

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

LEGISLATIVE COUNCIL

FIFTY-SEVENTH PARLIAMENT

FIRST SESSION

Tuesday, 16 August 2011

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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.

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

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FIFTY-SEVENTH PARLIAMENT — FIRST SESSION

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CONTENTS

TUESDAY, 16 AUGUST 2011

CONDOLENCES

Hon. Allan Clyde Holding..... 2385

NORWAY: MASSACRES 2395

ASSISTANT CLERKS..... 2398

ROYAL ASSENT..... 2398

ABSENCE OF CLERK..... 2398

ABSENCE OF MEMBER..... 2398

RULINGS BY THE CHAIR

Committee procedure..... 2398

QUESTIONS WITHOUT NOTICE

Liberal Party: fundraising events 2399, 2400

Children: beauty pageants..... 2399

Childhood obesity: government initiatives..... 2401

Planning: green wedge logical inclusions..... 2402

Vocational education and training: enrolments..... 2402

Planning: green wedge development..... 2403

Aviation industry: safety training 2403

Planning: Anglesea coalmine 2404

Planning: outer south-eastern suburbs 2404

QUESTIONS ON NOTICE

Answers 2406

PETITIONS

Children: Take a Break program 2407

Rail: Laburnum service..... 2407

LARGE-SCALE INTEGRATED DRYING

GASIFICATION AND COMBINED CYCLE

DEMONSTRATION PROJECT 2407

SCRUTINY OF ACTS AND REGULATIONS

COMMITTEE

Alert Digest No. 8..... 2407

PRODUCTION OF DOCUMENTS 2407

BUSHFIRES ROYAL COMMISSION

IMPLEMENTATION MONITOR

Progress report July 2011 2408

PAPERS 2408

BUSINESS OF THE HOUSE

General business 2409

MEMBERS STATEMENTS

Roads: truck action plan 2409

SPC Ardmona: future..... 2410

Ramadan: Iftan dinners 2410

John Stanford and Helen Proud 2410

Sustainability and environment: initiatives 2411

Mount Hira College: building program 2411

Respite care: city of Whittlesea..... 2411

Salvation Army: headquarters renovation 2412

MVC Boxing Club 2412

Housing: Blessington Street, St Kilda..... 2412

City of Hume: citizenship ceremony..... 2413

Somalia: national day celebration..... 2413

Northcote Junior Football Club: 50th

anniversary..... 2413

Employment: Ballarat 2413

Mike Morris..... 2413

Stuart Cumming 2414

CONSUMER ACTS AMENDMENT BILL 2011

Second reading 2414

Committee 2421

Third reading 2424

TRANSPORT LEGISLATION AMENDMENT (PORT OF HASTINGS DEVELOPMENT AUTHORITY) BILL 2011

Committee 2424

Third reading 2433

ADJOURNMENT

Firewood: collection permits..... 2433

Schools: Kyneton 2433

Environment: illegal dumping..... 2434

Victorian Law Reform Commission: report..... 2434

Autism: program funding..... 2434

Eastwood Primary School: upgrade 2435

Retail sector: Chapel Street, Prahran 2435

Responses 2436

Tuesday, 16 August 2011

The PRESIDENT (Hon. B. N. Atkinson) took the chair at 2.03 p.m. and read the prayer.

CONDOLENCES

Hon. Allan Clyde Holding

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

That this house expresses its sincere sorrow at the death on 31 July 2011 of the Honourable Allan Clyde Holding and places on record its acknowledgement of the valuable services rendered by him to the Parliament and the people of Victoria as a member of the Legislative Assembly for the electoral district of Richmond from 1962 to 1977 and Leader of the Opposition from 1967 to 1977, and also to Australia as a member of the House of Representatives for the division of Melbourne Ports from 1977 to 1998 and a minister of the Crown from 1983 to 1990.

In moving this motion I think that all members of the house will be aware of the standing of the Honourable Clyde Holding. He was born in Melbourne in April 1931 to Robert and Mavis Holding. Both his parents were born in Northern Ireland, and after settling in Australia his father served as a commonwealth police officer. Clyde Holding's parents would have had good reason to be proud of their son's lifelong and dedicated commitment to civil liberties, human rights and social justice. It is important to put on record his commitment — and I think this would be welcomed across the political aisle, as it were — to indigenous Australians in particular.

He was educated at Hawthorn West Central School, as it was then known, and won a scholarship to Trinity Grammar School. He went on to study law at the University of Melbourne from 1953 to 1955. I understand he joined the Australian Labor Party in 1949 and held positions as president of the Melbourne University ALP club and as secretary of the Young Labor Association. He was a member of the Victorian executive of the Labor Party from 1968 to 1970 and served in various other positions within the Labor Party.

As I said, Clyde Holding completed his law degree in 1955 and shortly thereafter married and had three children: Peter, Jenny and Danny. In 1978 he remarried and had one daughter, Isabella. Clyde practised as a solicitor. As people will know, he co-founded the firm Holding, Ryan and Redlich. He was a senior partner of that firm between 1963 and 1973, and he was a well-known practitioner of industrial law. He was,

though, increasingly drawn to politics, and he began his long career in 1962 when he was elected at a young age, 31 years old. In 1967 he became Leader of the Opposition, serving in that position until 1977.

Clyde Holding was referred to as a very competent debater in the Parliament, someone who did contribute. From looking at the sweep of his career and reading about him, perhaps the contribution that he best made was as a federal minister, and particularly his appointment of Charles Perkins as Secretary of the Department of Aboriginal Affairs, the first indigenous head of a federal government department. Clyde Holding served in various ministerial positions across the time he was in the federal Parliament, including as Minister for Employment Services and Youth Affairs, Minister for Transport and Communication Support, Minister for Immigration, Local Government and Ethnic Affairs and Minister for the Arts and Territories. After his retirement from ministerial positions he served on the back bench until 1998.

I met Clyde at a number of community functions over the years, and I think that would be a common experience for anyone involved in public affairs in this state over the two decades: they would certainly have met Clyde Holding and had worthy conversations with him.

During that long career in both federal and state Parliament he was known for his preparedness to speak out on behalf of those who were marginalised — and I think that is strongly respected across the political divide. No doubt he will be missed very much by his family, friends, former constituents and colleagues. He will be remembered for his long contribution and the fact that it spanned federal and state politics. He is somebody who will be missed.

On behalf of the Victorian government I offer my sincere condolences to the family of Clyde Holding: to his wife, Judy, and their daughter, Isabella; to his first wife, Margaret, and their children, Peter, Jenny and Danny; and indeed to his grandchildren.

Mr LENDERS (Southern Metropolitan) — I too rise to support the condolence motion moved by Mr Davis for the late Clyde Holding. It is interesting when you hear an expression of condolence about a person to listen to how someone's life is described and how people try to capture something about a person in a short condolence speech or in an hour and a half at a memorial service — and I had the privilege of being at the memorial service which was held this morning at the Great Hall of the National Gallery of Victoria.

Clyde Holding, who was on our side of the house, was an extraordinary individual. I will go through some of the reasons he was extraordinary, but Mr Davis touched on one of them: his longevity. He was there for such a long time, he was a mentor for so many people and he had been involved in so much of the modern history of the Labor Party that he was a living institution for many of us. The memorial service today was a celebration of a wonderful life, but it also marked the loss of a wonderful human being.

On our side of the house there is a strong connection to Clyde. Jennifer Huppert from the last Parliament and Johan Scheffer and I from this Parliament all had the privilege of working on his staff for periods of time. That is a connection you often do not get in these condolence motions — that you have lived and worked with a person for that period of time.

To understand Clyde Holding — and Mr Davis touched on this — you need to know he was the son of Ulster immigrants. That phrase, ‘the son of Ulster immigrants’, rolls quite easily off the tongue, but the family history was of a rugged time caught up in all the sectarian unpleasantness, if that is a polite way of describing it, in Northern Ireland. His family came to Australia to start a new life, and Clyde was very much the product of that. He was the son of battling immigrant parents who moved from a difficult part of the world to start a new life in Australia. He certainly did that. He brought with him from Ulster that Protestant work ethic — that is, he was going to work whatever the case.

Having said that, Clyde Holding, having fled sectarianism, could work with anybody. That was a feature of Clyde through his every living moment. He always had the ability to work with people. He could be partisan; he was often called an old Labor warhorse — he could be all of that — but he was also someone who could engage. He respected diversity; he was curious about it and interested in it. In my encounters with him, and I think those of many others here, he showed he was a unique human being. All of us have to work with the people around us, and we do. If you are lucky, you work with the people around you and genuinely thrive on diversity. If you look at what the interest and challenge is, you will do that.

Coming from that background, Clyde also knew that rights and opportunities were things you had to fight for; you could not take them for granted. One of the things that used to always disappoint him at election time is something we have all encountered: that 10 per cent of people who come into the booth say, ‘A curse on all your houses’, to anyone who has a political view

and wants to encourage debate. If he were in a polling booth today, he would try to engage that person and say, ‘People are dying in Syria for the right to vote. What is the problem with turning up?’ He was always someone who valued that unique institution. He recognised that you had to fight for these rights and responsibilities and had to work to get rid of, avoid or bypass that sectarianism and intolerance that his family saw in Ulster and he saw in many places around the world.

At the risk of appearing partisan in correcting Mr Davis — and he will not take offence, because Clyde’s son Peter Holding corrected the Prime Minister on the same thing at the memorial service today — Clyde Holding never won a scholarship. It is on his official record that he did, but in fact he did not. Peter Holding said today at the memorial service that his mother had gone to work so that he could go to school and university, which was quite unusual for that time. That was something I did not know — because I had also read the records, having worked for him for a number of years — but something the family is quite proud to say. He achieved everything through grit, hard work and that Protestant work ethic.

As Mr Davis said, Clyde Holding was president of the Melbourne University ALP club and secretary of Young Labor in Victoria. He got involved in politics at a very early age and had been a member of the Labor Party for more than 60 years when he died. As Mr Davis also said, Clyde founded the law firm we now know as Holding Redlich. Going back to the times, for a battling kid from an Ulster family with a single mum to get through university and go to law school was an achievement in its own right, let alone to then go out and form a law firm. Holding Redlich was a unique law firm. Part of what it did was industrial law, but it also acted for those who could not afford to engage the legal system, and that was one of Clyde’s drivers from day one. He would do what he could to engage with and help the people he wanted to represent. Holding Redlich is now a successful law firm dealing in commercial and industrial law and a whole range of things, but it started off as a vehicle for those people in his electorate, or what became his electorate — the Richmonds, Collingwoods and Fitzroys of 40 or 50 years ago — to access before there was legal aid or any of those things. That was very much what drove him and drove his forming that law firm.

He was elected member for Richmond at a very early age. The first thing that hit him after his election was that people went to their MPs for assistance. I remember him telling the tale of some of the old-timers he would bump into from Richmond. At the time MPs

did not have electorate offices, so when they had a problem the old-timers would walk to Parliament House — if we can just conceptualise that — to see their member and get service — and Clyde just happened to be a lawyer. That is what Clyde was all about. There were no electoral officers and no electorate offices; if you wanted service, that is what you did — and Clyde worked with that.

At the memorial service today it was interesting to hear Jacki Willox, who was Mr Holding's electorate officer for 13 years, say in her contribution how even at the end of his time in Parliament — and Mr Davis mentioned Clyde had eight years in Parliament after he ceased being a minister — he still had great pride in helping constituents. Clyde loved providing micro-assistance with problems, whether it be from the joy people got out of a service as basic as a post office box being restored in the neighbourhood of an elderly pensioner or far more significant family reunions and immigration. He got a buzz out of that right to the end, and that is a measure of the man.

Clyde Holding was the Leader of the Opposition in the Legislative Assembly. In the Labor Party maybe too often we dwell on our defeats, but his role as opposition leader is worth mentioning in gauging the measure of the man. He ran against Henry Bolte and lost. I cannot help but remind the house that was the last time the Country Party preferenced Labor; Mr Hall, we would like that to happen again! Clyde Holding had that arrangement with the Country Party back in 1970 and still could not get rid of Henry Bolte. He also ran against Dick Hamer in 1973 and 1976. Those of us who have been in opposition for nine months, and also those who were in opposition for 11 years, should remember that he never gave up in all those years because he had real ticker. From his perspective he was going to do whatever he could to make life a better place, and that involved getting Labor elected.

Clyde had some amazing obstacles to overcome, not the least of which was the Labor Party itself. He fought the battle on a whole range of things. He expressed his views on state aid to non-government schools, got federal intervention and won. Clyde Holding was not a squeamish person: he did the hard yards. He also fought some phenomenal battles; I will not describe what sort of knights he used to describe them as, but Sir Henry Bolte and Sir Arthur Rylah were not among his favourite people. The battle he had over the Ronald Ryan hanging and the abolition of capital punishment showed true grit and determination. He was passionate about, fought for and delivered on the big issues of the time.

After his close encounters with Sir Henry Bolte, in a sense he felt that Dick Hamer was like a breath of fresh air through the Liberal Party. Hamer embraced a lot of changes, and in 1976, post the fall of the Whitlam government, the Labor reputation, shall we say, was not strong. But Clyde battled on, and eventually he moved off to the federal Parliament.

We often look at the things people leave behind. It was Clyde Holding who introduced the concept of a shadow cabinet to Victoria. At the time it was not easy for the Labor Party. People were fearful it was elitism, with some people around the table presuming they would be ministers if Labor got elected. But Clyde persevered. This is what a modern party had to do. People had to be responsible, people had to go out there. He pioneered that change. Now all of us, perhaps on both sides of the house, do not thank him for that on Mondays at shadow cabinet meetings — but he instituted that into Victoria, and it is one of his ongoing legacies.

He left state politics and became state president of the party and a member of the national executive. I will not dwell on all his achievements there. He moved on to become a federal MP. As the member for Melbourne Ports, he never forgot the Richmond he came from, but he embraced a whole new community. In those days Melbourne Ports was not the Caulfield-based electorate it is now. It was basically Port Melbourne, South Melbourne, St Kilda, Prahran and the southern two-thirds of Richmond.

He remained a champion for multicultural affairs, and was able to pursue some of the things he had always been passionate about in Victoria from a new perspective. Multiculturalism was significant for him in many ways. Not only had the Richmond he represented had its waves of Greek, Italian, Vietnamese and Timorese settlers coming in and adjusting to a new country, but in Melbourne Ports he also had an even greater exposure to the Jewish community.

Clyde had always been a great friend of Israel. He had been president of Labor Friends of Israel for many years. His first wife, Margaret, had been a refugee from Austria, but he also had an empathy for people who have dealt with adversity. He never forget to help people who have come through such adversity. He also had very strong views on how he could more broadly assist people to be greater participants in the political process.

It is interesting that during this period he was the instigator of the Labor Party starting branches in some communities. He was a passionate proponent of the Yorta Yorta branch, an Aboriginal branch we had

established in Shepparton in the north of Victoria. He constantly looked for ways and means of getting people who were marginalised or who had not participated to engage in the political process, which, when Bob Hawke was elected, led logically to his request for the Aboriginal affairs portfolio because of his ongoing passion in that space.

Time does not permit me to go on at great length about some of his achievements, and those at the service this morning will have heard them, but I think it is fair to say that he saw the dignity that was involved. He saw that the ability for people to break the poverty cycle and the ability for people to assist in rebuilding respect was based on ownership of land, and native title was an issue of critical importance to Clyde Holding. He lost the battle for national native title legislation, but ironically the legal case he funded, Mabo, ultimately saw those common-law rights brought into place in any case along with legislation that helped to match them. Probably the symbol of land rights for Clyde, which was incredibly powerful for him, was the return of Uluru to its traditional owners and a 99-year lease being given to the parks service in the Northern Territory, letting people have access to it. It formally restored ownership.

It is interesting that there was always a human dimension to Clyde. He might have been involved in a huge public policy issue of land rights or the restoration of Uluru, but there was always a human side to him. I recall working for him at a time when he was in the middle of the big issues of the day. He was in a political battle to the death with Brian Burke over land rights when he got a phone call in the car from a woman on Echo Island in the Northern Territory whose Land Rover would not work.

As always, Clyde took the call and aimed to assist — and Mr Scheffer is looking apprehensive, but I will keep it very good. He passed the phone to me as the staff member with him. In the confines of this Parliament I confess that I did not have a hope in hades of fixing the Land Rover up on Echo Island, particularly over a satellite phone, but it is a sign of the man that there was never a time when he would not assist, or try to assist, a person. In this case he did not assist them very well by giving the matter to me. He was always prepared, he was never too high and mighty and he would always do that kind of thing.

I would like to read a quote. It is an extract from the biography of Charles Perkins by Peter Reid. Mr Davis touched on the appointment of Mr Perkins, saying:

Perkins and Holding were to combine resources to bring down a national land rights act for the first time. At first

Perkins wondered how he was going to relate to this grumpy-looking, battle-scarred, Labor politician; later he described him as one of the finest men he had met, with whom he formed the closest relation of any white man in his life.

The book goes through what the two of them did. Essentially, he could work with anybody. He was a pragmatist and he would try to find solutions, but he was also a man of principle who would fight for what he believed in.

In addition to Aboriginal affairs he had a number of other portfolios. Immigration and multicultural affairs was a great one for him. He loved the arts, and many people have talked about his love for the arts. I remember being on his staff when he was the minister for arts and territories and he had to deal with local government in the Australian Capital Territory. Clyde could not understand that while people fight and die for the right to vote, the people of Canberra did not want their own government. He could not understand the concept that people would resist self-government when it is probably one of the most basic of human rights, but he persevered and the ACT got its government. He did a lot of wonderful things in the arts.

This morning Gareth Evans mentioned that Clyde Holding was a mentor to many people. When I was elected he asked me to come to his house, and he gave me some advice on how to be a member of Parliament. He said, 'Always be wary of presiding officers and score a few points off them; it makes you look good in front of your colleagues', so I will flag that the great man did suggest that was a way for members to make their mark. He also said, 'Know your standing orders, and keep a total focus on what is happening in the chamber. Parliament is important; never think it is just something you come in and out of. You must be forever focused on what is going on'. He was adamant that you should never read and that you should rely on dot points, as I learnt to my chagrin.

