the Waverley Golf Club. I put to you, President, that he is now debating the issue, not answering the question about whether he met with the club. What another member of Parliament did has nothing to do with whether or not he met with the club.

**Mrs Peulich** — On the point of order, President, clearly under standing orders the answer that the minister began to give — and he is just in the very early part of it — is relevant. He has mentioned the name of the club that Mr Tee asked about in the question, and I think he should be allowed to proceed.

**The PRESIDENT** — Order! I thank the Leader of the Opposition for his point of order. On this occasion I do not intend to uphold it. For a start, the minister had just commenced his answer. He has a considerable amount of time to address the specific question that was put. As members would be aware, I certainly cannot direct a minister to answer a question. The remarks he has made, whilst they have not specifically answered the question at this point of his answer, were apposite to the question. They were particularly apposite on this day, in the view of the Chair, because I take it that the minister's comments thus far have been reaffirming a position he put to the house yesterday that has been subject to serious challenge by members of the opposition in the course of proceedings today. It seems

to me that the minister was using the opportunity offered by this question to reaffirm his position as part of the answer he will provide to the house. I am mindful of debate and I do not wish to have extraneous matters canvassed as part of debate, but at this juncture the Chair accepts that the minister is well within his rights to be answering as he has been to this point.

**Hon. M. J. GUY** — As I said, never has another member of Parliament directly contacted me, in the manner that the member for Monbulk did, to seek direct influence over the urban growth boundary change — never! What is amazing is that the only member of Parliament to do this was from the Australian Labor Party, the same party that is out there in newspapers trying to oppose boundary change. It begs the question: are they in favour of a process or not? The simple answer is that you can meet — —

**Mr Lenders** — On a point of order, President, and heeding your previous ruling, when Mr David Davis answered a similar question reflecting on him in an earlier question time, your advice to him was that that should be done through a personal explanation. Mr Guy is now debating the policies of another party rather than answering the question about whether one or more MPs — which is what Mr Guy said — have approached him. I put it to you, President, that he cannot have the advantage of a debate and a personal explanation, because he has chosen not to make a personal explanation.

**The PRESIDENT** — Order! On the point of order, I do not accept that Mr Guy is commenting on the policies of another party. He has been commenting on representations that have been made to him on behalf of a community group, which is the subject of this question. It is quite different to the matter I ruled on in respect of Mr Davis. I do not see this as a personal explanation, notwithstanding that I have just said that I certainly see that the minister is affirming the position he put yesterday, presumably for the benefit of the house in the context of proceedings earlier this day.

However, I was close to getting to my feet in my own right on the basis I felt that the minister had begun to debate the issue and that the information he was putting to the house in this question time was very similar to material he had canvassed yesterday — again in a robust way. In my view it went beyond affirmation that his information yesterday was accurate, which is what I think he sought to do in the early part of his answer. The minister is now moving into an area where he is debating, fairly vigorously, some of the information that has been put before, so I ask the minister to return to the substance of the question.

**Hon. M. J. GUY** — Representation and direct lobbying are very different things.

*Supplementary question*

**Mr TEE** (Eastern Metropolitan) — I note that essentially Mr Merlino is seeking to directly influence Minister Guy when he writes to him. Is it the minister's position that when Mr Wakeling, the member for Ferntree Gully in the Assembly, organises a meeting with the minister and the golf club over the same land, seeking the same outcome, that is something different? Is it the minister's position that Mr Wakeling was not seeking to directly influence him in relation to the inclusion of that land when he organised a meeting with the golf club, which the minister attended?

**Mrs Peulich** interjected.

**The PRESIDENT** — Order! I remind Mrs Peulich that the minister does not require assistance with his answer.

**Hon. M. J. GUY** (Minister for Planning) — Labor MPs have contacted me for support on certain matters — like Ms Duncan, the member for Macedon in the other place, did on wind farms. They say, 'I am not endorsing this; I am simply seeking clarification'. Now Labor Party members have changed their tune. Direct lobbying is where someone says, 'I request you include this land as a matter of priority in a government process', and you put it in print and send it to a minister. Yet your party says, 'We oppose that process'.

## Carbon tax: employment

**Mr KOCH** (Western Victoria) — My question is to the Minister for Employment and Industrial Relations, and I ask: can the minister outline to the house what the impact on Victorian jobs will be of the commonwealth's carbon tax?

**Hon. R. A. DALLA-RIVA** (Minister for Employment and Industrial Relations) — Industry in Victoria is currently facing multiple challenges, and we have outlined this before — a high dollar, soft consumer demand and intense global competition.

*Honourable members interjecting.*

**Hon. R. A. DALLA-RIVA** — Despite the laughter of those opposite, these are difficult times. We know businesses across this state do not need governments to make life any harder for them than it already is. The challenge for governments in these tough circumstances is to identify policies to encourage gains in productivity and competitiveness, because the key to securing a

strong and successful future for our industries and to generate well-rewarded work for all Victorians who want to work is to ensure that our businesses are the best and most competitive in our domestic markets and also to encourage more and more of these businesses to equip themselves to compete with the best in global markets. That is where governments can provide leadership. Those opposite continue to laugh about where things are at, but those opposite have failed miserably both in this state and nationally.

I will give one example of their incompetence. The 2006–07 manufacturing census, which was conducted by the Australian Bureau of Statistics, found there were 1 063 900 Australians with jobs in the manufacturing industry. I hope members opposite write that down, because if we fast forward to today, we find that 71 000 fewer Australians have a job in manufacturing. That is what has happened; 18 000 jobs have gone just in manufacturing for every year Labor has been in power in Canberra and when those opposite were at the wheel as well. That is Labor's dismal track record. I note for *Hansard* that members opposite are not laughing now, because they know that is their record.

It saddens me to report that the impact of Labor's incompetence is about to get much worse. If we did not think it could get much worse, it is about to. We are now learning of the damage which will be caused to the state by the Gillard government's carbon tax. An analysis by Deloitte, which was prepared for the Department of Premier and Cabinet, demonstrates just how hard Victorians will be hit by this tax.

**Mr Barber** — On a point of order, President, the minister is apparently referring to or reading from a document being a report prepared for his government by Deloitte, which he has provided exclusively to the *Herald Sun*. I wonder if he would table it in the house?

**Hon. R. A. DALLA-RIVA** — On the point of order, President, for those in the Greens-Labor alliance, what I am referring to is on the website at www.heraldsun.com.au. There they will find a table entitled 'Taxing our jobs', which sets it all out. I recommend they read it.

**The PRESIDENT** — Order! I ask the minister whether that was the completion of his answer or whether it was a response to the point of order?

**Hon. R. A. DALLA-RIVA** — A response to the point of order.

**The PRESIDENT** — Order! If a member is reading from notes, members are entitled to ask that those notes be tabled as a courtesy, particularly if a member is reading extensively. The member has an opportunity to say they do not wish to table them — and that might be a matter for conjecture. While the minister might be making reference to the particular report that Mr Barber has raised, he is clearly not quoting extensively from it, and I do not see that he has an obligation to table it. As a courtesy to the house Mr Dalla-Riva has indicated the availability of that report on the internet, so members and other interested parties would be able to access it there. There is no requirement for him to table it. He might be quoting some small sections from that report, but clearly not extensively.

**Hon. R. A. DALLA-RIVA** — Thank you, President. The Deloitte modelling, which is on the website www.heraldsun.com.au, makes the point that the Victorian economy will be $2.8 billion worse off within four years under Labor's carbon tax. It will also reduce Victoria's employment growth by 24 311 jobs by 2015 — that is, 24 000 fewer jobs across the state over the next four years due directly to the carbon tax.

Geelong, an area which Mr Koch represents, will be hit hard. It will have 900 fewer jobs. Ballarat and Bendigo will each end up with 500 fewer jobs due to the impact of the carbon tax. If those opposite had a genuine concern for industry in this state, if they had a genuine concern about securing jobs for Victorians into the future and if they were not sitting there laughing and smirking about their achievements, they would be on the phone to the Prime Minister demanding that she scrap this poorly conceived tax. Those opposite should speak up for Victorians, but instead they are standing back as queasy onlookers, saying and doing nothing.

*Supplementary question*

**Mr KOCH** (Western Victoria) — Can the minister further advise of other communities in Victoria that will be hit hard by Labor's carbon tax?

**Hon. R. A. DALLA-RIVA** (Minister for Employment and Industrial Relations) — I thank Mr Koch for his supplementary question because, of course, this report at www.heraldsun.com.au also mentions a number of other places. Monash, which is a place known to the Leader of the Opposition in the other place, will lose more than 1000 jobs by 2015 due directly to Labor's carbon tax. In fact, this tax will destroy jobs across what were once considered to be the Labor heartlands. In Banyule, 451 jobs will be gone; in Darebin, there will be 439 fewer jobs; in Greater Dandenong, 498 jobs will be gone; in Hume, 494 jobs will be gone; in Maribyrnong, it will be 295; in Moonee Valley, 422; in Moreland, 316; in Port Phillip it will be 1083; and in Yarra, it will be 792 — and so it goes on.

Those opposite come into this house feigning concerns about job losses, but what will they have to say to the workers in the great industrial centres of the state as Labor's carbon tax wipes out thousands of job opportunities?

## Information and communications technology: procurement process

**Mr SOMYUREK** (South Eastern Metropolitan) — My question is directed to the Assistant Treasurer, Gordon Rich-Phillips. I refer the minister to the botched tendering of the e-services panel which has devastated the confidence of the Victorian ICT industry, the corollary of which may be the flight of ICT investment and ICT jobs from Victoria. I also refer him to his press release dated 14 July in which he stated:

> It was apparent there was a need for a broader panel to meet the government's ICT requirements.

Given that 600 firms applied, was the failure to provide a broad range of firms to meet government needs a failure of the design of the process or the administration of the process?

**Hon. G. K. RICH-PHILLIPS** (Assistant Treasurer) — I thank Mr Somyurek for his question. Of course, I do not accept the premise of the statement he has made. Mr Somyurek has asked me about a tender process that is now a live tender process, so I do not propose to comment on the tender process that is currently under way. But as Mr Somyurek has noted, the government is undertaking a refresh of the e-services panel to provide more opportunities for ICT companies to engage with government and to provide a broader pool of suppliers to government from which to engage. I note that process has been welcomed by industry.

*Supplementary question*

**Mr SOMYUREK** (South Eastern Metropolitan) — Given the impact of the e-services panel on Victoria maintaining its national lead in ICT, did the minister receive a briefing, either written or oral, prior to the request for tenders — I repeat, prior to the request for tenders?

**Hon. G. K. RICH-PHILLIPS** (Assistant Treasurer) — As I said to the house earlier, this is a live tender process and I do not intend to discuss the process while it is under way.

**Mr Somyurek** — Technically I am not sure whether this is a point of order; it is just for the assistance of the minister. He might have misheard me; I think his auditory processing abilities might be a little — —

*Honourable members interjecting.*

**Mr Somyurek** — Sorry. In fairness, I did say twice 'prior to the commencement of the tender process'.

**The PRESIDENT** — Order! The minister feels he has completed his answer, and I am not in a position to direct him alternatively.

## Children: Take a Break program

**Mrs COOTE** (Southern Metropolitan) — My question is to the Minister for Children and Early Childhood Development. Can the minister inform the house of her latest efforts to lobby the federal government to provide funding and support for occasional child care?

**Hon. W. A. LOVELL** (Minister for Children and Early Childhood Development) — I thank the member for her question and for her ongoing interest in the provision of child care in Victoria and the federal government's failure to supply funding for an area that is its prime responsibility — that is, the resourcing of child care.

As I previously informed the house, since early in my term as minister I have been lobbying the federal government to restore funding for the Take a Break program, funding it ripped out of the budget in May 2010. It ripped this funding out of the budget without any discussion with the states, service providers or families. It was ripped out of the budget in May, and that would have meant services would have closed six weeks later. We also know that the shadow minister has spectacularly failed in trying to lobby the federal government, because she also admitted that she had lobbied it, but to no effect.

Victoria has money on the table ready to go to extend the funding for occasional care, providing the federal government lives up to its responsibilities and restores the funding it ripped out of this program last year. I have written to the federal minister on a number of occasions on this matter; I have met with the federal minister; I have had telephone conversations with the federal minister, but she continues to ignore the need for funding for occasional care in Victoria.

Yesterday I wrote to the Leader of the Opposition in this state appealing to him to sign a joint open letter to Kate Ellis, the federal minister for Minister for Employment Participation and Childcare, asking her to review the eligibility for funding of the child-care

benefit and child-care rebate to make it available to occasional care providers. Did the opposition leader sign that letter? No, the opposition leader refused to sign that letter. He refused to stand up for Victorian families. Instead, he put his Labor mates in Canberra first. Labor first, Victorian families last — that is the position of the state Labor opposition leader.

We are continuing to lobby the federal government to live up to its responsibilities. Labor is using Victorian families for short-term political gain.

## Children: Take a Break program

**Ms MIKAKOS** (Northern Metropolitan) — My question is for the Minister for Children and Early Childhood Development. As the minister is aware, many of her own constituents have expressed concerns about the impact her axing of the Take a Break program will have on their towns where no alternative child-care options are available — towns like Mooroopna, already affected by job losses. I ask the minister: what analysis has her department made of the impact her axing of this program will have on employment in regional communities?

**Hon. W. A. LOVELL** (Minister for Children and Early Childhood Development) — I thank the shadow minister for giving me the opportunity to talk about Mooroopna and the job losses in Mooroopna at the SPC Ardmona cannery that are due to federal government policies. Coca-Cola Amatil has said that federal government policies like the modernisation of awards — —

**Ms Mikakos** — On a point of order, President — —

**Hon. W. A. LOVELL** — Ms Mikakos mentioned it.

**Ms Mikakos** — My question was specifically on whether the minister's department has provided her with an analysis on the axing of the Take a Break program. It was not about SPC Ardmona, it was about the impact that cutting the Take a Break program will have on employment in regional communities. The minister should take this seriously; these are her constituents.

**Hon. D. M. Davis** — On the point of order, President, it is clear that the member did mention job losses in Mooroopna; that was precisely part of her question. The minister is responding directly to the member's points about job losses in Mooroopna that are the federal government's responsibility.

**The PRESIDENT** — Order! First of all, in respect of points of order it is not helpful when Ms Mikakos then lectures the minister as part of the point of order. The point of order is about a problem with the procedures, not about having a shot at the other side. On this occasion the question provided the minister with an opportunity to take this tack in her answer because, as I understand it, the question included a reference to job losses. Therefore, the minister is quite entitled to answer all the question in any way she sees fit, notwithstanding that those remarks might have been embellishment or supporting information, as distinct from the exact point Ms Mikakos was trying to get an answer on.

As I said, the words were there, phrased in the question. The minister has an opportunity to actually answer the question or any part of the question she wishes to. The minister, to continue.

**Hon. W. A. LOVELL** — I continue with my answer. As I was saying, the federal government's award modernisation and policies around food labelling laws, the carbon tax and the uncertainty of the carbon tax are all having an effect on food processors in the Goulburn Valley and have led to the loss of 150 jobs in Mooroopna. It is a loss of jobs that I take very seriously, because these are jobs in my community, and the policies of the federal government are causing these losses.

A further impact on the community of Mooroopna may be the winding back or closure of its occasional care program, which would also be due to the policy of the federal government to stop funding occasional care. The federal government could fix this. It could put its money back into this program, or it could make changes to the eligibility for child-care benefits and rebates so that people who use occasional care could benefit from those payments as well. That would fix part of the problem of the lack of funding for occasional care in Victoria.

*Supplementary question*

**Ms MIKAKOS** (Northern Metropolitan) — The minister has clearly failed to answer my question. I ask her to advise the house on what advice she has received from her department as to how many Take a Break employees will lose their jobs when funding is concluded.

**Hon. W. A. LOVELL** (Minister for Children and Early Childhood Development) — My department is working with the Take a Break providers, unlike the federal government, which washed its hands of it. It is

the federal government's responsibility, but it is not doing anything to work with these providers. My department, in the absence of the federal government doing anything, is working with the providers to try to find alternative solutions for them. They are getting the Department of Education, Employment and Workplace Relations to attend some of these meetings to try to provide advice to the child-care services on what other opportunities may be available. The final estimate of what services will continue in this state has not been made yet, so that advice is not available at this point.

## Health: pharmaceutical benefits scheme

**Mrs PETROVICH** (Northern Victoria) — My question is to the Minister for Health, who is also the Minister for Ageing, Mr David Davis. I ask the minister to inform the house what the impact of the commonwealth's changes to the pharmaceutical benefits scheme will be on Victorians.

**Hon. D. M. DAVIS** (Minister for Health) — I am thankful to the member for this question because it relates to the important matter of the pharmaceutical benefits scheme (PBS), the commonwealth's administration of the scheme and its impact on Victoria.

**Mr Lenders** — Are you responsible for anything?

**Hon. D. M. DAVIS** — Absolutely, and I am indicating some matters of great significance to Victoria. The Finances and Public Administration References Committee of the Senate just yesterday brought down a report on the government's administration of the pharmaceutical benefits scheme. I am grateful to that Senate committee. It has looked at the changes proposed by the commonwealth government and in fact implemented in terms of the approach to approvals of pharmaceuticals. I pay tribute to the work of a number of members of that committee. I note Senator Di Natale, the new Greens senator, is a member of that committee, and Senator Scott Ryan has taken a particular interest in a number of these matters. The point here is that the new arrangements for the pharmaceutical benefits scheme that have been introduced by the federal minister — the deferral of listing and arrangements and funding for pharmaceuticals — will have an impact on patients, the community and on state administration of a number of these areas.

*Honourable members interjecting.*

**Hon. D. M. DAVIS** — I am putting on record my concerns about changes that have been made at the federal level. I am doing that, I remind Mr Lenders, in a very moderate and reasonable way. I am pointing out that the Senate committee tabled a report that provides guidance and information to Victorians about the impact. I note some of the recommendations and comments. The committee spent two months looking at these matters. It noted that the March announcement by the commonwealth government would mean that all new items approved by the Pharmaceutical Benefits Advisory Council that will increase the cost of the PBS will need to be considered by cabinet and will delay the availability of a number of these key pharmaceuticals. The committee said the federal government changes to how new medicines are listed on the pharmaceutical benefits scheme are 'profound and ill considered'.

**Mr Jennings** — But what are they?

**Hon. D. M. DAVIS** — Let me explain to Mr Jennings. There will be a delay — —

**Mr Jennings** — I have been waiting for 3 minutes.

**Hon. D. M. DAVIS** — I am just going through this very carefully for Mr Jennings. The recommendation of the committee was that the government withdraw its statement made in February on the deferral of new medicines.

**Mr Jennings** — No; what is the implication? You have not named one implication for Victoria. You haven't even found, in 3 minutes, the reason why the question was asked.

**Hon. D. M. DAVIS** — I am trying to help Mr Jennings. Let me go through this. The delay will shift the cost to the treatment of patients in the public health system in Victoria.

**Mr Jennings** — Yes, but you don't pay that.

**Hon. D. M. DAVIS** — There are some contributions. There will be arrangements. In Victoria public hospitals control what medicines are supplied through the hospital, and the hospital supplier reimburses for PBS-listed medicines and will, on occasion, need to assist with medicines.

**Mr Jennings** — How much do you pay for medicines in hospital?

**Hon. D. M. DAVIS** — I can find that out for Mr Jennings and give him an exact figure, if he would like. But there are costs that are not reimbursed by the pharmaceutical benefits scheme, and there will be a delay in the arrangements here that will generate additional costs at a state level. I am concerned the deferrals will create further clinical and financial

uncertainty for patients and the public health system. Mr Jennings will need to focus on some of this, and I will be focusing — —

**The PRESIDENT** — Time!

## Children: Take a Break program

**Ms MIKAKOS** (Northern Metropolitan) — I refer my question without notice to the Minister for Children and Early Childhood Development. I ask the minister whether she will now act to ensure that regional and small, isolated rural communities are not left without any local occasional child care, threatening their local jobs, and will the government now respond to affected communities calling for her to reinstate funding to Take a Break?

**Hon. W. A. LOVELL** (Minister for Children and Early Childhood Development) — I do not know how many times the shadow minister needs to be told that the funding of child care is a federal responsibility. She knows this: she actually admitted in this house that she had lobbied her federal counterparts — lobbied them unsuccessfully but lobbied them all the same — to restore the funding they ripped out of this program. Victoria has its offer on the table. I suggest that the shadow minister lobby her federal counterparts further to get them to put their money back in, and there will be no problem with this program continuing.

*Supplementary question*

**Ms MIKAKOS** (Northern Metropolitan) — I refer to the Leader of the Opposition's letter asking — —

*Honourable members interjecting.*

**The PRESIDENT** — Order! I note that on a number of occasions Mr O'Donohue says things like 'Eyes up' and refers to members reading things. I paid attention last night during Mr O'Donohue's adjournment item and noticed that he read his entire speech. It is not helpful to be reprimanding members in this place for reading questions without notice. It is the longstanding practice that, because of the limited amount of time available to members, they are able to write their questions before asking those questions, and they deserve the courtesy of the house in reading those questions. They have limited time and, as with the 90-second statements, it is important that members have the opportunity to read their questions. In many cases ministers also rely extensively on notes for their answers. I know there are a number of members who remark about other members reading speeches or reading from notes in this place. I keep an eye on it, as I am sure do the acting presidents and the Deputy President. If there is a problem with it, we will correct it. We do not need interjections on this matter.

**Ms MIKAKOS** — My supplementary question is to the Minister for Children and Early Childhood Development. I refer to the Leader of the Opposition's letter asking the Premier to meet with a delegation of affected parents and staff. I ask the minister whether she will take up the Leader of the Opposition's offer to meet that delegation and also whether she will join me at 1 o'clock on the front steps of Parliament to meet with affected families, including many of her own constituents.

**Hon. W. A. LOVELL** (Minister for Children and Early Childhood Development) — I can assure the shadow minister that I do not need the Leader of the Opposition to organise any delegations for me. I have met with many of these communities. On 1 July I met with the Tallygaroopna, Murchison, Katandra West, Barmah, Tongala and Toolamba occasional care providers. I have met with Victoria Weatherlake and others from the Chelsea area, and I have a delegation coming to the Parliament today. I am unable to be out on the steps at 1 o'clock due to a longstanding appointment that was scheduled at that time so that we would not be interrupted by the bells in the chamber. It is an important meeting, and it could not be changed. I have invited a delegation from the protest group to meet with me after my other meeting. I would like to invite the shadow minister to join me in a delegation to lobby her federal colleague, Kate Ellis, and the federal government, which is the level of government responsible for the funding of child care.

**The PRESIDENT** — Order! The member's time has expired.

## Department of Education and Early Childhood Development: appointments

**Mr DRUM** (Northern Victoria) — My question without notice is to the Minister for Higher Education and Skills, who is also the Minister responsible for the Teaching Profession, Mr Hall. I ask the minister — —

*Honourable members interjecting.*

**The PRESIDENT** — Order! Mr Drum, without assistance.

**Mr DRUM** — From the puppets in the back row.

**The PRESIDENT** — Order! Mr Drum! I ask Mr Drum to continue with his question.

**Mr DRUM** — Thank you. Can the minister — —

**An honourable member** — He has already protected you from Mr O'Donohue!

**Mr DRUM** — And a puppet in the front row. Can the minister advise the house — —

**Mr Leane** interjected.

**Mr DRUM** — You are not smart enough to be a puppet!

**The PRESIDENT** — Order! I advise Mr Drum that I am standing; he is not. This talk of puppets is ridiculous. Mr Leane's remark was also most unparliamentary in the circumstances. It is not helpful when I have directed Mr Drum to continue with his question to have further provocation that invites him to make other remarks. It is just not helpful to the proceedings of the Parliament. Mr Drum, to continue with his question.

**Mr Leane** — Oh, to be as smart as Damian — I wish!

**Mr DRUM** — Put some soap in!

**The PRESIDENT** — Order! Mr Leane is on a warning. Mr Drum to continue.

**Mr DRUM** — Can the minister advise the house of any recent changes in leadership of his department?

**Hon. P. R. HALL** (Minister for Higher Education and Skills) — I have great pleasure in advising the house that this morning there was an announcement of some significant senior appointments in the Victorian public service. Some of them were particularly relevant to the Department of Education and Early Childhood Development. If members are not already aware, I inform them that Richard Bolt, currently the Secretary of the Department of Primary Industries, has been appointed as the new Secretary of the Department of Education and Early Childhood Development. Richard Bolt, as I am sure many members will know, has been the Secretary of the Department of Primary Industries since November 2006 and has done an outstanding job in that role. I welcome his appointment as Secretary of the Department of Education and Early Childhood Development and look forward to working with him, and I know my other ministerial colleagues Ms Lovell and Mr Dixon share that enthusiasm for working with him in the future.

I also want to thank Jeff Rosewarne, who is currently the acting secretary of the department, and congratulate him on his appointment as Secretary of the Department of Primary Industries. I extend to Mr Rosewarne a heartfelt thanks for the work he has done not only in the last nine months as acting secretary of the department but also over his long and distinguished career in public service, particularly the years he spent in education. Jeff Rosewarne started with the department of education back in 1980 and has served almost continually in education since that time, albeit for a brief period of time in recent years when he served with the bushfire recovery authority. As I said, Mr Rosewarne started in 1980. I met Jeff Rosewarne when I became a member of this place in the late 1980s and respected him then for his fine abilities. He has employed those fine abilities to provide exemplary service to governments of all persuasions over the course of that time. While he will be a loss to education, he will certainly be a decided asset to the Department of Primary Industries, and I am sure he will go on to serve that department and the Victorian public well into the future.

I congratulate both Mr Bolt and Mr Rosewarne on those appointments. I also extend congratulations to Andrew Tongue, who has been appointed as the Secretary of the Department of Planning and Community Development. We all rely on the skills and abilities of the senior public servants who operate in this state, and the three I have mentioned today have been and will be fine public servants. I congratulate them on their appointments.

## Children: beauty pageants

**Ms HARTLAND** (Western Metropolitan) — My question today is for the Minister for Education and Early Childhood Development, Ms Lovell. Yesterday my motion calling for a referral to the child safety commissioner in relation to child beauty pageants was debated and passed with the support of all parties. It was clear from the debate that all parties have genuine concerns about these practices. There was no opposition to the motion, including from the government. I ask the minister when she will make a referral to the child safety commissioner on the issue of child beauty pageants.

**Hon. W. A. LOVELL** (Minister for Children and Early Childhood Development) — As I have said in this house during question time this week, I have made a referral to the child safety commissioner. I asked him to attend the Universal Royalty Beauty Pageant that was held in Melbourne at the end of July. The commissioner has reported back to me, and I will repeat the findings of the commissioner's report. The commissioner said:

> … my overall impression was one of people having fun
> … there was no dynamic of unsafe or coercive practice.

> I spoke to the members of the audience, parents, kids and others, and they all seem pretty happy and enthusiastic.
>
> …
>
> I didn't get a feeling of oversexualisation ….
>
> …
>
> I saw nothing sinister, unsafe or degrading during my visit.

However, he said that in his opinion, and in the opinion of the government:

> … we should remain vigilant around children's pageants simply because they are based on a perception of competitive beauty and personal appearance.

At this stage there is no evidence of a need to overreact with further legislation or regulation around this industry. We will continue to keep a close eye on future pageants. If the need arises for further regulation of this industry, we will then work with the child safety commissioner and, if necessary, the Victorian Children's Council, of which the child safety commissioner is a member, in order to address those issues.

*Supplementary question*

**Ms HARTLAND** (Western Metropolitan) — I am quite disappointed with the minister's answer, because I think it was fairly clear yesterday that people had raised real concerns about these beauty pageants. I intend to write to the child safety commissioner asking him to research this matter, considering the government has refused to do that. The minister in her answer today talked about the information she had received from the child safety commissioner. When will that report be presented to the Parliament or will it be presented in another way?

**Hon. W. A. LOVELL** (Minister for Children and Early Childhood Development) — I am very happy to table and make available a copy of the child safety commissioner's report and also a copy of my response to the child safety commissioner today.

## Planning: north-eastern suburbs

**Mr ONDARCHIE** (Northern Metropolitan) — My question today is for my friend and colleague the Minister for Planning, the Honourable Matthew Guy. Can the minister inform the house how the Baillieu government is acting on urban renewal outcomes for Melbourne's north-eastern suburbs?

**Hon. M. J. GUY** (Minister for Planning) — I thank my good friend and colleague Mr Ondarchie for another excellent question focusing on urban renewal and job generation for Melbourne's northern suburbs. Recently Mr Ondarchie and I visited the city of Banyule to see the Greensborough central project and to commit a further $2.14 million to the Greensborough Walk. This is a magnificent project that will create jobs in Banyule. Local jobs will redefine the town centre and will see Greensborough grow to be the capital of the north-eastern suburbs of Melbourne.

The project is led brilliantly by the City of Banyule, including the mayor, Peter McKenna, whom I pay tribute to, and by councillors Wayne Phillips, Jenny Mulholland and Steven Briffa and the other councillors of the City of Banyule. I congratulate CEO Simon McMillan and the staff at Banyule City Council for some excellent leadership in relation to the Greensborough Walk project and the urban renewal that is taking place in the heart of Greensborough.

What we are seeing in our local areas in the north-eastern suburbs — which are represented by Mr Ondarchie and me, and parts of that municipality are represented by Mr Dalla-Riva, Mrs Kronberg and the President — is a change that will see a great town centre being built in Greensborough in the next decade. This town centre is being built and pursued by the Banyule City Council, which has been leading this project in a fantastic way.

We were pleased to commit the funds from the Baillieu government and to see that job generation taking place in Melbourne's northern suburbs. It is job generation that will see Greensborough grow. There is $2.14 million — —

**Mr Lenders** interjected.

**Hon. M. J. GUY** — The chief sulker in the opposition can go and whinge all he likes. He can sulk all he likes, but I guarantee that we will build him a fruit shop so he can buy his lemons to suck on so he can stay sour, because this government, the Baillieu government, believes in job generation in the north-east.

**Mr Jennings** interjected.

**Hon. M. J. GUY** — I hear the thespian piping up. We have heard a bit from him today. We will be giving him marks out of 10. But instead I will give a 10 out of 10 to Greensborough; the government will give a 10 out of 10 to Greensborough; we will give a 10 out of 10 to job generation in the northern suburbs. The only threat to this is research from Deloitte showing that a carbon tax, advocated by federal Labor and supported by the fruit shop owner on the other side of the

chamber, the thespian, the wannabe member for Hotham and the rest of them up the back — —

*Honourable members interjecting.*

**Hon. M. J. GUY** — Here he comes. Come on down spinner!

**Mr Viney** — On a point of order, President, one could only describe that as a litany of sledging, including references to alleged occupations of members of Parliament that are clearly quite insulting.

*Honourable members interjecting.*

**Mr Viney** — I am not quite sure of the implication of that suggestion, but I hope it is not what I suspect. It would be better if the President could advise the minister that if we are going to have a debate on parliamentary standards, which we have already started, the minister might like to start that when answering questions during question time.

**The PRESIDENT** — Order! Being a fruit shop owner is a noble profession. Nonetheless, I understand the point that has been made, and the point is valid. Had there not been a point of order made, I would have been on my feet, because Mr Guy's answer had been focused for too long on members of the opposition. I accept that that was not without some provocation, but nonetheless Mr Guy was asked a question in respect of Greensborough which, as he indicated earlier in his answer, would be of certain interest to me as I am sure it would be to most members of this house, given that it is one of Melbourne's activity centres. I would have thought it would have been more beneficial to the house if Mr Guy were to return to discussing the original answer that he was providing to the question, rather than getting sucked in by the provocation of members to my left. There is a full round of AFL matches in Melbourne this weekend, so if Mr Guy feels the need to exert that vigour, I advise him to book in for one of those matches. Mr Finn and I would be delighted to see him at the Melbourne-Richmond game.

**Hon. M. J. GUY** — The good news is that the government will still move the fruit and vegetable market to the northern suburbs so that people can still buy their fresh fruit — lemons, maybe a lime or maybe some other sour fruit — in the north. The coalition government is investing a further $2.14 million in the Greensborough Walk project, which, as you quite correctly say, President, many members are interested in seeing succeed.

Again I congratulate Banyule City Council on some excellent work. Mr Ondarchie and I are privileged to be associated with a project that has seen that money go towards real jobs growth in the northern suburbs. While Labor's carbon tax seeks to cost Banyule 450 jobs, we are seeking to create jobs.

## QUESTIONS ON NOTICE

### Answers

**Hon. D. M. DAVIS** (Minister for Health) — I have an answer to question 703.

**Mr BARBER** (Northern Metropolitan) — In question time on Tuesday in relation to a matter I raised regarding the release of information about the Alcoa coalmine, the minister undertook to get back to me within 48 hours. We are at 46 hours now, but that should not matter for the purpose of this. I have received a letter which affirms the department's refusal to give me the material. Do I take it from the minister that that is his response and that he has dealt with my question that he took on notice?

**Hon. M. J. GUY** (Minister for Planning) — The advice I have taken from the department's FOI officer reflects what we have provided to Mr Barber, and I believe that would satisfy the answer to the question he has asked.

**Mr VINEY** (Eastern Victoria) — During question time the Minister for Employment and Industrial Relations, Mr Dalla-Riva, in replying to a question from Mr Barber, referred to a report that he said was available on the *Herald Sun* website. I have taken the trouble during question time to have a look. I can advise you, President, that in fact the report is not available on the website. There is a table on the website, and my understanding is that at the time the minister was answering questions and making comments on a range of issues beyond the scope of what was in that table on the website. I ask whether the report could be tabled, as was requested at the time.

**The PRESIDENT** — Order! We are having question time after question time during which these two matters are being raised; nonetheless they do refer to matters that I believe are of interest to the house. The minister is not obliged to table that report. Private consultancy reports are not ordinarily tabled in Parliament; however, the minister is certainly able to make that report available to members of the house if he is prepared to do so. That would be at the minister's discretion. Would Mr Dalla-Riva have any guidance for the house at this point?

**Hon. R. A. DALLA-RIVA** (Minister for Employment and Industrial Relations) — I appreciate Mr Viney raising this matter again because it is important for everyone to understand what is available. As I indicated in relation to the point of order raised, it is on the website. The details and the job numbers are on the website, and that is what I sourced. In relation to any report that I do not have, I was referring to the report at www.heraldsun.com.au.

**Mr LEANE** (Eastern Metropolitan) — I have 10 questions on notice, nos 1026–1035, relating to the portfolio of roads that are overdue by quite a few weeks, which I understand in the Council come under the responsibility of Mr Guy. I request Mr Guy to follow up on why these questions have not been answered and when they will be answered.

**Hon. M. J. GUY** (Minister for Planning) — I will follow up the member's request and get those answers to him as soon as I can.

**Ms MIKAKOS** (Northern Metropolitan) — I have a number of outstanding answers to questions on notice — 1 from Minister Dalla-Riva, 3 from Minister Davis, 2 from Minister Guy, 3 from Minister Hall, 19 from Minister Lovell and 1 from Minister Rich-Phillips. They are the following questions on notice: 818, 810, 811, 839–841, 809, 819, 838, 794–99, 2308, 2310–21 and 845. I would be happy to accept a response from the Leader of the Government.

**Hon. D. M. DAVIS** (Minister for Health) — I will follow up on those questions with the ministers.

**Hon. M. P. PAKULA** (Western Metropolitan) — I raise again the issue of outstanding answers to questions 108 and 114. In order to provide the minister, the Leader of the Government and Mr Guy with some further and better particulars to assist them in the chasing up of these questions, which have been outstanding since 1 March, I can indicate to Minister Davis that no. 108 was a question to him for the Premier. In order to specifically assist him, I ask if he could raise that matter with the Premier for response. The other question, 114, was to Minister Guy for the Minister for Public Transport. On numerous occasions I have asked Mr Davis about both of those questions. Perhaps I could ask Mr Guy to follow up question 114 with the Minister for Public Transport, given my lack of success with the Leader of the Government and the fact that the question was initially directed to Mr Guy.

**Hon. D. M. DAVIS** (Minister for Health) — President, I have followed those matters up, and I understand there is some movement occurring there. The member will be very happy with that. But for the member's benefit I make the point that in his role as Minister for Public Transport he could have answered question 351 in the last Parliament. That question was put on notice on 23 May 2007 and was still on the notice paper on 31 October 2010.

**Hon. M. P. Pakula** — I became minister in 2010.

**Hon. D. M. DAVIS** — His record on answering questions in government goes well over three years. Even though he was not minister for all of that time, he could have answered questions directed to the Minister for Public Transport at any point during his time as the Minister for Public Transport, but he chose not to answer at all.

**Ms BROAD** (Northern Victoria) — President, I seek an explanation from the Minister for Health in relation to answers to questions on notice 615 and 617. Notice of these questions was first given on 7 April. I have raised these matters on several occasions in the house. In response on one of those occasions, 16 June, the Minister for Health advised me that he had followed up answers to these questions on notice and had been informed that the responses were on their way. Clearly whoever provided that response to the minister did not correctly inform the minister because it is inconceivable that a response that was on its way on 16 June would not have arrived by today. I seek a further explanation from the Minister for Health in relation to these outstanding questions on notice.

**Hon. D. M. DAVIS** (Minister for Health) — I can assure the member they will be responded to, and I will further assist the process of obtaining them.

**Mr TARLAMIS** (South Eastern Metropolitan) — I seek an explanation from Minister Lovell with regard to 19 questions on notice, numbering 856 to 874.

**Hon. W. A. LOVELL** (Minister for Housing) — I will look into those questions and get back to the member.

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

**Hon. D. M. Davis** — On a point of order, President, I think Ms Pulford well knows the rules about props and wearing badges in the chamber.

**The PRESIDENT** — Order! Yes, we are not to wear badges, T-shirts or suchlike.

## PARLIAMENTARY SALARIES AND SUPERANNUATION AMENDMENT BILL 2011

*Second reading*

**Debate resumed.**

**Ms PULFORD** (Western Victoria) — Labor will be opposing this bill. This bill is an attempt by the government to distract us from the fact that it is not doing much with legislation; it is essentially a stunt and nothing more than a stunt. But also of much concern is the extent to which democracy is under threat and attack in Victoria in 2011. We have an FOI process that is centralised in the Premier's office, a parliamentary committee structure that is stripped of resources and a government that seems happy and confident to rest on its majority of one in both houses — and Victorian democracy is the poorer for it.

This bill adds salt to the wounds by proposing to impose a penalty on members in some circumstances when they are standing up for their electorates. Plenty of passionate debate occurs in this place on all manner of issues on various occasions, and sometimes people get very excited and debate becomes very heated. My great concern is that this Baillieu-Ryan government initiative will result in members pulling their punches, stepping back and not prosecuting arguments in the interests of their communities with the same vigour that they might have. This bill imposes a financial penalty on members who are named by the presiding officers.

With all due respect, President, presiding officers are the appointees of the party in government. Whilst I do not want these comments to be taken in any way as a reflection on the way you undertake your duties, President, appointments to the positions of Speaker and President of the Parliament are gifts of the ruling party and are therefore partisan. They therefore have skin in the game that is the cut and thrust of parliamentary debate in Victoria.

**Hon. D. M. Davis** interjected.

**Ms PULFORD** — 'Cut and thrust' is an expression that is used to describe parliamentary debate from time to time. Mr Davis would know that, because he is often in the middle of it.

Mr Ondarchie came into this place and reeled off a list of names of people who had been suspended from the Parliament. Whilst I was not able to hear all of his contribution, the part I heard represented quite a roll call of names. Certainly a theme and commonality emerged: the overwhelming majority of the names he referred to belong to Labor Party members of Parliament. Although Mr Ondarchie may perhaps have been trying to make an argument about what constitutes, in his mind, appropriate parliamentary representation for a community, I think what he did was make a very strong case that this penalty will be imposed with far greater frequency on members of the opposition parties.

The Baillieu-Ryan coalition said before the election that it would usher into Victoria a new era of transparency, accountability and decency in public life and would get rid of the spin and what it said was a degree of secrecy within government. But only yesterday we had the spectacle of government members singing from the Josephine Cafagna 'lines' document and the Leader of the Government coming in and saying, 'Actually the plan is different. We will go a different way on this vote'.

The government has a fully functioning, mature and robust spin unit operating out of the Premier's office, committees are underresourced, the upper house committee structure operates very differently from the way everybody envisaged before the election and the government's enthusiasm for openness and transparency has somewhat changed in light of a one-seat majority in both houses. I have heard answers to questions without notice and received answers to questions on notice that are dubious at best. This bill is just a further assault on Victorian democracy.

Amendments to the Parliamentary Salaries and Superannuation Act 1968 are being considered in the Assembly in another form. Just yesterday the government introduced legislation to cap salaries for MPs according to wages policy. But again, in another example of this government's loose-with-the-truth style, as I was driving around one morning last week I heard on the radio an interview with Jon Faine in which the Premier talked about wages policy being inflation plus productivity.

We have heard this government describe wages policy in any number of different ways — inflation plus productivity, 2.5 per cent plus productivity and a flat 2.5 per cent. Members will be familiar with the mistruths that were told before the election about Victoria moving to have the highest paid teachers in Australia and about remuneration for social and community sector workers after the Fair Work Australia determination as well as the undertakings, or at least the impressions, that were given to members of Victoria Police regarding what the then opposition, now government, thought were appropriate levels of

remuneration for them. The question of parliamentary salaries will be back in this place before long.

This debate is about the issue of fining a member in the order of $385 for every day on which they are named. It is an appalling stunt and a flimsy cover for a government that is not doing a great deal. When combined with this government's approach to FOI, to parliamentary oversight and to the conduct of the Premier and indeed ministers in Parliament, and in light of the possible tampering with transcripts of radio interviews as was alleged in the Legislative Assembly yesterday, what we have is an unsteady standard of democracy in Victoria that is being further undermined by this government and significantly undermined by this legislation. Labor will oppose this appalling decision of the Baillieu government.

**Mr VINEY** (Eastern Victoria) — The proposition that is before the house in this legislation challenges some of the very important principles upon which our parliamentary democracy is based in this state, in this nation and under the Westminster system. I say that as someone who is proud to be a part of this system and has generally tried to defend, protect and respect the institution we operate in.

When I have the opportunity to talk to young people who are visiting the Parliament one of the things I often ask them is, 'Have you seen politicians behaving badly on television?'. They always say they have. I acknowledge, with them, that sometimes politicians in this place behave worse than those students would behave in their classrooms. I have observed that, and I may well have been guilty of that on occasion. However, I go on to point out to those young people that what is taking place in Parliament is the contest of ideas. All of us in society have different views about how things should be managed and run. What takes place in here is the resolution of those different views. It occurs through debate and through votes, and when we walk out of here that is accepted.

In our society the resolution of different views takes place at an election, and at the end of that election government sometimes changes — that is, power shifts from one group of people or one party to another group of people or party. That change in power occurs with a handshake. The resolution of our different views is done through legislation and debate in this place. Sometimes that contest of ideas and debate involves words that might not be appropriate in other forums, such as a school classroom. However, all that is happening in here is debate — it is words. In other societies those differences are sometimes resolved by other means. Our system of resolution of different opinions through this mechanism of debate in the Parliament is by far the more preferable method of resolution.

I turn to what is at risk through this legislation. It challenges the fundamentals of this place — that we resolve our differences through debate — by legislating that if that contest of ideas through debate happens in a particular way, then someone can be fined. I think that is going down the wrong path.

**Mr Drum** interjected.

**Mr VINEY** — You are actually proving my point, Mr Drum — thank you very much. I appreciate that you are proving my point that this is a contest of ideas, that there is robust debate and that sometimes when someone is talking another member may interject and behave in a rude way that would not occur in a classroom.

We need to be careful that we respect the tradition and value of what we do in this place. Sometimes our debates are conducted in a manner that would not be appropriate in other forums in our society.

**Mr Drum** interjected.

**Mr VINEY** — I think my tone in this contribution has been fairly measured, and I will continue to try to be measured.

I am concerned that this legislation is going to take this Parliament down a different route — a route of restraining debate in a particular way. I am not sure that is a good development for the Parliament or for democracy, because I do not believe we should be placing presiding officers in the position where they are to adjudge whether a member of Parliament will be in effect fined.

As Deputy President I will on occasion be in the chair and will be, as I understand the rules, one of only two people in this place to have the authority to name someone. I have not discussed this with you, President, but I suspect you may have an inclination similar to mine. I would normally be very reluctant to name a member, but I would be even more reluctant to name someone after the passage of this bill. Potentially this proposed legislation could be counterproductive to its intent, because if a member is behaving in an unruly manner, there are provisions for the President or me to suspend someone for a short period of up to 30 minutes. That does not require the agreement of the house; there is an automatic capacity for it to occur.

One can foresee a circumstance where a member might refuse to leave the chamber, which occurred in the last Parliament. That would then put the President or me in a position where the only recourse would probably be to name someone. There may be instances where a member feels so passionate or so aggrieved about an issue that they will continue to debate something despite being asked to change their tone or language, or to withdraw a certain remark and so on. These things can sometimes occur because of the intensity with which a member feels something. In those circumstances it is appropriate for the President or Deputy President to be able to name a member, but if the consequence of that is not only their suspension for the remainder of the day but a monetary penalty, then that puts a different pressure on the President or Deputy President to proceed with that naming. There is potential for this proposed legislation to be counterproductive and in fact to make it a bit more difficult for the Presiding Officer to retain control over the chamber. That would be an unfortunate development.

I do not want to spend much time responding to some of the contributions made by others, but I observe that some of them were unnecessarily accusatory about the behaviour of members on particular sides of the chamber. It is not particularly helpful for members to make suggestions that members on one side or the other are more guilty on these matters. We have to accept that because of the nature of this place and the passions of the people who are attracted to this business there are going to be occasions where debate is — members have been saying 'robust' — inappropriate and would not be acceptable in other forums. We need to accept that is going to happen in this place, and I believe we have an adequate sanction on that. The sanction is effectively in our own hands by the mechanism of the suspension of the member for a short period or by naming by the President. If a member is named, there can be a motion for that member to be suspended for the remainder of the day.

Mr Barber was one of the members who spoke on this bill and said there is a need to uphold standards, but it was Mr Barber and his colleagues who in the past supported the then opposition in preventing the suspension of a member the President had named. That was a very unfortunate development, because it undermined our capacity to exercise the discipline that we need to have in this place. I am one who respects the chamber and the democratic process. I am happy to confess that on occasions I have pushed the envelope in terms of parliamentary behaviour. The former President, Mr Smith, threw me out of this place on at least two occasions: once when I referred to Mr Guy by his first name and on another occasion when my telephone rang after I forgot to put it on silent. I am not saying that I am purer than anyone else in here — that certainly would not be my line of argument — but it is not helpful for members to suggest in this debate that people on one side of politics are more guilty of misbehaviour than the other.

As I said, it is entirely in our control to manage the sanction, and we have the capacity to do so under the current rules. It is not necessary to introduce a monetary penalty. That would be a bad development in the principles of what this place is about. It could potentially restrict members from contributing in a robust way or pursuing matters as they wish to. It could potentially be counterproductive if presiding officers become more reticent about naming members because of the potential implications beyond suspension for the remainder of the day.

For those reasons I join with the opposition in opposing this legislation and urge the house to go down these paths much more carefully in the future. I accept that this proposed legislation is going to pass on the 21-19 rule — or in this case I think it is going to be 24-16. I accept that that is what is going to happen, but I think the house ought to reflect on the potential implications on what is a very good system for us to resolve our differences in our society. Anything that diminishes the capacity for us to resolve our differences using a robust method of debate potentially risks us losing control of the system as we know it and opens up the possibility of much less pleasant mechanisms for society to resolve its differences.

**Hon. B. N. ATKINSON** (Eastern Metropolitan) — As members would be aware, I seldom participate in debate. The only debate I have participated in since my election as President of this place was on the appropriation bill. As I did on that occasion, the stance I will take in this debate will not be partisan or political because, notwithstanding that I can exercise my opportunities to speak as a member of this place, I recognise that the objectivity of the position I hold is very important. I want to make a couple of quick points on this, because clearly this legislation affects the presiding officers and in that sense I wish the house to be informed of my view.

As I indicated to Mr Lenders at the outset of this debate — and I thank him for the courtesy initially extended to the Chair in seeking to constrain the debate so that there would be no reflection on the current Presiding Officer — I unleashed his debate, in a sense. At that time I indicated that I did not believe it would be a reflection on the Presiding Officer if the debate

proceeded robustly. I simply put on record that I did not seek these extra powers as a Presiding Officer, and I do not believe that it will be necessary for me to use them in the future. However, the fact that as a Presiding Officer I did not seek them does not mean that in an effort to enhance the performance of both the houses of Parliament the government is not entitled to seek to introduce new initiatives that might well encourage members to reflect carefully on their behaviour in the house and to ensure that they participate fully in the procedures of the house within a framework that demonstrates respect for their colleagues and certainly respect for the institution.

There are obviously diverse views about how the Parliament operates and how each of the houses operates. There are perspectives that are shaped over many years. Like me, a number of my colleagues, including Peter Hall and Philip Davis, have been in service to this house and to the constituents we represent for 20 years or more. Clearly we have had a range of experiences in the way the house has conducted its affairs and how members have approached their responsibilities and exercised their entitlements.

I do not believe the government has brought this legislation to this house as a consequence of the operation of the current Parliament. I believe it has been brought to this house because of the perspectives of a number of members of the government, including members of the cabinet, who have experienced the workings of the Parliament over an extensive period and have formed the view that this initiative might well encourage members to think about their performances within the Parliament and to show greater respect to the institution and their colleagues at different times. The government is entitled to that view. As I have indicated, I do not expect it will be necessary for me to use the new provision in this legislation.

From my perspective the imposition of a fine is neither here nor there. I am not sure it is terribly important in the scheme of things, because the critical issue is not the fine but the fact that members ought have due regard for their colleagues and for this institution, they ought pay respect while pursuing debate vigorously and having robust debates and they ought to use their entitlements as a member of Parliament in this place to the full. They should represent their constituents with full vigour and honesty with a view to achieving debate in the contest of ideas that Mr Viney mentioned while at the same time recognising that there is a point at which it is important to step back and note that your colleagues also enjoy the same rights and entitlements as you have, that your rights and entitlements are neither greater not lesser than theirs and that respect for the institution and your colleagues is the important thing. That ought to be the issue as far as the presiding officers and the members are concerned, not the imposition of a fine as a mechanism for trying to encourage members to change their behaviour or perhaps moderate the expression of some of their emotions at times when they are dealing with issues that are particularly close to their heart — issues that have perhaps caused them a significant level of personal angst.

From that point of view I do not see that this legislation will prevent robust debate or the capacity of this house in particular to pursue its role as a house of scrutiny. I certainly do not think it impinges on my jurisdiction as President. I would say that over the entire period of my service to the Parliament on behalf of the electors of, initially, Koonung Province and now Eastern Metropolitan Region, the presiding officers have invariably enjoyed the support of this house in the decisions they have made and there has been a recognition by all members of this house that it is important that debate be conducted with respect for other people's points of view.

As Mr Viney indicated in what I think was a reasoned contribution to this debate, this place is a forum for the contest of ideas, and while members ought to pursue those ideas vigorously they should do so with due regard to their colleagues and to the perception that the people of Victoria may have in viewing the conduct of proceedings and how professionally and properly those ideas are contested by their members of Parliament.

**House divided on motion:**

*Ayes, 23*

Atkinson, Mr
Barber, Mr
Coote, Mrs
Crozier, Ms
Dalla-Riva, Mr
Davis, Mr D.
Davis, Mr P.
Drum, Mr
Elsbury, Mr
Finn, Mr
Guy, Mr
Hall, Mr
Hartland, Ms (*Teller*)
Koch, Mr
Lovell, Ms
O'Brien, Mr
O'Donohue, Mr
Ondarchie, Mr
Pennicuik, Ms
Petrovich, Mrs
Peulich, Mrs
Ramsay, Mr (*Teller*)
Rich-Phillips, Mr

*Noes, 15*

Broad, Ms
Eideh, Mr
Elasmar, Mr
Jennings, Mr
Leane, Mr
Lenders, Mr
Mikakos, Ms (*Teller*)
Pakula, Mr
Pulford, Ms
Scheffer, Mr
Somyurek, Mr
Tarlamis, Mr
Tee, Mr
Tierney, Ms (*Teller*)
Viney, Mr

*Pair*

Kronberg, Mrs
Darveniza, Ms

**Motion agreed to.**

**Read second time.**

**Committed.**

*Committee*

**Hon. D. M. DAVIS** (Minister for Health) — I seek leave for Mr Philip Davis to sit at the table.

**Leave granted.**

**Clause 1**

**Mr LENDERS** (Southern Metropolitan) — I have a series of questions regarding clause 1. The first one I have for the minister is: has a regulatory impact statement (RIS) been done for this bill?

**Hon. D. M. DAVIS** (Minister for Health) — No.

**Mr LENDERS** (Southern Metropolitan) — Without dwelling on it, we have listened to the Treasurer, Mr Wells, and the Premier, Mr Baillieu, saying that if this government is going to put any new regulatory burden anywhere, there will be a RIS so there we will be aware of it. I put to the minister that under the provisions of the Financial Management Act 1994 there are multiple layers of reporting for this bill. Why was a regulatory impact statement not done on this bill when the government goes out to the business community on a daily basis and says it believes in doing RISs on everything that puts in place burden?

**Hon. D. M. DAVIS** (Minister for Health) — In response to the member I would say that this bill is about the Parliament regulating itself, in a sense, and in particular members' conduct in the chamber and the conduct of the chamber. When we change standing orders, for example, we do not necessarily have a regulatory impact statement, so, no, there is no regulatory impact statement.

**Mr LENDERS** (Southern Metropolitan) — I will hold off until clause 3 to give the minister a chance to get some advice on that. I accept his premise about a RIS regarding a penalty for a member — I do not dispute that — but my question to him specifically is: what are the reporting requirements of the two trust funds that are established by this bill? I give the minister notice so he can get advice on whether a RIS has been done on the reporting requirements of both those trust funds and in particular what will be the reporting requirements of any charities that the presiding officers may wish to give money to.

**Hon. D. M. DAVIS** (Minister for Health) — I am informed and I understand that the Financial Management Act 1994 does not apply to the Parliament, but I am also informed that the President and Speaker will table a report to the Parliament.

**Mr LENDERS** (Southern Metropolitan) — I would like to explore that further. I am surprised that there is an exemption from the Financial Management Act 1994 (FMA) applying to this particular aspect of the legislation. I get the separation of powers; I am not querying that. What I am asking is: does the financial management act apply to the trusts? To be specific, I guess, and to help the Mr Davises on this issue, for example, section 40M(1) of the financial management act is about whether a body is a leviable authority for the purposes of the act. If that is the case, there are reporting and fee-paying requirements for these trusts. Without overdramatising it, these trusts might receive $200 or $300 in any given year, so I am not trying to overstretch it. The point I make and on which I seek an answer from the minister is that the government says its objectives are to reduce the regulatory burden on charitable institutions and on fees, so I am perplexed that, for whatever reason, there is no regulatory impact statement and the minister is speculating that the financial management act does not apply to the Parliament.

I hope that when we as a Parliament are asked to change the law of the state we could get a definitive answer from a minister as to whether these two bodies that will be created are subject to the Financial Management Act 1994. It is a simple question.

**Hon. D. M. DAVIS** (Minister for Health) — No, they are not.

**Mr LENDERS** (Southern Metropolitan) — I hear now that two charitable trusts being established by law in Victoria today, assuming the 24-16 rule applies here and the coalition and the Greens party support this bill, will not be subject to the Financial Management Act 1994. That is what the minister is saying to me. Today we are being asked to establish two trusts not subject to any of the constraints of the financial management act.

To help the minister, I flag where my concern is. During the second-reading debate I made the comment — and it was treated with some hostility in the chamber — that if a hypothetical Speaker of the Assembly had an obsession with many things Chinese in business and charitable dealings, that speaker could start giving grants from this charitable trust to those bodies. The minister is now telling me those grants would not be subject to the financial management act.