One of my first acts as an electorate officer for him was to prepare a speech for him on Anzac Day about Albert Jacka getting his Victoria Cross. I agonised over the speech. It was a big thing for me. I was just out of university and was preparing a speech for a minister. He did not even take it out of his pocket. I asked him what was wrong with it, thinking I would get some positive reinforcement and feedback, but I got the first of much advice about never reading from notes in Parliament.

He was a great lover of the tradition who was always focused on what was happening in the chamber. But he is gone. One of the truly sad things about Clyde

Holding going — this great raconteur, this friend and mentor to people — is that he started writing his book but never finished it. He only got the first few chapters done, and then the terrible scourge of Alzheimer's hit. For the last few years of his life he was in Castlemaine. One of the truly sad things is that he had such a rich life but at the very end he could not write about it, so we rely very much on our memories of him. Another sad thing is that I went with his son, Peter, to visit him in Castlemaine a couple of years ago. He did not recognise me, which was fine, but he did not recognise Peter either. It is one of those awful things when your elderly parents suffer from this affliction and they are some of your last memories of them.

I would like to extend my condolences to Clyde's family. They are a great family — Judy, Margaret, Peter, Danny, Jenny, Isabella, all of their partners and the grandchildren. They are truly great people. It was also about the greater family with Clyde, and the Labor Party was such a part of his family.

I will close on a final anecdote about why he was such a special person. You would work for him, and would often think he was a bit vague — and he was. He was often very vague, but he noticed. I remember that there was a member of my branch of the Labor Party in West Richmond, a guy called Jimmy Loughnan, who had been on the former Richmond council for 43 years — even longer than Clyde had been an MP. When Mr Hall has been here half as long again he will start approaching his time. Jimmy was the salt of the earth. He had been honorary electorate officer to former Prime Minister Jim Scullin. He had been through all of these things. He was old; he was in his 80s, and his wife was quite old.

Jim had the autographs of former Prime Ministers Chifley, Curtin, Scullin and Whitlam, but he did not have Bob Hawke's, so Clyde organised to get Bob Hawke down. He went to the Loughnan household, and they were there with all their elderly friends. You can talk about the joy he gave this family of stalwarts by having a fifth Labor Prime Minister in the house for the autograph, but it is more about where Clyde came from. He was busy — he was a federal minister — but he knew that for this family it would be just about as good as it could get to have the Prime Minister in the house and have all the photos. That was the sort of man he was.

It is very sad that after 80 years we have lost him, but he has left an unbelievable legacy. I guess his message to anybody on our side of the house was, 'You are not in Parliament because it is a job and you are not in Parliament because it is something to do; you are in

Parliament to make a difference'. The legacy that I hope is left by Clyde Holding for all of us in this place, whoever we are, is: given that we are here, let us make a difference. I would like to say farewell to a raconteur, a larrikin, a true believer and, mostly, a friend.

Ms PENNICUIK (Southern Metropolitan) — I am pleased to speak on behalf of the Greens in support of this condolence motion for the late Allan Clyde Holding. I was very interested in what Mr Lenders had to say, because I know he knew him well and was very close to him. Along with what Mr Lenders said just now and at the state service for Clyde Holding this morning, the speeches by everybody there and the pictures up on the screen reminded us of the times that Clyde Holding lived through as a member for the state seat of Richmond and as a member for the federal seat of Melbourne Ports.

I do not plan to go through all of the issues raised by Mr Lenders, but I will talk about two instances that I particularly remember Clyde Holding for. During his time as the member for Richmond in the Legislative Assembly and the Leader of the Opposition from 1967 to 1977, along with many other people he protested against the hanging of Ronald Ryan in 1967 and was arrested at that protest. I shared his horror at that event. I was only a child at the time, but it is one of my first memories of public affairs. I was very distressed about it. I discussed it with my parents and asked them why it was happening, and I remember I cried when Ryan was hanged. I could not believe that was happening, and I am so glad it has never happened again since.

Clyde Holding was elected to the federal seat of Melbourne Ports in 1977. He was my local member from 1989, when I moved into the electorate where I still live, until 1998, when he retired. I met him several times at local events, but I did not know him well. It is well known that Clyde Holding strongly supported indigenous rights. He was the first Minister for Aboriginal Affairs to insist on the repatriation of Aboriginal human remains from museums, and he travelled personally to the British Museum in London to effect that.

At the state service this morning I was particularly taken by the speeches of Mr Francis Deemal, Professor Mick Dodson and Professor Marcia Langton, who brought back the memories of those times in the 1980s and 1990s when the long struggle for land rights for Aboriginals and Torres Strait Islanders was coming to a head. I remember Clyde Holding's role in handing back the freehold title deeds to the traditional owners of Uluru in 1985. He will rightly be remembered for his

pivotal role in bringing that about. However, the struggle is still not over.

As Mr Lenders said, Mr Holding had many interests and was a strong advocate for the arts. He championed contemporary artists, especially Aboriginal artists, and he threw his support behind the desire of Arthur and Yvonne Boyd to give their home, Bundanon, to the people of Australia for use as an artists' retreat and gallery, which was also mentioned today at the state funeral.

In addition to his achievements, Clyde Holding helped many people personally in almost four decades of public life, which Mr Lenders alluded to. On behalf of the Greens I extend our condolences to Mr Holding's wife, Judy; his former wife, Margaret; his children, Isabella, Peter, Danny and Jenny — particularly Jenny, whom I knew years ago; his extended family; and his friends and former colleagues.

Hon. P. R. HALL (Minister for Higher Education and Skills) — On behalf of those of us in The Nationals of Victoria I would like to join in this condolence motion for the late Allan Clyde Holding and pass on our condolences to his family and friends. From listening to this condolence motion we hear that the story of Clyde Holding is quite a remarkable one. It has been well recounted to us this afternoon, particularly by Mr Lenders, and I think we have all learnt a lot about Clyde Holding by listening to his contribution. Obviously from his personal acquaintance and the closeness of his working relationship with Clyde Holding he was able to give us a true account of some of the finest qualities of a man who has stood proud in Victorian and Australian politics for a long period of time. His was a truly remarkable experience.

In reflecting on this condolence motion I read some of the comments made, particularly by former Labor leaders, about the late Clyde Holding. In all the written commentary a number of adjectives are commonly used to describe the man. Some of those adjectives and descriptions are: passionate, imaginative, courageous, loyal, decent, a man of integrity, remarkably brave, a visionary reformer, a showman with a serious side, and a great Labor man. Today in his contribution Mr Lenders added the descriptions: 'an extraordinary person', 'an institution', 'a mentor' and 'a role model'. Probably the greatest claim that anyone can make about a fellow human is to describe them as a role model for us.

The description 'role model' has been used by many in the Labor Party in relation to the great Labor man who was Clyde Holding, but no matter what side of politics

we come from, we can regard a man as a role model and learn something from him. I knew little of Clyde Holding — I think I met him fleetingly on only one or two occasions — but I have learnt something today from hearing his story, and it is something I think all of us might learn from. As has been said, the greatest legacy people can leave for us is an example of the work they have done, the guidance they have given us and a direction and purpose that we would all do well to put into our own lives.

It is with a great deal of sadness that I join colleagues in this house in support of this condolence motion for the late Clyde Holding. He is a man who has made a significant impact on the lives of many Australians, and for that we say thank you. We pass on our respect and condolences to his wife, Judy, and to his children, Peter, Dan, Jenny and Isabella, and their families.

Mr SCHEFFER (Eastern Victoria) — It was my good fortune to have known Clyde Holding's family well and to have worked with him for the last five years of his political career as the federal member for Melbourne Ports.

Clyde Holding was a member of the state and federal parliaments for 38 years. Looking at his inaugural speech that the library generously provided, we see that at the age of 31 Clyde Holding seemed to step into the Legislative Assembly fully formed as a formidable and accomplished parliamentarian. Amazingly his inaugural speech completely dispensed with the usual formalities. He rounded on the Bolte government's budget, setting out the fundamental differences between the Liberal Party and the Labor Party. His speech focused on the substandard living conditions of the unemployed, the crisis in housing, industrial safety and working conditions — basic issues for the Labor party and for Labor people.

In my view the novel thing about this speech is that there he was, seven years after the 1955 split, a former student activist during the failed Menzies referendum to ban the Communist Party, a campaigner for and ally of Jim Cairns, an industrial lawyer and then the new member for Richmond in the Victorian Parliament. Richmond was the centre of the split, and the forces of conservatism had trained the nation's attention on Labor's woes and on that seat.

In this inaugural speech Holding did not run from the Liberal attack. He was proud to be associated with the expulsion of the groupers from the ALP and described it as a blow struck for all sections of the community that believed in democracy. He absolutely understood that you could not have a party within a party, with its

own finances, its own motives and its own separate principles. Holding saw this as a struggle of principle — a fight to protect one of the world's oldest and greatest social democratic parties. Clyde Holding never forgot the damage that sectarianism could do to a party. He was the youngest Leader of the Opposition in Victoria's history, but in the end he was unable to lead Labor into office.

As we have heard, Holding's political career spanned the events of 1955, the Cold War, the campaigns over the abolition of the death penalty in Victoria, the Vietnam War years, the election of the Whitlam government and its dramatic dismissal, the great economic reforms of the Hawke-Keating government and the rise of John Howard. He was a strong supporter of the centrist Gough Whitlam, whose program was to capture the public imagination and bring Australia into the modern world after 23 years of Liberal government that had kept Labor out of office.

Holding, like Whitlam, passionately advocated for a universal health system, the equitable funding of all schools within a modern education system, legal and economic reform, Aboriginal equality and land rights, workplace rights and safety, the rights and equality of women, the withdrawal from Vietnam and the recognition of China as well as support for the arts and the promotion of everything that is best in Australian society and culture. He supported policies and individuals on their merits, not simply on the basis of which group was backing one or other of these policies or people. His views were clearly centrist and pragmatic, and he fought for policies that he believed would benefit the broad community and ordinary Victorians and Australians, especially those who were disenfranchised and struggling for a fair deal.

We remember that Labor was out of office in Victoria for 27 years between 1955 and 1982, and nationally Labor was out of office for 23 years from 1949 to 1972. For those of us on the Labor side this was a tragedy. For Labor and, we believe, for the state and the nation it was a waste of a generation caused partly by our own disunity and partly by the hand that history dealt us. Those years are bitter evidence of the truism that while we make our own history, we do not make it as we please. We make it under the circumstances given and transmitted to us from the past.

Clyde Holding's inability to take Labor to government in Victoria needs to be understood in this context, and his considerable achievement in preparing the groundwork for future Labor successes should be recognised and respected. Clyde Holding most valued the work he had contributed to put Aboriginal land

rights on the national agenda and the key role that he felt privileged to have been able to play in handing Uluru back to the traditional owners. In the time I worked with Clyde Holding I remember how warmly he was always greeted and welcomed by Aboriginal leaders from all over the country. When many of these leaders were in Melbourne they would call into his office in Fitzroy Street, and there was always great joy when they spent time together.

As a local member Clyde Holding was fiercely territorial, and very little happened in the Melbourne Ports electorate that he did not know about. He did not much care whether a matter was within the jurisdiction of local, state or federal government; if it affected his constituents, it was absolutely his business. The 1989 redistribution saw the blue-ribbon state seat of Caulfield move into the federal seat of Melbourne Ports and the Labor-voting state seat of Richmond go to the federal seat of Melbourne. As a result Melbourne Ports, which is a Federation seat that has always been held by Labor, became the most marginal Labor seat in the country. Clyde Holding was absolutely not going to be the one to lose that seat, so he rolled up his sleeves and, working with the community, not only won the seat, as John Lenders has observed, but increased his margin at every subsequent election, defying the odds.

Clyde Holding once told me that over his career he had occupied almost every elected position in the ALP: in the local branch, in the federal electorate assembly, in the administrative committee and of course as state president of the Victorian party. This was why he had such a sound understanding of how to get things done in the party and in the community. He believed the role of the local member was to articulate the views and the beliefs of his constituents but also bring resources into the electorate to improve and secure the quality of life of the people he represented. He never let up fighting for affordable housing; workplace safety; jobs; community health centres; schools; arts precincts, including the then Victorian College of the Arts in St Kilda Road and the Australian National Academy of Music in South Melbourne; and a number of events programs that build community cohesion and the celebration of the cultural diversity of which he felt so much a part.

With the help of his wife, Judy, for example, Clyde ran a spectacularly elaborate and out-there stall at the inaugural Midsumma Carnival. He spoke up for gay, lesbian, bisexual, transgender, intersex and queer communities and actively supported the ALSO Foundation. He strongly supported the HIV/AIDS policy of then federal health minister Neal Blewett, and

he was an early champion of the work of the Gay Men's Health Centre during the peak of the pandemic.

Together with Bob Hawke, Clyde Holding was a particular friend of the Jewish community, and he worked hard to ensure that the Australian government supported the development of Jewish schools, Jewish community services and cultural institutions, most notably the Holocaust Centre and of course the Jewish Museum of Australia. He developed a strong and long relationship with the Israeli Labor Party and successive Israeli governments, and one of his saddest duties was to attend the funeral of Prime Minister Yitzhak Rabin, who was assassinated in 1995.

Clyde Holding was a shrewd and intelligent campaigner and tactician. He trod with caution and knew that battles could be lost just as wars could be won. He knew that true leadership had a light touch, and he relied on the resourcefulness and independence of his team. If you were attentive, there was much to learn from Clyde Holding. His legacy is passed on, as John Lenders has observed, through many people, including through John and me in this Parliament, Jenny Huppert of an earlier Parliament and David White of a past government. His trust and reliance on Jacki Willox, his very long-term electorate officer, and Carol Hough, with whom I worked in the office, was absolute, and the loyalty and trust that he gave us was absolutely reciprocated. Clyde Holding was a man of great breadth and capacity, but he was also incredibly unassuming and unpretentious.

My partner, Angela, and I were saddened to hear the news in the early morning of 1 August that Clyde had died overnight. While it was absolutely not unexpected, the realisation that this great man had passed gave us pause.

I express my condolences to Clyde's wife, Judy, and to Isabella, as well as to Margaret, Peter, Danny, Jenny and their families, and to all those who held and hold Clyde in affection.

Clyde Holding taught me much about politics, both in the pragmatic sense of advancing your cause by gathering support and influence to get the outcome you want and also how to hold fast to vision and purpose. In Clyde's case he never forgot whom he stood for, where he came from or where he thought we should be heading.

Clyde was a great storyteller, and I remember well the evenings in Canberra after most of the day's work was done. He would sometimes tell what I thought were absolutely shocking and hair-raising stories about his

campaigning exploits with Jim Cairns and the astonishingly complicated intrigues and fracas in Richmond during the time of the split. As we sat there looking back over the distance of four decades, we found many of his stories were hilarious. I am sure they were not hilarious when you lived them, but they were hilarious when he was telling them. All of them contained a political message, a political story and a learning — something that had come out of his very long-lived experience.

I admired Clyde's sense of proportion; I admired and I still admire his great gift for written and oral expression, his capacity to balance the unvarnished realities of politics with aspiration and vision, and his capacity to accept loss and personal failures. Even as he made a new beginning, he tried to find a new way. For me he was a historic figure. When I got to know him personally, I never lost the sense that I was privileged to be associated with a man who had made his mark on the direction of this country.

Clyde Holding was elected to this Parliament just on 50 years ago during a time that, I guess, was every bit as testing as our own. I believe he will be remembered as a parliamentarian and campaigner whose unswerving commitment to social justice and the Labor cause brought much credit to this Parliament, the federal Parliament and democracy in this state and this nation.

Hon. W. A. LOVELL (Minister for Housing) — I rise to pay tribute to the Honourable Clyde Holding, who was elected to the Victorian Parliament, representing the seat of Richmond, in 1962 and left this Parliament in 1977, having served 15 years. For 10 of those years he served as the Leader of the Opposition. His time in this place saw many passionate debates and much political friction over issues such as capital punishment, the Vietnam War and then the policies of the Whitlam government in Canberra. It was an intense time for politics in Victoria and Australia.

Judging from reports of the time, Mr Holding played an immense part in the state Parliament and provided leadership to the state parliamentary Labor Party at a time when politics was very tough and often highly divisive.

In a different time, Mr Holding declined to put his full details in *Who's Who* but kept his name, home address and home number in the phone book, believing that he needed to be accessible at all times. Whatever our politics, the role Mr Holding played in state Parliament as leader of his party was undoubtedly significant and deserves to be recognised. It is befitting that today he is remembered in the Parliament for his contribution and,

for my part, as Deputy Leader of the Liberal Party in the Legislative Council, it is an honour to be speaking on this condolence motion.

Following 15 years in the Victorian Parliament, Mr Holding was elected as the federal member for Melbourne Ports and became a minister and cabinet minister in the Hawke government. He served in the federal Parliament for 21 years, until his retirement in 1998. He held a number of federal portfolios, of which the most challenging were Aboriginal affairs and immigration. According to media reports about his life, on the election of the Hawke government Mr Holding sought the portfolio of Aboriginal affairs and became the minister responsible for that portfolio for four years. His choice of portfolio highlighted his commitment to helping the most vulnerable and marginalised in Australia. His belief in social justice is apparent in many accounts of his life.

I did not know him personally, but it is clear from the newspaper reports during his political career that Clyde Holding will be remembered as a man driven to contribute to the community and as a passionate member of the parliamentary Labor Party in both Victoria and Canberra. I join my colleagues in the Council in acknowledging his achievements and his involvement in public life and in passing on my condolences to his wife, Judy, and to his children and grandchildren.

Hon. M. P. PAKULA (Western Metropolitan) — I rise to also associate myself with this condolence motion for Clyde Holding. He was a great Australian reformer, a great Victorian reformer and a great reformer of the Labor Party. I was privileged, along with many others from this place and from the other place, to be at the state service for him this morning. I think the measure of the esteem in which Clyde Holding is held was not just the presence of the Prime Minister, two former prime ministers, the Premier and three former premiers along with ministerial and parliamentary colleagues and friends that Clyde had built up over a lifetime of service but also, as Ms Pennicuik reflected on, the video tributes from people such as Mick Dodson and Marcia Langton and the passage that Mr Lenders read which expressed the views that Charles Perkins held of Clyde Holding. We were also treated to contributions by two of Clyde's children — both of whom are a great credit to him — Isabella and, more particularly, Peter, whom I have known for many years.