Again, without overdramatising it, these will be small amounts of money — not even I think they will be large — but in principle we are removing any scrutiny on the same figure other than an annual report to the Parliament.

**Hon. D. M. DAVIS** (Minister for Health) — I can be quite clear: there will be full disclosure and the details of the trusts will be reported to the Parliament.

**Mr LENDERS** (Southern Metropolitan) — The minister says there will be full disclosure. If the financial management act 1994 does not apply, there will not be an audit. If the financial management act does not apply, the sole disclosure to the Parliament will be what the President chooses to put in his report and what the Speaker chooses to put in his report. If the boot was on the other foot and I came in here as Labor Treasurer representing the Labor Premier with a bill to set up two charitable trusts and the only accountability mechanism was 'Trust Jenny Lindell and trust Bob Smith', I could imagine the howls of derisive laughter I would receive across the chamber. That is effectively what Mr David Davis is asking this house to do. He is asking us to trust the current President and to trust the current Speaker. I will not reflect on the President, and I will stop there. But it is a big ask.

I can remember the minister facing people like former members Bill Baxter and Bill Forwood who had been in this place for generations — —

**Hon. D. M. DAVIS** (Minister for Health) — I do not think Bill was here for generations.

**Mr LENDERS** (Southern Metropolitan) — It seemed like generations, Mr Davis! I am cognisant of the 24-16 rule where the Liberal Party, The Nationals and the Greens will support this, but I say on record that if a Labor minister came in here and said, 'The trust is not subject to audit; and it is not subject to the financial management act. Trust us, and we will put in a report', we would have been laughed out of this house.

**Hon. D. M. DAVIS** (Minister for Health) — As I said, there will be full disclosure and reporting to Parliament. The Parliament has internal audit committees and it is audited by the Auditor-General annually as well.

**Mr LENDERS** (Southern Metropolitan) — I have a final question on clause 1. I notice there is no section 85 statement in this legislation. My question to the minister is: presumably a decision by a Speaker is appealable to the Supreme Court. Mr Hulls, the member for Niddrie in the other place, was aggrieved because he was named by Speaker Smith and booted out of the Assembly for standing up for his pregnant electorate officer. Under this legislation, could he appeal his fine to the Supreme Court, or is that avenue closed off by this legislation as well?

**Hon. D. M. DAVIS** (Minister for Health) — As I understand it, there is no prohibition on such an appeal, but I also understand that the courts are very loath to enter into the activities of a Parliament and especially its internal machinery.

**The DEPUTY PRESIDENT** — Order! Is there anything further?

**Mr LENDERS** (Southern Metropolitan) — Not on clause 1.

**Hon. D. M. DAVIS** (Minister for Health) — Further on that point, I understand SARC (Scrutiny of Acts and Regulations Committee) might have made some comment about that too.

**Mr LENDERS** (Southern Metropolitan) — I specifically chose not to refer to the SARC commentary. The chair of SARC is here. The Scrutiny of Acts and Regulations Committee gave a report which did not criticise, per se, or recommend against supporting the bill. However, I think it is fair to say that if we want to go down the SARC path there are a lot of pretty juicy quotes from that committee.

But I think I have made my points, and I finish with the observation that these two new trust funds are not subject to the Financial Management Act 1994 and therefore not subject to the Minister for Finance's directions. They are not subject, unlike every other public sector body except possibly the Supreme Court itself, to even the normal requirements of annual reporting. Any reporting on these trust funds is totally at the discretion of President Atkinson and Speaker Smith, with no recourse to any other body and not even the question of an appeal right. This is not hypothetical. A member of Parliament stood up for a constituent who was pregnant and had lost an entitlement to salary. The Speaker made a decision. The member questioned the Speaker's decision, the Speaker named him and he was thrown out. Under that circumstance, which was not hypothetical, there would not be a single appeal right to court because, as Mr David Davis says — and I accept his premise — the courts are very loath to be involved. As we learnt from decisions in the cases of *Egan v. Willis* and *Egan v. Chadwick*, which we so often debated in the last Parliament, short of a physical trespass the courts are extremely loath to intervene.

That is it from me on clause 1, unless we want to bring in SARC, and then we will have a much longer discussion on clause 1.

**Mr BARBER** (Northern Metropolitan) — I would just like to ask a question in regard to the administration of this act, particularly in terms of the responsibility of the Speaker and President to allocate the funds. Are they subject to the FOI act, given that, to my understanding, the Parliament and parliamentary departments are not?

**Hon. D. M. DAVIS** (Minister for Health) — It is my understanding that, in terms of long-term practice, the answer is no.

**Clause agreed to.**

**Clause 2**

**Mr LENDERS** (Southern Metropolitan) — I seek clarity on an actual situation. Clause 2 is fairly standard in the sense that it says the act will come into operation on the day after the day on which the bill receives royal assent.

I put a real situation to Mr David Davis. At the moment the Parliamentary Salaries and Superannuation Act 1968 specifies in section 6 that the salary of a Victorian MP is a federal salary less $7000, or whatever it is. We know the federal Remuneration Tribunal has made a determination to increase the salary of a federal MP by 3 per cent. We also know that will come into effect from the day it passes the disallowable period in both houses of the federal Parliament. To my knowledge there has not been a disallowance motion. What I am getting to is a technical question for the minister.

We know the state government has announced an intention to amend section 6 of the Parliamentary Salaries and Superannuation Act 1968 to vary the gap between federal and state salaries. If this bill receives royal assent at, let us say for argument's sake, the executive council next Tuesday, assuming rule 24 to 16 applies here today, what would be the rate of an MP's salary deduction? Would it be the rate stated in the current legislation? Would it be the rate set by the Premier's announcement? Would it be the rate that would apply if the disallowable instruments were not disallowed in the federal Parliament? It is a material question. There is a fine being imposed on members of the Victorian Parliament, and I invite the minister to specify which of those three options, or any other that I may not have put forward, is actually the fine I will face if I incur the wrath of President Atkinson and 21 members of this house on Tuesday week.

**Hon. D. M. DAVIS** (Minister for Health) — Or, indeed, if I face the wrath. I make the point that the fine that will apply relates to the salary that applies at that time, and I do not want to prejudge what either house of Parliament may do with other bills. It applies with this bill and the particular salary that applies at the time.

**Mr LENDERS** (Southern Metropolitan) — I accept that Mr Davis's answer rules out my third option if the Baillieu government moves its bill and succeeds in passing it, which I will be so bold as to predict it will — and probably with tripartisan support. I put my other two options to Mr David Davis. In the scenario where I am expelled from this house on Tuesday week and my salary is X and then it is amended retrospectively from 1 July so that it becomes Y — and that is not hypothetical, because that is what will happen; whether an item is allowed or disallowed has nothing to do with the Victorian Parliament — will the amount of my fine be retrospectively based on my salary of the day or on my salary on the day I was turfed out?

**Hon. D. M. DAVIS** (Minister for Ageing) — My understanding is that it will apply as at the time.

**Mr LENDERS** (Southern Metropolitan) — I accept that the minister's answer is a tautology — of course it will apply at what is the rate at the time. I am not over-dwelling; whether it is $10 or $15 more of a MP's salary is not my main point. My main point is that this committee is being asked to impose a penalty that is yet to be determined — a penalty that could depend on either house of the federal Parliament disallowing or accepting the state legislation, which is a common practice. It can change. What the house is being asked to do is determine a penalty that is an unknown. It is a matter of principle. They are small amounts; there are small bickies here. I am not overdoing that, but I am interested in the principle.

The house is being asked to apply a penalty to a class of 128 citizens, but the Scrutiny of Acts and Regulations Committee cannot tell us what the penalty is. Nobody can tell you what the penalty is. Is it another first in Victorian history for the Baillieu government to come in here and use its numbers and the Greens numbers to enforce a penalty on citizens? That has never been done before. I say to Mr Philip Davis that I am sure his grandfather and great-uncle, who were in this house many years ago — if I have the relatives right from his inaugural speech — would never have been asked to impose a penalty on citizens when the minister could not define what that was.

**Mr P. Davis** — They didn't get paid either!

**Mr LENDERS** — Touché! But they would have paid penalties.

**Hon. D. M. DAVIS** (Minister for Health) — I make the point that it is not too different from the penalty units that apply elsewhere in the system. Bills often go through this Parliament with a certain number of penalty units that are not specifically defined in the bill. I do not think it is such a novel principle. Equally I think Mr Lenders has misunderstood. This will not apply to citizens, it will apply to members of Parliament.

**Mr LENDERS** (Southern Metropolitan) — Without dwelling on it, firstly, I would have thought that members of Parliament were also citizens — but anyway let us leave that minor thing aside.

**Hon. D. M. Davis** — In respect of which this applies.

**Mr LENDERS** — I would have thought that members of Parliament were also citizens, otherwise we could not get elected to this Parliament — let alone be on the electoral roll or happen to be a United Kingdom citizen who was there on 14 February 1984. I say to Mr David Davis that the serious difference — I will not dwell on this — is that a penalty unit is one that is specified under legislation as being indexed to CPI (consumer price index). The Treasurer of the day can define CPI, but there is not this uncertainty. You know the penalty unit is what the penalty unit is; the penalty unit does not change retrospectively. A penalty unit is a line in time. Using my hypothetical example, if I get turfed out on Tuesday week, the penalty will be indeterminate as my salary could be changed retrospectively, depending on what either house of the federal Parliament does. If this bill receives 24 votes to 16, it will get through, but it is precedent setting.

**Mr BARBER** (Northern Metropolitan) — Mr Lenders's statement is true: we do not know what the fine is, but that is only because we do not know what our salaries will be at that time. It is an absolute certainty that the fine will be 1/365th of whatever that salary is. Should we have fines that relate to people's salaries? Mr Lenders says it will be a precedent. It might not be a bad one. I have argued before for fines for various infringements to be higher or lower depending on someone's means. The code of Hammurabi, which is the oldest system of written laws on earth, specifically noted that there were different fines for rich men and poor men in Babylonia or wherever the hell they were at the time. To give the same fine to a rich man as a poor man is in fact to dish out a bigger punishment to the poor man than to the rich man. If it is a precedent in the way Mr Lenders described it, it might not be a bad one.

**The DEPUTY PRESIDENT** — Order! Mr Barber might find that the principle is being breached right here, because the minister gets fined the same amount as a backbencher.

**Hon. D. M. DAVIS** (Minister for Health) — I think that is more of a comment by Mr Barber. I understand his point.

**Clause agreed to.**

**Clause 3**

**Mr LENDERS** (Southern Metropolitan) — I draw the minister's attention to subsection (3) of new section 7B, entitled 'Imposition of fine'. It says:

> For the purposes of subsection (2) —
>
> (a) the daily rate of the basic salary of the member is to be calculated …

The first question is: why is the annual salary divided by 365 rather than using the standard public service formula, which is the annual salary divided by 365.25 and multiplied by 14, to get to the fortnightly pay rate, which is how MPs are paid? I ask in relation to this consistent inconsistency: why does this deviate from standard practice? Oh, the minister did not have an RIS (regulatory impact statement) — 'Sorry, it wasn't picked up'.

**Hon. D. M. DAVIS** (Minister for Health) — The member might be trying to make a little too much of something quite modest. It might be helpful to inform him of some of the details of the calendar. There are 365 days in most years — three years out of four, in fact. It is a good approximation.

**Mr LENDERS** (Southern Metropolitan) — I am partly flippant and it was tongue in cheek, but I did make a point about the absence of a regulatory impact statement. This is the formula used for most of the public sector, and there is a good reason for it. With an annual salary you have to deal with those years that are leap years, hence the standard calculation is to divide by 365.25 and multiply by 14. I get the point: this is a penalty. I notice that there will be one thing different, which someone will have to have on their list of things to do. It is a minor regulatory burden but a burden nonetheless.

The more serious point is that if I am an MP who chooses to salary sacrifice, will I be getting 1/365th of the base salary under section 6 of the Parliamentary

Salaries and Superannuation Act 1968, or will I be getting 1/365th of the actual salary after salary sacrifice is taken out?

**Hon. D. M. DAVIS** (Minister for Health) — I direct the member to new section 7B(3)(a), under the heading 'Imposition of fine', which states:

> the daily rate of the basic salary of the member is to be calculated by dividing the basic salary of the member by 365;

To follow on from Mr Lenders's previous point, I am not sure that we need a regulatory impact statement to divine the efficiency or otherwise of using 1/365th or 1/365.25.

**Mr LENDERS** (Southern Metropolitan) — Mr Barber took the copy of the Parliamentary Salaries and Superannuation Act 1968, so I do not have it in front of me now, but my recollection is that section 6 of the act refers to a base salary. In this legislation we are talking about a basic salary. If my recollection is correct, it is not an unreasonable question. Is 'basic' different from 'base'? The only reason I ask is that if 'basic' is different to 'base' — it is a legitimate question — does it exclude salary sacrificing or not? If my reading of that section is incorrect, I have answered my own question. My recollection from when I looked at that earlier today was that section 6 of the act that Mr Barber is looking through now refers to 'base' while this bill refers to 'basic'. It is not an unreasonable question to ask whether salary sacrifice is taken out or not.

**Hon. D. M. DAVIS** (Minister for Health) — I am indebted to Philip Davis for handing me the relevant section of the Parliamentary Salaries and Superannuation Act 1968. Section 6(1) on page 4 says:

> (a) a salary at the rate per annum of the basic salary …

So I think the premise might be wrong.

**Mr LENDERS** (Southern Metropolitan) — I thank Mr Philip Davis and Mr Barber for being my very able research assistants. I encourage them to remain in that position for a long time! I genuinely thank them for finding that.

I will take up the major policy issue of clause 3. Mr Barber touched on that with his references to Hammurabi and his code from however many years ago. I can assure Mr Barber I spoke about the Hammurabi code when we dealt with the weights and measures bill in the Legislative Assembly in 1999 — that is just trivia.

The serious point about the Hammurabi code is the point that Mr Barber raised. The executive has presented a piece of legislation to the legislature for adoption which sets a fine as a percentage of the base salary. If we go to the schedule of the Parliamentary Salaries and Superannuation Act 1968, we see, for example, I get a base salary of 1.32 by virtue of my role as Leader of the Opposition in this house; Mr David Davis gets a base salary of 1.75 by virtue of his job as a minister; Mr Philip Davis gets a base salary of 1.2 by virtue of his chairing of the Public Accounts and Estimates Committee; David Koch gets a base salary of about 1.3, because he gets something as a chair of a parliamentary committee and something as Government Whip; Edward O'Donohue gets 1.3, as chair of the Scrutiny of Acts and Regulations Committee, a parliamentary secretary and an MP. Each MP I have mentioned has a different salary.

**Mr Barber** — What do the Greens get?

**Mr LENDERS** — I take up Mr Barber's point. Mr Barber gets a salary of 1.0 times the base salary, whereas I get 1.32 and David Davis gets 1.75 before his ministerial entertainment allowance of another 18 per cent is even put in place. Different people are paid different amounts for their jobs as members of Parliament. The Premier, if you take allowances into consideration, gets well over double the amount that, for example, Mr Scheffer or Mr Barber get, and there is no-one on the government side of the house who gets anything but more than the base salary. The point is that clause 3 represents a policy decision that the Premier would pay one-half of the penalty that would be paid by a backbench member. I am asking what the policy rationale is because there is no correlation whatsoever with parliamentary income. I would welcome from the minister a rationale as to why someone would pay effectively double the penalty paid by another person.

**Hon. D. M. DAVIS** (Minister for Health) — The decision to use the basic salary in this way is for simplicity on the one hand. In the same way that other parts of our legal arrangements apply, where fines are imposed they are of particular amounts. In common parlance, if the officer books you for speeding, then the speeding fine is the same as it is for someone else. There might have been a deeper philosophical point made by Mr Barber before. He might argue that ancient codes suggest that differential fines might be appropriate, but in this case a straightforward approach has been adopted, and that is not inconsistent with what is adopted elsewhere in our system.

**Mr LENDERS** (Southern Metropolitan) — There are two points I would make in response to Mr David

Davis. Firstly, if this is a case of simplicity, is it the base salary — basic salary; I will get that term right — under section 6 of the Parliamentary Salaries and Superannuation Act 1986 or is Mr Davis saying the salary is not complex? It is the same act; it is just a different part of the section. Secondly, and more fundamentally, the commonwealth Income Tax Assessment Act 1997 has probably the best example seen in this country of a differential rate. My recollection of that act — —

**Hon. D. M. Davis** — It is a very complex act.

**Mr LENDERS** — It is a very complex act, but its penalties are not complex. The standard penalties under the Income Tax Assessment Act 1997 are a penalty unit or three times the amount of tax dodged, whichever is the higher. The piece of penalty legislation that is certainly amongst the most common ones affecting the 5.3 million citizens of this state has a built-in regime that says 'depending on the nature'. There is a scale; it is not complex.

It is good enough for citizens that under the Income Tax Assessment Act 1997 the fine fits the crime. I would argue — and I have the dilemma that the Liberal Party, The Nationals and the Greens are all going to support this, so I guess I am just putting this on the record — that this legislation does not abide by those principles. It is a flat rate that is basically designed to inflict more damage on the opposition and third parties than on the government. The last time I looked, I think I saw that close to 80 per cent of government members are getting paid higher than the base salary by the time ministers, parliamentary secretaries, committee chairs and other office-holders are taken into account.

I know the 24 to 16 rule means that the three parties supporting this will be successful. The objective could be achieved without much complexity, but I think there is a clear policy choice that is conveniently covered by David Davis saying, 'It's simple'. It is just as simple to use another clause of the same bill, which would mean the Premier would be fined commensurately. Cabinet probably did not bother with this, because there was never any intention to fine ministers, but I make the point for the record.

**Hon. D. M. DAVIS** (Minister for Health) — It is clear the government chose not to use the Income Tax Assessment Act 1997 as a model. It is a complex act. I am not sure it would be a good model. In any event the government decided to approach this in a manner that would ensure simplicity. I think that 1/365th of the basic salary is a straightforward approach that leads to a sensible and reasonable outcome.

**Mr LENDERS** (Southern Metropolitan) — Moving to new section 7B(6) to be inserted by clause 3, if a member of Parliament has their salary docked because of this clause, will that appear on the member's group certificate supplied by the Parliament?

**Hon. D. M. DAVIS** (Minister for Ageing) — I understand it is in the form of a fine, so it will not appear as such on your group certificate.

**Mr LENDERS** (Southern Metropolitan) — I need to follow through. The minister says he understands it will not; I understand he has been informed it will not. For members of Parliament who are in the superannuation accumulation scheme as opposed to the defined benefits scheme, will 9 per cent be paid into their superannuation fund on that fine? Will the payment to the superannuation fund be unchanged, or will there be a commensurate reduction for this amount?

**Hon. D. M. DAVIS** (Minister for Ageing) — I understand that it does not constitute a reduction in salary, and it is in the form of a fine.

**Mr LENDERS** (Southern Metropolitan) — I accept the minister's assurance. Given that this relates to a class of 128 citizens whom not many people like I will not pursue it much further, but if it were affecting other citizens of the state and was going to start affecting a person's superannuation, I would probably show interest in a response from the minister that is a bit more definitive than he 'understands'.

Just following through on this, 106 members of Parliament are paid through the parliamentary payroll office and another 22 members of Parliament are not paid by the Parliament but are paid by the Department of Premier and Cabinet for both their parliamentary and ministerial salaries. I ask the minister what would happen in the unlikely situation that Speaker Smith were to throw out a minister. How would the Department of Premier and Cabinet be advised that this fine was to be imposed and, given that there is no reporting, how could this house have any assurance that the executive government would fine ministers and not just opposition and crossbench MPs?

**Hon. D. M. DAVIS** (Minister for Health) — It is my clear understanding that the government intends to abide by the law here, and this would be a matter of administrative activity within the scope of the law.

**Mr LENDERS** (Southern Metropolitan) — I would not expect a minister to say anything other than that the government expects to abide by the law; however, this is a serious question. Mr Davis says it is a serious

response, and I do not in any way doubt that that is his intent and the government's intent, but I put the case in relation to a member of the legislature. We have been told in response to questions on clause 1 that this is not subject to the Financial Management Act 1994, and by implication it is not subject to the Audit Act 1994. The sole scrutiny of this scheme, whether it be of the two trust funds or the fines, is that through the goodwill of a Presiding Officer it is put into the Presiding Officer's annual report. I am not overdramatising, because it is small bickies, but as a question of public policy I invite Mr Davis to have the boot on the other foot.

If a Labor minister had come into this house during the last Parliament and said, 'We are taking away the Financial Management Act 1994 and we are taking away the Audit Act 1994; the sole reporting requirement is the goodwill of Speaker Lindell or President Smith', that Labor minister would have been laughed out of this chamber. Yet now the government is asking us to say, 'Trust us; we will abide by the law. We have taken you away from the Audit Act 1994 and we have taken you away from the Financial Management Act 1994; the sole reporting requirement is the Presiding Officer'. The minister has answered, and I believe the minister's answer — I am not questioning his integrity — but I am saying it is pretty difficult to ask the Parliament to just sign a blank trust-me cheque, which is what the government is asking us to do.

**Hon. D. M. DAVIS** (Minister for Health) — The normal audit arrangements of the Parliament will apply.

**Mr BARBER** (Northern Metropolitan) — I think the record instance of members being chucked out of Parliament was the period from 1992 to 1996, when seven members were chucked out. If seven members were to be expelled for a day and charged $300, we would be talking about $2100 over a four-year period. I am not sure that would justify a regulatory impact statement (RIS); in fact I am sure the RIS would cost more than $2100 to complete. I do not know how much reporting is actually required with regard to the disbursement by a Presiding Officer of $2100 over four years. I imagine that it would generally fall under the category of materiality. I think presiding officers could spend $2100 on novelty golf tees as presents to guests or whilst on tour and would probably not have to hand over much more than a chit or a cash register receipt, but I do ask a question of the minister.

The imposition of a fine occurs under 7B(5) of what will become that section of the principal act, the Parliamentary Salaries and Superannuation Act 1968. I presume the Premier is not acting under this act when his department pays salaries to ministers. Therefore, can the minister tell me what the mechanics are of the administration of this section of the act? I think that would normally apply to the Parliament and its members, but in the case of the example Mr Lenders put up, would it apply to the ministers? The payment goes through the Department of Premier and Cabinet at rates which are determined by the principal act; there is no doubt about that. But here we now have someone acting administratively to take an action under 7B(5), and I want to know who that person will actually be and therefore how the act will govern them.

**Hon. D. M. DAVIS** (Minister for Health) — My understanding is that there would be advice from the Parliament.

**Mr BARBER** (Northern Metropolitan) — But the wording of it is 'a fine imposed under this section is to be deducted from the salary of the member', and elsewhere in the act it is a series of musts. It is not at the discretion of anybody; it is if you are the Clerk or the Presiding Officer. Here the person who operates that section is not named — it simply says that it must be — and I want to know the answer. Is the minister suggesting that this act applies to both the way backbenchers get their salaries and the way salaries are delivered through the Department of Premier and Cabinet payroll?

**Hon. D. M. DAVIS** (Minister for Health) — I understand the answer is yes. It will apply in both cases, and it would apply with advice from the Parliament to the relevant section.

**Mr LENDERS** (Southern Metropolitan) — I would like to focus now on clause 3 and proposed section 7C, headed 'Assembly Suspension Fines Fund'. We know that this fund has been established. It was not established under the Financial Management Act 1994, and we acknowledge that it is a fund that will have a small amount of money in it unless the Speaker gets very excited. The questions I raise relate firstly to the definition of a charity that this fund can be paid to. Can this fund be paid to charities — hypothetically the Chinese Communist Youth League's education fund for students wishing to live off campus?

**Mr Barber** — Or the Sea Shepherd Foundation?

**Mr Drum** interjected.

**Hon. D. M. DAVIS** (Minister for Health) — My understanding of the way this will apply is that it would be to a charity, and the charities are defined in clause 4. 'Charitable institution' is defined. Clause 4 inserts a definition of 'charitable institution' into the act for the

purpose of clause 3. The definition is consistent with the categories of the common-law definition of 'charity' and is drawn from the commonwealth Foreign Acquisitions and Takeovers Regulations 1989.

**Mr LENDERS** (Southern Metropolitan) — I have read the same notes, but my specific example — from my explanatory memorandum, Mr Philip Davis. I have not been looking over Mr David Davis's shoulder, but I have briefed myself on this — —

**Mr P. Davis** — That is why I am surprised at the question.

**Mr LENDERS** — My question relates to a specific example of an educational residential institution in a foreign country. The minister says it is in the common-law definition of charities. I know that, but what I am asking is: does that definition extend to that residential institution for Chinese Communist Party youth in regional China, or, as Mr Barber said, Sea Shepherd, or Greenpeace for that matter, or, as Mr Drum said, political fundraising organisations of political parties? My specific example meets all the tests, but it is actually an overseas place, not domestic in Australia. Could this money go to an international organisation like the one I specified?

**Hon. D. M. DAVIS** (Minister for Health) — The member is suggesting a whole series of hypotheticals here. I think it is clear what is meant by 'charitable institution'. As I said, it will be reported to Parliament by the President and Speaker.

**Mr LENDERS** (Southern Metropolitan) — Strip all the hypotheticals out. Can it apply to a charity outside Victoria? And specifically, can it apply to a charity in the People's Republic of China?

**Hon. D. M. DAVIS** (Minister for Health) — 'Charitable institution' applies as I have described, and it would be a matter for the Speaker and the President. It would be reported to the Parliament and would be consistent with the definition of 'charitable institution'.

**Mr LENDERS** (Southern Metropolitan) — Stripping it down to the absolute basics — and leaving my Chinese example out — the minister comes to the house saying, 'Please amend the laws of the state of Victoria to let two officers of the state of Victoria set up trusts'. We have been told they are not covered by the Financial Management Act. We have been told the sole reporting — the sole reporting — comes through the discretion of a Presiding Officer as to what they choose to report to the Parliament. That is what we are being told. Then my question to the minister, who is asking the Parliament of Victoria to amend the Victorian statute book, was, 'Is a charitable trust one that can distribute money in Victoria or outside Victoria?'. Twice the minister's answer to me was, 'Well, it is what a charitable trust is'. Sorry, but I do not know those details; that is why I am asking the question. I am an elected member of Parliament representing 408 000 people — the same people Mr David Davis represents. I am asking a question — —

**Hon. D. M. Davis** — Precisely.

**Mr LENDERS** — You got more votes than I did, but we still represent them, Mr Davis. The minister is asking the Parliament to authorise money to go into a trust. My question to him is: can that trust hand out money outside the boundaries of the state of Victoria? He expects me to be satisfied with an answer that says, 'The trust rules'. I do not know those rules; that is why I am asking the question.

**Hon. D. M. DAVIS** (Minister for Health) — Deputy President, I have answered this quite clearly. The definition of 'charitable institution' is introduced into the act for the purpose of clause 3. The definition used is consistent with the categories of the common-law definition of charities and is drawn from the commonwealth Foreign Acquisitions and Takeovers Regulations 1989. It is a reasonable definition. I think the community would understand what it is, and it is reported transparently and openly by the presiding officers to the Parliament.

**Mr LENDERS** (Southern Metropolitan) — Deputy President, I am not being precious here. If we were not being asked to change the status quo and this were a debating point across the chamber or whatever, that might be all right, but we as legislators are being asked to change the status quo, and the minister at the table cannot tell us whether this trust fund can be used outside the borders of Victoria. I do not think it is unreasonable for me as a member of Parliament to pursue that. I understand the minister has sought advice and has not been able to receive an answer to this specific area of trust law. Therefore to give him the time, I move:

That progress be reported.

I have moved that we report progress so that we can have a chance to come back and the minister can let us know.

**Hon. D. M. DAVIS** (Minister for Health) — No.

**The DEPUTY PRESIDENT** — Order! Does Mr Lenders wish to speak on his motion to report progress?

**Mr LENDERS** (Southern Metropolitan) — Deputy President, I have spoken on the clause, and three times now I have sought from the minister an answer to a specific question: can this trust be used outside the boundaries of Victoria? I think on three occasions the minister has told me, 'Trust law applies'. I do not know trust law and whether that means you can spend this money outside the boundaries of Victoria or you cannot. The minister has not offered to seek advice and come back before the bill is finished. He just says, 'Well, there is transparent process'. We have had an argument over how transparent a process is where what is reported by the Presiding Officer is totally discretionary. We have been told, 'Trust us, we've got 24 votes. Trust us, we'll get this thing through the Parliament. We are not going to answer'.

I understand it is a difficult position for the minister. If the minister said, 'I will seek the answer before we conclude the committee stage', I would be happy and would not proceed with my motion now. But there is no such indication, and as a member of Parliament the only option I have is to seek to report progress so the minister can come back. What is the urgency of this bill? He can come back with an answer and we can deal with it. I am not even facetiously suggesting tomorrow. We could deal with it in the next sitting week. That would be fine. We could deal with it an hour later today or 2 hours later today; fine. But as a member of Parliament I have no option. I have asked a question. The minister cannot answer the question. It is a question over whether a trust that the government is asking us to establish can disburse funds outside the borders of Victoria. The minister cannot answer. My only option is to seek to report progress so we come back to this bill after he gets an answer.

**Hon. D. M. DAVIS** (Minister for Health) — On the matter of the member's motion to report progress, it is obvious that there is a clear definition of 'charitable institution'. It is a reasonable definition. It is drawn from categories of common law and, as I have said, from the Foreign Acquisitions and Takeovers Regulations at the commonwealth level. I draw the committee's attention to clause 4, which defines the meaning of 'charitable institution' as:

> (a) any charitable, religious, scientific or educational institution … full-time students attending an educational institution)
>
> (b) any institution being, or carrying on, a hospital;
>
> (c) any institution the sole or principal purpose of which is to assist in the saving of life …

And it goes on. I make the point in saying this that there are very clear definitions. The government has been quite clear about this: it will be reported transparently and openly by the presiding officers. Mr Lenders is seeking to score some minor political points of some sort and has not accepted that the general points here are — —

**Mr Lenders** — You cannot answer the question.

**Hon. D. M. DAVIS** — No, I am making the point that it is quite clearly answered. It is a very easy and straightforward thing to understand. The presiding officers will report it, and I think Mr Lenders's approach is misplaced and demonstrates he does not understand what the government is seeking to achieve.

**Committee divided on motion:**

*Ayes, 18*

| | |
|---|---|
| Barber, Mr (*Teller*) | Pakula, Mr |
| Broad, Ms | Pennicuik, Ms |
| Eideh, Mr | Pulford, Ms |
| Elasmar, Mr | Scheffer, Mr (*Teller*) |
| Hartland, Ms | Somyurek, Mr |
| Jennings, Mr | Tarlamis, Mr |
| Leane, Mr | Tee, Mr |
| Lenders, Mr | Tierney, Ms |
| Mikakos, Ms | Viney, Mr |

*Noes, 20*

| | |
|---|---|
| Atkinson, Mr | Hall, Mr |
| Coote, Mrs | Koch, Mr |
| Crozier, Ms | Lovell, Ms |
| Dalla-Riva, Mr | O'Brien, Mr |
| Davis, Mr D. | O'Donohue, Mr (*Teller*) |
| Davis, Mr P. | Ondarchie, Mr (*Teller*) |
| Drum, Mr | Petrovich, Mrs |
| Elsbury, Mr | Peulich, Mrs |
| Finn, Mr | Ramsay, Mr |
| Guy, Mr | Rich-Phillips, Mr |

*Pair*

| | |
|---|---|
| Darveniza, Ms | Kronberg, Mrs |

**Motion negatived.**

**Mr LENDERS** (Southern Metropolitan) — I understand the house has resolved not to report progress and I accept the minister's point — he said it is the federal trust law — but I ask the minister: will he advise the house on the next sitting day whether this trust provision applies outside Victorian boundaries or just within Victoria? I am asking if he could give notice of that. He will have several weeks to prepare his response.

**Hon. D. M. DAVIS** (Minister for Health) — I am happy to reflect the points in the bill itself and the advice I have given to the chamber. I will take the member's point on notice and seek formal legal advice,

but my understanding is that the responses I have given him to date are satisfactory.

**Mr LENDERS** (Southern Metropolitan) — Without pursuing the matter, can I take it from the minister's response that he will now treat my request as a formal question on notice to be answered according to the normal requirements of the house?

**Hon. D. M. DAVIS** (Minister for Health) — I think I have made the point quite clear with the sections here, and I will proceed as outlined.

**Mr LENDERS** (Southern Metropolitan) — I will formally lodge a question on notice to the minister asking whether the trusts set up in this legislation, which he is asking the Parliament to support, can be used inside Victoria or outside Victoria. I do not take great joy in doing so, given that the question on notice I have asked him in relation to who the coordinating ministers are for the departments has remained unanswered since February — but that is a debate for another time. I will put the question on notice, but I note what would have happened if I, as a minister in the 2002–06 Parliament, when the Labor Party had the numbers in this chamber, had said, 'No, I will not even give you the information afterwards' — the cacophony of members saying the word 'arrogant' would have been deafening! I will just say it in a moderated tone: 'arrogance'.

**Hon. D. M. DAVIS** (Minister for Health) — I have answered these questions at some length, and I have been generous with my responses. I have noted that the member has indicated he will put on notice a question, and I am not in any way diminishing his opportunity to do that. It will be managed in the normal way. However, I think it is pretty clear: there is a reasonable definition of a charity, and furthermore this will be reported to the Parliament annually in an open and transparent way. As I think Mr Barber said at an earlier point, it is a modest amount of money and it will be reported openly and transparently.

**Clause agreed to; clauses 4 and 5 agreed to.**

**Reported to house without amendment.**

**Report adopted.**

*Third reading*

**Hon. D. M. DAVIS** (Minister for Health) — I move:

That the bill be now read a third time.

In doing so I thank those who have made contributions to the debate. It has been a robust debate but one that has clearly fleshed out the issues. The government's intention is to ensure that the Parliament operates smoothly and that the presiding officers have further capacity to ensure that members in the chamber act in accordance with the democratic wishes and principles that underline our system of government. These are useful steps, and we look forward to them being implemented.

**Read third time.**

## PERSONAL EXPLANATION

### Mr Ondarchie

**Mr ONDARCHIE** (Northern Metropolitan) — I wish to make a personal explanation to the house regarding the debate associated with the Parliamentary Salaries and Superannuation Amendment Bill 2011. During my contribution to the debate today, I referred to the Legislative Assembly *Daily Hansard* of Wednesday, 17 August 2011. Specifically, on page 8 of that *Daily Hansard* it has the member for Yan Yean in the Assembly referring to me as 'a member for Northern Victoria Region in the Legislative Assembly'.

I was advised by Hansard this afternoon that those words attributed to the member for Yan Yean were in fact included in error by Hansard. I am advised by Hansard that it is usual practice and it is common for Hansard to include the proper title for members referred to in the respective chambers. Hansard advised that it was its edit that included those words and that they were not those of the member for Yan Yean. On that advice I withdraw that specific reference made by me in relation to the words attributed to the member for Yan Yean.

## DRUGS, POISONS AND CONTROLLED SUBSTANCES AMENDMENT (DRUGS OF DEPENDENCE) BILL 2011

*Introduction and first reading*

**Received from Assembly.**

**Read first time on motion of Hon. D. M. DAVIS (Minister for Health).**

*Statement of compatibility*

## Hon. D. M. DAVIS (Minister for Health) tabled following statement in accordance with Charter of Human Rights and Responsibilities Act 2006:

In accordance with section 28 of the Charter of Human Rights and Responsibilities Act 2006 (charter act), I make this statement of compatibility with respect to the Drugs, Poisons and Controlled Substances Amendment (Drugs of Dependence) Bill 2011.

In my opinion, the Drugs, Poisons and Controlled Substances Amendment (Drugs of Dependence) Bill 2011, as introduced to the Legislative Council, is compatible with the human rights protected by the charter act. I base my opinion on the reasons outlined in this statement.

**Overview of bill**

The bill amends the definition of 'drugs of dependence' in the Drugs, Poisons and Controlled Substances Act 1981 (the act) to create a new regulation-making power to enable temporary amendments to the definition of 'drug of dependence' to be made from time to time, where this is necessary for public safety. The purpose of the regulation-making power is to allow the making of regulations to enable control of new forms of illegal drugs of dependence that may appear on the market in Victoria for an interim period until legislation to ban them can be introduced into Parliament. For this reason regulations made under the new regulation-making power will be effective only for 12 months, and are to sunset automatically at the end of this period.

**Human rights issues**

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

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

**Conclusion**

I consider that this bill is compatible with the Charter of Human Rights and Responsibilities Act 2006.

Hon. David Davis, MP
Minister for Health

*Second reading*

## Ordered that second-reading speech be incorporated into *Hansard* on motion of Hon. D. M. DAVIS (Minister for Health).

**Hon. D. M. DAVIS** (Minister for Health) — I move:

That the bill be now read a second time.

## Incorporated speech as follows:

The Baillieu government is committed to protecting the public safety of all Victorians. The emergence of synthetic substances similar to prohibited substances such as cannabis is a threat to public safety.

Certain chemical compounds which have the same pharmacological effect as cannabis, but having different chemical structures have become widely available. There is concern that these compounds may have harmful effects that are similar to or greater than the effects of tetrahydrocannabinol (THC), the constituent element in cannabis. These substances are not presently caught by the extended definition of 'drug of dependence' in the act, because they are not forms of THC but, rather, are completely different substances.

The processes for banning new drugs of dependence can be slow. Australia has a national regulatory scheme, where the Victorian Drugs, Poisons and Controlled Substances Act reflects commonwealth legislation. When a substance is placed on a schedule by the commonwealth, it is automatically on the Victorian schedule. Adding a substance to schedule 9 bans the possession of the substance. States then amend their own legislation to deal with the sale and trafficking of that substance.

This process allows for consistency around the commonwealth.

Over the previous few months, the weaknesses of this approach have become apparent with the spreading use of synthetic cannabinoids such as 'Kronic' and 'Spice'.

Synthetic cannabinoids are among an increasing number of substances that mimic the effects of currently illicit substances. These drugs can be derivatives or substances similar in chemical structure or function to illegal drugs, or other compounds that have similar effects.

Many of these substances have not yet been captured under the schedules to drug laws which govern whether drugs are legal or illegal to use or supply.

Synthetic cannabinoids comprise an expanding group of chemically unrelated structures, all of which are pharmacologically similar to the active principle in cannabis, delta-9-tetrahydrocannabinol. These substances are added to mixtures of dried herbs and then smoked in order to obtain a similar effect to cannabis. The 'herbal smoking mixtures' are sold under various brand names.

There have been reports of widespread usage of synthetic cannabinoids in some parts of Australia, in particular in Western Australia. Reports suggest that these substances are becoming more widely available in Victoria.

Victoria will continue to work with the commonwealth, the states and the territories to achieve a uniform scheduling of drugs and poisons, including drugs of dependence. Victoria has been putting pressure on the commonwealth to move quickly to ban synthetic cannabinoids.

Existing Victorian legislation does not currently allow for quick, autonomous action. That will change with this bill.

This bill introduces a regulation-making power into the act to enable Victoria to be able to take prompt, autonomous action to ban emerging drugs. Recognising that the requirements of the Victorian Subordinate Legislation Act 1994 assume that substantive amendments creating significant criminal penalties will be contained in primary legislation, it is proposed that the new regulation-making power will be an interim power only, with regulations sunsetting after 12 months. Continuing proscription of the particular

substances would need to be effected by a subsequent bill to amend the act.

This new regulation-making power would allow the government to move quickly to ban an emerging substance. Importantly, the regulation-making power will not only allow the minister to ban substances such as those contained in 'Kronic' now, but other substances and derivatives as they emerge over time.

A concern with the existing processes is that as soon as the machinations of banning a particular substance are completed, a tweak in a chemistry laboratory may make a new version legal, even though the effects are fundamentally the same.

While this legislation is being introduced in response to synthetic cannabinoids, new synthetic drugs are likely to keep being developed. The regulation-making power would allow the government of the day to keep up with the chemists who are manufacturing drugs in a lab for profit.

Regulation needs to move quickly, but it is incumbent that significant criminal penalties associated with drugs of dependence only be put in place with appropriate safeguards.

The regulations will automatically sunset after 12 months. That will give time to work through the federal processes, and means that this Parliament will have an opportunity to consider any needed amendments to the primary legislation while allowing an ability to put in place a temporary prohibition.

Consistent with other subordinate legislation, regulations made under this power may be disallowed by the Parliament.

President, while the government will be using this legislation to ban 'Kronic', this legislation also provides the mechanism needed to ban the next synthetic, lab-derived substance similar to cannabis, and the one after that, and the one after that one; or indeed a synthetic substance similar to any drug of dependence.

This bill will provide a 'future-proofing' for regulating synthetic drugs. As soon as a chemist develops a new substance, the minister of the day will have the power to ban it, albeit temporarily to allow time for the Parliament to consider whether a permanent ban is warranted.

We live in an age where the internet, chemistry sets and a bit of talent in a laboratory has created an impression that drug-makers can stay ahead of the law. When the law is slow to respond, that impression is probably correct.

Prevention measures to prevent the uptake of drug use are a priority for this government. This bill gives the government the ability to move swiftly to ban new drugs as they emerge, rather than constantly being one step behind.

I commend the bill to the house.

**Debate adjourned for Mr JENNINGS (South Eastern Metropolitan) on motion of Mr Lenders.**

**Debate adjourned until Thursday, 25 August.**

# FARM DEBT MEDIATION BILL 2011

*Introduction and first reading*

**Received from Assembly.**

**Read first time for Hon. P. R. HALL (Minister for Higher Education and Skills) on motion of Hon. R. A. Dalla-Riva.**

*Statement of compatibility*

**For Hon. P. R. HALL (Minister for Higher Education and Skills), Hon. R. A. Dalla-Riva tabled following statement in accordance with Charter of Human Rights and Responsibilities Act 2006:**

In accordance with section 28 of the Charter of Human Rights and Responsibilities Act 2006 (charter act), I make this statement of compatibility with respect to the Farm Debt Mediation Bill 2011 (the bill).

In my opinion, the bill as introduced to the Legislative Council is compatible with the human rights protected by the charter act. I base my opinion on the reasons outlined in this statement.

**Overview of bill**

The main objective of the bill is to provide for the efficient and equitable resolution of farm debt disputes. The bill does this by requiring a creditor to provide a farmer with the option to mediate before taking possession of property or other enforcement action under a farm mortgage, and by conferring relevant functions on the small business commissioner (SBC).

**Human rights issues**

The bill engages human rights to the extent that it impacts on the ability of a creditor to take enforcement action and stipulates the manner in which certain notices are to be provided and information is to be dealt with.

*Freedom of expression*

Section 15(2) of the charter act provides that every person has the right to freedom of expression, which includes the freedom to seek, receive and impart information. Section 15(3) of the charter act provides that the right to freedom of expression may be subject to lawful restrictions reasonably necessary to respect the rights and reputation of other persons, or for the protection of national security, public order, public health or public morality.

Clause 27 of the bill prohibits persons from disclosing, or attempting to disclose, information obtained in a mediation session or in connection with the administration or execution of the act, unless one of the specified exempt categories of circumstances applies. To the extent that this clause engages the right to freedom of expression, it falls within the permissible limitation set out in section 15(3) of the charter act. Restricting the disclosure of information obtained in mediation is reasonably necessary to protect the privacy of all parties to those proceedings. Moreover, the restriction on disclosure of information is limited, and does not extend to disclosure made with the consent of the relevant party or

parties, disclosure necessary to ensure the administration or execution of the act, disclosure reasonably required for the purposes of facilitating mediation, or disclosure otherwise required by law or made with other lawful excuse.

Clause 8 of the bill, which compels a creditor to give written notice and provide certain specified information to a farmer before taking enforcement action, and clause 10(4) of the bill, which requires a creditor who agrees to mediation to notify the Department of Primary Industries, may also engage the right to freedom of expression. This is because the right to freedom of expression has been interpreted in some jurisdictions to include a right not to impart information. To the extent that these provisions impose a limitation on free expression, they also fall within the permissible limitation set out in section 15(3) of the charter act. Requiring the information is an important aspect of the regulatory function of the bill, and is reasonably necessary to allow the SBC to allocate and provide mediation services.

Accordingly, the bill is compatible with the right to freedom of expression in section 15 of the charter act.

*Property rights*

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

Clause 8 of the bill requires a creditor to provide a farmer with a notice of availability of mediation prior to taking any enforcement action in respect of a farm mortgage. Clause 12 of the bill prohibits a creditor from taking enforcement action in respect of a farm mortgage if the farmer has requested mediation, unless an exemption certificate is in force. Clause 14(2) of the bill states a creditor must not commence enforcement action against a farmer if a prohibition certificate is in force.

Although not defined in the charter act, 'property' is a broad concept. To the extent that a mortgage is a form of property, these provisions may engage the right to property as they limit a creditor's right to take enforcement action in respect of a farm mortgage. However, the provisions do not seek to 'deprive' a creditor of their property by extinguishing the legal rights of a creditor or substantially interfering with the enjoyment of the property; rather, the relevant provisions merely temporarily limit the exercise of a right to property. Moreover, the right in section 20 of the charter act protects against deprivations of property that occur 'other than in accordance with law'. This requires that powers authorising the deprivation of property in legislation are confined and structured rather than unclear, are accessible to the public and are formulated precisely. The provisions in the bill that limit a creditor's ability to take enforcement action are clear, precise, and limited in their operation.

For these reasons, the bill is compatible with the right to property in section 20 of the charter act.

*Right to a fair hearing*

Section 24(1) of the charter act provides that a party to a civil proceeding has the right to have the proceeding decided by a competent, independent and impartial court or tribunal, following a fair and public hearing.

The right to a fair hearing has been held to include an implied right to access to courts. This right is engaged by the temporary prohibitions on a creditor taking enforcement action in clauses 8, 12 and 14(2) of the bill. However, to the extent that these clauses engage the right to fair hearing, they constitute a reasonable limitation on the right. The purpose of the provisions is to provide temporary restrictions on access to judicial enforcement to facilitate the efficient and equitable resolution of farm debt disputes. In my view, the provisions serve a purpose that is sufficiently important to justify this proportionate and effective limit on the implied right to access the courts.

Accordingly, the bill is compatible with the right to a fair hearing in section 24 of the charter act.

**Conclusion**

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

Peter Hall, MLC
Minister for Higher Education and Skills

*Second reading*

**Ordered that second-reading speech be incorporated into *Hansard* on motion of Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations).**

**Hon. R. A. DALLA-RIVA** (Minister for Employment and Industrial Relations) — I move:

That the bill be now read a second time.

**Incorporated speech as follows:**

I am pleased to introduce the Farm Debt Mediation Bill 2011 into the house.

This bill delivers on an important coalition election commitment to Victoria's food and fibre producers.

This bill will develop a framework for efficient and equitable resolution of farm debt disputes.

It will provide a legislative basis to require financial institutions and other creditors to undertake a mediation process with farmers before enacting debt recovery processes. The need for this legislation has been highlighted by the impact of drought over the past decade, followed by recent floods across much of northern Victoria.

The introduction of this bill is timely because of the expiry of exceptional circumstances drought assistance across northern, central and eastern Victoria, the loss of which will have a significant impact on many farm families who had been relying on assistance.

The government has made every effort to design and implement this scheme as early as possible in recognition of these extenuating circumstances.

**The proposed Victorian model**

The bill will require a creditor, usually being a bank or other financial institution, that is seeking to commence enforcement action over a farm debt, which is wholly or partly secured by

a farm mortgage, to provide a farmer with the option to mediate before the creditor may take enforcement action, for example to commence the process of foreclosure.

Farmers offered mediation have no compulsion to take up the opportunity.

The intention is to provide for the efficient and equitable resolution of farm debt disputes by preventing creditors from taking enforcement action on a farm debt without first exploring, in a neutral setting and in a non-adversarial fashion, alternative terms and conditions which may provide a mutually beneficial solution to the problem.

The bill only deals with farm debt. This is defined in the bill as debt incurred by a farmer for the purposes of the conduct of a farming operation that is secured wholly or partly by a farm mortgage.

Key features of the Victorian model in relation to the availability of mediation are:

(a) A creditor seeking to commence enforcement action over a farm mortgage is required to give the farmer the option to mediate.

(b) The farmer has 21 days to accept the offer to mediate; if not, enforcement action can proceed as normal.

(c) In the event that a creditor refuses to meet the obligation to initiate mediation, or refuses an invitation from a farmer who is in default to mediate, the scheme regulator can prohibit the creditor from taking recovery action for six months.

(d) A farmer does not have to be in default to request mediation with their creditor concerning the farm debt but in this instance there is no obligation for the creditor to accept.

(e) Mediation continues until a mutual agreement is reached or the small business commissioner is of the view that an agreement cannot be reached despite both parties mediating in good faith.

The establishment of this farm debt mediation scheme will provide farmers with greater security knowing that a creditor cannot suddenly foreclose on their property without an opportunity to discuss alternative solutions with the assistance of an acceptable, neutral and impartial mediator.

For many farm families, the farm is both business and their home. The bill will reduce the fear felt by many farmers under financial distress of finding themselves suddenly without a farm, their home or a job. It will provide greater security to farmers through a heightened level of confidence in dealing with their creditors and in being able to negotiate alternative options to foreclosure.

Often in these situations, communication has broken down and the two parties are no longer able to negotiate in a constructive manner. This bill will facilitate a renewal of communication between the farmer and their creditor.

The Victorian farm debt mediation process provides farmers with a government-supported forum that enables them to receive a fair hearing before a creditor commences recovery action, or may even prevent this action occurring. The bill will also provide a pathway for farmers to be assisted to negotiate in a professional and sensitive manner to exit their farm with dignity and be able to continue to live within their rural community with their heads held high.

This bill provides for a mediation process. It is not arbitration. Settlements will not be imposed on farmers or financial institutions by a third party. The process opens the way for mature negotiation whereby the farmer and the creditor can discuss the individual circumstances and optimally agree on a mutually beneficial way forward.

As the process is introduced in Victoria, it will be important parties not have unrealistic expectations, but to enter mediation open to consider resolutions that respect the dignity and business aspirations of both parties.

This scheme has been modelled on the New South Wales Farm Debt Mediation Act 1994. Revisions to the model have been made which reflect Victorian administrative structures and best practices in mediation service delivery which have evolved over the 17 years since the NSW scheme was developed.

A close alignment to the NSW model was adopted to support consistency across state boundaries and minimise implementation costs to financial institutions that operate in both jurisdictions.

The administrative support for the legislation will be provided by the Department of Primary Industries with the mediation services provided by the Office of the Small Business Commissioner.

The Office of the Small Business Commissioner is considered well placed to manage the mediation services provided for in this proposed scheme. It currently administers similar mediation initiatives under the Retail Leases Act 2003 and the Owner Drivers and Forestry Contractors Act 2005, and maintains a panel of mediators with acumen in commercial matters and a strong presence in regional and rural areas. Where possible the proposed scheme has been designed to keep consistency with the Office of the Small Business Commissioner's existing prescribed roles and practices.

The bill will provide greater certainty to participants about the costs of mediation by providing for a capped nominal fee for mediation services.

The bill adopts best practice with a focus at the premediation stage on being fully prepared and to enter negotiations with a view to settling the matter at the mediation and to move forward. There is, however, provision for mediation to be adjourned should a party so wish, particularly if the matter is complex. In the NSW experience the provision of support through the premediation dialogue phase often results in sorting out many of the problems expeditiously.

Discussions with rural financial counsellors in NSW suggest the scheme works well and is positive for both the farmer and the creditors with evidence that in at least 72 per cent of cases parties settled their disputes.

This proposed legislation will complement Victoria's rural financial counselling services. These counsellors are expected to play an important role in this scheme by assisting their clients to be well prepared for the process and can act as advocates should the client wish. This obviously makes the

process more affordable for farmers in a difficult financial situation.

The vast majority of farm debt is with the large recognised banking institutions. The Australian Bankers Association has been supportive in the development of the proposed Victorian scheme. The ABA expressed a desire to have consistency across the nation which this bill is delivering.

The Victorian Farmers Federation is also supportive of the proposal.

Victorian farming families have been requesting this type of legislation for many years as a safety net to protect from being foreclosed on suddenly. I am proud to be part of a government that can deliver this initiative.

I commend the bill to the house.

**Debate adjourned on motion of Mr LENDERS (Southern Metropolitan).**

**Debate adjourned until Thursday, 25 August.**

## JUSTICE LEGISLATION AMENDMENT (PROTECTIVE SERVICES OFFICERS) BILL 2011

*Introduction and first reading*

**Received from Assembly.**

**Read first time on motion of Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations).**

*Statement of compatibility*

**Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) tabled following statement in accordance with Charter of Human Rights and Responsibilities Act 2006:**

In accordance with section 28 of the Charter of Human Rights and Responsibilities Act 2006 (charter act), I make this statement of compatibility with respect to the Justice Legislation Amendment (Protective Services Officers) Bill 2011.

In my opinion, the bill, as introduced to the Legislative Council, is compatible with the human rights protected by the charter act. I base my opinion on the reasons outlined in this statement.

**Overview of bill**

The purpose of the bill is to provide protective services officers (PSOs) who are on duty at designated public places with appropriate powers in order for those officers to be effective in combating crime and antisocial behaviour occurring in those public places. The bill achieves this by amending the following acts to provide those officers with certain powers:

the Police Regulation Act 1958;

the Bail Act 1977;

the Control of Weapons Act 1990;

the Crimes Act 1958;

the Drugs, Poisons and Controlled Substances Act 1981;

the Environment Protection Act 1970;

the Graffiti Prevention Act 2007;

the Liquor Control Reform Act 1998;

the Magistrates' Court Act 1989;

the Mental Health Act 1986;

the Road Safety Act 1986;

the Summary Offences Act 1966; and

the Transport (Compliance and Miscellaneous) Act 1983.

**Human rights issues**

**Liberty**

A number of provisions in the bill engage the right to liberty and security of persons in section 21 of the charter act and, most pertinently, the right not to be 'arbitrarily' arrested or detained (section 21(2)). The prohibition on 'arbitrary' interferences has been said to require that a lawful interference must be reasonable or proportionate in all the circumstances, and has also been said to incorporate elements of inappropriateness, injustice and lack of predictability.

The following clauses confer on PSOs the power to arrest:

Clause 6 amends section 24 of the Bail Act 1977 to provide that a PSO may arrest, without warrant, a person who has been released on bail for reasons including that there are reasonable grounds to believe that the person is likely to break, is breaking, or has already broken, relevant bail conditions; or that any surety for the person wishes to be relieved of surety obligations for those reasons; or that any surety is dead or that for any other reason the security is no longer sufficient. This is in an existing power that applies to members of the police force, and is necessary to uphold justice by enforcing orders of the court.

Clause 30 amends section 126(5) of the Liquor Control Reform Act 1998 to provide that a PSO may arrest, without warrant, a minor who refuses to provide his or her name and address upon request. Such a request may be made where a PSO has reason to believe that the minor has consumed, is consuming or is about to consume liquor. This is an existing power that applies to members of the police force and is necessary to enforce provisions designed to protect children from the harmful effects of under-age liquor consumption.

Clause 35 amends section 63(2) of the Magistrates' Court Act 1989 to provide that a warrant to arrest directed to a named member of the police force may be

executed by a PSO. The power to execute a warrant is important in the interests of justice.

Clause 50 inserts a new section 15 into the Summary Offences Act 1996 to provide that a PSO may arrest a person found drunk or drunk and disorderly in a public place. Such persons must then be lodged in safe custody. This is an existing power that applies to members of the police force and is for the purpose of protecting the safety of both the person themselves and others in the community.

Clause 58 amends section 219 of the Transport (Compliance and Miscellaneous) Act 1983 to provide that a PSO may arrest, without warrant, a person if there are reasonable grounds to believe that the person has committed an offence against that act or relevant regulations or the Graffiti Prevention Act 2007, and the arrest is necessary to ensure the appearance of the person before a court, to preserve public order, to prevent the continuation of the offence or a further offence, or for the safety or welfare of members of the public or of the person.