I just wanted to make a couple of personal reflections, one of which occurred to me around the time of the last election. When that election was held there was some

commentary about the resilience the current Premier had displayed in having served as opposition leader for four and a half years prior to becoming Premier. As Mr Lenders mentioned in his contribution, Clyde Holding served as Leader of the Opposition for a decade, through three elections. Ms Pennicuik mentioned that her earliest political memory was the hanging of Ronald Ryan. My earliest memory was probably the dismissal of the Whitlam government, but my second-earliest memory was the 1976 election, which was Clyde Holding's third as opposition leader.

In the aftermath of the dismissal of the Whitlam government I think many Labor supporters, including my parents, thought that this was the time for Clyde Holding to extract an ounce of revenge on behalf of the Labor Party and to finally take down the Hamer government. As Mr Lenders noted, unfortunately for Clyde and for the Labor Party that was not to be. Clyde had the poor fortune of coming up against two extremely formidable premiers. He probably would have won the 1970 election were it not for the state aid issue within our party, but he persevered for seven more years after that, which is quite extraordinary.

Three elections and 10 years as opposition leader would probably be enough for most people, but Clyde went on to contest a very difficult preselection for the seat of Melbourne Ports, which he won by a whisker. He then went on to serve more than two decades in the federal Parliament. As was noted in the service this morning, his two great passions as a minister were the arts portfolio and the Aboriginal affairs portfolio. As I indicated at the commencement of my contribution, I think the regard in which he is held by members of the Aboriginal community, which was spoken of with great eloquence by many people at the service today, is undeniable.

With regard to the reforms within the Labor Party, it is on the record and it is well known that in the early 1970s Clyde — I am sure fuelled by his own experience — along with a number of other individuals, including John Cain, John Button and his own legal partner, Peter Redlich, were the champions of reform within our party. It should be mentioned that as well as doing everything else Clyde Holding and Peter Redlich built a wonderful and enduring legal firm, one with which I had much to do in my time as a trade union official.

It is fair to say, then, that without the work that Clyde Holding and others carried out in the early 1970s it would have been utterly impossible for the Labor Party to have governed at state level for 21 of the next 40 years or to have governed at federal level through

the Whitlam, Hawke and Keating governments. The Whitlam government would not have existed without the work that was done by Clyde Holding and others at the state level. I think it is also fair to say that a whole generation of Young Labor activists who went through the party in the 1970s and 1980s would not have had a party worth being involved in were it not for the work of Clyde Holding. Many of the people who sit in this Parliament today would probably have been lost from the political process had our party not been reformed by people like Clyde Holding.

Unlike Johan Scheffer and John Lenders, I did not work for Clyde Holding, but I had interaction with him in other ways. Back in 1993, in an election that was the result of a redistribution, as has been pointed out by others, Clyde was no certainty to win. I stood for the neighbouring seat of Goldstein. I remember I was only a Young Labor activist at the time. I was 24 years old, and we did not get access to a great number of federal Labor parliamentarians. There were a few exceptions, such as Joan Child, Robert Ray and John Button, but as the neighbouring member of Parliament, Clyde Holding in particular was always available to provide counsel and support. As Mr Scheffer indicated, Clyde also had amazing yarns if you were lucky enough to stand around the bar with him or to be in his office.

I spent the last five years of Clyde's federal parliamentary career as both one of his constituents and one of his local branch members. All of the local Labor Party members in Melbourne Ports — based on my experience in the 1990s but I am certain also prior to that — were grateful that Clyde always made himself available to come to branch meetings. His office, particularly with the assistance of Mr Scheffer and Jacki Willox, as has been mentioned, was always an open and welcoming place for all of us to attend. He was a great mentor and a great support for party members and young activists within the party.

I will make one other reflection which I think indicates the esteem in which Clyde Holding was held. As we got to the mid-1990s and Clyde Holding had been the member for Melbourne Ports for close to 20 years, as happens in politics, there were the first signs of political mortality, and people started to jockey around his electorate hoping for the prospect of preselection.

I recall very well at a branch meeting which Robert Ray attended, probably in the mid-1990s and certainly before the 1996 election, some young buck got to his feet and wondered out loud whether it might be time for Clyde Holding to tap the mat. The reaction that that question evinced not just from Robert Ray, who I think rounded on this young bloke with a savagery that I had

seldom seen up until then or since but also from others in the room more generally, was so ferocious and so immediate that I remember walking out of the meeting, turning to someone and saying, 'Clyde will be the member for Melbourne Ports for just as long as he would like to be'. That was a measure of the respect held for him and the recognition by not only all the local branch members but also the local community more generally that Clyde Holding was a lion of the Labor Party.

Finally, I should say, as a Jewish member of the Labor Party, that those members of the party who take an interest in Israel and who have been very active for a long time believe Clyde Holding's work as one of the founders of Labor Friends of Israel and as a strong, resolute and unending advocate for the state of Israel and for the interests of not just the large Jewish community within his electorate but also those throughout Victoria and indeed Australia is something that his family should be enormously proud of. I have known, right from the time when I was a young member of the party, of the enormous respect held for Clyde Holding by a community which can at times be rather conservative and which probably, if the truth be told, leans more towards my friends on the other side of the aisle than towards our side. Clyde Holding's family ought to be very proud of the contribution that he made to this nation, this state and his party over many years.

Mr VINEY (Eastern Victoria) — Whilst I only met Clyde Holding a couple of times, my late father and Clyde were very close political colleagues right through the mid-to-late 1950s and early 1960s. Clyde was also my father's solicitor. I rise to pay tribute to the life of Clyde Holding and to pay respect also to my father, because Clyde's death naturally made me think of my father and his political life. Following on a little from Mr Scheffer's contribution, it is fair to say that whilst my father and Clyde were close mates politically for a considerable period, the split and the sectarianism in the Labor Party drove them apart. In fact my father ended up being expelled from the Labor Party.

I think my father and Clyde shared very deep political convictions. They certainly would have shared — although perhaps they were not talking at the time — an opposition to the hanging of Ronald Ryan. They shared the convictions of the Labor Party for socially progressive and antidiscriminatory policies. But such is the business of politics that sometimes common views drive people apart through the minutiae of those policies, and I suspect that is what occurred in their case. I know that during the latter part of my father's life he was very respectful of Clyde's work and

particularly of the work that he did in Aboriginal affairs.

I conclude my very brief contribution by saying that on learning of Clyde's passing my son rang me and asked if I thought Clyde and my father, his grandfather, were re-engaged in their political battles. I reflected on that for a moment, and I thought, no; I suspect now their common views, passion and commitment to social reform and progressive policies would have brought them together.

The PRESIDENT — Order! I would like to make a couple of remarks, because I am probably one of the few members on my side of politics who was politically active during the 1970s. In 1976 I stood as a candidate for the seat of Melbourne against Barry Jones. At the time of that election the Labor Party was led by Clyde Holding. As members have indicated, Clyde Holding perhaps took up the position of opposition leader in the state sphere at a rather unfortunate time historically for the Labor Party, coming up against formidable Premiers but also carrying considerable baggage from disunity within its own party ranks.

We usually measure people according to their success, and in politics that would usually be according to election victories. Whilst Clyde Holding did not have the chance to be Premier of this state, by any other measure he was a very successful politician, a man who was a formidable debater and a determined and successful leader who championed a number of causes, which other members have commented on. I do not wish to cover the same ground that they have so capably covered.

Clyde Holding was a man who left a significant legacy to the political landscape both in this state and federally, where he did have the opportunity to serve in government and was a successful minister. This place has many champions, and perhaps we do not always accord them the respect and praise they deserve until we come to eulogies. That is unfortunate because there are many people who, like Clyde Holding, have made considerable contributions, but arguably none have made a greater contribution — particularly in respect of his party's context — to this Parliament.

I also join Mr Davis and the other members who have spoken in support of his motion to express condolences to the family of Clyde Holding. I suggest something which has only been touched on by Mr Lenders as we ponder the very successful life of Clyde Holding. In our endeavours as people involved in public policy we consider contributing more towards unlocking the mysteries and the misery of Alzheimer's disease,

because the story that has gone unwritten by Mr Holding is a loss to us all.

Motion agreed to in silence, honourable members showing unanimous agreement by standing in their places.

The PRESIDENT — Order! As a further mark of respect for Mr Holding the proceedings of the house will now be suspended for a period of 1 hour. I will resume the Chair at the ringing of the bells.

Sitting suspended 3.09 p.m. until 4.14 p.m.

NORWAY: MASSACRES

Hon. D. M. DAVIS (Minister for Health) — I move, by leave:

That the Legislative Council of Victoria, in Parliament assembled, express our deepest and sincere condolences to the King and people of Norway at this time of great suffering caused by the senseless events in Oslo and on the island of Utøya on 22 July 2011.

We have become accustomed in recent times in this chamber to marking tragic natural events. This event is of a different nature. It is an event about which we all, as members of Parliament and the community, have the greatest sympathy for the people of Norway. On 22 July 2011 attacks occurred on the democracy of the Kingdom of Norway, a country held in great affection by Victorians and indeed all Australians.

In a very brief period of time, not more than a few hours, a car bomb exploded outside the Prime Minister's office in Oslo and people were gunned down on the island of Utøya at a summer camp organised by the governing political party in Norway. A total of 77 people were killed — this is a significant tragedy — and 153 were wounded. I do not think the scale of this event can have but affected each and every person in this chamber and people around the world.

This was the worst atrocity in Norway since the dark days of World War II. The gunman deliberately targeted the democratically elected Prime Minister and a summer camp organised by the youth division of the Norwegian Labour Party. Let there be no doubt that this was a politically inspired and motivated attack. For those who love democracy, that is of great significance. The grief that has been inflicted upon the families and friends of those killed must be extraordinary. The average age of the Norwegians who lost their lives that day was 21; many of them were younger than 18. They had promising lives ahead of them.

It is fortunate that these sorts of events are so rare, but Australia has not been immune to them — Port Arthur comes to mind. Australians have particular empathy with and concern and feeling for the people of Norway at this time. All in our society would register their sympathy and see this as an event that strikes at the heart of democracy. For those of us who live in countries with free and fair elections and the rule of law these events are not to be taken lightly. Democracy and the rule of law cannot be taken for granted.

Victoria has conveyed through the Royal Norwegian Consulate General in Melbourne our deepest sympathies to the people of Norway. Through this motion today I intend to make it clear that these sentiments are not just from across the chamber but from across the community. Our sympathies are with the Norwegian people. We hope such events never happen again and that the Norwegian community can deal with this in the best way possible.

Mr LENDERS (Southern Metropolitan) — The Labor Party associates itself with and supports the motion moved today by Mr David Davis on behalf of the government expressing its condolences to the people of Norway on the tragedies of 22 July.

This is the fourth time this year we have condoled overseas tragedies in this house. In the same week as the events in Norway there was a horrendous train crash in China and more mindless bombings in Iraq. The events in Norway captured our attention more than the others because they were an attack on youth and idealism. It is interesting that on the day we moved a condolence motion for Clyde Holding, a former president and secretary of Young Labor, we are also marking the attack on a camp organised by the youth division of the Norwegian Labour Party and the government of Norway. The Norwegian Prime Minister, Jens Stoltenberg, was a former president of the youth organisation. Having idealists from a youth wing of a political party spending a week together on an island is something you would hope would be encouraged everywhere in the 21st century. Youth wings of political parties are good things; youth being involved and focused on the future is a good thing. The fact that the attack was on the youth wing of a political party makes it more horrendous than many of the other tragic events we have seen.

Utøya Island was a place where the Labour Party's youth wing periodically met. I am heartened by the spirit in Norway in that the current president of the organisation, Eskil Pedersen, who is 27 and was one of the people who escaped from the island, has said the youth wing will return and will not be intimidated by

this attack. The next youth camp will again be held on Utøya Island, and the group will not deviate from that. It is heartening that this group of youths, who would in a classic sense be as traumatised as anybody would, will not bow to this act of terrorism but will go back.

I pay tribute to some of the unsung heroes. The media has passed by the story of a female married couple, Hege Dalen and Toril Hansen, who were having a picnic nearby. They got into their boat and went backwards and forwards — I think on five occasions — into the gunfire and rescued 40 young people. They are unsung heroes. We would probably all reflect on whether we would have had the courage to do that. I doubt I would have. I wish I would have, but I doubt it. These two women got into their boat when there was a madman disguised as a policeman running around shooting people, and again and again they came back. They rescued 40 young people.

The tragedy is in the lives lost but particularly in the targeting of youth idealism and all the things that go with that. The silver linings of this event, if there are such things, are that the Norwegian youth will not be bowed and that unsung heroes who risk their lives to help others do exist. That is the silver lining on a very dark cloud. The opposition supports the motion.

Mr BARBER (Northern Metropolitan) — We have seen a shocking and horrific set of images coming out of this tragedy. They have reminded us so much of our own experience at Port Arthur, where a group of people, innocent and unsuspecting, were going about their daily lives and enjoying themselves in what to all appearances was a completely tranquil setting before being attacked in the most brutal way. However, unlike the Port Arthur shootings this was not the act of someone who was deranged. Much as we might recoil from the very act, someone with a detailed political manifesto prepared what he was planning to do over a long period of time and did it with the specific aim of drawing attention to his own political stripe of views. Political violence, which outside periods of war has killed tens of millions over the last half-century or so, can arise from any part of the political spectrum or be based on any type of political ideology. It simply requires someone who is enough of a fundamentalist in their beliefs and who is violent enough to be willing to turn their political view into a murderous attack.

As a group of politicians we recoil not only from the horror of the violence but also from the spectre of political violence, which is extraordinarily common in some countries and in some parts of the world but also from time to time manifests in some of the most peaceful, democratic and, to all intents and purposes,

placid countries. We should always be aware of those around us who use violent political rhetoric. We should reflect on the fact that that creates a ripple effect, even if it is only amongst those whom they are directly addressing. We should strongly condemn the use of violent political rhetoric, however remote we might believe that is from an act such as this.

In doing that, we should also take the approach of the Norwegian Prime Minister, and I can only echo his words. He said this was:

... an attack against political engagement ... an attack on our democracy.

He asked his citizens not to use this as an excuse for a witch-hunt, saying:

We have memorials in churches and in mosques, in Parliament and in the government headquarters, on the streets and in squares ... Evil has brought out the best in us. Hatred engenders love.

If he is able to say that to his own people, then we, as leaders in our own community, can certainly reflect that same view. I do so today by joining with the other parties in this place to support this condolence motion.

Hon. P. R. HALL (Minister for Higher Education and Skills) — On behalf of The Nationals, I too wish to offer our deepest condolences to the family and friends of the 77 Norwegians who lost their lives in the tragic and senseless attack that took place on 22 July in Oslo and on Utøya Island. We share the views expressed by other speakers on this motion on the manner and the targeting of the attack on the lives of those 77 people and also the 96 people who were wounded. That acts of this horrific kind occurred on those occasions is absolutely beyond contention. Equally beyond contention is the fact that the perpetrator of these horrific incidents appears to show no remorse. In times like these it is hard to do anything other than convey to the people of Norway that our thoughts and prayers are with them.

I want to say one other thing. While I do not want this to be the focus of my contribution or to reflect away from the gravity of this motion, unfortunately we were again reminded of the horrific nature of these events in a way that does not bring us any positive benefits. I am referring to this morning's media coverage of a re-enactment of the events that took place on 22 July. While I understand that police in Norway need to undertake such an exercise as part of their follow-up and diligence in relation to this crime, I am not sure whether it does any good to have detailed graphic images of a re-enactment of these events. It would be much more informative for us to hear about the heroic

stories that Mr Lenders made reference to. It would be better for us as a community and it would provide a better understanding of all of this if we learnt more about the lives of those who have been impacted upon by these events. At another time we perhaps need to talk about media coverage of these events and what best serves the interests of communities in regard to such events.

However, today we are expressing condolences to the family members and friends of the 77 people who were killed and the 96 people who were wounded. My Nationals colleagues and I join with other members of this house in expressing our sincere condolences to them and to all the people of Norway.

Ms PULFORD (Western Victoria) — On 22 July this year Oslo and the nearby island of Utøya were attacked by a political terrorist, a lone gunman whose actions caused the death of some 77 people — first with bomb blasts directed at government buildings, including the office of the Prime Minister, Jens Stoltenberg, and then a couple of hours later on the nearby island of Utøya with the gunman — dressed as a policeman, no less — offering help and comfort to those on the island. I believe the Norwegian Prime Minister was due to visit the island that day, and he has been reported as saying that some of his fondest memories of his early political activism were from time spent on that island.

The island is owned by Arbeidernes Ungdomsfylking, the Workers Youth League, which is the youth wing of the Norwegian Labour Party. Some 650 people were on the island at the time of the attack. When we reflect on the young people we know who are involved in the political parties we represent in this place, I think 650 reflects an extraordinary degree of political activism and something that truly ought to be celebrated.

The Workers Youth League of Norway is connected, through its affiliation to the International Union of Socialist Youth, to the youth wing of the Australian Labor Party. One of my more exciting first political moments was packing my bags to go off to my first-ever Young Labor conference. Over a number of years I packed my bags with some excitement and enthusiasm to go to conferences to talk about the issues of the day and about policies and ideas to make our society a better place. The notion that people as young as 15 years, and some a little bit older but no-one much older, had been packing their bags to take up such an exciting opportunity to be involved in politics and to do so in the way that they would have hoped to be involved but then were faced with this kind of madness is incredibly confronting.

While it is almost impossible to ascribe motives to this kind of act, these attacks were directed at the governing Labour Party by a person reported to be a right-wing extremist. This is an act which is incredibly offensive to those of us who come to this place safe and secure and very free to participate in politics and to express our views. While young people often ascribe a degree of cynicism to politics, and in our society there is a high level of cynicism about politics, there is a generation of activists who have been incredibly traumatised by these acts. I am heartened by the accounts Mr Lenders gave of the determination of this youth wing of political activists to continue to do the things they came together to do on that day at Utøya.

I would like to add my voice to Mr Davis's motion and to extend my condolences to the people of Norway, to their Labour Party and to the Workers Youth League, but most of all to the friends and family of the victims of this madness and depravity.

The PRESIDENT — I would just add one thing to this debate, and that is a comment made by a young woman who lost friends on the island of Utøya on Friday, 22 July. It is a remark that has been taken up and widely embraced by survivors, families and political leaders in Norway. It is simply the statement that if one man can show so much hatred, imagine how much love we can show together.

Motion agreed to in silence, honourable members showing unanimous agreement by standing in their places.

The PRESIDENT — As on previous occasions, it is my intention to convey the unanimous resolution of this house to the embassy, and in this case it will be to the ambassador of the Royal Norwegian Embassy in Canberra, Her Excellency Siren Gjerme Eriksen. I will convey the resolution to her. I also point out that the Norwegian embassy has established an online book of condolences, to which members may add their names through its website.

ASSISTANT CLERKS

The PRESIDENT — Order! I advise the Council that pursuant to section 18 of the Parliamentary Administration Act 2005 the Clerk has appointed Dr Stephen Redenbach as Assistant Clerk, House and Usher of the Black Rod, and Mr Andrew Young as Assistant Clerk, Committees. These appointments are effective from 15 August 2011.

ROYAL ASSENT

Message read advising royal assent on 5 July to:

Terrorism (Community Protection) Amendment Act 2011
Transport Legislation Amendment (Taxi Services Reform and Other Matters) Act 2011
Victorian Urban Development Authority Amendment (Urban Renewal Authority Victoria) Act 2011.

ABSENCE OF CLERK

The PRESIDENT — Order! I advise the house that Mr Tunnecliffe is not with us this week because his wife suffered a heart attack some three weeks ago. I am pleased to advise that she is progressing well. We expect she will make a full recovery, but obviously Wayne is spending some time with her at this juncture to ensure she makes that complete recovery. I know our thoughts and prayers are with him on this occasion.

ABSENCE OF MEMBER

The PRESIDENT — Order! I also indicate that Mrs Kronberg will not be with us this week. She is still incapacitated following a serious break to her leg.

RULINGS BY THE CHAIR

Committee procedure

The PRESIDENT — Order! I advise the house that I have had some discussions in respect of the proceedings of committees. In April this year the Deputy President, Mr Viney, intervened during the committee stage of the Parliamentary Committees Amendment Bill 2011 when a member sat at the table to assist the minister in charge of this bill. As the Deputy President correctly pointed out, when a member seeks to sit at the table next to the minister in charge of a bill in order to advise the minister so as to expedite committee proceedings leave should first be sought by the minister for that to occur.

In endorsing Mr Viney's comments and in seeking to bring a consistent approach to the circumstances where members assist ministers at the table during committee proceedings, I remind the house that as a matter of courtesy to the committee I expect ministers should, prior to the commencement of committee proceedings, seek the leave of the committee for a particular member to sit at the table to assist them. That member does not

necessarily have to be the parliamentary secretary associated with the subject matter of the bill, but can be any member, including another minister. Further, and as previously ruled by various deputy presidents, if a member who has been given leave to sit at the table wants to contribute to the debate, they can do so only by returning to their allocated seats in the chamber.

QUESTIONS WITHOUT NOTICE

Liberal Party: fundraising events

Mr LENDERS (Southern Metropolitan) — My question is to the Minister for Planning. I refer the minister to the Premier's direction to ministers in February not to attend fundraisers, and I ask: when did the minister first inform the Premier about his attendance at the fundraiser organised by Business First, held in this Parliament in May?

The PRESIDENT — Order! Members will appreciate my concern at this question, and to some extent I guess I anticipated a line of questioning here. But members would be aware of my previous ruling that questions need to be about government administration and not about the affairs of parties and events and activities associated with parties. In this instance I will allow the minister to answer in the context of his personal responsibility, but I caution the opposition to be very careful about follow-up questions in regard to this matter, because I have already given a fairly comprehensive ruling on the fact that questions need to be about government administration and not about party affairs and what members might be doing in terms of their organisations.

Hon. M. J. GUY (Minister for Planning) — The function to which Mr Lenders refers was one that was not intended to make a profit and thus was not a fundraiser, so Mr Lenders should check his facts before he asks questions about it in Parliament.

Supplementary question

Mr LENDERS (Southern Metropolitan) — It is nice that we have the bright light of scrutiny in the building now; maybe we will get an answer. Mr Guy does not deny he was at the Business First function. Whether it made a profit or not, I asked him if he met with Mr Paul Smith and his brother, who may or may not be donors to the Liberal Party but are certainly proponents of the exclusion of their land from the green wedge. Did he meet them?

Hon. M. J. GUY (Minister for Planning) — I thank the member for his question. No, I do not believe I did meet with those people at the function.

Children: beauty pageants

Mrs COOTE (Southern Metropolitan) — My question is to the Minister for Housing who is also the Minister for Children and Early Childhood Development, and I ask: can the minister advise the house of the advice received from Bernie Geary, child safety commissioner, in regard to his impressions of the Universal Royalty Beauty Pageant recently held in Northcote?

Hon. W. A. LOVELL (Minister for Children and Early Childhood Development) — I thank the member for her question and her ongoing interest in all things that affect children in Victoria. Earlier this year it became clear that Universal Royalty Beauty Pageant, an American-based company, was organising a children's pageant in Australia and the event was to be held in Melbourne. In June I informed the chamber that I had asked my department to monitor this event. As I said in the chamber, whilst I would not enter a child in a pageant myself I trusted parents to make the right decision for their children.

Prior to the event, I directed my department to organise a meeting with the pageant organisers. That meeting also included my office, the Department of Justice, the Department of Business and Innovation and the child safety commissioner. At this meeting the organisers assured government officials that they were complying with all government regulations in regard to working-with-children checks and child employment regulations. I also asked the child safety commissioner to attend the event and report back to me.

The observations of the child safety commissioner justified the coalition's decision to trust parents. In his report the commissioner said that his overall impression of the event was one of people just having fun. He said that he spoke to members of the audience, parents and kids and that they all seemed pretty happy and enthusiastic. He also said that he did not get a feeling of 'oversexualisation' or anything 'sinister, unsafe or degrading'. The commissioner noted that in his view:

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

The child safety commissioner's report, as I said, justified my position of trusting parents to make the right decisions for their children. Instead of supporting families, the opposition — the Labor Party and the

Greens — have both chosen to use this issue for short-term political opportunities.

The coalition will continue to monitor any similar events to ensure that children’s safety and wellbeing are protected. We will continue to consult the child safety commissioner and, if necessary, the Victorian Children’s Council, of which the commissioner is a member, on issues regarding pageants.

On behalf of the government I would like to thank the child safety commissioner for attending the event, and I also acknowledge the officials from the Department of Education and Early Childhood Development, the Department of Justice and the Department of Business and Innovation who attended the meeting with the pageant organisers.

Liberal Party: fundraising events

Mr LENDERS (Southern Metropolitan) — My question is, again, to the Minister for Planning. I refer the minister to his attendance at the Business First event in May, attended by Mr Geoff Leigh, who represents developers, and by other developers, and I ask: were departmental representatives present, and did they take notes?

Hon. M. J. GUY (Minister for Planning) — In relation to the times Mr Leigh has come in to meet me, as Mr Lenders says, in relation to issues to do with his clients, it should be factored in that Mr Leigh works for a company called InsideOut Strategic, which is a company run by a man by the name of Philip Staindl. Who is Mr Philip Staindl? The former head of Labor’s Progressive Business — its own fundraising arm. At the times I have met with InsideOut Strategic — maybe once, maybe twice, with Geoff Leigh — departmental officials have been present, as has Mr Steve Cusworth, one of the other heads of InsideOut Strategic, whom Mr Lenders would know as the former chief of staff of Mr Tim Holding, the member for Lyndhurst. When we are talking about InsideOut Strategic, let us put it into perspective. People from InsideOut Strategic have come to see me. InsideOut Strategic says on its own website:

Philip —

That is Philip Staindl, former Labor candidate and former fundraiser for the Labor Party —

worked as a senior ... adviser to a number of Victorian ministers across a range of portfolios during the 1980s and 1990s.

Why is Labor not asking me about Philip Staindl — who, I might add, met Mr Brian Tee in this

Parliament in the Strangers Corridor not long ago? The question needs to be asked: given that every time I have met — —

Honourable members interjecting.

The PRESIDENT — Order! I also indicate to the minister, as he resumes his answer, that this is question time, not debate time, and I am surprised that the opposition did not rise to a point of order in respect of debating the matter. I ask the minister to keep directing his remarks through me and to maintain the answer.

Hon. M. J. GUY — It is very clear. InsideOut Strategic is a company with two out of three of its senior executives who are current Labor Party members. They are meeting the Labor Party today to influence its party policy. What do members opposite have to say about coming open and clean about the meetings they have had with the company they asked me about today?

Supplementary question

Mr LENDERS (Southern Metropolitan) — I note that the minister, who is a sworn minister of the Crown, was asked a question about whether departmental note takers were present, and he declined to answer. But I ask the minister specifically: will he confirm that at the event he did not discuss with any developers or their representatives so-called logical inclusions to the urban growth boundary, with or without minute takers?

Hon. M. J. GUY (Minister for Planning) — At every formal meeting I have with a developer there is obviously a developer there.

Honourable members interjecting.

Hon. M. J. GUY — It needs to be asked: at the urban planning and transport forum of Progressive Business on Thursday, 23 June 2011, Brian Tee, the shadow Minister for Planning, Fiona Richardson, the shadow Minister for Public Transport, Jacinta Allan, the shadow Minister for Roads, and Tim Pallas, the shadow minister for ports, major projects and infrastructure, asked people to participate in the forum and said:

These structured working sessions enable business leaders to contribute their ideas, views and give feedback on key issues across the urban planning —

Honourable members interjecting.

Hon. M. J. GUY — And asked them to ‘Click here’ for online payment!

Mr Lenders — On a point of order, President, the minister was asked a question on government administration, and he is debating the matter by referring to alleged things in a non-government party. I ask you to bring him back to the question.

The PRESIDENT — Order! In respect of the point of order, I would suggest that the material in that answer was of a debating nature rather than actually addressing the question that was put. The minister, to continue.

Hon. M. J. GUY — President, it is very clear. I have departmental representatives present, and the Labor Party's attitude is 'Click here' for online payment!

Childhood obesity: government initiatives

Ms CROZIER (Southern Metropolitan) — I rise to ask the Minister for Health, Mr Davis, if he can inform the house what action the Baillieu government is taking to reduce obesity amongst Victorian children?

Hon. D. M. DAVIS (Minister for Health) — I thank the member for her question and make the point that the government is very committed to dealing with the challenge of obesity, which is a significant concern in our community. It is interesting that members opposite would choose to refer to Go for Your Life, which is a program they left without funding last year; their funding for the future was zero. This government has extended the funding until the end of the year and will relaunch a much better program, a healthy children's initiative, with more money, more depth and more integration of its activities. It will be a community-based program that will deliver.

The truth is that there were some good parts to Go for Your Life, but there were many parts that were not integrated and many parts that were not coordinated. The assessments that have been done of Go for Your Life show that there was duplication and lack of coordination and the program had not been fully and properly assessed over its period in operation. What is clear is that — —

An honourable member — You assessed it.

Hon. D. M. DAVIS — Indeed, we did assess it. We found that it was not coordinated, it was not delivering and obesity rates had risen over the period when Go for Your Life was in operation. After all, that is a key objective of programs of this nature. We have made sure that there is additional funding in the interim until the end of the year. In the meantime work has been done to build a better program, a healthy children's

initiative, that will deliver more money and more coordinated programs that will bring in not just schools but also early childhood centres. They will bring in smaller groups in the community, and they will enable a whole range of people to access advice and assistance on developing programs that will assist our children.

The objectives of the new program are common ones across the community. I think there is broad support. It was disappointing to hear that the shadow Minister for Health yesterday, in a desperate search for some attack on the government, did not seem to understand that these programs were actually remedying the deficiencies of the last government's programs.

Mr Lenders — On a point of order, President, Ms Crozier asked Mr Davis a question on government administration and he is now debating statements made by a spokesperson from a non-government party. I ask you to bring him back to government administration.

Hon. D. M. DAVIS — On the point of order, President, I was asked what action we are taking to reduce obesity amongst children, and I was making the very clear point that there were some predecessor programs to the ones the government has begun to announce. It is worth counterposing those — —

The PRESIDENT — Order! We do not debate points of order. I was less concerned about Mr Davis's answer than I was about Mr Guy's because I think Mr Davis had only just trespassed into this area. Earlier his remarks were, I think, apposite to the question, and I am sure he is returning to that area and responding to the question.

Hon. D. M. DAVIS — The government strongly welcomes the support of Cancer Council Victoria where yesterday it indicated that the new phone and web-based Victorian Healthy Eating Advisory Service would greatly benefit schools and services by giving them practical help and advice to meet existing guidelines around healthy eating and nutrition. It also made the point that it welcomed the other measures to be announced into the future. The Heart Foundation also strongly supports the healthy children initiative.

I make the point strongly to Ms Crozier and to the chamber that a number of non-government bodies have been closely involved in developing the new initiatives that the government will roll out over the next 6 to 12 months. These initiatives are grounded on good, strong evidence, the best evidence on tackling obesity in both adults and children and for communities. There has been strong input from a number of non-government bodies that have a great deal to

contribute in this area. It is important that programs of this nature have the best evidence behind them. One of the flaws in the Go for Your Life program was its failure to be coordinated and based on the evidence that was available.

Planning: green wedge logical inclusions

Mr TEE (Eastern Metropolitan) — My question is also for the Minister for Planning, and I refer to the policy of logical inclusions. I ask: what role did Mr Geoff Leigh and Mrs Peulich play in the development of that policy?

Hon. M. J. GUY (Minister for Planning) — Only one former or current member of Parliament has ever sought to influence me when it comes to logical inclusions, and for the Parliament’s interest I would like to outline how that occurred. I received a letter earlier this year and it begins with the following:

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 of Monbulk.

...

Waverley Golf Club are seeking to be included within 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’.

The letter goes on to say:

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

It was signed by James Merlino, the member for Monbulk in the Assembly. The only person, as a member of Parliament, to write to me to seek to directly influence urban growth boundary matters is a member of the shadow cabinet, and I wonder if he bothered to tell that to Mr Lenders or Mr Tee.

Honourable members interjecting.

Hon. M. P. Pakula — An MP writes to you as a minister and you use it as a political sledgehammer in Parliament. Remind me never to write to you.

Hon. M. J. GUY — Mr Hulls did it with John Vogels. Hulls set the agenda.

Supplementary question

Mr TEE (Eastern Metropolitan) — I note again that the minister did not answer the question in relation to the development of the policy. I ask, in relation to the implementation of the policy — and I note the minister has indicated that he has spoken to Mr Geoff Leigh — since becoming planning minister has the minister spoken to Mr Leigh about the implementation of his logical inclusions policy? I also note that Mr Leigh was in Parliament yesterday prior to the meeting of cabinet.

Honourable members interjecting.

Hon. M. J. GUY (Minister for Planning) — Mr Tee’s question talks of Mr Leigh’s logical inclusions policy. That is false, and therefore his question is wrong.

Vocational education and training: enrolments

Mr O’BRIEN (Western Victoria) — My question is to the Minister for Higher Education and Skills, who is also the Minister responsible for the Teaching Profession, the Honourable Peter Hall. Can the minister provide to the house a report on the most recent enrolments in Victoria’s vocational education and training system?

Hon. P. R. HALL (Minister for Higher Education and Skills) — I thank Mr O’Brien for his question and for his interest in this topic. I am sure the topic is also of interest to members of the opposition, given that the member seeks a report on the enrolment trends in training programs in Victoria. The interest from those in opposition will be due to the fact that the current system of purchasing training in Victoria was introduced by them when they were in government. The previous government changed the system in Victoria from a purchasing model to a demand-driven training system. The full implementation of that demand-driven system was completed by the current government in January of this year, and we have been watching with interest the outcome of that implementation. I am sure both sides of the house would share my delight in seeing an increase in activity in that training system.

The second quarterly report of vocational education and training (VET) enrolments in Victoria indicates, by comparison with quarter 2, 2011, and quarter 2, 2010, that enrolments in VET activities have increased overall in this state by 15 per cent. Much of that increase has been driven by government-funded activity, which has shown a 24 per cent increase. That is something that I am sure all of us will welcome.

I also want to report the fact that the government-funded enrolment increase has been consistent across all Australian qualification framework levels, particularly at the middle level around certificate III and certificate IV levels, but there have also been some significant increases in the foundation skill levels of literacy and numeracy. Those increases have been of the order of 59 per cent.

The vocational areas in which increases have also occurred are areas of importance to Victoria — for example, the retail trade sector, which is Victoria's largest employer, has shown an increase of 36 per cent. In the health-care enrolment area those increases have been 32 per cent. Mr Dalla-Riva would be interested to know that enrolment in manufacturing training has increased by 37 per cent, and in the construction area the increase is 22 per cent. At all levels there have been some significant increases in training activity in Victoria, and that is to be welcomed.

In respect of a demand-driven model, I have always said that it would require some refinements, that it was not perfect, and there would be ongoing changes to better reflect what is actually required by Victorians. A couple of important policy implementations by the current government increased the level of exemptions, for example, to the criteria which the previous government set in place. I am pleased to report that, in terms of the exemptions that are available, for quarter 2, 2011, 1700 enrolments took advantage of the exemptions to full payment for those courses. That, again, is to be welcomed.

Moreover and finally, I want to mention the reintroduction by our government of a concession policy for diploma and advanced diploma students. While we set a target of 5000 places, there are now over 7500 young Victorians who have taken up the opportunity of those concessional places that we provided for advanced diploma and diploma courses. That is welcome, as is the overall growth in training activity in Victoria, and I am sure all of us in this chamber share with me that joy in relation to the increased activity in the vocational education and training sector.