I consider that the powers to arrest persons for the reasons outlined above are not arbitrary. They are powers that members of the police force currently have in order to achieve legitimate public purposes. In each case, a PSO is required to hand an arrested person into the custody of a member of the police force as soon as practicable after the person is arrested. Accordingly, the provisions are compatible with section 21 of the charter act.

In addition to powers to arrest, the following clauses confer on PSOs the power to apprehend, detain or move persons in certain circumstances:

Clause 10 inserts a new section 10AA(7) into the Control of Weapons Act 1990 to provide that a PSO may detain a person for so long as is reasonably necessary to conduct a relevant search. There are various procedural safeguards that apply for the purpose of conducting such searches. For those search powers to be effective, PSOs must be able to place necessary restraints on the liberty of individuals to ensure that they receive cooperation for the duration of the search. The power goes no further than is necessary to achieve that purpose.

Clause 17 amends section 459 of the Crimes Act 1958 to provide that PSOs may apprehend a person, without warrant, if there are reasonable grounds to believe that the person has committed an indictable offence. This is an existing power that applies to members of the police force and is in the interests of justice and community safety. A PSO must, as soon as practicable after apprehending the person, hand the person into the custody of the police.

Clause 20 inserts a new section 60BA into the Drugs, Poisons and Controlled Substances Act 1981 to provide that PSOs may exercise police powers under division 2 of that act. This includes the power to apprehend and detain a person if there are reasonable grounds to believe that the person is under 18 years of age, is inhaling or has recently inhaled a volatile substance, and there is a risk of immediate and serious harm to that person or another person. The purpose of this power is to prevent harm to minors and others as a result of the use of volatile substances, and a PSO may only exercise the power in relation to a person who is at, or in the vicinity of, a designated place. Persons must only be detained while there is a risk of harm. PSOs must attempt to release detained persons into the care of a suitable person who can care for the person (for example, a parent or guardian); if the PSO has been unable to release the person into the care of a suitable person, then they may continue to detain the person until the person can be handed into the custody of police.

Clause 38 amends section 10 of the Mental Health Act 1986 to provide that a PSO may apprehend a person who appears to be mentally ill if there are reasonable grounds to believe that the person has recently attempted suicide or serious bodily harm to themselves or another person (or is likely to). A PSO must, as soon as practicable after apprehending the person, hand the person into the custody of the police or a mental health practitioner. This is an existing power that applies to members of the police force and is for the purpose of protecting the safety of both the person themselves and others in the community.

Clause 59 amends section 220 of the Transport (Compliance and Miscellaneous) Act 1983 to provide that PSOs may remove a person and the person's property from public transport vehicles and premises if there are reasonable grounds to believe that the person is committing an offence under that act or regulations and is likely to be attended with danger or annoyance to the public or hindrance to the police or relevant officers. This is an existing power that applies to members of the police force and is for the purpose of protecting the safety of the community.

I consider that the powers to apprehend, detain and move persons for the reasons outlined above are not arbitrary. They are powers that members of the police force currently have in order to achieve legitimate public purposes. Accordingly, the provisions are compatible with section 21 of the charter act.

**Freedom of movement**

A number of provisions empower PSOs to limit a person's free movement, in a way that falls short of detention, including:

Clause 41 gives PSOs powers under the Road Safety Act 1986 to prevent driving by incapable persons.

Clause 48 gives PSOs powers under the Summary Offences Act 1966 to direct that a person move on where the PSO suspects on reasonable grounds that: a person is breaching or likely to breach the peace; a person is endangering or likely to endanger the safety of another person; or the behaviour of a person is likely to cause injury or damage to property or is otherwise a risk to public safety.

Clause 59 gives PSOs powers under the Transport (Compliance and Miscellaneous) Act 1983 to remove offenders where the PSO believes on reasonable grounds that the person is committing an offence against the act or the regulations; and that the commission of the offence is or is likely to be attended with: (i) danger or annoyance to the public; or (ii) hindrance to any member

of the police force or any authorised officer or any employee of, or person engaged by, a passenger transport company or bus company.

In each case I consider that the limit on the person's movement is reasonable and justified, as they are necessary to achieve the important purpose of the provisions (to prevent offences and to protect the public). Accordingly, I consider the provisions are compatible with the right to free movement in section 12 of the charter act.

**Privacy**

Protective services officers are given a number of search powers, including:

Clause 10 gives PSOs powers under the Control of Weapons Act 1990 to search persons, vehicles and things in a person's possession or control where the PSO has reasonable grounds for suspecting that the person has a weapon. These powers are subject to procedural safeguards as set out in proposed section 10AA(4) and searches must be conducted in the least invasive way as is practicable in the circumstances (section 10AA(6)).

Clause 20 gives PSOs powers under division 2 of the Drugs, Poisons and Controlled Substances Act 1981, which relate to the protection of the health and welfare of persons under 18 years of age with respect to volatile substances. This includes the power to search persons, vehicles, packages or things for volatile substances where the PSO has reasonable grounds for suspecting: that a young person has and is inhaling, or intending to inhale, a volatile substance (section 60E); or that a person intends to provide a volatile substance or instrument to a young person (section 60F). These powers are subject to procedural safeguards (sections 60G and 60H).

Clause 25 gives PSOs powers under the Graffiti Prevention Act 2001 to search persons, vehicles, packages and things where a PSO has reasonable grounds for suspecting that a person has in his or her possession a prescribed graffiti implement. This can be without warrant where the PSO suspects that relevant evidence is likely to be lost or destroyed if a search is delayed until a search warrant is obtained and the person is 14 years of age or more (section 13). These searches are subject to procedural safeguards generally (sections 13 and 15) and specific safeguards for persons under 18 (section 14).

Having regard to the purpose and the powers, the basis for the exercise of the powers (reasonable grounds to suspect) and the procedural safeguards, I consider that any interference with privacy occasioned by these powers is neither unlawful nor arbitrary. Accordingly, the provisions are compatible with the right to privacy in section 8 of the charter act.

Protective services officers are also given a number of powers to obtain personal information, including:

Clause 30 empowers PSOs to demand a person's age, name and address where a PSO has reason to believe that a person who appears to be under the age of 18 years has consumed, is consuming or is about to consumer liquor in contravention of the Liquor Control Reform Act 1998. PSOs are also empowered to seize a proof-of-age document if the PSO has a reasonable belief the document is fake (clause 31).

Clause 57 empowers PSOs to require provision of names and addresses where the PSO believes on reasonable grounds that the person has committed or is about to commit an offence against the Transport (Compliance and Miscellaneous) Act 1983 or the Graffiti Prevention Act 2007.

I consider that any interference with privacy through the gathering of such information is neither unlawful nor arbitrary. Accordingly I consider that clauses 30, 31 and 57 are compatible with the right to privacy in section 8 of the charter act.

In addition, clause 42 gives PSOs powers under the Road Safety Act 1986 to enter a motor vehicle, using reasonable force if necessary, to establish the identity of the driver or to arrest a person, if the driver refuses to obey a lawful direction. The entering of the motor vehicle may involve an interference with privacy but it is neither unlawful nor arbitrary. Accordingly I consider that clause 42 is compatible with the right to privacy in section 8 of the charter act.

**Property**

A number of provisions empower PSOs to seize property, either permanently or temporarily (e.g. clauses 9, 10, 20, 25, 31, 32, 41). However, in each case any deprivation occurs in accordance with the law and therefore there is no limit on the right to property in section 20 of the charter act.

**Conclusion**

For the reasons given in this statement, I consider that the bill is compatible with the Charter of Human Rights and Responsibilities Act 2006.

Hon. Richard Dalla-Riva, MLC
Minister for Employment and Industrial Relations

*Second reading*

## Ordered that second-reading speech be incorporated into *Hansard* on motion of Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations).

**Hon. R. A. DALLA-RIVA** (Minister for Employment and Industrial Relations) — I move:

That the bill be now read a second time.

## Incorporated speech as follows:

This government was elected with a mandate to introduce protective services officers (PSOs) on the rail network to protect the community against violence and other antisocial behaviours which had made travel on the network, particularly at night, an unacceptable risk for many in the community.

This government is committed to the deployment of 940 PSOs on the rail network by the end of its first term in office. PSOs will be deployed on stations from 6.00 p.m. until last train 7 days a week, 365 days a year.

The purpose of the bill is to provide PSOs who are on duty at designated places with appropriate powers in order for those officers to be effective in combating crime and antisocial behaviour occurring in those public places. The bill achieves this by amending the following acts to provide those PSOs with certain powers:

the Police Regulation Act 1958;

the Bail Act 1977;

the Control of Weapons Act 1990;

the Crimes Act 1958;

the Drugs, Poisons and Controlled Substances Act 1981;

the Environment Protection Act 1970;

the Graffiti Prevention Act 2007;

the Liquor Control Reform Act 1998;

the Magistrates' Court Act 1989;

the Mental Health Act 1986;

the Road Safety Act 1986;

the Summary Offences Act 1966; and

the Transport (Compliance and Miscellaneous) Act 1983.

These powers have been selected carefully to ensure PSOs will have the necessary powers to support their community safety role on the rail network. Unlike police members, who may exercise their powers 24 hours a day, PSOs will only be able to exercise the powers they are being given while on duty at places designated by regulation.

PSOs will be able to exercise these powers in respect of incidents that occur at and in the vicinity of designated places, that is, places designated in the Police Regulations 2003 as places where PSOs may be deployed.

The training that these PSOs will receive has also been extended from 9 weeks to 12 weeks to include instruction in the exercise of these new powers. It should also be recognised that PSOs already receive the same level of training in the use of tactical equipment (firearms, oleoresin capsicum spray, batons and handcuffs) as police and are required to requalify in the use of that equipment every six months in the same way that police members are required to do.

The policy intention of this bill is to increase safety on the rail network addressing commuter concerns about travel on the network, particularly at night.

The recruitment standards for PSOs will be as high as for police officers. The PSOs recruited for this role will receive an appropriate level of training having regard to the new powers they will be able to exercise. PSOs will also be subject to the same complaint and discipline system as applies to police officers and are subject to investigation by the Office of Police Integrity.

The operation of the PSOs is purposely constrained to the execution of these new powers while on duty, at or in the vicinity of rail stations. The powers, and the area of operation for these powers, have been limited to ensure a proportionate response to the types of incidents that have occurred on the network.

The power to arrest an offender who is wanted on a warrant issued by a court will extend to cover all PSOs while on duty, not just those PSOs on duty at railway stations.

The deployment of the PSOs will be determined on a priority basis, with the incidence of crime and public disorder a key factor in determining placement.

The bill will implement a key government commitment to enhance community safety and complements the government's other law and order initiatives; the extra 1700 police (including 100 additional transit police).

I commend the bill to the house.

**Debate adjourned on motion of Hon. M. P. PAKULA (Western Metropolitan).**

**Debate adjourned until Thursday, 25 August.**

## LOCAL GOVERNMENT AMENDMENT (ELECTORAL MATTERS) BILL 2011

*Introduction and first reading*

**Received from Assembly.**

**Read first time for Hon. M. J. GUY (Minister for Planning) on motion of Hon. R. A. Dalla-Riva.**

*Statement of compatibility*

**For Hon. M. J. GUY (Minister for Planning), Hon. R. A. Dalla-Riva tabled following statement in accordance with Charter of Human Rights and Responsibilities Act 2006:**

In accordance with section 28 of the Charter of Human Rights and Responsibilities Act 2006 (charter act), I make this statement of compatibility with respect to the Local Government Amendment (Electoral Matters) Bill 2011.

In my opinion, the Local Government Amendment (Electoral Matters) Bill 2011, as introduced to the Legislative Council, is compatible with the human rights protected by the charter act.

**Overview of bill**

The bill has two main purposes as follows:

1. to bring forward the date of local government general elections from the last Saturday in November to the fourth Saturday in October; and

2. to make the City of Melbourne subject to regular independent electoral representation reviews in the same way as all other Victorian councils.

The change to election dates, which delivers on an election commitment and which responds to requests from the local government sector, will allow more time for new councillors to learn about their role and responsibilities before having to address major decisions around the preparation of the council plan and the budget.

The City of Melbourne is the only council which has its electoral structure set out in legislation (the City of Melbourne Act 2001). Enabling regular reviews of that council will ensure that its electoral structure continues to provide fair and equitable representation to the municipality's voters.

The bill also broadens the range of circumstances when an order in council may be made to set another election date for one or more councils, which avoids overlaps with school holiday periods or state or commonwealth elections or other events or circumstances such as natural disasters, which may adversely impact on the conduct of the election in the future.

The bill further provides for consequential amendments to the Local Government Act 1989 regarding the timing of other statutory processes which will be affected by the change of election date.

**Human rights issues**

The bill does not raise any human rights issues.

**Conclusion**

I consider that the bill is compatible with the charter act because it does not limit any human right protected by the charter act.

Matthew Guy, MLC
Minister for Planning

*Second reading*

## Ordered that second-reading speech be incorporated into *Hansard* on motion of Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations).

**Hon. R. A. DALLA-RIVA** (Minister for Employment and Industrial Relations) — I move:

That the bill be now read a second time.

## Incorporated speech as follows:

This government is committed to the maintenance of democratic electoral arrangements for local government in Victoria. This bill will make two important improvements to the electoral framework for councils in this state.

Firstly, it will improve the electoral schedule, by bringing forward municipal general elections by one month.

Secondly, the bill will make the City of Melbourne subject to regular independent electoral representation reviews in the same way as all other Victorian councils.

Currently municipal general elections are set down for the last Saturday in November in each four-year cycle. This bill will move that forward to the fourth Saturday in October of each cycle.

The purpose of this change is to overcome problems identified by the local government sector.

These centred on the fact that the current schedule leaves little time between the elections and the Christmas/New Year holiday period.

This means there is insufficient opportunity for newly elected councillors to be inducted into their roles before the Christmas/New Year break.

Furthermore, November elections allow little time for new councils to begin work on their four-year council plans and annual budgets prior to interruption by the holiday period.

This is inefficient and unnecessary.

This government responded to the sector's concerns by making an election commitment to move elections to a more suitable date in each four-year cycle. This bill delivers on that commitment.

This change will take effect from the next council general elections in October 2012.

The bill also makes a number of consequential amendments to the timing of other statutory processes which will be affected by the change of the election date, including lodgement of campaign donation returns, election of mayors and the setting of mayoral and councillor allowances.

On the matter of the timing of council elections, the bill broadens the range of circumstances which may adversely impact on the conduct of elections which would enable an order in council to be made to change the election date for one or more councils. These include school holidays, state and commonwealth elections and natural disasters such as flooding and bushfires.

The bill also brings the City of Melbourne into the same framework of electoral representation reviews as all other Victorian councils. Until now, that council has not been subject to reviews, as its electoral arrangements have been specified by the City of Melbourne Act 2001.

The City of Melbourne Act 2001 recognises that, in many respects, Melbourne has specific characteristics which distinguish it from other municipalities.

However, following representations and a formal request from Lord Mayor Robert Doyle on behalf of the council, this government has decided that providing for regular electoral representation reviews of Melbourne will be in the best interests of local democracy.

This is because there have been significant demographic changes in the city of Melbourne since 2001 when the council's electoral structure was last considered. New residential development in and around Melbourne's central business district has expanded significantly over the past decade, as well as the incorporation of the Docklands and parts of Kensington and North Melbourne into the city.

In recognition of these major changes, the government has agreed that regular reviews are required.

Accordingly, this bill makes provision for the City of Melbourne to be included in the regular cycle of electoral representation reviews of all councils by the Victorian Electoral Commission.

The position of Melbourne's Lord Mayor and Deputy Lord Mayor will not be included in these reviews. Any changes to Melbourne's electoral structure recommended from a review would require an amendment to the City of Melbourne Act 2001 by Parliament.

This government is committed to effective local democracy in Victoria, and this bill will make an important contribution to strengthening the municipal electoral framework.

I commend the bill to the house.

**Debate adjourned for Mr TEE (Eastern Metropolitan) on motion of Hon. M. P. Pakula.**

**Debate adjourned until Thursday, 25 August.**

## BUSINESS OF THE HOUSE

### Adjournment

**Hon. R. A. DALLA-RIVA** (Minister for Employment and Industrial Relations) — I move:

That the Council, at its rising, adjourn until Tuesday, 30 August.

**Motion agreed to.**

## ACCIDENT TOWING SERVICES AMENDMENT BILL 2011

*Second reading*

**Debate resumed from 30 June; motion of Hon. G. K. RICH-PHILLIPS (Assistant Treasurer).**

**Hon. M. P. PAKULA** (Western Metropolitan) — Given the passage of the previous bill, what a dubious honour it is to be making the first substantive contribution in the new world order. It is probably lucky for me and for the other contributors to the debate that this is not a contentious bill and that none of us are likely to fall foul of the new parliamentary procedures that could see our pay being docked, at least not as part of this debate.

**Mr Drum** interjected.

**Hon. M. P. PAKULA** — I indicate that while Mr Drum is in the chamber there is always the possibility that things will get out of hand.

The opposition will not be opposing this bill. Ms Allan, who is the member for Bendigo East in the Assembly and the shadow Minister for Roads, eloquently put the opposition's position on this bill in the debate in the other place. Some of the technical elements of the bill were addressed as well as some of the opposition's concerns about the bill and the process leading up to it. I will only touch on those matters briefly given the hour and given the fact that these matters have been ventilated fulsomely in the Legislative Assembly.

The regulation of the towing industry is now almost 30 years old. Regulation commenced back in 1983, and it was introduced as a response to many of the concerns that existed back in the 1970s and early 1980s about a number of practices that existed in the industry. In some respects this bill is simply the latest of many iterations that legislation regulating towing has gone through since the early 1980s. Under the legislation the Essential Services Commission (ESC) is required to conduct a review of fees and charges and to provide recommendations to the Minister for Roads. Once he receives those recommendations it is the minister's responsibility to set the fees. In many respects the bill we are dealing with today is a response to the latest report of the Essential Services Commission. Some of its recommendations require legislative change, and in large part this bill is a response to that and is an implementation of those parts of the ESC report that recommend legislative change.

The previous Minister for Roads and Ports, as the portfolio then was, who is the member for Tarneit, received the report back in June 2010. One of the things it recommends is an increase in towing and storage charges of 12.5 per cent. That recommendation was accepted by the former government and gazetted just before it went into caretaker mode on 29 October last year. The majority of the recommendations of the ESC report are to be found in this bill, but not all of them, and a little bit later in my contribution I will come back to those parts of the ESC report that are not covered by the bill.

The bill regulates the price of accident and towing services in metropolitan Melbourne by amending the Accident and Towing Services Act 2007. It extends the power of the minister to determine a basic salvage fee, but it makes it clear that complex salvage jobs are not regulated and are not to be regulated. The bill makes it clear that that element of the ESC recommendations is accepted as well. I suppose that is a reflection of the fact that it is very hard to set a fee for some of the more complex jobs where it is difficult to consider all the possible eventualities. But it is important that for run-of-the-mill towing and salvage jobs there is the regulation that is imposed by the act and amended by this bill. The bill requires the Essential Services

Commission to review the regulated fees every four years, and it requires that non-regulated fees, which include fees outside the Melbourne metropolitan area, be reasonable.

There are a number of other more minor changes which will be carried out with the passage of this bill and which have been addressed in the minister's second-reading speech. They were responded to by the member for Ballarat East in the other place, Ms Allan, who is the shadow Minister for Roads, and I do not propose to go into them in any detail. I shall just outline some of the opposition's concerns about the bill; they are not numerous.

I think as a matter of practice when the Essential Services Commission issues a report it is incumbent on the government to provide a full response to the report. As I have indicated, this legislation of and by itself represents a response to parts of the report; the government's intention is clear by virtue of the provisions of the bill. But those parts of the report that are not addressed in the bill have not been responded to at all, and I think in those circumstances it is important for the government to indicate, for the certainty of the industry but also for the certainty of consumers, what its response is to the full ESC report. There is some uncertainty in the sector particularly with regard to recommendations 8 and 9 of the report, as I am sure government contributors to the debate on the bill at least will be aware.

Recommendation 8 goes to what kind of regulation might apply in Geelong. The recommendation states:

> The Victorian government should review the nature and form of regulation to apply to accident towing and storage fees throughout Victoria, including whether there is a need to regulate accident towing and storage fees in Geelong.

It is clearly the view of the Essential Services Commission that the government should investigate regulation more broadly than just in the Melbourne metropolitan area. It makes a specific reference to Geelong, and I think at the very least the government should respond to that recommendation. I would go as far as to say that it should respond in the affirmative — that is, it should indicate that it is prepared to investigate whether or not the regulation of towing services should apply in Geelong. The government has carried out a range of reviews and investigations into other things; I would imagine this kind of review could easily be conducted internally within the Department of Transport. I would not imagine it would be an onerous, lengthy or costly investigation. Given the recommendation of the ESC is that the investigation should be carried out, I suggest the government ought to carry it out, but at the very least it ought to indicate whether or not it will carry out the investigation.

The other point that was made by the member for Bendigo East in the other place, Ms Allan, who is the shadow minister and I will touch on it briefly here, is that it is important that in the development of a bill such as this the government properly consult with affected organisations and representative bodies. The Victorian Automobile Chamber of Commerce represents some 150 towing contractors who are concerned that they have not been adequately consulted in the preparation of the bill. I know Ms Allan met with the VACC, but at that time it had not been consulted by government. I understand that subsequent to Ms Allan's meeting with the VACC the government met with it, which is welcome, but nevertheless it remains concerned about a number of issues, in particular issues surrounding the transfer of towing licences.

It is true to say that there is no particular authority within the state of Victoria that has the power to prevent the transfer of tow-truck licences, and there have to be some concerns about that. I know the VACC has expressed those concerns. Given the review of the allocation areas that is also in place, there is the potential for there to be some form of profiteering with contractors potentially buying a lower value licence in regional Victoria but then transferring that licence to a part of the state that is still regional but because of its proximity to the Melbourne metropolitan area the licence is in fact of a much higher value.

Those are just some of the concerns that have been raised. I think as a matter of good practice it would be better if these organisations were properly consulted prior to the drafting of a bill so that any concerns and good advice that those organisations could provide to government could find their way into a bill such as this. But as I said, it is my understanding that since Ms Allan met with the VACC it has since had its moment with the minister and has at least had the opportunity to convey those concerns directly.

Having expressed those concerns, let me reiterate that the opposition will not be opposing the bill. I look forward to contributions from government members, particularly any contribution that might shed light on some of the concerns that have been raised by the opposition during this debate.

**Debate adjourned on motion of Mr O'DONOHUE (Eastern Victoria).**

**Debate adjourned until later this day.**

## ISRAEL: SUPPORT

**Ms CROZIER** (Southern Metropolitan) — I move:

That this house:

(1) acknowledges that Israel is a legitimate and democratic state and a good friend of Australia;

(2) notes the public backlash against the decision by Marrickville Council to boycott Israel;

(3) calls on all public organisations and entities to withdraw any support for this boycott that they may have previously provided; and

(4) calls on all members of the Victorian Legislative Council to declare their support for Israel, reject racist and inflammatory actions against Australia's allies and condemn the boycott of Israel.

When speaking on this motion I would also like at the outset to acknowledge the sometimes difficult and complex political history and devastating conflicts experienced by both the Israeli and Palestinian people over many years. In saying that I am also aware of the uncertainty the Jewish people have had to endure over so many years whilst trying to establish a homeland and the many persecutions they have suffered.

I refer to the first part of my motion which acknowledges that Israel is a legitimate and democratic state and a good friend of Australia. Jewish people have been in Australia since early settlement; in fact they were part of the arrival of the First Fleet. The friendship between Australia and Israel is longstanding. In 1947 Australia was the first country to vote in favour of the 1947 United Nations partition plan which has worldwide recognition and 143 United Nations member states including, as was announced in July this year, full democratic relations between the state of Israel and South Sudan.

Apart from the international recognition by Australia we in Melbourne are very lucky to have had many Jewish figures make so many contributions in so many ways. Members of this chamber would well know such significant public and political figures as Sir John Monash; Sir Isaac Isaacs; Sir Zelman Cowen; in science, Sir Gustav Nossal; in business, Sidney Myer, John Gandel, Richard Pratt and David Mandie.

I will take the opportunity to speak for a moment about David Mandie, who, sadly, after a short illness, died on Wednesday at the age of 93. David was a great example of a fine Australian in so many ways. He was a true entrepreneur, who was charming and generous, and I had the great privilege of knowing him in more recent years. David's story is a great one. He started out selling tobacco in his father's barber shop as a young man and went on to purchase a wholesale wine and spirit enterprise before being involved in the duty-free retail industry, at which he was very successful.

David was well known amongst many people for his multiple business abilities. More importantly he was known for his kindness, generosity and philanthropy towards so many people around this country and for the contributions he made to both Australian and Israeli projects. He was also widely known in the sporting fraternity. He would be well known to a member of this chamber, Mr Finn, who is, as David was, a passionate Richmond supporter. In fact David did much for Victorian sport, having had a 70-plus year association with Victorian sport in one way or another.

There has been and will be much written about David Mandie, I am sure, but what he has given in so many ways to this country, the state of Victoria and his own community makes this motion even more meaningful to me.

I go back to paragraph (2) of my motion, which notes the public backlash against the decision by Marrickville Council to boycott Israel. Marrickville is a local government area situated in inner western Sydney. What is so significant about Marrickville Council in relation to the state of Israel is what was said in December 2010. On 14 December 2010 Cr Cathy Peters moved a motion to support an international boycott, divestment and sanctions campaign against Israel. This motion was supported by the Greens, Labor and one Independent councillor, including mayor Cr Fiona Byrne, the Greens candidate for the seat of Marrickville in the New South Wales state election. The only members of the council to oppose the motion were two Independents.

The motion was widely condemned at the time by politicians from both sides of the political spectrum, including federal Minister for Foreign Affairs Kevin Rudd, then New South Wales Premier Kristina Keneally and federal Greens leader Bob Brown. Fortunately at the time wiser heads prevailed, and Marrickville Council voted 8-4 not to pursue its boycott of Israel.

During that time it was revealed that the boycott would cost Marrickville ratepayers in the vicinity of $3.7 million if it was fully adopted. It would cost $3 million alone to replace Hewlett-Packard computers, $300 000 for new record-keeping software, $150 000 for new Motorola products, and the list goes on.

I doubt, though, that this takes into account the full impact of the widespread adoption of other Israeli innovations that have been so prominent within the Marrickville Council and in Australian business in general. Those innovations, those business abilities and those movements that have benefited so many in this country and in the state of Israel do not seem to bother the extreme left. It does not seem to bother those who foot the bill as long as Israel is publicly demonised at the time. Labor members on the Marrickville Council also voted for this motion in December, which was disappointing.

I want to go back to what this was all about in relation to the BDS (boycott, divestment and sanctions) campaign and look at what the BDS is. I note that the BDS campaign website states:

> In 2005 Palestinian civil society issued a call for a campaign of boycotts, divestment and sanctions (BDS) against Israel until it complies with international law and Palestinian rights. A truly global movement against Israeli apartheid is rapidly emerging in response to this call.

This is quite frightening, and these are quite frightening movements if that is what the Greens were trying to purport at that time. I am absolutely horrified to think that that was happening in this country.

What is even worse is that the movement has spread to Melbourne and Victoria, and I highlight the recent demonstrations outside the confectionery chain Max Brenner, which has numerous stores here in Melbourne, across the country and internationally. Max Brenner was not the only store to be condemned. Companies involved in cosmetics and other Israeli-owned businesses were targeted for 'profiteering from resources in the land stolen by Israel'. That is quoted on the BDS campaign website.

I am pleased that the Baillieu government has taken a principled stand against these extremists. The Premier has quite rightly said:

> The targeting of businesses because of their religious or cultural association offends the whole community and undermines our multicultural society.

In addition, the Minister for Consumer Affairs, Michael O'Brien, stated that the actions in boycotting Max Brenner stores are likely to be illegal, and he has written to the Australian Competition and Consumer Commission (ACCC) seeking that it investigate anti-Israel campaigners for breach of commonwealth laws. In particular the actions are likely to contravene section 45D of the Competition and Consumer Act 2010, formerly the Trade Practices Act 1974. The minister has requested that the ACCC take immediate action to prevent the boycotts from continuing. But shirking the law does not seem to worry these extremists. Soon after they were initially arrested a number of them breached bail conditions and needed to be arrested again. They were not listening to the law or to what the longstanding law and order practices in this country are about.