Planning: green wedge development

Mr TEE (Eastern Metropolitan) — My question is to the Minister for Planning. Mr Geoff Underwood has been engaged by the minister to provide advice on planning. He is also a partner at Spade Consultants, in which capacity he receives money from developers who wish to influence planning outcomes. Has the minister asked Mr Underwood to identify the

developers paying Spade Consultants to influence the planning decisions affecting land in Melbourne's green wedge? If he has not, why not?

Hon. M. J. GUY (Minister for Planning) — I have established a set of protocols in relation to probity for all people on the ministerial advisory committee to which Mr Underwood, like every other member on that committee, will be required to adhere. No doubt Mr Underwood, as an employee of Spade Consultants, will adhere to the same level of probity as other members on the committee adhere to, which I must say is a degree higher than when the member's former government chose to engage Mr Underwood.

Supplementary question

Mr TEE (Eastern Metropolitan) — In terms of those protocols and to ensure public openness, will those protocols be made publicly available? Has Mr Underwood, as part of that or otherwise, disclosed that he has acted as a consultant for at least one landowner who is seeking to take land out of the green wedge?

Hon. M. J. GUY (Minister for Planning) — I am not sure which of the three questions Mr Tee has just asked he wants me to answer, so I will take the first one. The first question Mr Tee asked me was whether it would be publicly available, and I say to the member that I am happy to send him a copy.

Aviation industry: safety training

Mr P. DAVIS (Eastern Victoria) — I have delight in directing a question without notice to the Minister responsible for the Aviation Industry, Mr Rich-Phillips. I ask the minister to inform the house of any recent developments which highlight Victoria's standing as the preferred location for innovation, aviation and safety training.

Hon. G. K. RICH-PHILLIPS (Minister responsible for the Aviation Industry) — I thank Mr Davis for his question and for his interest in this important matter. As the house has heard me mention on other occasions, the Victorian aviation industry is a leader in aviation training. An important part of that aviation training industry is aviation safety training.

Over a long period the aviation industry has recognised the value of recurrent aviation emergency procedures training. The ability to undertake emergency procedures at quick recall as a consequence of recurrent training is important in that industry, whether it is aircrew, whether it is cabin crew or indeed whether it involves people who are regular passengers on aircraft,

particularly those in over-water and helicopter operations.

For a long time that type of training was undertaken using actual aircraft in actual operational environments, which of course led to a high level of risk. In many instances during the 1960s and 1970s there were more accidents involving training than there were actual accidents of the type the training was intended to prevent. For the last 30 years the aviation industry has embraced the opportunity provided by emergency procedures training and by simulator training. In Victoria we have a fantastic simulator centre adjacent to Melbourne Airport, the Ansett flight simulator centre, which provides high-level aviation training to a number of airlines in the South-East Asian region.

I am pleased to advise the house that we now have a new emergency training facility here in Melbourne, at Altona. Last month I was delighted to open the new \$4 million Red Alert Australia sea survival and helicopter underwater escape training facility, located at Altona and well positioned between the Avalon, Essendon and Melbourne airports, to provide emergency escape procedure training for helicopter operations. The advantage of this centre is that it will allow aircrew, particularly those who are participating in helicopter operations, to undertake safe training operations for the types of accidents that we hope will not happen in terms of low-level helicopter rollover in over-water operations.

This is particularly important for the oil and gas exploration industry, it is particularly important to the helicopter rescue industry and it is particularly important to emergency services operations in this state. This is the only facility of this type on the eastern seaboard. It is an important export opportunity for a Victorian company that sees enormous growth in the region for this type of training. It is an important development for the aviation industry in Victoria, and it highlights the potential of the aviation training sector in Victoria.

Planning: Anglesea coalmine

Mr BARBER (Northern Metropolitan) — My question is for the Minister for Planning, Mr Guy. As the minister knows, I have put in an FOI application to his personal office which has been refused under delegation in the following terms:

The brief titled ‘Alcoa Anglesea mine expansion’ dated 20 April 2011 conveys advice or recommendations made in the course of the deliberative processes involved in the functions of an agency.

...

Disclosure of the brief prior to a final decision has the potential to misrepresent the minister’s views — in an area of sensitive public and commercial concern — and to misrepresent future courses of action on the matter. It would be contrary to the public interest to release the brief, and it is exempt.

Would the minister undertake to release this briefing document to me and to any other members of the chamber who may have an interest in the matter?

Hon. M. J. GUY (Minister for Planning) — It is a good question from Mr Barber. What I will undertake to do is ascertain in the next 48 hours what the issue is in relation to the refusal of the document, and I will give him an answer as to whether it can or cannot be released within that time.

Supplementary question

Mr BARBER (Northern Metropolitan) — It suggests at this stage that the minister has not noted the brief but that the disclosure of the brief might misrepresent his views. I find that logic to be hard to follow. I ask the minister whether it is possible that his government is contemplating extending and expanding the Alcoa coalmine for another 50 years and that no document or any public process will be entered into until the final decision has been made, at which point it will be too late for any member of the public to take an interest.

The PRESIDENT — Order! I will let the minister answer, but I have to say that I find it hard to understand how that is a supplementary question. That was quite a jump or a leap of faith from what the original question was. The minister might have regard to my comments in his response.

Hon. M. J. GUY (Minister for Planning) — President, with regard to your comments I will address the first part of Mr Barber’s supplementary question. As he stated, I have not noted the brief, and therefore I am not aware of the contents of the FOI and what it was seeking. Therefore, if he gives me that 48 hours, I will find out and give him a proper answer.

Planning: outer south-eastern suburbs

Mrs PEULICH (South Eastern Metropolitan) — My question is directed to the Minister for Planning, and I ask: can the minister inform the house of how the Baillieu government is acting on land supply in Melbourne’s growing outer south-eastern suburbs?

Mr Tee — Who is paying?

Mrs PEULICH — We will see who is paying.

Hon. M. J. GUY (Minister for Planning) — I thank my good friend and colleague Mrs Peulich for a fantastic question in relation to solving Melbourne's affordability crisis. What is important to note, since the Baillieu government was elected some nine months ago, is where Melbourne now sits in relation to land supply and the impact that may have on affordability issues, as Mrs Peulich asked. In the June quarter Melbourne had 2200 active lots in growth area markets, and this contrasts with 1400 lots in the previous quarter, 1000 lots in the December quarter and under 1000 lots in the quarters prior to that under the previous regime.

This is the highest level of land supply in 16 quarters bar 1, and it shows that the Baillieu government's policy of getting on with the job of releasing land is very important and is working. On a year-to-year basis, there are now, in the June quarter, 2250 lots available in the Melbourne growth areas market. This contrasts to just 709 lots available in June 2010. If members wondered why there was a land supply and affordability crisis in Melbourne, it was because nothing was being released.

It is with pleasure, Madam President — I mean Mr President — —

Honourable members interjecting.

Hon. M. J. GUY — I corrected myself. It is Mr President, who is wearing a lovely suit, a tie and indeed a singlet underneath his shirt!

It is with pleasure that I announce the approval of the Cranbourne North precinct structure plan, which applies to Mrs Peulich's electorate and will mean that there will be 5600 people on 190 hectares of land within the urban growth boundary. It will bring forward a new town centre, a primary school, a kindergarten, a sports oval, wetlands and local parklands and trails for this growing new suburb. It is about this government getting on with the job of land release. I contrast it to some — —

Mrs Peulich interjected.

Hon. M. J. GUY — That is a very good point, Mrs Peulich. She asked, 'Why did the previous government not do that?'. I noticed an article from an urban affairs magazine in which the current shadow Minister for Planning, when asked about urban growth boundary issues, said, 'We have not got a policy framework on that', so I am not surprised — —

Mr Lenders — On a point of order, President, the minister was asked a question relating to government administration. Now he is debating using a document referring to what may or may not be a non-government party spokesman's view. My point of order is that he should reply only in relation to government administration and not stray into debate.

Hon. D. M. Davis — On the point of order, President, the minister was responding to an interjection from a member that was apposite. The interjection was very clearly responded to in a relevant way, so the minister followed — —

Honourable members interjecting.

The PRESIDENT — Order! I thank Mr Leane. Members should have no doubt that it is 'Mr' not 'Ma'am'! I understand the point of order in the context of the debate, but I think the minister was essentially providing an answer that was related to the question. I will not stop ministers from making remarks about something else as part of their answer, but I become concerned when it becomes the theme of the answer. At this point I do not believe it did. I am sure the minister is aware of my attitude to that.

Hon. M. J. GUY — As I was stating, the government has now released land at Greenvale, Truganina and Cranbourne. We are working towards our target of 50 000 lots by the end of March next year to ensure that Melbourne has an adequate supply and can remain an affordable destination for people who want to build or come to this city.

It is worth noting that the number of land projects in active growth areas has risen from 87 in March 2010 to 108 in March 2011. That is further evidence that the Baillieu government's policies to tackle housing affordability are working, and they are working in the right areas to ensure that Melbourne remains an affordable city. This government puts in place long-term policies to tackle housing affordability.

Mr Viney — On a point of order, President, in response to a question from Mr Tee I believe Mr Guy referred to correspondence he received from the member for Monbulk in the Assembly. I raise two matters in relation to that: firstly, his reference impugned improper motive, and that should only be done by moving a substantive motion; and secondly, I draw your attention to paragraph 3 on page 265 of the latest edition, edition 24, of *Erskine May*, published in 2011, in relation to improper influence:

Conduct not amounting to a direct attempt improperly to influence members in the discharge of their duties but having

a tendency to impair their independence in the future performance of their duty may be treated as a contempt.

I put it to you that what you need to consider is whether a minister using a letter from a member of Parliament writing to a minister and representing either a constituent or an organisation in their electorate is an intimidatory practice that would prevent members from doing so because of the fear of such correspondence being used in a political context, such as the way in which Mr Guy answered that question.

I ask that you give consideration to this matter because I think it sets a very dangerous precedent that could potentially prevent members of Parliament from conducting their functions as members representing their constituencies. As we all know, often we do so on the basis that a constituent has asked us to do so, and it does not necessarily reflect our personal views.

Hon. M. J. Guy — On the point of order, President, I note Mr Viney's rationale for his point of order and his claims that my answer may have impugned a member. I submit to you that the nature in which my answer was framed was no different to the nature in which Mr Tee's question was framed around Mrs Peulich.

The PRESIDENT — Order! Firstly, I indicate that I will take the second part of Mr Viney's point of order on notice. I will have a look at it to ensure that I can provide members of the house with some effective and long-term guidance on this matter. I indicate, however, that there have been many incidents over my near 20 years in this house of ministers referring to correspondence they have received from other members. I can recall a number of occasions on which I think particularly Mr Theophanous, a former member for Northern Metropolitan Region, used correspondence sent to him by other members in his capacity to make points in the course of parliamentary proceedings.

I must say that whenever I write a letter I am conscious of the fact that letter might end up on the front page of the *Herald Sun* or the *Age* on any occasion and that those representations that I make are not necessarily subject to total privilege. In the context of letters that I would write on behalf of somebody else, if they did not accord with my view substantially, then that would certainly be part of what I wrote — that is, that I was making representations on behalf of other people, and I would be making it clear that they were not my views.

In that context, I as Chair obviously must have some concern as to whether or not Mr Guy's use of that letter was accurate, in terms of the way it was quoted,

because it was not quoted in full; passages only were quoted and therefore from my point of view I might well have concerns. This is to the strength of Mr Viney's representations today, by way of a point of order, that in fact on occasions a communication might be quoted out of context and therefore convey a very different opinion to what the writer of that communication had conveyed. That would be a matter of concern to the house, and I will take that on board.

Can I say that in listening to Mr Guy's answers to the questions today, from my objective position I would very strongly say that under no circumstances would I regard Mr Guy's comments as implying improper motive to the member for Monbulk in the Assembly, Mr Merlino. Mr Guy was at pains to say that the only representation he had had with regard to the green wedge review was from a member of the Labor Party in respect of a golf course, as I understand it, and presumably the committee and members of that course, but he did not, in my view, seek to colour that position beyond that. Therefore he was not, in my view, implying any improper motive to the shadow minister, and I think that would be the conclusion that would be drawn by the house. That part is dispatched.

In relation to the second and more substantive part of the point of order, I have already made some remarks, but I will nonetheless give that further consideration, and I thank Mr Viney for raising that.

QUESTIONS ON NOTICE

Answers

Hon. D. M. DAVIS (Minister for Health) — I have answers to the following questions on notice: 130, 136–8, 141, 146, 165, 216, 219, 221, 232, 236–40, 248, 603, 604, 612–4, 616, 621, 626, 631, 639, 640, 647, 649, 650, 651, 653, 655, 657–9, 662, 663, 665, 667, 669, 678, 679, 681, 686, 691, 694–702, 706–9, 712, 713, 715, 719–27, 730, 732, 738–40, 742, 744, 745, 750, 753, 759, 767–88, 790, 792, 805, 806, 812–7, 820–6, 834–7, 842–4, 847, 854, 877, 878, 880, 881, 883, 885, 886, 888–90, 893, 895, 897, 900, 901, 904–15, 923–5, 928–41, 943, 945–50, 954, 956, 958–62, 966, 967, 971, 974–6, 979, 982–5, 987, 990–2, 994, 995, 997, 1005–7, 1009–11, 1014–16, 1024, 1025, 1047, 1048, 1050–79, 1140–63, 1165–7, 2262, 2269, 2270, 2275, 2277, 2280–5, 2288–91, 2298, 2304–7 and 2309.

Hon. M. P. PAKULA (Western Metropolitan) — Whilst I appreciate the answers that Mr Davis has just referred to, I ask for the umpteenth time about

questions 108 and 114, which were provided on 1 March and about which I have asked questions on a number of occasions. I ask whether or not the Leader of the Government would be prepared to provide me with an undertaking that he will investigate and perhaps let me know tomorrow when I can expect the answers to 108 and 114?

Hon. D. M. DAVIS (Minister for Health) — I am happy to follow up those numbers. As the member has alluded to, quite a number of answers were tabled today, and I know that more are on their way. I have assiduously followed up many of these answers, and I will further follow them up for the member.

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 Take a Break occasional child-care program allows parents and guardians to participate in activities including employment, study, recreational classes and voluntary community activities while their children socialise and interact with other children in an early learning environment.

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

The cut to funding will mean that families across Victoria will be unable to access affordable, community-based occasional child care to undertake tasks that benefit the family and allow them to take a break.

The petitioners therefore request that the Baillieu government reinstate funding for the Take a Break occasional child-care program.

By Mr LEANE (Eastern Metropolitan) (140 signatures) and Ms MIKAKOS (Northern Metropolitan) (1125 signatures).

Laid on table.

Rail: Laburnum service

To the Legislative Council of Victoria:

The petition of certain citizens of the state of Victoria draws the attention of the Legislative Council to implications of the new train timetable on the Belgrave and Lilydale line that has

dramatically reduced the services at Laburnum station with fewer services to the city from 7.30–9.00 a.m. as more trains run express through the station. This is causing inconvenience to commuters.

The petitioners therefore request the reintroduction of express services that stop at Laburnum station.

By Mr LEANE (Eastern Metropolitan) (263 signatures).

Laid on table.

LARGE-SCALE INTEGRATED DRYING GASIFICATION AND COMBINED CYCLE DEMONSTRATION PROJECT

The PRESIDENT — Order! I understand Mr Barber is seeking leave to present the agreement on the Victorian government funding for the large-scale integrated drying gasification and combined cycle demonstration project. Is leave granted?

Leave refused.

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE

Alert Digest No. 8

Mr O'DONOHUE (Eastern Victoria) presented *Alert Digest No. 8 of 2011, including appendices.*

Laid on table.

Ordered to be printed.

PRODUCTION OF DOCUMENTS

The Acting Clerk — I have received letters dated 11 August from the Minister for Energy and Resources headed 'Order for documents — smart meters' and 'Order for documents — submissions to the federal government's carbon capture and storage flagships program'.

Letters at pages 2437–2438.

Ordered to be considered next day on motion of Mr BARBER (Northern Metropolitan).

BUSHFIRES ROYAL COMMISSION IMPLEMENTATION MONITOR

Progress report July 2011

The Acting Clerk, pursuant to section 21 of Bushfires Royal Commission Implementation Monitor Act 2011, presented report.

PAPERS

Laid on table by Acting Clerk:

Crown Land (Reserves) Act 1978 —

Minister's Order of 1 August 2011 giving approval to the granting of a licence at Lorne Foreshore Reserve.

Minister's Order of 1 August 2011 giving approval to the granting of a licence at Winchelsea Public Park.

Interpretation of Legislation Act 1984 — Notices pursuant to section 32(3) in respect of Statutory Rule Nos. 20 to 23, 37, 56 and 73.

Land Acquisition and Compensation Act 1986 — Minister's certificates of 1 July 2011 and 5 August 2011 pursuant to section 7(4) of the Act.

Melbourne Cricket Ground Trust — Report for the year ended 31 March 2011.

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

Banyule Planning Scheme — Amendment C70 Part 2.

Bayside Planning Scheme — Amendment C105.

Boroondara Planning Scheme — Amendment C69.

Cardinia Planning Scheme — Amendment C152.

Colac Otway Planning Scheme — Amendment C61.

East Gippsland Planning Scheme — Amendment C92.

Frankston Planning Scheme — Amendment C60.

Glen Eira Planning Scheme — Amendment C60.

Golden Plains Planning Scheme — Amendment C45.

Greater Bendigo Planning Scheme — Amendments C144 and C165.

Greater Dandenong Planning Scheme — Amendment C145.

Greater Geelong Planning Scheme — Amendments C196, C198, C202 and C256.

Hobson's Bay Planning Scheme — Amendment C73.

Hume Planning Scheme — Amendment C155.

Kingston Planning Scheme — Amendment C105.

Knox Planning Scheme — Amendments C84 and C104.

Latrobe Planning Scheme — Amendment C39 Part 1.