Sadly we have seen in recent times such extreme and destructive behaviours, what they can do and how they have disrupted many people in the UK in the form of riots.

I would also like to commend and acknowledge, at a federal level, the Prime Minister, Julia Gillard, the foreign minister, Kevin Rudd, the member for Melbourne Ports, Michael Danby and the leader of the Greens, Bob Brown, for their stand against these boycotts, but their efforts should not stop with mere words.

I am concerned that those within Labor and the Greens who are unwilling to budge on this issue continue to insist on undermining the legitimacy of the state of Israel. Take Senator Lee Rhiannon, for example, who shepherded the BDS policy through the New South Wales Greens state council. The policy called for all Australians and the Australian government to boycott Israeli goods, trading and military arrangements and sporting, cultural and academic events. While Senator Brown has spoken out against her actions, he must do more to quash her extreme views along with the views that we saw demonstrated outside the Max Brenner stores.

Labor and the union movement are not immune to criticism either. I draw the house's attention to a resolution of the Victorian Trades Hall Council passed on 10 September 2010. It states:

> Therefore the VTHC executive council determines to support this campaign, and as a first step it will endorse and send representatives to the BDS conference to be held in Melbourne on 29 to 31 October 2010.
>
> Further, the VTHC executive council determines that the VTHC will:
>
> > promote this campaign within the community, work with unions and other organisations that support the campaign to maximise its effectiveness; and
> >
> > provide reports to executive council at six-monthly intervals and will include information on the effectiveness of the campaign (Sis. Halfpenny and Bro. Cragg will be the responsible officers).

Unfortunately that is stated in their resolution, and unfortunately that is part of the Labor movement. That needs to be quashed. Those responsible for those sorts

of statements need to understand that this sort of boycotting of the Israeli state, Israeli products and Israeli companies should not be tolerated in Australia. This is an absolutely free society where that sort of behaviour should not be undertaken. I call on all members of this chamber to support this motion, and in doing so I ask both Labor and Greens members to do that.

**Hon. M. P. PAKULA** (Western Metropolitan) — I say at the outset that it is a matter of great regret to me that we were not given appropriate notice that this motion was going to be brought on this afternoon. We were in the middle of debate on the Accident Towing Services Amendment Bill 2011. I had just sat down after making my contribution, when Mr O'Donohue moved that we adjourn debate on the bill. I would have thought that for a motion of this nature members of the opposition ought to be given — —

**Hon. D. M. Davis** — It was 9.05 a.m.

**Hon. M. P. PAKULA** — We were told that the next item on the agenda was the Accident Towing Services Amendment Bill 2011. Nobody said to us that debate on that bill would be adjourned. It would have been much better if Mr Lenders or I had been given the opportunity to properly prepare for this debate.

**Hon. D. M. Davis** — It has been on the notice paper for a long time.

**Hon. M. P. PAKULA** — Yes, Mr Davis, I am aware it has been on the notice paper.

Let me say that the opposition will support this motion. I come to this debate as a longstanding and proud supporter of the state of Israel. I attended my sister's wedding in Israel. Members of my family have lived in the state of Israel, both my direct and my extended family. The state of Israel was a safe haven for many members of my family who decamped there after World War II, some of whom were survivors of Auschwitz and other concentration camps. It is not a cause or motion that I support with any reservation whatsoever. But it is regrettable that some of the obiter dicta, if you like, that was contained in Ms Crozier's speech was there.

I say that because I am aware that an earlier motion was removed from the notice paper because it contained what the opposition considered to be unnecessarily inflammatory suggestions about the Labor Party and trade unions. I understand there were discussions between the parties in order to achieve a motion that could be supported and where there was no attempt being made with the motion to divide and conquer. I was pleased when I saw the revised motion on the notice paper. All of that material had been deleted, but to then have it readmitted, if you like, through the back door via the debate is extraordinarily regrettable. I can only imagine that the motive for doing so was some hope that it would create some difficulty within the opposition, that it would create some pause or cause for us to reconsider our position. If that was the ploy, it has been spectacularly unsuccessful, and it has done whoever was the author of that strategy no credit whatsoever. Whoever was the author of that strategy ought to be ashamed of themselves.

In regard to the motion itself, there has been a strong, profound and uncompromising rejection of the boycott against the state of Israel by a swathe of Labor MPs, including Mr Danby, the federal member for Melbourne Ports; Senator Feeney; Senator Conroy; and Paul Howes from the Australian Workers Union, all of whom participated in a sit-in at Max Brenner Australia. I understand there is going to be another one, and I suspect a number of us will attend.

There was immediate support from the Victorian Leader of the Opposition, Mr Andrews, for the measures that were announced by the Minister for Consumer Affairs. As much as any member of the government I wish that those individuals who somehow think that racist behaviour, anti-Semitic behaviour, can be excused by badging it as anti-Zionist or anti-apartheid behaviour would cease and desist now and forever more. There is no justification for what they do. I would be delighted if they would pay as much attention to the atrocities being committed against the Syrian people by their own government and to the atrocities being committed against the Libyan people by their own government. It seems they have set a different standard for the state of Israel and believe that because they can badge it as an assault against a nation rather than an assault against a religion it is somehow okay.

I have no difficulty supporting the motion. I have no difficulty separating myself from any behaviour of any person on the left of the political spectrum who thinks that behaviour is okay. Anybody from the government who thinks that they will cause for the opposition even a moment's hesitation in supporting the motion by incorporating into the debate the phrases 'the union movement' or 'Victorian Trades Hall Council' or 'some Labor members in Marrickville' is kidding themselves. It does not cause us a moment's hesitation in supporting the motion.

As I said at the outset, it is extraordinarily regrettable that in such a cunning and underhanded way the

government has somehow sought to, on the one hand, say, 'We praise the actions of the Prime Minister, we praise the actions of the foreign minister', and then, on the other hand, get the barb in by referring to some Labor members and some unions. It can be nothing other than an attempt to break open the absolute bipartisan consensus that has existed on this issue for decades. Whilst I enthusiastically support the motion, enthusiastically reject the boycott and enthusiastically support the actions of all members of Parliament, state and federal, Labor and Liberal, who have been down at Max Brenner and at other Israeli businesses expressing their solidarity, I have to say this motion could have been debated and passed in a spirit of much greater generosity if it were not for the amateurish and unworthy attempts to find a way to put the needle into the opposition over an issue that we should all be agreeing on wholeheartedly.

**Mr BARBER** (Northern Metropolitan) — I have just been informed that the form of the motion has changed from that originally tabled and read out by Ms Crozier and indeed from that foreshadowed by the Minister for Health in the *Australian* prior to members receiving formal notice of it.

From time to time we deal with matters of international relations in state Parliament. Obviously it is in not our remit, and that is because in many ways we cannot productively engage with those issues as state MPs. They are properly a matter of debate for the federal Parliament, where outcomes related to the issues can be reached, but from time to time we deal with international relations or matters outside the borders of Australia. Ms Pennicuik may have raised concerns about human rights in Burma, and on one occasion Mr Guy moved a motion commemorating, I think, the Armenian genocide.

**Mr Finn** — The Ukrainian famine.

**Mr BARBER** — Yes, the Ukrainian famine was the concern that Mr Guy brought to the house. We handled that quite sensitively, without attempting to score points with anybody. Mr Pakula is right to raise a concern about the objectives of the member who moved this motion. If the objective were to productively contribute to a solution to an international problem, then a state Parliament unanimously supporting that motion in that format could be of some assistance. If, as Mr Pakula started to suspect, it is the opposite — that is, if the motion does not provide support to a productive solution and is an attempt to wedge one or other party along the way — then the contribution of state Parliament will become less and less useful.

It would be possible for us to bring matters of international relations into Parliament every single sitting week. We could spend our time as state MPs researching and informing ourselves so as to contribute to motions that would normally be the sort of things our federal colleagues occupy themselves with. I was surprised, therefore, that we moved away from the extremely prosaic business of legislating for tow trucks to debate this matter before the Chair. Presumably we will return to finalising that piece of legislation on tow trucks before we leave.

I am not a scholar when it comes to the Israel-Palestine conflict nor, for that matter, much of anything to do with the Middle East, so I would not want to proffer options for solutions to those matters. I understand how extraordinarily complex the issue is. As a state MP, I simply do not have the time or capacity to get involved in the issue. There are a few international issues that I have an interest in, but I know I will not get to pursue them as long as I am in the state Parliament with my 11 shadow portfolios. I will simply be devoting myself to public transport, forest protection and so forth.

This issue has been in the newspapers for a year or so. Ms Crozier's motion in its shrunken form now seems to attribute most of the responsibility for the controversy to a New South Wales council. I now understand, because Mr Pakula informed us, that there has been some negotiation between the Labor and Liberal parties in an attempt to frame a motion that could receive unanimous and unqualified support across the board, but unfortunately, because of where the motion started, the motion is simply a return to the issue of what a New South Wales council did rather than a broad question regarding enduring peace.

In terms of that, my party's policy advocates a two-state solution. That is an easy handle to describe a particular course that has been charted towards peace in that region. But while it sounds simple as it rolls off the tongue, even that middle ground is extraordinarily complicated in its implementation. If members read the newspapers, they will have seen that there is no steady, regular or linear course in regard to that. I do not propose to say anything more than that about the Israel-Palestine conflict.

My party has a national policy in terms of the Israel-Palestine conflict that advocates a two-state solution. It is the solution that is broadly supported by Barack Obama, the President of the USA. I had to look around a bit to find references to it by the Liberal Party. I found a transcript of a doorstop interview of Tony Abbott, federal Leader of the Opposition, where he addressed a whole range of questions as you normally

do in a doorstop interview. At the end of the interview he was asked a question regarding the conflict, and he said he supported a two-state solution. I am presuming that is a generally accepted view.

However, we can understand — and I have not researched it — that there will be extremists on both sides of this conflict who say they support a two-state solution while working against it. If they can say they support a two-state solution and then say, 'But the guy on the other end will never let it happen even though he says it', then that is the great difficulty, is it not? There is not enough trust and faith in its implementation that such a solution could come to pass, even though it is obviously the consensus of the Labor and Liberal parties, the Greens, The Nationals and national governments around the world, including the very influential United States government.

Ms Crozier addressed a number of issues along the way. She referred to people who have been protesting, and she told us they have been arrested by Victoria Police and charged by Victoria Police. Some action has been taken in that area. She referred to section 45D and 45E of the commonwealth Competition and Consumer Act 2010 and said that the state Minister for Consumer Affairs had written to his federal counterpart asking them to investigate. That shows yet again it is out of the state jurisdiction if that is the particular issue that Ms Crozier is raising. I do not have time or intend to go through that section of the Trade Practices Act 1974. Again it is out of our jurisdiction. I can have a view on it, but my view is not particularly useful.

I believe sincerely that something has been lost in this whole episode relating to the boycott, divestment and sanctions controversy on which all parties and parts of all those different parties that I mentioned have had various views at various times. Debating a motion at the state level is not particularly useful unless we hope that by doing so we provide some support to those others at the national and supranational level who are doing their best to achieve an outcome. The outcome, as we all agree now, is a two-state solution. Therefore, I will move a simple amendment which reflects that broader goal. I move:

> That all the words after 'That' be omitted with a view of inserting in their place 'this house supports the aspirations and rights of each of the Palestinian and Israeli peoples to independent states, living in peace and security.'.

I hope I can obtain support from all members for that motion.

**Mrs COOTE** (Southern Metropolitan) — Several speakers have said that they were surprised at the order in which this motion was raised today, and they spoke about the Accident Towing Services Amendment Bill 2011 which was scheduled to be debated next. Towing is important. However, Ms Crozier's motion is of huge and profound importance not only to this state but also to our country and to borders well and truly beyond our country.

As Mr Pakula so passionately put it, in this chamber and in the Legislative Assembly there are many who are pro-Israeli. I proudly say that I am, too. Several years ago I was fortunate to lead a deputation with Jennifer Huppert, a former member in this place, of many members of this chamber. When I returned I said that Israel was a beacon of democracy in a sea of chaos. Sadly that chaos has escalated, but Israel continues to be a beacon of democracy. It is therefore vitally important that at every stage we, as legislators and responsible members who play a big role in our communities, objectively keep the dialogue, the debate and the issues out there on the wider scene.

Max Brenner is the man at the centre of this boycott. He is seen to be the epitome of what is happening. He was reported in the *Australian* of 13 August as saying that he is a man of peace who hates all forms of violence. How has this chocolate maker become the target of anti-Israeli protesters in Australia, who accuse him of being complicit with the Israeli military? That is the question that all of us should be asking.

Eight days ago we were reminded again, by events in Britain, of the closeness of anarchy to all of us. We saw social media used in a way never seen before, and we saw a very ugly side of humanity. We did not think it could happen in Britain. We do not think it could happen in Australia. We have a boycott in this country, in this state, that is reminiscent of the darkest and most dreadful part of the Second World War and the issues and events that led to that.

Let me remind this chamber that we in Victoria have been host to the largest number of Holocaust survivors outside of Israel. We have a very fine tradition of that here. The survivors chose our state as a haven. They chose to come here because we were seen to be understanding, because we would welcome them and would understand all of these issues.

Many people from all parties are supportive of this motion, and I have to suggest it is an indictment to know that other people do not feel this way. That is why it was of major concern to me to see what was in the Victorian Trades Hall Council (VTHC) resolution of 10 September 2010. For the record, the resolution says:

> Having received reports from the officers, the VTHC executive council notes with concern and disappointment the lack of meaningful progress between Israeli and Palestinian representatives in establishing a lasting peace. It is further noted that the situation seems to be worsening with detrimental consequences for working people and their families.

It goes on — and this is the point that is so concerning:

> Further, the VTHC executive council determines that the VTHC will:
>
> promote this campaign —

which is in fact to endorse the global boycott divestment and sanctions campaign —

> … work with unions and other organisations that support the campaign to maximise its effectiveness; and
>
> provide reports to executive council at six-monthly intervals and will include information on the effectiveness of the campaign …
>
> In addition, the VTHC executive council affirms the important role that should be played in the peace process by Israeli and Palestinian unions and pledges whatever support we can to encourage meaningful dialogue between workers' organisations.

They are having a shot each way.

Having said that, we have just heard from the Greens. The New South Wales Greens State Delegates Council adopted a resolution on 8 September 2010, about which Senator Lee Rhiannon said:

> At the national level the Greens have adopted a boycott on military trade and links with Israel. One of the pieces of misinformation was that the New South Wales Greens were going against the national policy. As a Greens MP I don't do that.

Therefore this attempt at amendment by Mr Barber will be voted against by the Liberal Party. This is no place for a person or party with the sentiments that I have just read out. This motion will be actively defended by the Liberal Party.

In an article in the *Australian* of 8 August by John Ferguson, titled ' Israeli boycotts — ACCC called in', Minister for Consumer Affairs Michael O'Brien was quoted. The article stated:

> Victorian consumer affairs minister Michael O'Brien said the protesters had deliberately pinpointed businesses with Israeli ownership and who they believe traded with the Israeli government.
>
> Mr O'Brien singled out the Maritime Union of Australia, Geelong Trades Hall Council, the *Green Left Weekly* magazine, Australians for Palestine and the Palestine Solidarity campaign.
>
> …
>
> Mr O'Brien told the *Australian* it was unacceptable to single out any businesses but that it was especially concerning given the 20th-century history behind attacks on Jewish businesses.
>
> 'I am concerned that the persons and organisations who caused these disturbances may have engaged in secondary boycotts for the purpose of causing substantial loss or damage to Max Brenner's business', he said.

I take on board the passionate contribution by Mr Pakula. I know he sincerely believes everything he says. I also acknowledge that Mr Paul Howes, who is the secretary of the Australian Workers Union, has taken a strong position in his support of Israel, and I commend him for doing that. The problem is that there are unions out there supporting this action, and it is important that the ALP has a closer look at that.

This is an important debate and dialogue of which the community needs to be made aware. What we do here today when we vote on this motion, as I believe we will probably do, will send a very clear message.

I want to finish by referring to an article by Andrew Bolt in the *Herald Sun* of Wednesday, 6 July:

> Here are some things I never thought I'd see in this country I love.
>
> I never thought I'd see people picketing shops because their owners were Jews.
>
> But in Melbourne last Friday, 19 protesters were arrested as they tried to stop people from shopping at the Max Brenner chocolate and coffee store in Melbourne's QV.
>
> In Sydney last month, Leftist and Muslim protesters did the same to a Max Brenner shop in Sydney, claiming the Jewish-owned franchise company supported the Israeli Army.
>
> I've seen pictures of Jewish shops being attacked before, of course, but they were in black and white, in another country at another … time.
>
> But this is Australia. Today.

I have a Max Brenner shop in my electorate. I continue to support it. I encourage everybody here to continue to show active support for Mr Brenner and every Jewish organisation in this state.

**Mr JENNINGS** (South Eastern Metropolitan) — I am pleased to have the opportunity to talk on the motion before the house, which in spirit and hopefully with some degree of integrity supports the cause of peace in Israel and supports the human rights of and respects the opportunity for all people who live within Israel and within the region to find a pathway to peace. That is the spirit in which I make my contribution.

I respond not only to the original motion but also the amended motion that appears on the notice paper today. In its modified form the motion is less provocative than it once was, thanks to what I had thought and what the opposition had thought were constructive and productive conversations between the opposition and the government in the months since the original motion was put on the notice paper. Unfortunately, judging from the spirit of the contributions that have been made, particularly in the Assembly but replicated in this chamber today, by government members, it seems that the intent is to use this device not necessarily in the name of peace but to provide lectures to parts of the Labor movement and parts of the green political spectrum to adopt a high moral position, ostensibly in the name of peace. But these actions and the way in which the motion has been expressed unfortunately replicate again the insidious nature of conflict and wedge politics that get in the way of peace being found.

That is the tragedy about this motion: the way it has been treated today — the way it has been argued and the way it was presented, particularly in the Legislative Assembly, today. I understand it was introduced in a way which caused great distress to my colleagues, my comrades within the Labor Party, because of their profound understanding of and connection with the experience of Holocaust victims and the rights and opportunities that should be afforded to the Jewish community here in Australia and around the world, particularly in Israel. The insult by which this was conveyed in the Legislative Assembly today is very poor, immature, juvenile political behaviour that will not add to the cause of peace.

Hopefully we can find within our hearts a way of stepping over that and conduct ourselves with the decency with which some members in this debate have associated themselves. We need to recommit to the kernel of decency and love in our hearts. I will give members the benefit of the doubt and ask them to reconnect with that decency when they deal with these issues in the future.

I will also say that it is the intention of the opposition to support this motion today. We are very happy, in the terms that Mr Pakula has outlined, to take this opportunity to say that the Labor Party supports the people of Israel and the people who live within Israel in achieving peace and stability and the quality of life they deserve. We are very happy to support that, and we unequivocally give our support to the motion.

While we support the spirit of Mr Barber's amendment to the motion, which he has put on the table today, we will not be supporting it — but not because we do not want to encourage a peaceful resolution and not because we do not want to find a way through what has been an impasse that has bedevilled generations of people who live within Israel as well as the Palestinian people, who have suffered many tragedies that continue to this day. It is not because we do not want to find an international, harmonious way of dealing with this issue.

The reason we will not support Mr Barber's amendment is because we have not embarked upon a process within our ranks to sign off on this amendment, and we will not make up our position on the run in relation to the modification of a motion about which we thought we had reached a reasonable landing point in terms of finding something on which the Parliament could unite. We did not think it was necessary to try to extend the motion in any direction that would create conflict or division between us, either as the government, the opposition or the Greens or within any part of our constituent units.

The opposition was keen to find a landing point that would be supported harmoniously, without division. That was our intent and that continues to be our intent, and we will continue to defy the intention of anybody else who has the desire to split us up. This is a juvenile jurisdiction in terms of dealing with international diplomacy; it is a juvenile jurisdiction that has behaved in a juvenile fashion to get us here.

We need to find the decency embedded within this motion. That is what we will concentrate on, and that is what we will support. We will not be giving any encouragement to anybody who wants to divide us and promote conflict in Victoria about this matter, because we do not believe in racism. We do not believe in it, particularly when it is shrouded in political activity that hides what it is. We are happy to name what it is. In fact we often name racism when we see it and we will continue to rail against it. We will support any action that delivers peace and rights for citizens not only in Victoria but also around the world. We will not fall for any device that splits us today in this chamber.

For that reason the opposition will be supporting and not dividing on this motion. We will not be supporting Mr Barber's amendment, even though we understand he is obliged to support the position that his party has adopted on this issue at a national level.

But in this jurisdiction, in Victoria, a jurisdiction that is not responsible for international diplomacy, the government has by its actions today and the participation of some of its members today clearly demonstrated it is not up to international diplomacy.

We will not be playing games with this motion, but we will still support it.

**Mr FINN** (Western Metropolitan) — I rise this afternoon to very strongly support this motion. In doing so I commend Ms Crozier for having the foresight to list this motion on the notice paper for discussion in this house. I have to say that I listened to Mr Pakula's contribution with a little bit of amazement. He seemed to be suggesting the government had ulterior motives, which I have yet to detect. I read the motion, I reread the motion, and I read the motion for a third time and I could not see what he was possibly referring to. Then I heard Mr Jennings just a few minutes ago making some rather oblique references to the same sort of thing. Again, it mystifies me.

This is a very simple motion. It is a motion which supports the state of Israel and the people of Israel. It makes it very clear that we as a Parliament will have no truck with those who would boycott the state of Israel or, as we have seen in recent weeks in our own city of Melbourne, involve themselves in violent protest against Jewish businesses. When I saw the violent protests against Max Brenner on our television screens a few weeks ago and in recent months a shiver went down my spine. As somebody who has taken a very keen interest in history and international affairs over a very long period of time — like Andrew Bolt, I have to say, Mrs Coote — it brought back memories of what I had seen in those black-and-white clips where Brownshirts and hoodlums were attacking businesses purely because those businesses were owned by people who were Jewish, and here it was happening in Melbourne in 2011. I would not have thought that possible. Something that we have not seen since Germany in the 1930s and 1940s has happened here in Melbourne within the last few months.

We do not want and certainly do not need that sort of activity in Australia. We do not want storm-troopers of the left attacking businesses purely because they are owned by people who are Jewish. Indeed we do not want them attacking any businesses for that matter, but particularly for that reason. It is of deep concern to me, as I have witnessed it over recent years, that there has been a revival of anti-Semitism by the loony left in Australia, and that has come from various places. We are fortunate that these people can certainly not be called mainstream, although it has to be said when you see organisations like the Marrickville Council, a prominent municipal body in New South Wales and in Australia, promoting the sort of anti-Semitic activity that it has been involved in, you have to wonder just how deeply rooted this feeling is within the left. The boycott of Israel by the Marrickville Council was just an expression of its hatred of the Jewish state. That is what it was: pure and simple hatred of the Jewish state by the loony left in that council. As I say, there are various organisations and people around this country that over the last couple of years have, unfortunately, revived this degree of anti-Semitism that is totally unacceptable.

I have to say there is one person in a Parliament in this country who probably exemplifies exactly what I am talking about. If she were not a member of the Australian Senate, and had I been asked to comment on her before 1 July, I would refer to her as an extreme Left nut bag. Of course I cannot do that now, because Lee Rhiannon is now a senator for New South Wales and member of the Australian Parliament, so I would be ruled out of order. My view is, however, that we do not need people like Lee Rhiannon in Canberra. We do not need people in the federal Parliament who express the sorts of extremist loony views that she does. Nor do we need them here in Melbourne. It is interesting to note that Bronwyn Halfpenny, the member for Thomastown in another place, has been appointed by Trades Hall — —

**Mr Elsbury** — Sister Halfpenny.

**Mr FINN** — Sister Halfpenny, indeed. She has been appointed by Trades Hall to oversee and report back on the protests against Max Brenner. She is a member of this Parliament. It is extraordinary that a member of the Victorian Parliament would involve themselves in this sort of protest movement to the point where they would establish official observer status with the Victorian Trades Hall Council. As I say, it is only a very small group, but it is one that should concern us all.

In the few remaining minutes I have to make my contribution to this debate I have to say I have always been a very strong supporter of Israel. With Mrs Coote and a number of other members I was fortunate to visit Israel a little over 18 months ago. Before I went I was speaking to my good friend and federal colleague Senator Scott Ryan, a senator for Victoria, who had been to Israel. He said to me, 'Mate, you reckon you're a supporter of Israel now; wait until you go there and see the place and come back more convinced than ever that Israel is worth supporting'.

I do not think he has ever uttered a truer word in his life. When I got to Israel I was astounded by what I saw. Here was a country that 70 years ago was sand. By and large it was sand. The Jewish people had been given this land in the middle of nowhere, and they had turned it into a civilisation. They had turned it into a modern place of industry, of business and of arts and

culture. Here was a place in the middle of nowhere that 70 years ago, as I said, was a sandy desert. Here was a place that nobody could criticise, surely, in terms of what the Jewish people had done on this land. It was quite an extraordinary performance, particularly given what they have had to put up with over those years. They are surrounded by states that wish to destroy them. Every single one of them wants to destroy the state of Israel. Every single one of them wants as many dead Jews as there possibly can be. That is what Israel is surrounded by.

I well recall on a visit to one small town, the name of which I forget just at the minute — I am looking at Mrs Coote, who may prompt me with the name of the town? Was it Sderot we visited in Israel? This town had been under rocket attack shortly before we arrived, and as the bus pulled up in the town we were advised that if we heard the air raid siren we would have 30 seconds to get to a bomb shelter. I have to say that focuses the mind! I spent a good degree of time in that particular place looking upwards.

**Mrs Coote** interjected.

**Mr FINN** — I was just about to get to that, Mrs Coote. The thing that really hit home with me came when we visited a children's playground. We all know what children's playgrounds are like. This was a suburban playground that could have been anywhere in the world, except that in this children's playground in Israel the big, brightly painted cement structures — they were worms and — —

**Mrs Coote** — Caterpillars.

**Mr FINN** — That is right, caterpillars. They were not just ordinary kids' playthings, structures kids would get into, climb on and that sort of thing; they were bomb shelters. This is something that Israeli children have grown up with. The threat of death is with them constantly, to the point where their playgrounds have to incorporate bomb shelters for the protection. As I said, Israel is an truly amazing place, one I will never forget visiting and one I quite look forward to visiting again.

I briefly go to Mr Barber's amendment. He wishes the motion to state:

> That this house supports the aspirations and rights of each of the Palestinian and the Israeli peoples to independent states, living in peace and security.

There is somewhat of a conflict here. There is no doubt that the Israeli people wish for an independent state and to live in peace and security, but the aspirations of the Palestinians are all about the destruction of Israel. I am afraid you cannot have both. You either have a free, independent and safe Israel or you have the aspirations and rights of Palestinians holding sway. You cannot have both. This amendment is a nonsense. It makes no sense, and quite frankly I am disappointed with myself for having wasted my time reading it.

Israel is a beacon of freedom in the Middle East. As the only democracy in the region, it is the only country that respects its own people. It is the only country in the Middle East that allows its people to have freedom and live the way we live in Australia. Israel has my enormous admiration and strong support. I urge members to endorse this motion and in doing so to endorse Israel as a vitally important part of the international community.

**Mr ELSBURY** (Western Metropolitan) — I am more than happy to speak in support of Ms Crozier's motion. I thought we lived in a society where no matter what religion you observe or what ethnicity you are, you can run a business — you can go about your daily life and make some coin. Apparently this is not the case. There are groups who seem to think that some people, based upon the god they choose to worship or the place from which their ancestors have come, should not be allowed to partake in commerce.

The main part of Ms Crozier's motion I will pick up on is paragraph 3, which calls on public organisations and entities to withdraw any support for this boycott that they may have previously provided. This basically means that if your organisation has supported this boycott, you should give it up now. It is a racist and anti-Semitic boycott for which this society — the Victorian people — will not stand. We talk about Victoria's great multiculturalism all the time. We say, 'You are welcome to come here, wherever you come from, no matter what your background is'. It is unacceptable to support a boycott that is based upon an ethnic group.