Macedon Planning Scheme — Amendments C72 and C78.

Manningham Planning Scheme — Amendment C93.

Maribymong Planning Scheme — Amendments C85, C94 and C99.

Maroondah Planning Scheme — Amendments C69 and C79.

Melbourne Planning Scheme — Amendments C143, C156, C165 and C182.

Melton Planning Scheme — Amendments C80, C103 and C106.

Mitchell Planning Scheme — Amendment C71.

Monash Planning Scheme — Amendments C81 and C85.

Moreland Planning Scheme — Amendments C112 Part 1, C120 and C124.

Mornington Peninsula Planning Scheme — Amendment C119.

Mount Alexander Planning Scheme — Amendment C50.

Pyrenees Planning Scheme — Amendment C25 Part 2.

Stonnington Planning Scheme — Amendments C89, C150 and C160.

Surf Coast Planning Scheme — Amendment C70.

Swan Hill Planning Scheme — Amendment C38.

Wellington Planning Scheme — Amendments C50 Part 2 and C66.

West Wimmera Planning Scheme — Amendment C22.

Whitehorse Planning Scheme — Amendments C139 and C141.

Whittlesea Planning Scheme — Amendments C77, C128, C143 and C152.

Wyndham Planning Scheme — Amendments C115, C123, C149 and C152.

Yarra Planning Scheme — Amendments C102, C110 and C145.

Yarra Ranges Planning Scheme — Amendments C76, C89 Part 2 and C114.

Yarriambiack Planning Scheme — Amendment C16.

Prevention of Cruelty to Animals Act 1986 — Code of Practice for training dogs and cats to wear electronic collars.

Statutory Rules under the following Acts of Parliament:

Agricultural Industry Development Act 1990 — No. 38.
 Building Act 1993 — Nos. 48, 49 and 73.
 Control of Weapons Act 1990 — No. 50.
 Country Fire Authority Act 1958 — No. 60.
 Crown Land (Reserves) Act 1978 — No. 41.
 Environment Protection Act 1970 — No. 45.
 Fair Trading Act 1999 — No. 80.
 Forests Act 1958 — No. 42.
 Funerals Act 2006 — No. 71.
 Infringements Act 2006 — Nos. 39 and 67.
 Juries Act 2000 — Nos. 68 and 69.
 Land Act 1958 — No. 40.
 Liquor Control Reform Act 1998 — No. 70.
 Magistrates' Court Act 1989 — Nos. 54, 55, 58 and 59.
 Metropolitan Fire Brigades Act 1958 — No. 61.
 National Parks Act 1975 — No. 43.
 Planning and Environment Act 1987 — No. 63.
 Public Health and Wellbeing Act 2008 — Nos. 57 and 72.
 Regional Growth Fund Act 2011 — No. 65.
 Road Safety Act 1986 — Nos. 51, 62 and 66.
 Subdivision Act 1988 — No. 64.
 Subordinate Legislation Act 1994 — No. 52.
 Supreme Court Act 1986 — Nos. 53, 77 and 78.
 Tobacco Act 1987 — No. 47.
 Transport (Compliance and Miscellaneous) Act 1983 — Nos. 74, 75 and 76.
 Victorian Energy Efficiency Target Act 2007 — No. 56.
 Water Act 1989 — No. 79.
 Wildlife Act 1975 — No. 44.
 Zoological Parks and Gardens Act 1995 — No. 46.

Subordinate Legislation Act 1994 —

Documents under section 15 in respect of Statutory Rule Nos. 38 to 68, 71 to 76 and 80.

Documents under section 16B in respect of an exemption from section 65A(1) of the Road Safety Act 1986 for persons participating in a Victorian heat of the Australian National Circle Work Championships at the Tatura Racecourse.

Guidelines pursuant to section 26 of the Act.

Proclamations of the Governor in Council fixing operative dates in respect of the following acts:

Fisheries Amendment Act 2011 — 1 August 2011 (*Gazette No. S237, 19 July 2011*).

Justice Legislation Amendment Act 2011 — 1 August 2011 (*Gazette No. S245, 26 July 2011*).

Transport Legislation Amendment (Taxi Services Reform and Other Matters) Act 2011 — Part 1 and sections 3, 4, 7, 9, 15(1), 52 to 58 and 102 — 19 July 2011; remaining provisions of Part 2 — 1 August 2011 (*Gazette No. S236, 19 July 2011*).

BUSINESS OF THE HOUSE

General business

Mr LENDERS (Southern Metropolitan) — By leave, I move:

That precedence be given to the following general business on Wednesday, 17 August 2011:

- (1) notice of motion given this day by Mr Lenders relating to job security and employment programs;
- (2) notice of motion given this day by Mr Barber to table an edited copy of an agreement for Victorian government funding for the large-scale integrated drying gasification and combined cycle demonstration project;
- (3) notice of motion given this day by Ms Pennicuik for the production of documents relating to the Department of Justice and the *Herald Sun* newspaper arrangement to conduct the online sentencing survey;
- (4) notice of motion given this day by Mr Tee relating to the protection of Melbourne's green wedges; and
- (5) notice of motion 133, standing in the name of Ms Hartland, relating to the regulation of child beauty pageants.

Motion agreed to.

MEMBERS STATEMENTS

Roads: truck action plan

Hon. M. P. PAKULA (Western Metropolitan) — Over recent weeks we have read much about how this government, through its failure to provide any projects to Infrastructure Australia for consideration, is doing all it can to help New South Wales Premier Barry O'Farrell make New South Wales no. 1 again. We see more evidence of not just the government's dithering on infrastructure but also its dithering on its promise to be open and transparent in a letter from VicRoads to Eugene Duffy, editor of Fairfax Community

Newspapers, dated 12 July. It is bad enough that in that letter the government once again uses questionable public interest excuses for refusing to release its cost estimates for the truck action plan (TAP); however, the really objectionable part of the letter reads:

... the TAP as announced by the previous government has not been adopted by the current government until it completes a review ...

The Baillieu government has been in power for nine months. It does not need to have finished the truck action plan or to have even started it, but for goodness sake it needs to have made a decision about whether it will proceed with the plan so that industry and the people of Yarraville and Spotswood can get on with business and have some appreciation of what this government's intentions are. It should release the documents to Fairfax Community Newspapers and tell the community whether it will proceed with the truck action plan.

SPC Ardmona: future

Hon. W. A. LOVELL (Minister for Housing) — Last Tuesday the Goulburn Valley was rocked by the news of job losses at SPC Ardmona. The company has been central to the lives and livelihoods of many people in my home town of Shepparton and in the Mooroopna and Kyabram communities. This news has been a huge blow to the workers, their families and our community. The cannery at Mooroopna, which is affected by the company's restructure, opened in the 1920s. It has served the community, and in turn the community has served it, for generations.

The Baillieu government moved quickly on hearing the news. The focus must now be on the workers and their families. Affected workers will be given the chance to retrain and build on their current skills through the Victorian training guarantee. The state government and SPC Ardmona are working to find ways for the company to bolster its future growth plans.

We also need the federal government to play its role in assisting workers. The people of Shepparton are resilient and tough, and I am confident that we will all work together to get through these difficult times. Food processors in the Goulburn Valley are under enormous pressure due to food labelling laws, federal government policies such as the re-regulation of awards through so-called award modernisation and the threat of increased costs due to the carbon tax. The strong Australian dollar is also detrimental to exports. It is time the Gillard federal government realised that its policies are closing down businesses and costing Victorian workers their jobs.

Ramadan: Iftan dinners

Ms HARTLAND (Western Metropolitan) — Over the past two weeks I have had the pleasure of attending a number of Iftar dinners, meals taken at sunset during the Muslim holy month of Ramadan. These events have been held by a range of organisations, including Youth Victoria. This Muslim youth organisation held its dinner at the Wyndham Cultural Centre and invited a number of local people. The group also used the night to promote CARE with Me, a Muslim foster care group, and raised money for famine relief in Africa. The event was supported by a number of organisations, including Wyndham City Council. I also attended a family home dinner organised by the Australian Intercultural Society, and many of us will also be attending a function tonight organised by the society.

Next week I will be attending an Iftar dinner at the Vietnamese Quang Minh Buddhist Temple in Braybrook. This event is hosted by the Buddhist Council of Victoria in collaboration with the Australian Intercultural Society, and I am sure it will be a great night. I have had the pleasure of visiting this temple a number of times and know about the valuable work these organisations do with a range of groups. Participating in these events has been a great joy for me; I have been able to hear about the amazing work being done by a range of community organisations while also catching up with old friends and making new friends.

John Stanford and Helen Proud

Ms TIERNEY (Western Victoria) — It is with great sadness that I stand to speak on the recent passing of two great Labor people in western Victoria, John Stanford and Helen Proud. Jack, as he was known, Stanford returned from World War II determined to play his part in creating a more equitable society. For just 3 shillings Jack joined the Portland branch of the Australian Labor Party in 1947 and remained an active member until his passing. Never one to sit back and be a spectator, Jack ran as the Labor candidate for the seat of Wannon in the 1958 and 1961 federal elections. He won 36 per cent of the vote in 1958 and 35 per cent of the vote in 1961, running against Malcolm Fraser in a traditionally conservative federal electorate.

Jack's involvement in the Portland community was almost endless. He was commissioner of the Portland Harbour Trust Commission for nine years, president of the Rotary Club of Portland, commodore of the Portland Yacht Club and a life member of Rostrum Victoria, to name just a few roles. Jack was a great

friend, a good sounding board, a thorough gentleman and a champion for Portland. He will be sadly missed.

Like Jack Stanford, Helen Proud was an absolute champion for equality in the community, and a champion for worker's rights. Helen was a dedicated trade unionist, executive member and past president of the Geelong Trades Hall Council, a life member of the Health Services Union and a member of the Geelong West branch of the Australian Labor Party. Many Geelong workers in the 1990s and early 2000s will remember that Helen delivered forthright views on all things but also delivered nourishing and comforting food to workers standing on picket lines. My deepest sympathies to the families of Jack and Helen.

Sustainability and environment: initiatives

Mrs PETROVICH (Northern Victoria) — In my role as Parliamentary Secretary for Sustainability and Environment, I had the pleasure of launching on 21 July the Green Walks in the Park program. The program encourages everyone to take a walk in the park to improve their health and wellbeing. The fun and free Green Walks in the Park program is designed to get more people walking with families and friends in parks across Victoria with the support of an experienced guide. The program runs from September 2011 to March 2012, and details are available from Parks Victoria.

In the same vein of healthy outcomes are the sustainable sporting ground grants which are now available. I congratulate the Minister for Sport and Recreation, Hugh Delahunty, for \$2 million worth of funding to encourage sports clubs looking to weatherproof their facilities.

There has also been an excellent recycling initiative undertaken by RMIT University. Last Monday, 8 August, the university introduced an innovative new initiative of an away-from-home recycling scheme, which I had the pleasure of launching. This initiative ensures that all RMIT campuses are provided with additional recycling bins and was made possible through the hard work of the Packaging Stewardship Forum and the RMIT community. The away-from-home recycling scheme is a worthwhile environmental initiative. RMIT students and the public also had the opportunity to celebrate recycling through creating statement artwork pieces from recycled goods. All round the day was a great success — although I did have to rapidly exit the stage with another two female speakers when it was announced that there would be a performance by cancan dancers.

The ACTING PRESIDENT (Mr O'Brien) — Time!

Mount Hira College: building program

Mr TARLAMIS (South Eastern Metropolitan) — I had the pleasure of attending the opening of the multipurpose hall and gymnasium at Mount Hira College on 27 July with my federal colleagues Mark Dreyfus and Alan Griffin. This facility was funded by an \$850 000 grant from the federal government as part of the government's Building the Education Revolution program. The school was also a recipient of \$125 000 from the National School Pride program, which funded the upgrade of the college sportsgrounds. Mount Hira College reflects the cultural diversity in South Eastern Metropolitan Region, where students of Turkish, Afghani, Iranian, Bosnian, Albanian, Egyptian and Lebanese heritage, and many more, share cultural, religious and social beliefs that respect the diversity of their communities.

The opening of the new building is the culmination of 20 years of investment and vision by the local Turkish and Islamic communities, who purchased land to secure a social space for Muslims who had settled in the local community. The school opened its doors 11 years ago with an office, three classrooms and around 20 students. Today it boasts over 280 students and staff and is ranked consistently in the top 100 independent Victorian certification of education schools. I commend the federal government for its contribution to Mount Hira and for taking steps to invest in unprecedented terms in the education of our children.

I would like to congratulate the chairman of the school board, Mr Ekrem Ozyurek; the principal, Pat Gay; the teachers; staff, like Nadir Yildiz and Enver Yenilmez, who are always working and planning for future growth; and of course the students. All of these people, and many more, have continuously demonstrated their commitment and dedication to Mount Hira College. I look forward to attending the opening of the next stage of their school's development and wish them all the best for the future.

Respite care: city of Whittlesea

Mrs COOTE (Southern Metropolitan) — I had the occasion last week to be invited by my colleague and friend Mr Ondarchie out to the City of Whittlesea. I had a very productive day with the councillors and department officials, but most importantly, I had a long meeting with a group of committed people called the Respite Alliance Whittlesea, or RAW.

Headed up by Trevor Carroll this is a very important group that has done some significant work for people with a disability in the Whittlesea area. It appreciates enormously the work and advocacy that has been done on its behalf by Mr Ondarchie. It was very pleasing to be there and to see this happening. It was also pleasing to be able to announce, on behalf of the Minister for Community Services, that the Baillieu government will establish a six-bedroom respite centre within the city of Whittlesea. One of these rooms will be specifically for emergencies. It was very much welcomed by the group I spoke with during the day.

It was a week in which we saw the discussion across our national television stations, on the radio and in our newspapers about the release of the Productivity Commission's national disability insurance scheme (NDIS) and the federal government's response to it. It was also pleasing to see that the Premier and the Minister for Community Services are supportive of an NDIS. Therefore, it was with an enormous amount of heartbreak and outrage that I read in yesterday's Whittlesea newspaper that one man, who will have the respite centre next to his property, said:

...I don't want my kids to be brought up seeing disabled people every day.

He also said that it would take away from the value of his property. I was outraged, as I know people in this chamber will be and as I know people in the city of Whittlesea, Respite Alliance Whittlesea and Mr Ondarchie will be. The mayor, Rex Griffin, whom I commend, will be horrified. My whole day was encapsulated by something the mayor said to me about his son, Matthew. I will not go into the details now, but it was a poignant, telling and personal story.

The ACTING PRESIDENT (Mr O'Brien) — Order! The member's time has expired.

Salvation Army: headquarters renovation

Mr LEANE (Eastern Metropolitan) — It was a great pleasure to represent the Leader of the Opposition in the Legislative Assembly and the Victorian Parliament on Sunday at the official opening of the Salvation Army's renovation of its historic building at 69 Bourke Street. Since 1894 the Salvos have done amazing work from this building to change people's lives, especially people who have been marginalised by society. I want to congratulate Salvation Army commissioners Raymond and Aylene Finger, corps officers and Melbourne Project 614 coordinators Brendan and Sandra Nottle, divisional commander Graeme Rigley and everyone else involved not only in updating this famous Melbourne icon but in increasing

its capacity to assist those who are most needy. Thank God for the Salvos!

MVC Boxing Club

Mr LEANE — On another matter, I wish to congratulate Steve Marks and everyone involved in the official opening of the MVC Boxing Club in Ringwood along with a new facility for the Ringwood City Soccer Club. I want to congratulate everyone including the mayor of Maroondah, Tony Dib, and all members of the Maroondah council. It was a buzz to rub shoulders with boxers like John Famechon, Jeff Fenech, Lester Ellis and Dave Russell, to name just a few boxing greats who turned up to the opening of this gym, named after the great trainer Michael Victor Canavan.

Housing: Blessington Street, St Kilda

Ms CROZIER (Southern Metropolitan) — Last Thursday I was pleased to have been able to represent the Minister for Housing, Wendy Lovell, at the opening of 71 Blessington Street, St Kilda, which is an outstanding example of community housing that is a joint initiative of the Victorian and commonwealth governments and the Port Phillip Housing Association. I would particularly like to congratulate Karen Barnett and the Port Phillip Housing Association on this project and on the many others around Melbourne that they are involved with, including the Ashwood Chadstone gateway project. The Port Phillip Housing Association has been providing services for more than 20 years to people who are experiencing housing stress and are at risk of homelessness, and it gives support to those who are often the most vulnerable within our communities.

During my tour of the facility I met with a number of tenants who were very generous in allowing me to visit their new homes. They came from a variety of backgrounds and were all extremely happy to have the security of stable housing. Some were using their new homes as an environment from which they could also work. Stable housing affords people security and opportunity, which is important when seeking employment or a safe environment in which to live. One tenant told me she was going to use this opportunity to establish her own graphic design business and improve on her circumstances. It is an objective I feel confident she will be able to achieve.

I congratulate the Baillieu government on its policy initiative to increase land availability. In turn, that will have the flow-on effect of easing the pressure on both private rental markets and public housing and give more people more opportunity and greater housing security.

City of Hume: citizenship ceremony

Mr ELASMAR (Northern Metropolitan) — On Tuesday 5 July I attended Hume council's citizenship ceremony at the Broadmeadows town hall. As usual it was a well-organised special occasion for our new Australian citizens. I congratulate and welcome the new citizens, and I thank the mayor and council officers for their efforts in making this an enjoyable and memorable event for everyone.

Somalia: national day celebration

Mr ELASMAR — On Saturday 23 July I was invited to attend and address the Somali national day celebration. The event was held at Rydges Hotel in Bell Street, Preston. Dr Hussein Haraco, the current president of the Somali Australian Council of Victoria, was a very welcoming host. The event was also used as a fundraiser for the drought relief fund to assist those people of Somalia who are suffering under the cruellest famine in 60 years.

Northcote Junior Football Club: 50th anniversary

Mr ELASMAR — On 29 July I attended the Northcote Junior Football Club's 50th year dinner dance. This gala occasion was organised by the president, Mr Mark Davis, and the members of his executive committee. As a strong supporter of junior sporting associations I congratulate the organisers on a very well-attended and pleasant evening.