The Victorian government is acting against other organisations that undertake this sort of conduct. White supremacists in Geelong have been ranting the absolute rubbish they go on with. I was pleased to see that this government is acting against those people because their views are not the views of other Victorians. Their views are askew and they are completely out of touch with what this society is about. It is about the freedom of people to live their lives as they wish. The targeting of a religious or ethnic group because of the decisions of a foreign government is of great concern to me. It is of concern to me if, because you believe in a certain religion and support government of a country whose people are predominantly members of that religion, you

start getting death threats, your business starts experiencing boycotts, and people are marching out the front of your business.

This is being directed against Max Brenner but something similar would be people wandering up and down out the front of a Darrell Lea shop and having a go at the Australian government because of a decision it had made. It makes no sense. As my colleague Mrs Coote pointed out, Max Brenner is interested in chocolate. He does not get involved in politics or the military. He is a man of peace. If you look at his website, you can see it is all about chocolate. I can identify with that; I am quite fond of chocolate — as members might be able to tell from my stature.

People who might well be interested in chocolate but who unfortunately do not share my views on people being able to go about their business are members of BDS, which stands for boycotts, divestment and sanctions. I have been trawling through the BDS movement website and was interested to find a media release dated yesterday. It says:

> Nowhere in the world are BDS activities about targeting specifically business with Israeli ownership, based on the nationality of their owner. Businesses and institutions are rather chosen based on their direct contribution to grave human rights abuses and international law violations of the Israeli state and military …

Why are members of that group targeting Max Brenner here in Melbourne? I do not see the correlation. Max Brenner's company makes chocolate, and he is about giving people a taste sensation and he is about peace. Why is Max Brenner's private business, which has nothing to do with the Israeli government except that it probably pays taxes — which unfortunately we all have to deal with, no matter which country we are in — being targeted in the displays by protesters here in Melbourne?

I point out also that a nation state has the right to defend itself, its people and their way of life. As my colleague Mr Finn has pointed out, Israel's past is littered with attempts by its neighbours to wipe that country off the face of the earth. We are fortunate that over the past three decades or so there has been greater stability in the region. If as a nation you lived with the constant threat of being obliterated by your neighbours, it would be no wonder if you were a little bit touchy about people trying to set off bombs in marketplaces, on buses or in other places. You would want to stop those things from happening, to protect your people.

I think every decent person in the world wants peace, but people should not want peace at all costs. If that were the case, Mongolia would have taken over Europe long ago and Germany would have taken over all of Europe and probably be well through Africa by now. People cannot just sit back and allow themselves to be pushed over for the sake of peace. Sometimes peace is worth fighting for. If people did not choose to fight at times for what they believe in, there would be no America, and there would be no Republic of France either. At times decisions have to be made which unfortunately mean the peace must be broken for peace to prevail into the future.

What I am about to say may shock some people in the chamber, but I agreed with some of what Mr Pakula was saying about people thinking they have the right to badger the state of Israel — and they certainly do. Why is it that people think they can badger Israel? Why is it that they think they can say whatever they want with impunity? Basically because it is a democracy. Democracies allow people to have opinions and to express themselves as they wish. Therefore, people look around the world and at a democracy like Israel, and they can say whatever they want and be as wrong as they want. That is what democracy is about; people can be wrong if they think they are right.

Other countries in that region are now allowing people to say things; they are moving towards democratic governments. The state of Israel, a democratic nation, is in the middle of it all. To its south Egypt is working towards a new democratic government — I genuinely hope they can get it going. People in Libya are currently dying while fighting to try to establish a much more democratic and open society. At the moment utter butchery is going on in Syria; people who the government think are wrong are being shot for saying what they think, for having an opinion that does not agree with the state they live in, or more to the point with the groupthink at the top of their particular political structure which says what you can and cannot believe. Of course the government there has its own commercial and financial interests in ensuring the majority of its people are oppressed.

I will quote a gentleman by the name of Thomas O'Neill, a former Speaker of the United States House of Representatives, who said, 'All politics is local'. Unfortunately some people choose to say this whenever they discuss international politics in a different country or protest against another nation. That is the current belief of people from BDS and associated organisations. They are going out there, protesting in Melbourne because of something being decided in Tel Aviv or Jerusalem. It makes no sense to me whatsoever. We are a bit far away in Australia. It is not as if the Australian government can come out and say to Israel, 'Could you stop defending yourself for

5 minutes and just let the terrorists come over and completely steamroll you and destroy the democracy that you have established over the decades?'. As Mr Finn said, Israel built up a civilisation out of the sand.

I will conclude my contribution on this motion. I look forward to joining with my colleagues and those opposite in voting in favour of this motion. Surely it is the right thing to do to ask all organisations that have supported this racist, anti-Semitic boycott to withdraw any support they may have previously provided. We in this Parliament should reject any action that goes against people because of the way they choose to worship or the race to which they belong.

**Mr Leane** — On a point of order, Acting President, due to the unique nature of this motion today — it is definitely unique in my experience over the time I have been a member of Parliament — I did not raise this point of order during the contribution by Mr Finn, but the member was honest enough, when I asked him, to confirm his statement. During his contribution Mr Finn made a statement to the effect that the member for Thomastown in the Assembly is currently involved in organising certain protests through an outside organisation or at least at that institution. That is unsubstantiated, and I think the member should move it as a substantive motion if he believes it to be true. If he has no solid basis for it, he should withdraw that statement.

**Mr Finn** — On the point of order, Acting President, I have here a document from the Victorian Trades Hall Council regarding the protests we have seen in recent years. This document is dated 10 September 2010, less than a year ago. It refers to 'Sister Halfpenny' being one of the responsible officers for the observation of the protests. It says that she will:

> … provide reports to executive council at six-monthly intervals and will include information on the effectiveness of the campaign …

I would have thought that given that it was less than 12 months ago, if she is reporting at six-monthly intervals, her second report is probably due very soon. This is the document I have from the Victorian Trades Hall Council. I am happy to table it.

**The ACTING PRESIDENT** (**Mr O'Brien**) — Order! The document cannot be tabled here. On the point of order, I am happy to rule that with respect to the fact that Mr Finn is quoting from a document there is no point of order in that he has quoted from a document. If there are imputations or allegations which are suggested to be unparliamentary in the implications that were in Mr Finn's contribution or at large or as part of this point of order, then I request that they be raised as part of a substantive motion or referred to the President or that some other method is used for them to be dealt with. I am not sure if Mr Leane is prepared to take that option.

Having said that, if Mr Finn is of the view that he wishes to withdraw, I will give him that option. I am not calling on him to withdraw, because I understand that he was quoting from a document, but if the implications that are inherent in the point of order are something that he feels could cause offence, I give him that opportunity.

**Mr Finn** — Acting President, I do not see that there was any imputation. I was merely stating a fact, as recorded in this document. There was no imputation involved; this is a fact, as recorded in this document from the Victorian Trades Hall Council.

**The ACTING PRESIDENT** (**Mr O'Brien**) — Order! I ask Mr Tee if he is raising a new point of order, as I have ruled on the point of order. I did ask for any other speakers on the point of order. The President is available, and if there is anything further on the imputation allegation, it would be appropriate for the President to make any further comments.

**Mr Tee** — On a point of order, President, Mr Finn has made an imputation in relation to the member for Thomastown in the Assembly, and he relies upon a document which refers to work that Ms Halfpenny was doing prior to her entering Parliament. There is no basis today, now that she has moved on from her previous position, to suggest that she has the same role that she had in her previous existence. There is no basis for Mr Finn to make any allegation which might impugn her reputation. If he wishes to do so, he ought to do so by substantive motion.

**Hon. D. M. Davis** — Further on the point of order, President, what Mr Finn did in this debate was refer to a document. The document is about activities in the Victorian community. It is not just about international matters; it is about actual activities here in Victoria. Mr Finn referred directly to a document from the Victorian Trades Hall Council, and he dated that document. It is a resolution that was passed on 10 September, and the name at the bottom of the document is Brian Boyd of the Victorian Trades Hall Council. Let me be quite clear about what has been done here. The resolutions says:

> Further, the VTHC executive council determines that the VTHC will:
>
> > promote this campaign —

that is, the BDS (boycott divestment and sanctions) campaign —

> > … work with unions and other organisations that support the campaign to maximise its effectiveness; and
> >
> > provide reports to the executive council at six-monthly intervals and will include information on the effectiveness of the campaign (Sis Halfpenny and Bro Cragg will be the responsible officers).
>
> In addition, the VTHC executive council affirms the important role that should be played in the peace process …

It then goes on to talk about other matters. The point Mr Finn is making is that a range of issues have occurred in our community, and he is pointing to the behaviour of a current member of the Victorian Parliament while she was involved with the Trades Hall Council. This document is less than a year old, and it points to many of the issues and the BDS activities that have become of great significance and prominence. It relates directly to the antidemocratic boycotts that have been put in place by Marrickville Council and other groups in Victoria. Mr Finn is entirely in order.

**The PRESIDENT** — Order! Members would be aware that I entered the chamber subsequent to Mr Leane's raising the initial point of order. Members may be satisfied that I was listening to this debate in my office, so I am aware of the matters upon which I am going to make some comments.

I heard what Mr Davis said, and I also heard Mr Finn's explanation and reference to the dates and so forth in the document. My concern is consistent with Mr Leane's in that the way in which Mr Finn's remarks were made in the course of the debate suggested that this is a current position of the member. I understand that, in a general time frame, last year is not so long ago. However, I take two views. The first is that the member who has been referred to in Mr Finn's speech was at that time effectively in the employ of a very different organisation to the Parliament. As an employee or representative of that organisation, that person was required to undertake certain duties, in the same way that other people might belong to the Victorian Farmers Federation and be required to undertake a particular campaign which is not necessarily of their making or one they support but is a campaign run by an organisation to which they belong, are a member, employee or representative of and they are required, if you like, to achieve the mission of that organisation.

In that sense I do not believe it is appropriate for the current member, who was elected only at the last election, to be referred to in a manner that is emphatic that she continues to hold a position that she may or may not have held when she was working for another organisation on a campaign that it ran.

I am also particularly concerned about the reference to 'sis' or 'bro' as the descriptor used for those members, because of the place and the context in which this debate is being held. This is an important and sensitive debate.

Members have made their contributions to this debate with a great deal of sensitivity, but in this instance the implication that the member concerned continues to hold that view cannot be substantiated at this point in the context of this debate, notwithstanding what might have happened last year when that member was in a very different position. Again, I am not in a position to judge whether those were the personal views of the member or not. They may have been, but it was at a different point in time as far as this Parliament is concerned. On that basis I would ask Mr Finn to withdraw those remarks.

**Mr Finn** — Would it be appropriate for me to withdraw my remarks on the condition that Ms Halfpenny no longer holds that position?

**The PRESIDENT** — Order! I do not do deals on withdrawals, but nonetheless I think that what Mr Finn is saying is consistent with what I have actually said — that is, there is no reason for this house to be informed that Ms Halfpenny continues to hold that position or in fact that that was ever her position. It may have been or it may not have been, but in the circumstances it is appropriate, particularly given the sensitivity of this debate, for Mr Finn to withdraw those remarks, and that is the context of the remarks that I have made, which I think Mr Finn has acknowledged.

**Mr Finn** — I withdraw my comments about the co-chair of the Parliamentary Friends of Palestine.

**The PRESIDENT** — Order! Thank you, Mr Finn.

**Mr LENDERS** (Southern Metropolitan) — I rise to support the motion, but as a longstanding friend of Israel, as someone who has been to Israel, whose father was in the Dutch underground smuggling Jews out of Europe, who worked on the staff of the great Clyde Holding and who has the lion's share of Victoria's Jewish population in their electorate, I cannot believe that I am saying that I am unhappy to be participating in this debate. That is not because of the motion, which I completely endorse. I am disappointed to be

participating in this debate because of where it has gone and because of its implications.

I would like to think of the Premier, Ted Baillieu, at Israel's independence day celebrations where he got up and said, 'We have strong bipartisanship in the support of Israel in Victoria'. I would like to think of Daniel Andrews, the Leader of the Opposition in the Assembly, getting up and saying essentially the same thing. In effect he said that you cannot put a knife between the parties and that the bipartisanship is solid. That is what I would like to think about, the bipartisan support of Israel.

What has disappointed me about what has happened here today has been the innuendo and the campaigning around the issue. I find it interesting that we are talking about this now rather than talking about tow trucks, which we were talking about just a little while ago. This motion was not read in the chamber. It was in the *Australian* newspaper when the Minister for Health said, 'I am doing this for a bit of wedge politics'. It came into the chamber, which he has moved around, and as Mr Pakula so eloquently said, 'We thought there was bipartisanship in this space'. What disappoints me here is that some are trying to needle in order to find reasons to show that there is not solid Labor support for Israel.

I could equally talk about the bona fides of various former or current members of the coalition. I could talk about whether Tim Fischer or Ken Aldred were ardent supporters of Israel, but what would that achieve other than making members of the Liberal Party and The Nationals get defensive and ask, 'Why is he questioning any of these people?' and moving away from the topics of Israel, Israel's right to exist and this ridiculous and unfair boycott?

This debate does not improve anybody's bona fides in the Jewish community. The Jewish community can sniff this out better than anybody else. Its members can sniff out anybody trying to get mileage out of anybody else being anti-Semitic. They can sniff it out from 100 miles away. Let us not for one nanosecond think that people beating their chests and claiming their bona fides on being pro-Israel is going to be seen for anything other than what it is.

What I find extremely disappointing about this is that the Jewish community is being used as a political football. Why late in the day at the end of a parliamentary week are we debating this? The Victorian Parliament does not have any foreign affairs powers, yet we are debating this. Every member of the Legislative Council is being asked to show solidarity, yet I would have thought that people would show solidarity by being in the community and being supportive at critical events — being at the Max Brenner shop drinking chocolate, doing those sorts of things. That is how you show solidarity. You do not go into the chamber of the Legislative Council and start talking about how the other side is perhaps not as solid as you are.

I am very cynical that this suddenly came up this afternoon. The member for Caulfield in the Assembly today asked a Dorothy Dix question of the Minister for Consumer Affairs that invited him to be partisan. What he said was fine, but the question invited him to be partisan. Anyone who knows the Parliament knows Dorothy Dixers are not designed to bring harmony, unity or shared purpose. How this debate has gone has been with little nuances, little innuendoes or blatant innuendoes. It is so different from what I saw Ted Baillieu, the Premier, saying on Israeli Independence Day.

I have been to Israeli Independence Day functions since my late teens. I have probably missed three or four of them in that time. It is one of the things that makes me proud as a Victorian and particularly proud as the son of a man in the Dutch underground who risked his life during the Second World War. That is nowhere near as dramatic as it was for people whose lives were under threat, but I have followed this all my life and have a passion for this.

I find it disappointing that rather than finding something that unites us in multiculturalism, that tries to educate and that tries to bring people over the line to remind them of the horrors of the Holocaust, of how we can move on and of those vital things about the state of Israel which we need to support — everything in the motion — we have come to this, which stuns me. Where we have come to is not the Premier with Daniel Andrews beside him talking at Israeli Independence Day about what unites us — what unites Victoria, Australia and Israel — and what we can do together; there is a fraying of the fabric coming through. As Mr Pakula said, there is needling — an invitation to have a fight about who is more pro-Israel than someone else. Frankly, that does not help anyone. We as a Parliament and a community are better than that.

To go back to multiculturalism, Malcolm Fraser, Dick Hamer and Jeff Kennett are people who fought for multiculturalism. Malcolm Fraser went out there and took on every redneck xenophobe in the country to defend the right of Vietnamese refugees to come to Australia. Dick Hamer brought in the Equal Opportunity Act 1977. Jeff Kennett was the first

conservative leader in the country, and one of the first leaders in the country, to stand up to Pauline Hanson. The Liberal Party is better than this.

My disappointment about what is happening here is that these little bits of fraying — trying to say someone is more pro-Israel than someone else — is a danger to multiculturalism. It means that Jewish businesses and the Jewish community become a political football. I urge everyone to take a deep breath, forget about the advantage and see what is being endangered by going into this space. Critics can say, 'You're not defending Israel!'. I will defend Israel as I have all my life in my own way. I do not welcome motions coming into the Parliament designed to divide — and I say 'designed to divide' deliberately — and I do not welcome motions coming into the Victorian Parliament on foreign affairs which are unhelpful. With great disappointment, being a passionate supporter of the state of Israel all my life, I am supporting a pro-Israel motion because of the motion but not because of how it got here, why it is here and what it portends for the future.

I invite further speakers to pay heed to what Premier Baillieu said at Israeli Independence Day, what Premier Kennett said when Hansonism was on the rise, what Premier Hamer said and particularly what Prime Minister Fraser said when the first Vietnamese boat people came here. Multiculturalism needs to be cherished and, whatever our motives, none of us can risk fraying that because it is too precious and too Australian.

**Mr O'BRIEN** (Western Victoria) — I wish to speak briefly in support of the motion. I rise in my personal capacity and on behalf of The Nationals to support the motion.

I was at the function for Israeli Independence Day and heard a speech by the president of the Zionist Council of Victoria, Sam Tatarka. Sam is a man whom I shared chambers with for six years, and we share a strong bond. I congratulate him on his role as president of that association. I endorse the words he said at that particular important celebration.

My own family has enjoyed many Passover celebrations. That was the nature of my parents' strong Catholicism, and I have since had many Jewish friends. I am a supporter of the state of Israel and support the bipartisan spirit of the contributions to the motion today.

Mr Tatarka said in his speech:

> During its long history, Jerusalem has been destroyed twice, besieged 23 times, attacked on 52 occasions, captured and recaptured 44 times. For centuries the city has been a battleground for a passing parade of nations. Yet it has always been at the centre of our thoughts and the focus of our prayers. Since that day 43 years ago, Jerusalem has once again been a city for all faiths and all creeds with access to the holy sites. She is a thriving hub of history, art and culture for all.
>
> The people of Israel seek peace and pursue peace. We pray for peace three times a day every day of the year and we have shown a willingness to make significant and painful territorial concessions in order to achieve peace.
>
> History has taught that appeasement is not the way to achieve peace and peace will not come simply by making concession after concession to demands that are seemingly without end. Israel's Prime Minister has accepted the establishment of a viable Palestinian state. We have yet to hear anyone on the other side accept without qualification a Jewish state in Israel. May that day indeed come soon.

I believe that sums up the sentiment of the motion, and certainly my sentiments, and I commend the motion to house.

**Hon. D. M. DAVIS** (Minister for Health) — I rise to briefly contribute to this motion. It is an important motion, and I compliment Ms Crozier on bringing it to the chamber.

I too strongly support a bipartisan position on support for Israel. I strongly support our multicultural society. I strongly support a society that is free, a society where people can undertake their family life, their business, their community life without fear, without economic boycotts, without attacks, and frankly this motion deals with not just the international situation, but it deals with Victoria.

To be honest, Mr Barber made the comment that this was about international events, as did Mr Lenders. Let me be quite clear here. This is about an international situation, yes, but it is about what is occurring in Victoria, and occurring in Victoria now.

**Mr Barber** interjected.

**Hon. D. M. DAVIS** — And indeed in New South Wales. It has occurred in a number of places across the country, and there has been support from significant public organisations that ought not support those sorts of activities.

I welcome the decision of my colleague the Minister for Gaming, Mr O'Brien, to write to the Australian Competition and Consumer Commission to ensure that our competitive laws are enforced and that laws that see people undertake unlawful boycotts are closely followed.

It is important to understand what is going on in our state and what is going on in our country. A municipal council in Marrickville, New South Wales, is behaving undemocratically in a way that is designed to target and treat an important group in our community unfairly, and to send a very unhelpful message. Equally, when we discover that the Victorian Trades Hall Council is behaving in this way I think it is a concern.
Ms Crozier's motion says in part that this house:

> (2) notes the public backlash against the decision by Marrickville Council to boycott Israel —

I think that is a very unhelpful message —

> (3) calls on all public organisations and entities to withdraw any support for this boycott that they may have previously provided …

I think we need those clear statements from people, and there is no question that the labour movement is intimately connected with the Trades Hall Council.

**An honourable member** interjected.

**Hon. D. M. DAVIS** — There is no question of that. There needs to be some reasonable clarity about the position of people on the Labor side. I know that the Leader of the Opposition in the Assembly has a strong view on this. I know that the Leader of the Opposition in this chamber and Mr Pakula and others in this chamber have views that are just as strong as mine, but equally there are people who do not share those views.

**Mr Lenders** — It is in your party as well.

**Hon. D. M. DAVIS** — I am very happy to make my views about those people known too, Mr Lenders, and very happy to make those points. It is of concern — and I quoted in the point of order earlier the relevant motion that had been passed by the Victorian Trades Hall Council executive council and the call to provide reports on the implementation, as it were, of the BDS (boycott, divestment and sanctions campaign) activities; reporting on the campaign within the community; and working with unions and other organisations to support the campaign to maximise its effectiveness.

It is very clear that this is not a casual thing that is happening, this is not an occasional thing that is happening, this is not an isolated thing that is happening. This is a coordinated thing targeting one community group, and that is simply unacceptable. It is unacceptable in our community to have a major organisation running a targeted, coordinated campaign attacking one community group. We have seen demonstrations and we have seen economic boycotts, and we need to stand up and be very clear.

I welcome the bipartisan position of Premier Baillieu, who has shown great leadership on this issue, and Daniel Andrews, the Leader of the Opposition in the other place. I welcome their strong position in a bipartisan way, and I think we need to keep that very clear in our minds. But we also need to be prepared to call a spade a spade where you have a major community organisation running a coordinated and targeted campaign against one group in the community. Let us call it for what it is. I think it is unacceptable in the imagination of anyone who has a reasonable view of how our community life should work.

Let us be very clear that this motion is not simply about an abstract thing that is occurring overseas in Israel or elsewhere in the Middle East. It is in part about that but it is also in part about what is happening in our community this week, what is happening in our community today — that is, an undermining of some of our democratic and multicultural values. We need to stand up against that, and that is why this motion is the business of the Victorian Parliament today. It is not a coincidence; the motion has been on the notice paper for some time. Ms Crozier was very prepared to amend the motion in discussion with the Labor Party in that spirit of bipartisanship. She made those changes, and I welcome those changes.

The government advised the opposition at 9.05 this morning that it would seek to debate this motion today. Nobody can complain that there was anything other than fair notice. It is an important, democratic — —

**Hon. M. P. Pakula** — How dare you talk about bipartisanship after — —

**Hon. D. M. DAVIS** — I am talking about bipartisanship, Mr Pakula, and I want to be quite clear about that. I want to be quite clear that this is not a motion about the international situation alone; it is about the impact in Victoria today, this week, now. It is very important that we stand very clearly and very strongly on these matters.

There was a point of order earlier, and I think the President ruled that there needed to be a withdrawal of an imputation that something had been done by somebody who is a member of the other place at this time.

I am making the point that I do not know that particular member's current view. I am being very clear; I do not know. I cannot read people's minds. What I can say is that that person, who was a member of or involved with the Victorian Trades Hall Council in September 2010, less than one year ago, is now a member of the

Victorian Parliament. We know that that person — and I note that nobody from the Labor Party has refuted this point — was involved with a campaign at the Trades Hall Council to attend the BDS conference and to work with unions and other organisations in campaigning. Let us be quite clear about what we are talking about.

It may be, as the President has correctly pointed out, that that person was simply acting as an employee and just following orders, but I do not and cannot know. I do know that that person could make the point that they were not supportive of what the Trades Hall Council executive had decided. It is also quite significant that it is not clear why the Victorian Trades Hall Council executive would have made those decisions. That is a concern in itself. We have potential boycotts going on — —

**Hon. M. P. Pakula** interjected.

**The PRESIDENT** — Order! Mr Pakula! The minister to continue, without assistance.

**Hon. D. M. DAVIS** — There have been impacts on our community, and today's motion is an important opportunity for all of us to make the point that we want to see a society in which our democracy is strong and people are able to speak. However, people should not be running boycotts, attacking businesses in that way or acting in ways that put people at economic or social risk. All of those things are wrong, and I think the reasonable people in this chamber believe they are wrong.

I am very happy to support Ms Crozier's motion in a way that highlights the bipartisan nature of what has been long-term support and consensus in Victorian politics and, I believe, at a national level. Mr Lenders referred to Jeffrey Kennett's period as Premier. Mr Kennett was very prepared to stand up against Pauline Hanson and her statements, and so was I, like many others in this chamber. It is a matter of pride that this Parliament was prepared to stand up so strongly. I make the point now that councils have taken positions and Trades Hall has taken a position, as have councils in New South Wales. It is a very important motion. I welcome Ms Crozier bringing it forward, and I will support it strongly.

**Ms CROZIER** (Southern Metropolitan) — I will be very brief in my summing-up of the debate in relation to this motion. I have listened to many members, and I thank them for their contributions this afternoon. They were very passionate, and we heard from all sides in the debate on this motion. As a number of members have said, those opposite have been very forthright in supporting this motion on the grounds that I spoke of.

Mr Barber made a number of comments that brought to the fore the fact that this is about a council in New South Wales and foreign affairs. I remind Mr Barber that that is where what is happening on our streets in Melbourne started. Marrickville Council took a stance, and that is what we have seen with the spread of what the council was trying to do by boycotting — —

**Mr Barber** interjected.

**Ms CROZIER** — I am just as passionate about this as anybody else in this chamber. I have friends who have spoken forthrightly about this, and I stand by what I have said in relation to how this came about. It is not my position to be boycotting legitimate businesses, causing unnecessary protest on the streets and disruption, and causing law and order havoc. We have seen that.

I am very briefly summing up. I thank those members opposite for supporting the motion and for speaking on it in the way they have. I am looking forward to the support of the entire house for this motion.

**Amendment negatived.**

**Motion agreed to.**

## ADJOURNMENT

**Hon. D. M. DAVIS** (Minister for Health) — I move:

That the house do now adjourn.

### Hendra virus: government action

**Mr LENDERS** (Southern Metropolitan) — The matter I raise on the adjournment tonight is for the attention of the Premier. It regards the hendra virus, which is an emerging problem in agriculture in this state. I could go through for the house the horrors of the hendra virus, including how it is spreading by jumping from species to species and from state to state. There is a series of equine deaths happening at the moment. This emerging problem poses a risk.

The reason I raise this issue for the Premier tonight is that I believe it is too important to be left with individual ministers. I do not say that lightly. This house recently dealt with the issue of a mouse plague, which I have raised with the Minister for Agriculture and Food Security. While he did not think it was that big an issue at first, the minister has tried to deal with it.

**Mr Drum** — I beg your pardon!

**Mr LENDERS** — I remind Mr Drum that this is a serious issue. What we had with the whole-of-government approach to the mouse plague, and why I raise this issue with the Premier, was the Minister for Health and his department sitting on their hands for three weeks while the Victorian Farmers Federation tried to get an official from the Department of Health to drive to the Mallee. You could not inspire enough urgency in government to get someone to actually get in a car, go out to the Mallee and look at the VFF site.

The reason I raise the issue of the hendra virus with the Premier tonight is that it is urgent and needs to be addressed. There is a Department of Primary Industries website and there is a minister who is working on it, but I think this minister needs to be assisted. The coalition's minister needs to be assisted by the Premier to get the whole of the government treating this seriously. We had a locust plague in this state last year and a whole-of-government approach dealt with it.

**Mr Drum** — How did you act about that?

**Mr LENDERS** — We dealt with it.

**Mr Drum** — What a joke!

**Mr LENDERS** — Mr Drum may think whole-of-government approach to a locust plague was a joke. He may think 70 billion locust eggs below the ground in the Grampians was a joke. He may think the climatic conditions that meant it was less of an issue were fortuitous rather than planned. We have had a mouse plague. There have been dead mice on the street outside Ms Lovell's electorate office, and now we have the hendra virus coming out. From my perspective it is not unreasonable to ask the Premier to take charge and bring his individual ministers together to deal with the crisis so that they do not dither. I think the Victorian community would hope that their representatives are actually acting on their behalf.