Employment: Ballarat

Mr RAMSAY (Western Victoria) — I want to bring to the attention of the house the outstanding work being done by the Baillieu government to create jobs in Ballarat. Indeed, much work is needed following 11 years of Labor inaction and malaise by Labor's sitting members in Ballarat. On their watch more than 1000 workers lost their jobs in Ballarat over the last three years, and worse, a Brumby government-funded report last year stated that another 550 jobs were at risk. Highly unionised workplaces and approaches have contributed to the problem. To this end I want to outline briefly the work already under way to stop the losses and create jobs in Ballarat.

In the state budget \$88 million was announced for local Ballarat projects. On top of this, Ballarat will benefit from the \$1 billion Regional Growth Fund which was launched in Ballarat last month. Last week the Baillieu government announced \$16.5 million to build a V/Line maintenance facility in Ballarat and create 30 jobs.

Another 100 rail jobs have been kept at Alstom Australia in Ballarat, with the government ordering seven new X'trapolis trains for the Melbourne metropolitan rail network. The Minister for Manufacturing, Exports and Trade has hosted a round table in Ballarat which clearly indicated the government's commitment to Ballarat's manufacturing sector and its future directions. Work has begun on the \$38 million western link road, a project that is estimated to create 9200 jobs for Ballarat. The Baillieu government should be proud of its efforts to date, and it remains extremely committed to creating more jobs in Ballarat.

Mike Morris

Mrs PEULICH (South Eastern Metropolitan) — It is with deep sadness that I rise to speak on the passing of Mike Morris, a Fairfax journalist, on Monday, 25 July. Mike was an old-school journalist, who enjoyed a drink at the local RSL, a smoke and a punt on the horses, and the Carlton Football Club. He was an environmentalist but loathed the Greens party, and an individualist, equally loathing the union collective forces behind the ALP. Many of the sources for his stories were from the grassroots in the community and walking the beat. He was not restricted to working behind the desk. Occasionally Mike would drop into my office to say a friendly hello and try to obtain a quote at the same time.

Mike began at the left-wing newspaper *Nation Review* and moved to New South Wales in the 1980s to become the editor of the *Picton Post* and the *Liverpool Champion*. On his return to Melbourne he joined the *Dandenong Examiner* in 1992 and then took on the *Chelsea Independent* and the *Frankston Independent*, which became the *Frankston Weekly*. His stories were often stories of the battler in the community or exposing unfairness and injustice. However, Mike will probably be best remembered in the community for his articles that did not include his by-line — these being under the pseudonyms of The Thirteenth Councillor, The Snout and The Ferret, which brought a lighter side to local political figures in local, state and federal government, and from time to time I featured in those columns.

His colleagues at the *Weekly's* Mornington office were shocked when he collapsed at work, but it was generally felt to be a fitting end for a man who could not imagine life without writing. The south-east lost a local champion in Mike Morris, and our condolences are extended to his brother, Peter, his sister-in-law Anna, his sister Marita and the Morris family. I was most saddened to attend his funeral with a number of

other local members of Parliament, councillors and members of the community.

Stuart Cumming

Mr KOCH (Western Victoria) — I congratulate Stuart Cumming of Glenthompson on being awarded the prestigious Wool and Rural Monarch title at the Hamilton Wool Festival, a precursor to this year's Sheepvention. Stuart has more than 50 years experience working in the local wool industry, and this award recognises his outstanding innovation and his contribution and dedication to the industry. The award also acknowledges his commitment to Landcare and to the wider Western District community.

Stuart has long been an outstanding sheep breeder. As principal of the successful Fernleigh Stud, located south of Glenthompson, his skills in developing and breeding a unique type of wool sheep that is well suited to the higher rainfall areas of western Victoria have earned him many accolades for the excellent yield, weight and quality of the wool.

Like many farmers and graziers across Victoria, Stuart has overcome the challenges of bushfires, droughts and floods. In addition he maintained his enthusiasm and passion for growing extremely valuable wool while recovering from heart surgery, a time when many would consider throwing in the towel — but not Stuart. Instead, he has seen this as a further challenge, and through his persistence he has now been recognised and crowned as the 26th Wool and Rural Monarch, a title that is highly prized in the Victorian wool industry and one that is well deserved by Stuart.

I wish Stuart well in this ambassadorial role and congratulate him again on the recognition he has received from his peers. It has been a long but successful journey.

CONSUMER ACTS 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) — It gives me pleasure to rise to make a contribution to the debate on the Consumer Acts Amendment Bill 2011. The opposition will not be opposing the bill but will be proposing an amendment in committee. I will go to the substance of the amendment during my contribution to

the second-reading debate so that members of the house can address that amendment during their contributions.

It is not my intention to go into detail on the technical matters in the bill, given that they were addressed by the minister in his second-reading speech. It is also not my intention to spend a great deal of time restating the opposition's position on the bill, given that that was put fulsomely and eloquently by the member for Mill Park in the other place. I hope that is a practice I am able to continue in my approach to debate in this chamber. Rather than simply repeating in great detail remarks that have been made in the other place, I will try to provide another perspective on legislation and to express that perspective succinctly.

I want to spend a little time recapping some of the achievements of the former Labor government in the consumer protection space, because this bill builds on what I would suggest is an impressive record of consumer protection over the past decade. An important practice for all of us as representatives of our community is ensuring that those community members are properly protected in their engagement with business in whatever form that might take, and consumer protection legislation is an important part of that.

The former Labor government led the way in policy development for uniform national consumer law. We made it a priority to strengthen the Fair Trading Act 1999 in regard to the regulation of telemarketing; we introduced mandatory conciliation and model contracts for the building industry; we spent a lot of time modernising legislation; we significantly reduced red tape for business in this state; and we used IT to make it easier to register a business and to do business in Victoria.

As I have noticed the current minister doing with some relish, we identified and destroyed a whole range of unsafe children's toys. We also used the authority of government to crack down on dodgy rooming house operators and to prosecute dodgy car dealers, and we increased funding for financial counselling. That work, by its nature, cannot stop because as quickly as the government can provide remedies for consumers there will always be some — a very small minority of course — unscrupulous people who will try to take advantage of unsuspecting consumers. The government needs to be constantly vigilant about practices that might disadvantage consumers, and as necessary it needs to update both the statute book and the approaches taken by government agencies to protect consumers.

This bill, as outlined in the second-reading speech, is an omnibus consumer affairs bill. It seeks to amend a range of acts, including the Estate Agents Act 1980, the Owners Corporations Act 2006, the Fair Trading Act 1999, the Conveyancers Act 2006 and the Consumer Affairs Legislation Amendment (Reform) Act 2010, and it repeals the Companies (Administration) Act 1981. It also makes some minor or consequential amendments to a range of other acts.

On the opposition's decision to not oppose the bill, the one area where we have concern and we will seek comfort from government contributions but where we will also, as I have indicated, seek to make an amendment, is in regard to the Estate Agents Act 1980 and protections for vendors where real estate agents want to buy their properties.

As has been indicated by the member for Mill Park in the other place, the bill proposes a new regime for estate agents purchasing real estate or businesses that they have been commissioned to sell. A real estate agent must not purchase a property or business unless they have met the requirements that exist for them to be exempt from that general requirement. The effect of the change proposed in this piece of legislation is that the onus will be on the estate agent alone to demonstrate that in their purchasing of a property they have acted in the best interests of the vendor. That means there will be no third-party sign-off as to the fairness of the sale.

I have to say that that is a concern. We are concerned that it represents a watering down of protection for consumers. A common example would be that of an elderly person or any other kind of vulnerable person who might be selling their property effectively being asked to take the word of the estate agent that the price they are being offered by the agency is at a fair market value. In those circumstances it would be difficult for the vendor to know whether or not the statement by the agent is true, and only through the making of a complaint would the vendor have that fear or concern properly investigated.

I note that in the other place the minister moved an amendment to insert 'agent's representative' after the word 'agent'. It is my understanding that that amendment was carried by the Assembly and that the bill we have been presented with is in its amended form.

The Real Estate Institute of Victoria (REIV) had a range of concerns. There were clearly some issues with regard to the drafting of the bill. As I have indicated, due to the feedback from REIV and the concerns it expressed, an attempt was made to make new

section 55 consistent with the current section 55 of the act with regard to the people covered by it. The concern of the opposition and the ongoing concern of the Real Estate Institute of Victoria is that the amendment that was carried in the other place did not achieve its objective. It covered part, but not all, of REIV's concerns. The opposition is surprised, because our understanding was that it had been conveyed to the minister that those concerns have been only partially addressed, but it appears that that has not yet been the case.

It is my understanding that the amendment I will move at the committee stage will not be acceptable to the government. The house amendment that was carried by the Assembly has the effect that an agents' representatives and family members of the agent and the agents' representatives are required to abide by the rules for the purchase of a property by someone they are acting for, but the amendment has not included any other employees of the estate agency. To give a relevant and true-to-life example, the office manager of an estate agency and that office manager's family members could purchase properties that the agency has been commissioned to sell without having to follow any transparent process and without being required to make any declaration that the transaction was fair.

The opposition's view is that the amendment that was agreed to in the other place improves the bill by extending the requirements to agents' representatives, but it does not go all the way by extending it to any other employee of an estate agency. It is a credit to REIV that it is concerned enough about the reputation and behaviour of its own members to want this amendment to be properly carried by the Parliament so that it provides them not just with regulation but also with protection. That would ensure that its processes and its own interests are properly governed by the bill and ultimately by the act.

At the committee stage, when I do not intend to go substantively into this matter again, I will move an amendment that will have the effect that all agents and all their representatives and all employees will be covered by section 55 of the Estate Agents Act 1980. I am aware there might be some concern that the return of this bill to and the requirement for it to be dealt with again in the other place might put some time pressure on the passage of the legislation and its royal assent and gazettal, but I would ask the government to carefully consider what measures it might seek to have adopted in the other place to ensure a speedy passage of a bill amended in this place.

As has previously been put by some members of this place, both in their guise as ministers and in their times as members of the opposition, it is better to get the legislation right the first time than to have to come back later and amend it again for the purposes of a speedy passage. It would be a shame, the government having been alerted to these concerns by both REIV and now by the opposition, if subsequent to the passage of this bill an employee of a real estate agent took advantage of a vulnerable vendor in a way that could have been prevented if the government had been prepared to support the amendment, even if it meant the delay of its passage in the other place by a day or two. Obviously the opposition is willing to have any discussion with the government about what might be required to expedite the passage of a suitably amended bill through the other place.

Let me say again that the proposed amendment is strongly supported by the Real Estate Institute of Victoria. It is not one with which the opposition seeks to make undue political mileage; it is one which will make the bill better and more comprehensive. I would be happy if the amendment were circulated at this time so that members are aware of the substance of the amendment for the rest of the second-reading debate.

**Opposition amendments circulated by
Hon. M. P. Pakula (Western Metropolitan)
pursuant to standing orders.**

Hon. M. P. PAKULA — Beyond that, the bill also makes amendments to a range of other acts. The consequences of those amendments have been gone through in some detail in the other place, both in the second-reading speech and in the contribution of the member for Mill Park, so I do not propose to repeat them here other than to say that some of those amendments deal with ambiguities in interpretation and some are merely consequential. The opposition is not opposing the bill, but it strongly urges the government to again consider supporting the amendment that I will move in order to make the bill comprehensive and to ensure that consumers are properly protected. That would ensure that we do not have to come back in a few months and amend this bill when it could have been done today.

Ms PENNICUIK (Southern Metropolitan) — As Mr Pakula has said, we have before us what we refer to as an omnibus bill. It is a bill that amends several consumer protection laws, including the Estate Agents Act 1980, which is part 2 of the bill; the Owners Corporations Act 2006, which is part 3 of the bill; the Fair Trading Act 1999, which is part 4 of the bill; the Conveyancers Act 2006, which is part 5 of the bill; the

Consumer Affairs Legislation Amendment (Reform) Act 2010, which is part 6 of the bill; and other acts for the purposes of commencement arrangements, including some delay of commencement arrangements for particular acts, at part 7; and repeals consequential and other amendments in part 8 of the bill.

The interesting feature of the bill, in terms of the acts that it amends, is part 3, which amends the Owners Corporations Act 2006. Basically it clarifies the roles and responsibilities of lot owners in terms of owners corporations and also clarifies what are not their roles or responsibilities, as differentiated from directors of companies, for example. It is interesting that it also looks at delegation of powers of an owners corporation to the committee that is formed at the annual general meeting of an owners corporation.

What is interesting about the amendments to the Conveyancers Act 2006 is that they enable Victorian conveyancers to act in relation to businesses, which they currently cannot do. When the national act comes into effect to oversee the activities of conveyancers it will mean that Victorian conveyancers will be able to act in the same way as conveyancers are currently able to act in other parts of Australia. That is not the case in Victoria at present.

As Mr Pakula said, in the last Parliament there were many changes to consumer laws. In general they have been good, and they have been to the benefit of consumers. These acts are all enforced in order to ensure that, as Mr Pakula said, the few unscrupulous operators — be they estate agents, businesses that are regulated under the fair trading act, conveyancers or others involved in consumer affairs — are not able to take advantage of or exploit vulnerable people in their business or other dealings with them. I agree with Mr Pakula that the government needs to be constantly vigilant in this area.

Also in agreement with Mr Pakula, the Greens really have just one issue with this bill. It is with regard to the amendments to the Estate Agents Act 1980, which is part 2 of the bill, specifically the amendment to section 55 of that act. Mr Pakula used the word 'prevent'; he said we need to prevent people from being exploited or taken advantage of and that that is what our consumer laws are for. I am concerned about the changes under section 55 of the Estate Agents Act 1980 because I am not convinced that the new provisions that will be put in place by clause 4 of the bill, which replaces the current section 55 with new sections 55 and 55A and which are modelled on the current Queensland and New South Wales legislation, will prevent vulnerable people from being exploited by

unscrupulous estate agents, which is the stated aim of the new provisions in the estate agents act.

I say that because the minister says the new provisions increase the fiduciary duty of estate agents. That may be technically correct, but essentially what the new provisions put in place is a complaints-based system such that if an estate agent acting for a person tries to gain a beneficial interest from the sale of that vendor's property and that vendor is a vulnerable person — Mr Pakula mentioned an elderly person, but it could also be a person of non-English-speaking background or any other person who does not understand or know their rights under the law, particularly under the consumer affairs law and this act — they could have a wrong done to them, whether or not the estate agent is aware of their fiduciary duty.

It seems to me that under this new provision that would be difficult to detect, because the provisions in the current act, which allow for some oversight and some reporting to Consumer Affairs Victoria, will be replaced with the new provisions. It will be difficult to detect that such a wrong has been done, and then it will be for that vulnerable person to whom the wrong has been done to know they have some rights or some way of redressing the situation, be it at the Victorian Civil and Administrative Tribunal or through the other courts, and then be able to take that action. That is our main concern with the bill: that new section 55 is much weaker than the current section 55 of the act.

Sitting suspended 6.29 p.m. until 8.02 p.m.

Ms PENNICUIK — As I mentioned before the dinner break, new sections 55 and 55A prohibit agents from obtaining a beneficial interest in a number of circumstances. The obtaining of a beneficial interest is defined broadly in new subsection 55(3). The previous government also weakened the provision — and I said so in the debate on that particular bill — by removing the requirement for a real estate agent to obtain consent from the director of Consumer Affairs Victoria before gaining an interest, either by purchase or in some other way, in a property for which the agent was acting on behalf of the vendor. The previous government weakened the requirement by providing that permission or approval must be given by a third party, usually a lawyer or an accountant.

Under this bill estate agents will be able to obtain a beneficial interest where the agent has the vendor's written acknowledgement and consent in an approved form. I have obtained a copy of the current form. If we are going to be using a similar form, I do not think that will be enough to alert a vulnerable vendor to the fact

that they may have been taken advantage of. Under this bill estate agents will be able to obtain a beneficial interest where the agent has the vendor's acknowledgement and consent on that form, where the agent has acted fairly and honestly, where the agent does not receive any commission or other remuneration and where the agent obtains the interest at fair market value. If the agent does not fulfil the section exemption requirements, any commission paid must be refunded to the vendor. I notice that is different from the New South Wales act, which does not even require that.

I am concerned about this provision because, while I understand the government's argument that it is laying out the fiduciary duties, having the extra requirement of the agent having to notify the director of Consumer Affairs Victoria within seven days that such a transaction has taken place and seek the director's consent, which was the requirement under the previous act, would mean that at least there would be a record of how many of those transactions have taken place. In the course of the debate in the other chamber it came to light that there had been some 42 complaints.

I am concerned that under the new provisions, firstly, as I explained earlier, it is going to be difficult to detect whether this has happened, and secondly, there will be difficulties for vulnerable people in making complaints. Some of these people may slip through the net, and I am concerned that it is not going to prevent the behaviour of unscrupulous agents. It is relying on redress after the fact. I would have thought that part of the role of Consumer Affairs Victoria and consumer affairs law is to prevent, as much as possible, these things from happening. When we get into the committee stage of this bill I will be questioning the minister about these provisions and seeking assurances that Consumer Affairs Victoria will at least be keeping an eye on these provisions to see whether they are working in accordance with Minister O'Brien's stated objectives.

I note that Mr Pakula said the Real Estate Institute of Victoria had encouraged its members not to obtain in any way a beneficial interest in any property that they are dealing with and that it pushed for those changes. I am not sure whether the government formally consulted with bodies such as the Consumer Action Law Centre, which we consulted. This is the body that looks after people who have been caught up in situations involving the various laws that we have been looking at here today and have found themselves on the receiving end of either unfair and unscrupulous or deceitful conduct by an agent or a business. This is the group to which some of those consumers will go for help, sometimes in

dealing with Consumer Affairs Victoria and at other times by taking action in the courts.

The Consumer Action Law Centre told us that it is not supportive of the proposed amendments and believes that they amount to a diminution of consumer protection. It believes, as do I, that there should be a third-party overview mechanism for situations involving estate agents purchasing properties that they have been commissioned to sell. Although we acknowledge that most real estate agents act honestly, there is a significant potential for harm, particularly to vulnerable consumers, which is what Mr Pakula and I have been talking about.