The action I seek from the Premier is that he take charge of the response to the hendra virus, that he bring together all his ministers so that we do not have the dithering we had from the Minister for Health, that he give full support to the Minister for Agriculture and Food Security in this important area and that we deal with this emerging issue now and do not dither. Important work has to be done. Important work is being done, but it needs a whole-of-government, coordinated approach.

## Stawell RSL: ministerial visit

**Mr O'BRIEN** (Western Victoria) — My adjournment matter is for the Minister for Veterans' Affairs, Hugh Delahunty. As the minister and members will be aware, today marks 45 years since the Battle of Long Tan took place on 18 August 1966, during the Vietnam conflict. During this battle Australian forces from Delta Company 6RAR repelled an enemy attack from forces considerably larger than their own. Today we recognise the sacrifice of those Australians who were killed or wounded during that engagement, as well as during the Vietnam conflict. In fact today is commemorated nationally as Vietnam Veterans Day.

I would like to applaud the efforts of the Stawell RSL sub-branch in my electorate and invite the minister to visit when he is able to. On Anzac Day this year the Stawell RSL club broke its fundraising record by directly raising $6355 in the two weeks leading up to the day. As the minister is most likely to be aware, the Stawell RSL club has occupied its current building, called Oban, since 1948. It is a heritage-listed building that was built in 1898 and has a large and local significance for the town of Stawell. However, the upkeep of this heritage-listed building has become a continuous funding issue for the club.

I would like to congratulate the president of the club, Geoff Reading, and his committee for their fantastic effort in raising the funds. I call on the minister to visit in the near future to discuss the particular concerns of the club. Unfortunately Geoff underwent hip replacement surgery today and was not able to go to the veterans day commemoration in Ararat. We send our best wishes to him. He informs me that the Stawell RSL club members would appreciate some time with the minister so that they can discuss some options for continuing the maintenance and upkeep of their current facilities.

## Minister for Sport and Recreation: media release

**Ms TIERNEY** (Western Victoria) — My adjournment matter this evening is directed to the Minister for Sport and Recreation and relates to a chain of events leading up to 21 July when the minister made two funding announcements in Geelong, including funding for the Grovedale sports club redevelopment project and funding for Barwon Rowing Club. As is the case with many sport and recreation projects, these projects also received funding from local government, in this case the City of Greater Geelong.

It has been the protocol for many years with these types of projects that when there are both state and local government funding contributions, media releases issued on the day of the funding announcements are shared between the state government and the local council. This was the case leading up to 21 July. The minister's office wrote the first half of the media release and then sent it to the City of Greater Geelong for the inclusion of quotes from local councillors linked to the particular projects. What happened in this case was that the Grovedale sports club redevelopment project media release was completed by the City of Greater Geelong with quotes from Buckley ward's Cr Andy Richards, and the Barwon Rowing Club media release was completed by the council with quotes from Brownbill ward's Cr Barb Abley.

Both media releases were approved by the council and sent back to the minister's office to be issued on the day of the funding announcement. However, on the day of the announcement the government issued a media release which was consistent with what was agreed upon by the City of Greater Geelong but with one difference. The minister's office attributed the quotes provided to the member for South Barwon in the Assembly, Andrew Katos, and a member for Western Victoria Region, David Koch, instead of their rightful authors, Cr Abley and Cr Richards.

The City of Greater Geelong provided significant funding for these projects. The council provided $670 000 to the Grovedale project, compared with the state's contribution of $200 000. However, the government's changed media release gives the local council and its ratepayers absolutely no credit for a project for which they provided over 75 per cent of the funding. On one level you could have a real giggle about this situation, but it sends a message about the new benchmarks that this government has set for over-the-top, blatant political opportunism, not to mention gross plagiarism. It also tells a story of a government that disregards the funding facts and the sheer hard work that the people of Geelong have put into these projects.

## Dulhunty Poles: ministerial visit

**Mr KOCH** (Western Victoria) — I raise a matter for the Minister for Energy and Resources about the use of fire-resistant electricity poles throughout Victoria, particularly in high fire risk areas of the state. Recently the Premier was in Geelong to open Dulhunty Poles, a new manufacturing plant that constructs and supplies high fire-resistant products to the electricity transmission and distribution sector. The fire recovery unit newsroom of Regional Development Victoria reported what the Premier said at the opening. The report states:

> Speaking at the opening, Mr Baillieu said a critical part of addressing recommendation 27 of the Victorian bushfires royal commission was to explore the creation and implementation of technologies that greatly reduce bushfire risk.
>
> Following the devastation of Black Saturday, the Victorian bushfires royal commission made 67 recommendations, focused on protecting human life …

I congratulate the Premier on his leadership in committing the coalition government to implementing all of these recommendations.

The fire unit also reported the Premier as saying at the opening:

> Victoria's ageing electricity assets, coupled with the size of the electricity distribution network, present a challenge to our state to replace ageing electricity infrastructure and to make changes to the network's operation and management.
>
> Opportunities to make power distribution safer can be achieved through the use of innovative electricity equipment such as Dulhunty's Titan distribution pole …
>
> The Victorian government has committed $50 million in funding to commence the process of upgrading electricity distribution assets in the areas of highest bushfire risk. The state's Bushfire Powerline Safety Taskforce is also expected to report options to replace electricity distribution infrastructure to the Victorian government later this year.
>
> The Premier was joined by Geelong mayor John Mitchell and director of Dulhunty Poles Pty Ltd Tony Wingrove at the new Moolap plant …

The plant will employ 29 staff when it reaches full production and will manufacture engineered cement poles that are lightweight, have very high fire resistance and a low carbon footprint, and are non-conductive. Compared with traditional steel-reinforced wooden power poles, these new power poles will reduce the risk to power supplies in the event of bushfires. Extensive testing of the poles, fittings and infrastructure has determined their fire resistance. The results show substantial strength retained after fire test exposure with no hazardous decomposition and very low heat transmission due to the non-conductive nature of the material used in the components. The components made by Dulhunty include distribution poles, substation fittings and fault indicators. Most of all the materials came from the Geelong manufacturing area.

My request for the minister is to take the opportunity of inspecting the Dulhunty Poles plant at Moolap when he is next in Geelong.

## Mental health: federal funding

**Ms HARTLAND** (Western Metropolitan) — My adjournment matter tonight is for the Premier. Tomorrow the Council of Australian Governments will meet in Canberra. Premier Baillieu will be there representing, of course, the people of Victoria. The first agenda item for this meeting will be mental health. The Premier's action at this meeting will determine whether Victoria progresses with mental health reform, whether it gains access to federal funding and whether it will benefit from the initiatives available through partnering with the federal government. If we have a look at the facts, we see that half of the population experiences mental ill health during their lives, and young people bear the most severe burden. One in four young people will experience a mental health issue at any time within the next 12 months. In light of these facts I encourage the Premier to make the right choice on behalf of Victorians in Canberra tomorrow.

The federal government has put $1.5 billion in new money on the table for mental health. Some $442 million is directly up for grabs for the states and territories — $201 million for improving housing and emergency department practice and $241 million for early psychosis prevention and other early intervention services.

State and territory governments are currently responsible for acute and community mental health services. The governance of Victoria's mental health systems currently sits within the financially stressed and competitive hospital system. As a result community mental health services face funding pressures and potential cuts. For example, Professor Patrick McGorry's Orygen Youth Health service is potentially facing budget cuts that will mean cuts to its youth mental health services, and if anybody knows of these services, they will know that they do an amazing job.

I urge the Premier to make the right choice in Canberra tomorrow on behalf of Victorians, to embrace this opportunity and to make sure that he gets as much funding as possible for mental health reform.

## Carbon tax: health sector

**Mr RAMSAY** (Western Victoria) — My adjournment matter is for the attention of the Minister for Health, who is also the Minister for Ageing. It concerns the impact of the proposed commonwealth carbon tax on state public hospitals within my electorate of Western Victoria Region, in particular the Ballarat hospital which is part of Ballarat Health Services. My information suggests that direct energy cost increases for gas and electricity will be substantial — at least $502 765 annually. These are just the direct costs. There will be additional costs through increases in costs of goods and services supplied to the Ballarat hospital. This will likely increase pressure on the Ballarat hospital, result in less services being delivered and impact directly on waiting times and waiting lists, clearly disadvantaging my constituents.

It saddens me that the member for Ballarat West in the Assembly, Sharon Knight, would use the air ambulance service in Ballarat and the proposed helipad as a political football and for cheap political point-scoring yet has been silent on what a carbon tax will do to Ballarat Health Services. The Baillieu government is committed to the air ambulance service and the proposed helipad and, through a working group chaired very capably by my colleague Mr David Koch, is doing its due diligence to find the most appropriate site for safe air conveyance.

## Child care: indemnity insurance

**Ms MIKAKOS** (Northern Metropolitan) — My matter is for the Minister for Children and Early Childhood Development. The Watsonia Occasional Child Care Centre in my electorate was advised by the Victorian Managed Insurance Authority (VMIA) on 21 July 2011 that it had lost its indemnity insurance as of 30 June. It was subsequently given verbal advice that this cover was going to be extended until the end of September and then until the end of the year. Despite requesting that this verbal advice be given to it in writing, the centre is still waiting on a certificate of currency today. Without this certificate the centre is not able to hold its planned fundraising barbecue.

VMIA indemnity insurance is only offered to centres that receive some type of government funding. I understand that as many as 89 centres across Victoria have Take a Break funding as their only source of government funding, so this means that as many as 89 centres will be without indemnity insurance as of the end of this year. I am concerned that the Department of Education and Early Childhood Development appears not to have advised any of these centres that they have to organise their own indemnity insurance. The whole issue of Take a Break occasional child care has been a shambles from start to finish. To have centres advised, as the Watsonia centre was, that they had lost their insurance at the end of June would have caused volunteer-based organisations huge amounts of unnecessary anxiety.

This issue of insurance is a serious matter as it exposes many volunteers on committees of management around

the state to potential legal liability. All Take a Break providers need to be advised urgently what the status of their insurance is, and this advice needs to be given in writing. Even if the centres were covered until the end of the year, they would be forced to pay upwards of $2600 for insurance cover from January next year — a cost that frankly many centres cannot afford as they are already struggling as a result of the funding cuts to the Take a Break program.

I respectfully say that the handling of this issue by the Baillieu government has been atrocious so far. I cannot believe that we are still talking about this issue this week and that the government has not had the courage to come out and admit its mistake in the same way that it did in relation to public library funding. The parents sitting in the Assembly gallery during question time today could not believe the dismissive way in which Premier Baillieu chose to ignore a question from the Leader of the Opposition regarding this indemnity insurance issue. The Premier could have said he would look into it further. I call on Minister Lovell to give all 220 Take a Break providers across Victoria written assurances that they currently retain insurance with the VMIA and that they will remain insured with the VMIA for indemnity insurance beyond 31 December.

## Victoria University: Sunbury campus

**Mrs PETROVICH** (Northern Victoria) — My adjournment matter is for the attention of the Honourable Peter Hall, Minister for Higher Education and Skills. It has concerned me for many years, particularly during the term of the former Labor government, that we did nothing with a prime resource in Sunbury, an area which is represented by Ms Duncan, the current member for Macedon in the Assembly — that is, a former university site. It was the site of the former Sunbury asylum from 1879 to 1962 which was proclaimed as a mental hospital.

The Macedon Ranges community was ecstatic to welcome Victoria University to Sunbury in 1995 and was heartbroken to cease enrolments from 2009. During 2010 the VU campus was partially occupied by an independent school based in Craigieburn. It is now empty. Before it closed many in our community lobbied the former Labor government to stop its closure. Former Labor governments stood by and did nothing.

Many people in the Sunbury and Macedon communities were opposed to the closure of the Sunbury university. A VU spokesperson said at the time that the enrolment of new students at the Sunbury and Melton campuses would stop and that the Ballarat campus would pick up the Melton enrolments. Those at VU stated that the Footscray, St Albans, Sunshine and Werribee campuses would be kept viable and vibrant and would service the needs of Sunbury. Since its closure many have lobbied to reopen the Sunbury campus as a university or at least convert it to another type of tertiary facility.

The vice-chancellor of Victoria University, Professor Elizabeth Harman, was reported to have said at the time:

> While the university has been consistently returning a surplus each year, we need to rebalance our budget … if we are going to have the means to invest in new facilities … and services to meet the growing demands of the western region of Melbourne.

In other words, Macedon did not really matter. I understand various uses of the Sunbury campus were proposed to the former Labor government and planned by community groups, but all to no avail. In April 2009 Ms Duncan said:

> Sunbury VU is a critical educational resource for Sunbury and our region and it is vital that this facility be retained …
>
> It is important that VU explore all options for post-compulsory education that might be available for the Sunbury campus …

She said she wrote to VU to urge the university to reconsider its decision. Unfortunately nothing happened.

On 21 September 2009 Ms Allan, the former Minister for Skills and Workforce Participation, was reported to have said:

> … the decision would disadvantage students from Melbourne's north-west and regional Victoria and has urged the university to reconsider.

I know Julia Gillard, the then federal Minister for Education, did not step in to stop the closure but approved the closure in June 2009.

**Mr Elsbury** — Looking after the west!

**Mrs PETROVICH** — Unbelievable! I strongly believe, like my community, that we need to consider the feasibility of returning the site to a university or at least a higher education facility for the reasons outlined by them.

We now seek to return a tertiary facility to Sunbury, including the possibility of a trade training facility. I ask the minister to consider all options for a tertiary facility in the Macedon Ranges and to consider the options for a trade training component to be located in Sunbury.

## Government: advertising

**Ms PULFORD** (Western Victoria) — The adjournment matter I wish to raise this evening is for the attention of the Premier and relates to an issue about government advertising.

I refer to a media release of the Premier of 31 December 2009 when he was the Leader of the Opposition entitled 'Baillieu government to establish independent panel to scrutinise taxpayer-funded ads'. The establishment of the independent panel that would have scrutinised taxpayer-funded ads is one of the things the government has not done. There is a rather long list of things the government has not done.

Government advertising is a contentious issue. There are many incredibly worthy things that are canvassed by government advertising. One of the issues that is dearest to my heart is workplace safety. There is also, importantly, road safety, domestic violence services and information campaigns about any number of things.

The Liberal-Nationals coalition said it would radically change the way government advertising would occur. While the coalition indicated a desire to pay for most of its election commitments through making cuts to government advertising, I suggest there will still be some advertising that the government will continue. A recent example is the police recruitment campaign that is currently under way. There are advertisements also about Viclink and continuing and successful campaigns about road safety and workplace safety that I think we all hope will continue.

A concern has been brought to my attention by the *Pyrenees Advocate*, which is a smaller news publication. This issue was previously brought to the attention of John Vogels, my former colleague and a former member for Western Victoria Region in the previous Parliament, and he raised this very issue in this place — that is, that some of the smaller news outlets are missing out on a reasonable share of government advertising. They have great circulation and a strong following in their communities, and for an issue like recruiting police I would have thought that there would be some strong merit in those advertisements being placed in as many communities as possible in order to create the greatest diversity and local representation in our police force.

Therefore I urge the government and the Premier, as they go about considering their review of government advertising, to give some serious consideration to the way and locations in which this spending occurs so that a variety of organisations can benefit.

## Fire blight: New Zealand imports

**Mr DRUM** (Northern Victoria) — My adjournment matter is for the Minister for Agriculture and Food Security, Peter Walsh. My adjournment matter centres around the federal government's decision to relax the protocols surrounding the importation into Australia of New Zealand apples. Whilst I understand that this is a federal government decision, the consequences of this decision are likely to be very heavily felt by the Victorian agricultural sector.

I know that the orchardists around Victoria have little or no confidence in the federal agriculture minister, and his lack of due diligence on this issue may give Australian apple and pear growers, including those in Victoria, an industry-threatening bacteria without the resources to cope should fire blight find its way into Australia. As if the people of the Goulburn Valley have not had enough to worry about with the job losses at Girgarre and Mooroopna over the last few weeks, the last thing they need is a government in Canberra that is prepared to put this industry at risk by allowing New Zealand to export its apples, which are known to suffer from fire blight at times, into Australia. Furthermore, Harcourt apple growers, who have just emerged from years of drought and are now looking for a period of consolidation, do not need to be operating with the threat of fire blight hanging over their heads.

I ask the minister to explain what he is doing to push these concerns onto his federal counterpart. Is there any lobbying he may be able to do on behalf of Victorian apple and pear growers to have the stricter protocols that have been in place for a number of years reinstated? These stricter protocols have, to date, been enough to prohibit the importation of New Zealand apples.

This is a very serious threat, and I am sure the orchardists of the Harcourt and Goulburn valleys would be very keen to know whether there is any action that the Victorian Minister for Agriculture and Food Security can take to avoid the threat that is hanging over their industry, knowing that the Goulburn Valley's pear production represents about 80 to 90 per cent of Australia's pear production and that the Harcourt Valley apple growers produce some of the highest rated quality apples in Australia. This is a very serious threat, and I am asking the minister to explain what action he is able to take on the growers' behalf.

## Planning: growth areas infrastructure contribution

**Mr SCHEFFER** (Eastern Victoria) — I raise a matter for the attention of the Minister for Planning, Matthew Guy, regarding recent changes to the growth areas infrastructure contribution and the introduction of a reformed developer contributions system in Victoria. Members will remember that the purpose of Labor's growth area infrastructure charge was to ensure that those who made a financial windfall from the sale and development of land rezoned for urban development would pay a reasonable contribution towards the essential services that are necessary for new developments, such as public transport, child care, parks, gardens and recreation facilities.

The contribution was intended to enable those who bought a home in a new development to have access to services that were similar if not equal to the services that residents have in the middle and inner established suburbs. Labor believes that was a fair arrangement, and it is good to see that it has largely been continued by the present government. However, since the change of government these arrangements have been amended, and it is those amendments to which I wish to draw the minister's attention. The Baillieu government has with those amendments failed to fully deal with the problem of the secret deals it will make with developers on the work-in-kind agreements, where developers will give undertakings to the planning minister that they will do certain works in exchange for a reduction in the overall financial infrastructure contribution that they are required to make.

The government has backed down to some extent, because while it would not enshrine those arrangements in legislation it did undertake to talk to local government about the commitments that were being made. The secrecy — the lack of transparent procedure or independent oversight — means that the process is open to abuse.

I ask the minister whether he has contacted the Cardinia shire to negotiate the process whereby he will reveal to the shire the agreements he has come to with developers who are offering work in kind as part of their growth areas infrastructure contribution. I also ask the minister how the work-in-kind process that he has agreed with developers and will reveal to the shire will be made public? Or will the arrangement continue to be a secret between the minister, the developer and certain personnel at Cardinia shire?

In recent years Cardinia shire has successfully managed one of the fastest growing areas of interface Melbourne. I have worked closely with the shire and the councillors in the time that I have represented that area, and I respect their diligence and the attention they pay to all aspects of the planning process to ensure that new residents have appropriate access to the amenities they need. I believe the shire and its residents deserve to have the confidence of the Victorian government, and I seek the minister's advice on that matter.

## Darebin Arts and Entertainment Centre: ministerial visit

**Mr ONDARCHIE** (Northern Metropolitan) — I wish to bring a matter to the attention of the Minister for Planning, the Honourable Matthew Guy. I call upon the minister to follow up on a recent parliamentary briefing by the City of Darebin. I ask him to visit Darebin and join with me in taking a tour of the Darebin Arts and Entertainment Centre complex.

The Darebin arts and entertainment complex is a landmark in Melbourne's north. It is a $l0.25 million multipurpose facility. The complex is a premier theatre venue and also caters for functions, conferences, exhibitions, meetings and trade shows. For example, local artists and schools hold exhibitions within the facility to showcase the talents of those in our community. It has become a hub in Melbourne's north for multicultural events. Each year it is estimated that over 116 000 people visit the complex, accessing the many diverse services that it offers. Opened in 1994, the modernised facility has served the community in a number of ways since then, and we hope it will continue to do so for many years to come.

The Darebin arts and entertainment complex is a valuable cultural and community resource, and I look forward to Minister Guy joining with me in visiting that facility as soon as possible.

## Information and communications technology: procurement process

**Mr SOMYUREK** (South Eastern Metropolitan) — I raise a matter for the attention of the Assistant Treasurer concerning the botched tendering for the e-services panel, which has devastated the confidence of the Victorian ICT industry and as a consequence may have triggered the flight of ICT investment and jobs from Victoria.

Many of the firms to miss out have an international reputation and provide cutting-edge software; however, many are also small businesses, and the cost of retendering will be financially crippling, especially as they are bleeding work and jobs to New South Wales. I

call on the Assistant Treasurer to compensate the ICT firms for the cost of having to submit new tenders for the e-services panel as a result of the government's botching of the tendering process. It is now clear to the whole industry that the evaluation of firms for the panel has been a flawed process which threatens Victoria's pre-eminence as the ICT capital of Australia.

The Victorian ICT industry is in turmoil, and many skilled workers will be lost not only to Queensland and New South Wales but also overseas. At the same time Victorian taxpayers will take a hit as the Victorian government pays more for services due to a lack of competitiveness. The ICT industry is now expressing concern that skilled Victorian work is going to be lost to cheap overseas centres.

When I asked the minister at question time today whether he was briefed before the tender process was requested, he refused to answer the question. It is not acceptable for the Assistant Treasurer to hide behind euphemisms such as 'refresh' and to refuse to answer questions in an attempt to avoid responsibility. The Assistant Treasurer needs to toughen up, accept that the tendering process was botched on his watch and properly compensate these important Victorian small businesses for having to prepare new tenders as a result of a mess created by this government.

**The PRESIDENT** — Order! The Clerks have drawn my attention to standing order 4.10 with regard to the adjournment debate and the limits on the number of contributions that can be made in a week. We have already exceeded the number of adjournment matters. In fact, this week both the major parties have exceeded their number. The Greens have not, but both the major parties have exceeded theirs. I seek leave of the house to allow one final member — Mr Elsbury — to participate in the adjournment debate on this occasion. In future weeks I will be a little bit more — —

**Mr Drum** — Vigilant.

**The PRESIDENT** — Order! Vigilant. I thank Mr Drum; that was his best interjection for the week. That one was helpful.

**Mr Drum** — I am always trying to help.

**The PRESIDENT** — Order! Is leave of the house granted for Mr Elsbury to participate in the adjournment debate?

**Leave granted.**

**The PRESIDENT** — Order! Mr Elsbury was particularly vocal on that occasion.

## Dangerous dogs: control

**Mr ELSBURY** (Western Metropolitan) — I thank the house for its indulgence this evening. My matter is for the attention of the Minister for Agriculture and Food Security, the Honourable Peter Walsh, in his area of responsibility relating to restricted breed dogs. With the tragic events in St Albans last night in mind, which resulted in the death of a four-year-old girl by the name of Ayen Chol, I ask the minister what action the government will take in ensuring that dangerous dogs are no longer putting the community at risk.

Unfortunately in this particular instance the young girl was at home playing or watching television when the owner of the house she was staying at was chased by a dog into the house and the dog turned on everyone inside, injuring a five-year-old girl and unfortunately killing young Ayen. As a father of a four-year-old I can only say I cannot think of the horror that would have gone through the mother's thoughts at that time. I can only hope that there is some peace for the mother in her faith, which she has displayed today.

Unfortunately this is not an isolated case. On 13 February this year an American pit bull and an American Staffordshire terrier attacked the members of a young family who were going for a walk in their neighbourhood of Hoppers Crossing. In that incident two men were hospitalised after the dogs decided to attack. In one instance the father stood between his children and the dogs in an attempt to save his children from being mauled. In the second instance a man, who was just walking through a park, was also attacked by the same two dogs. On 29 June this year two American pit bulls mauled a small pet dog in the Newport area.

I am aware that currently an amnesty is available for those people who own dogs that are on the restricted list and who have decided not to register them, which is against the law. I urge anyone who owns one of these dogs to do the right thing and go and register their dog so it can be properly monitored and notification given to the people who live in the local area of the dangerous dog. According to the Department of Primary Industries website, people have two years from 1 September 2010 to register their dogs, but I seriously hope people will do that much sooner.

To Ayen's mother, Jackline Anchito, and father, Mawien Chol, I extend my deepest sympathies.

## Responses

**Hon. W. A. LOVELL** (Minister for Housing) — I have written responses to adjournment debate matters

raised by Mrs Coote on 5 April 2011, Mr Scheffer on 5 May 2011, Mr Lenders on 24 May 2011, Mr Lenders on 25 May 2011, Mr Lenders on 26 May 2011, Mr Scheffer on 2 June 2011, Ms Crozier on 16 June 2011, Ms Pennicuik on 16 June 2011, Mr Philip Davis on 28 June 2011, Mr Lenders on 29 June 2011 and Ms Pennicuik on 29 June 2011.

In the adjournment debate this evening Mr Lenders raised a matter for the Premier regarding the hendra virus, and I note that David Davis raised the hendra virus with Mr Jennings when he was the minister in the last Parliament. I further note that the former government did nothing about the hendra virus, but I will pass the adjournment matter on to the Premier because it is a very serious issue that needs to be addressed.

Mr O'Brien raised a matter for the Minister for Veterans' Affairs about today's anniversary of the Battle of Long Tan. He invited the minister to visit the Stawell RSL club to discuss maintenance of its facilities.

Ms Tierney raised a matter for the Minister for Sport and Recreation regarding media releases for two announcements he made in Geelong.

Mr Koch raised a matter for the Minister for Police and Emergency Services requesting that he inspect Dulhunty Poles at its Moolap plant next time he is in the Geelong area.

Ms Hartland raised a matter for the Premier regarding the Council of Australian Governments meeting on Friday, 19 August, and in particular the discussions around mental health reforms at Colac.

Mr Ramsay raised an issue for the Minister for Health regarding the impact of Prime Minister Julia Gillard's carbon tax on hospitals in his region, particularly at Ballarat Health Services.

Ms Mikakos raised an issue for me regarding a Wantirna child-care centre and its insurance. I believe the Victorian Managed Insurance Authority gave some poor advice to some services. But of course these services are also being impacted heavily by the funding cuts of the federal government to the Take a Break program. I believe assurances have been given to all of those services that they will remain insured while they remain government-funded services, but I will follow up with my department to ensure that those services have been given formal advice.

Mrs Petrovich raised an issue for the Minister for Higher Education and Skills regarding Victoria University in Sunbury and asked him to explore all options for tertiary education and a trade training centre in Sunbury.

Ms Pulford raised a matter for the Premier regarding government advertising and the Liberal-Nationals coalition's more responsible approach to government advertising.

Mr Drum raised a matter for the Minister for Agriculture and Food Security regarding the federal government's intention to relax the protocols for the importation of New Zealand apples and the risk that poses to the horticultural industry in the Goulburn Valley and in Harcourt in our electorate of Northern Victoria Region. The action he sought was for the minister to do everything he could to avoid the threat of these imports. I note that the Prime Minister, Ms Gillard, had a smile on her face when she stood in the New Zealand Parliament and announced that she would be relaxing the protocols and that she looked forward to eating imported New Zealand apples in Australia. That was a great insult to the growers not only in Victoria but in Tasmania and elsewhere in Australia.

But I am delighted that the Goulburn Valley has featured so heavily in debate in this house this week. The impact of job losses, the relaxing of protocols for the importation of New Zealand apples, the Take a Break child-care program and a number of other issues have been raised, and I am delighted that the Labor Party has finally learned where the Goulburn Valley is, because it did not know where it was when in government.

Mr Scheffer raised an issue for the Minister for Planning regarding the growth areas infrastructure contribution tax and asked him to contact the Cardinia Shire Council and clarify the work-in-kind agreements.

Mr Ondarchie raised a matter for the Minister for Planning requesting that the minister accompany him on a visit to the Darebin Arts and Entertainment Centre.

Mr Somyurek raised an issue for the Assistant Treasurer regarding the tendering of ICT projects.

Mr Elsbury raised an issue for the Minister for Agriculture and Food Security regarding the registration of restricted breed dogs and the tragic death of a child yesterday. I am sure I speak for the whole chamber when I say our thoughts, like Mr Elsbury's, are with this family at the moment, and we extend our deepest sympathy to the family.

I will refer all those matters to the ministers.

**The PRESIDENT** — Order! The house stands adjourned.

**House adjourned 6.45 p.m. until Tuesday, 30 August.**