The potential for harm is exacerbated by the fact that real estate transactions generally involve a great power imbalance and a significant sum of money. That puts a vulnerable consumer in an even more vulnerable position, because the estate agent knows their way around the law and practices. Someone who is in a vulnerable position and is selling their property for the first time may not necessarily know their rights and the remedies that are available to them.

We have similar concerns to those of the opposition in relation to this bill. We will not be opposing the bill, but during the committee stage I will be wanting some assurances about this issue from the minister. We are also prepared to support the opposition's proposed amendments circulated by Mr Pakula.

Mr ELSBURY (Western Metropolitan) — I am pleased to be able to stand in the chamber tonight and speak on the Consumer Acts Amendment Bill 2011.

This bill amends a range of consumer acts and other legislation to improve their operation in real-world circumstances. The bill redrafts section 55 of the Estate Agents Act 1980. It clarifies delegations to owners corporation committees, amends the Conveyancers Act 2006, redrafts section 144 of the Fair Trading Act 1999, makes amendments to the new uncollected goods provisions, defers or removes default commencement dates of several acts, establishes transitional provisions and repeals the Companies (Administration) Act 1981, amends legislation to reflect the National Institute of Accountants change of name to the Institute of Public Accountants and amends the Anglican Church of Australia Constitution Act 1960. It is a rather comprehensive bill — —

Mr Finn — It pretty much covers everything!

Mr ELSBURY — Pretty much, Mr Finn.

The bill has benefited from broad consultation with key stakeholder groups where the legislation interacts with their membership bases, including Owners Corporations Victoria, the Law Institute of Victoria, the Real Estate Institute of Victoria, the Victorian Automobile Chamber of Commerce, the Australian Institute of Conveyancers, the Legal Practitioners Liability Committee and the Business Licensing Authority Victoria.

The redrafting of section 55 of the Estate Agents Act 1980 will restrict a real estate agent or agent's representative from obtaining a beneficial interest in a property they have been commissioned to sell. The current laws simply do not work. The system requires a legal practitioner, conveyancer or accountant to consent to a transaction, but bringing a third party into a transaction allows an estate agent to deflect responsibility and abdicate their professional duties to the vendor. Real estate agents do not like it, the legal profession does not like it and the Consumer Action Law Centre does not like it as it currently stands.

The amendments bring Victoria into line with Queensland and New South Wales and also harmonise the conduct of real estate agents as part of the transition towards the national occupational licensing system. They also recognise stakeholder concerns about the operation of the current system. An agent or agent's representative will be required to gain the vendor's written acknowledgement that the agent or representative they have engaged to sell a property is in fact interested in purchasing that property themselves. The agent or representative must act fairly and honestly in relation to the transaction. No commission or other reward is payable in respect of the transaction. The vendor is left in as good a position as they would have been had the property been sold on the open market.

The amendment to section 55 of the Estate Agents Act 1980 will also make it an offence for an estate agent to obtain a beneficial interest in a property they have been commissioned to sell. A penalty of up to 240 penalty units, which may be a payment of \$29 313, two years in jail, or both, will apply. This is a significant increase on the current penalty of 120 penalty units, or \$14 656, which has been inadequate to deter some estate agents from breaking the law.

A house amendment to the legislation agreed to in the Legislative Assembly provided a definition of an associate in section 55 of the Estate Agents Act 1980. This involved line 31 on page 6 of the bill, in clause 4, having the words 'or agent's representative' included after the word 'agent'. In clause 4, at lines 32 and 33 of page 6 of the bill, paragraph (c) was omitted and a new

paragraph (c) was incorporated to encompass direct family members such as a spouse, domestic partner or child. Representatives from REIV have stated that these amendments are an improvement on the current law.

The proposed amendment suggested by Mr Pakula is not necessary. Section 144 of the Fair Trading Act 1999 imputes liability for various offences in that act to employers. It is applied to the Estate Agents Act 1980 by virtue of section 93A(1) of that act.

Changes to the Owners Corporations Act 2006 will give owners corporations the right to decide on proxy holders for committee members and restrict the voting rights of certain proxy holders for committee members. It will clarify the standing need to have disputes heard by the Victorian Civil and Administrative Tribunal. VCAT will retain the power to dismiss frivolous cases. Some confusion is experienced as a result of the current legislation as some owners corporations believe that an owners corporation must formally delegate a power to a committee or manager, whilst others think it is automatic.

Many owners corporations are operated by volunteers, and this bill seeks to help them by clarifying that an owners corporation may, by resolution at a general meeting or using an instrument, delegate powers. It will also be made clear that the delegated power may not in turn be delegated. Proposed section 11(1) states that an owners corporation is to be managed by or under the direction of lot owners. This aims to ensure that ultimate responsibility for the management of an owners corporation rests with lot owners, as the current act is vague about responsibility. Lot owners can generally act in a self-interested manner; however, section 5 of the act provides that the owners corporation itself must act honestly and in good faith, while exercising due care and diligence.

Amendments to the Fair Trading Act 1999 are necessary due to several inconsistencies which, for the purpose of this speech, are too lengthy to go into in detail. However, the poor legislation introduced by the previous Labor government has caused difficulties for Consumer Affairs Victoria in enforcing Australian Consumer Law. VCAT has also raised concerns that section 160F of the Fair Trading Act 1999 through interpretation only allows it to hear cases under section 236 of Australian Consumer Law thus limiting the jurisdiction of VCAT to be involved in matters relating to Australian Consumer Law.

This bill also seeks to remove an existing restriction on conveyancers in undertaking work to sell a business. In particular this restriction is contained in section 4 of the

Conveyancers Act 2006. Conveyancers will need to prove their competence before the Business Licensing Authority will amend their licence conditions ensuring the conveyancers engaging in business sales are qualified. This will allow greater competition in the marketplace by utilising conveyancers in a much broader context.

The next section we seek to amend is due to the federal Labor government failing to implement its personal property securities register. The register was supposed to be in place by April 2011, but a revised date of October 2011 has now been established, although it may be delayed again. Perhaps it is the result of an influx within the federal government's ranks of former Victorian advisers and staff from the previous government which allows this situation to drag on, but in any case there is little confidence that the federal Labor government will be able to hold up its end on the implementation of the register in this time frame. As the personal property securities register has scope to be postponed by the federal government until the February 2012 deadline, this bill removes the default commencement date of the amending Victorian legislation, currently set for 1 December 2011, allowing it to be introduced whenever the federal government can get its act together.

Instead of sitting on its hands, the Victorian coalition government is seeking to implement a transitional arrangement for new uncollected goods laws that will allow people disposing of motor vehicles to use vehicle information packages provided by VicRoads. The current legislation requires people to rely on information from the frequently delayed personal property securities register — and who knows when that will start.

In addition, the value limits for motor vehicles will be changed. The Victorian Automobile Chamber of Commerce has advised that the current \$200 threshold is too low, especially in a market where scrap vehicle prices have reached \$500. VACC also raised the prohibitive costs of auctioning of vehicles where the owner has been given notice that the item is now considered uncollected goods. A private sale will in many instances ensure that a good price is achieved. The bill proposes to allow such sales to occur privately.

This bill also defers the default commencement date of the Associations Incorporation Amendment Act 2009 and the Associations Incorporation Amendment Act 2010 from 1 December 2011 to 1 July 2012, allowing sufficient time for the associations incorporation regulations to be remade.

This bill continues by repealing the Companies (Administration) Act 1981 as the role of commissioner is largely redundant. The bill provides that the residual functions of this role go into that of the director of Consumer Affairs Victoria. This bill undertakes some housekeeping, with the name change of the National Institute of Accountants to the Institute of Public Accountants, which was recognised earlier this year.

Now they say you should never talk about sex, religion or politics in the workplace. I am about to cast that cautionary note to one side.

Mr Finn — Alert the media!

Mr ELSBURY — Thank you, Mr Finn.

Section 61(2) of the Sex Work Act 1994 makes it an offence for a licensee or approved manager to fail to produce their identity card when asked to produce it. However, the former state Labor government then forgot to add a penalty for such an infringement. It certainly remembers putting in an infringement for not having a ticket on public transport. However, if you are an owner or manager of a brothel, you would get a stern talking to, but that is the maximum discomfort that would be inflicted upon you for not being able to prove that you have the credentials for management duties within the sex industry. An amendment to section 73(2)(c) of the Consumer Affairs Act 1972 rectifies this bizarre lack of diligence.

Finally, amendments to the Anglican Church of Australia Constitution Act 1960 are in response to the repeal of the Companies Administration Act 1981 and remove the requirement that certain documents be certified.

This bill is wide ranging in scope, and it seeks to encompass and deliver positive outcomes on the areas I have touched on over the past few minutes. This bill puts things right across myriad laws and regulations which will make life just that much easier for business dealings and working within our community. I support this bill for the good work it will do.

Mr ELASMAR (Northern Metropolitan) — In speaking to this bill, I am mindful of the fact that the purchase or the sale of a home is usually the largest financial transaction in the lifetime of most people. In recent years the real estate industry has come under fire on numerous occasions when dishonest real estate brokers have availed themselves of properties at bargain basement prices. They have deceived unfortunate sellers who have unwittingly found out too late that the professional person whom they had trusted

with their largest asset has in fact, in nearly all cases, done the wrong thing.

A real estate agent's job is to find the very best price for any property placed in their professional care. All too often we see on television or read in the newspapers that unfortunate property owners have been ripped off. This bill seeks to address this disgraceful practice by putting in place amendments to the Estate Agents Act 1980 that will protect sellers against estate agents' conflict-of-interest sales. The bill's approach will focus on ensuring equitable results for vendors.

Essentially the proposed changes prohibit estate agents or agents' representatives from over profiting from their clients' properties. Vendors are entitled to be given the full picture by their agents. It is time for probity to be the cornerstone of this industry. As my colleague outlined, we are not opposed to the bill, but at the same time I support the proposed amendments which have already been circulated and which will be moved by Mr Pakula.

Mrs COOTE (Southern Metropolitan) — It gives me great pleasure to speak on the Consumer Acts Amendment Bill 2011. I wish to make a number of comments on matters raised in the contributions made by the opposition parties and to say at this juncture that I am pleased to note that neither the Labor Party nor the Greens are opposing this bill. I commend the contributions that have been made in this chamber and the detail my colleague Mr Elsbury has just gone through in enunciating the changes that will be implemented and the effects of this bill. Anyone reading his contribution will see a very comprehensive analysis.

This bill amends a range of consumer and other acts to improve their operations. Specifically it redrafts section 55 of the Estate Agents Act 1980, clarifies delegations to owners corporations committees in the Owners Corporations Act 2006, amends the Conveyancers Act 2006, the Fair Trading Act 1999 and the commonwealth Competition and Consumer Act 2010 and repeals the Companies Administration Act 1981, with appropriate saving and transitional provisions. It also deals with another couple of elements. I encourage people to have a look at the contribution made by Mr Elsbury.

I want to talk about the amendments that Mr Pakula intends to move this evening. I have to say I feel some sympathy for Mr Pakula, because he is a shadow minister with learners plates on. His was a brave contribution, and to think about bringing in these amendments is a brave start. He prosecuted his case

well, but I have to dispute what he had to say. First of all, as he said, amendments were moved and passed in the other house. It is important to understand that the amendments made in the Assembly in relation to section 55 of the Estate Agents Act 1980 were made after consultation with the Real Estate Institute of Victoria. For Mr Pakula to come in here at 1 minute to midnight with other amendments, suggesting REIV does not believe the first amendments were comprehensive enough, demonstrates a lack of understanding of the timing and detail of bills. These matters are time sensitive, and it is inappropriate to bring in other amendments at this very late stage.

In her contribution to the debate Ms Pennicuik said we must ensure that vulnerable persons are not exploited. This bill goes a long way to addressing a number of those issues. I do not think any of us wants to see vulnerable people in our community exploited in any way at all. It is imperative for us as legislators to ensure that we make proper laws and regulations in this place that protect the most vulnerable people.

Mr Pakula said one of the problems he has with new section 55 of the Estate Agents Act 1980 is that it is watered down — I think that was the term which was also used by Ms D'Ambrosio, the member for Mill Park in the other place. Then he said, if I recall correctly, that the consumer protection elements are watered down and that rogue agents could potentially take advantage of various vulnerable people, including elderly Victorians. I point out to Mr Pakula, and indeed the chamber, that in fact Consumer Affairs Victoria has a very good system of information. It has a series of brochures in a number of languages. It has a helpline and a website. There is an opportunity for anyone who intends to sell a house or is uncertain about how to go about appointing a real estate agent to get a significant amount of help and advice. Quite frankly, we cannot hold everyone's hand all the time, and it is important to understand that the frameworks are out there in the public domain, open, transparent and easily accessible, so people can get the right advice to make the decisions that are appropriate for them.

The amendments made in the Assembly to section 55 dealt adequately with that matter. The major point is that the amendments proposed to be moved here are not supported by the Liberal Party because they will delay the passage of this bill — and the passage of this bill has become time sensitive — and because, should this bill pass, the amendments that Mr Pakula has circulated this evening will be redundant. The opposition parties — the Greens and the Labor Party — have both said they will not oppose this bill. If Mr Pakula had had a closer look at and understood the technicalities of this

matter, he would have known the amendments he proposes will be redundant when the bill goes through the chamber, which will probably be within the next half hour or so.

I do not want to go into further detail because I think the detail has been covered. The bill fixes anomalies which previously existed and which have been clearly enunciated this evening. To pick up on what Ms Pennicuik said earlier, the government needs to be constantly vigilant to ensure that vulnerable people are not exploited. I can assure Ms Pennicuik, members of this chamber and Victorians at large that Minister O'Brien and Consumer Affairs Victoria have every intention of making quite certain that vulnerable Victorians in this state are protected at all times from the types of rogues that have been mentioned this evening and the pitfalls that are in the estate agents legislation as it currently exists.

As I said, this bill fixes a number of anomalies. I commend it to the house and thank the members who have contributed to the debate so far.

Motion agreed to.

Read second time.

Committed.

Committee

Clause 1

Ms PENNICUIK (Southern Metropolitan) — Mr Wakeling, the member for Ferntree Gully in the Legislative Assembly, said the government undertook comprehensive consultation in the development of this bill. Is Minister Guy able to tell us who was consulted?

Hon. M. J. GUY (Minister for Planning) — My understanding is that during Ms Pennicuik's and my deep absorption in other members' contributions on this bill Mr Elsbury actually read them all out. Rather than trying to collate a list and read it all out again, I will get his list for Ms Pennicuik and I will read that out. I will come back to this if Ms Pennicuik does not mind.

Ms PENNICUIK (Southern Metropolitan) — Just briefly, we had some consultation with the Consumer Action Law Centre, and that organisation raised concerns about the changes to section 55 of the Estate Agents Act 1980 in particular. I would like to know whether the concerns raised by the Consumer Action Law Centre were taken on board in terms of the changes to the provisions of the bill and the removal of Consumer Affairs Victoria from the equation.

Hon. M. J. GUY (Minister for Planning) — I understand the list of those who were consulted was quite extensive. In terms of what was taken on board from specific parties, I cannot advise at this point. Again, I will get a copy of the list and then I will give Ms Pennicuik a proper response.

Clause agreed to; clauses 2 and 3 agreed to.

Clause 4

Hon. M. P. PAKULA (Western Metropolitan) — I move:

1. Clause 4, page 6, lines 30 and 31, after “estate agent” insert “, employee of the estate agent”.

The DEPUTY PRESIDENT — Order! I advise the committee that it is my view that amendment 2 standing in the name of Mr Pakula is tested by his amendment 1.

Hon. M. P. PAKULA — I went substantively to the points of these two amendments during my speech in the second-reading debate, so I will not repeat all of that. I will use my time in the committee stage to deal with some of the matters raised by the former deputy leader of the Liberal Party — timing is a nuisance — who in her contribution described me as, I think, a shadow minister with training wheels on. I hope I never get them off. I hope I am only a shadow minister for another 3½ years.

Mrs Coote raised a couple of matters in her contribution that I want to address. She also raised a couple of matters which I will question the minister on. Mrs Coote in her contribution said the amendments moved by Mr O’Brien, the Minister for Consumer Affairs, were in fact passed by the Assembly. I said that myself during my second-reading contribution. I was aware of that. She said the amendments were discussed with the Real Estate Institute of Victoria before they were moved by the minister. That may well be the case, but if Mrs Coote was suggesting that REIV was completely happy with the amendments that were passed in the other place, that, according to my information, is in fact not correct. REIV does not believe the amendments that were passed in the other place go far enough, and is in fact very supportive of the amendments that are being moved by the opposition today. The reason REIV is very supportive is that the amendments moved by the opposition provide greater clarity for estate agents, their agents and their staff about what is and is not acceptable behaviour.

The other point Mrs Coote raised was that this has been dropped in the Parliament at 1 minute to midnight — I

think that was what she said. The fact is that this is the first sitting day since the break and the minister’s office was advised of the opposition amendments this morning. It is not as if this is a huge suite of complex amendments. It is the addition of five words to two clauses, and the import of them is clear and would not in the normal course of events be controversial. That is my response to some of her propositions.

I will not address Mrs Coote’s other two propositions other than to ask the minister questions about them. One of her contentions was that they would be redundant upon the passage of the legislation, and the other was that the bill is time sensitive and that if amendments are passed, some sort of travesty will befall the bill.

That is the conclusion of my contribution on the amendments other than to say that we hope, despite the contributions from members of the government, that the amendments will find the support of the house. I am flagging that I will ask the minister about those two specific issues that I have raised.

Ms PENNICUIK (Southern Metropolitan) — I have already indicated that I am happy to support the amendments moved by Mr Pakula. They certainly will not do any harm, and they will capture other persons who could obtain a beneficial interest under the act. That is a good thing. If we are trying to prevent vulnerable people from being exploited, then we need to include employees of real estate agents.

Clause 4 basically rewrites section 55 of the Estate Agents Act 1980. Why has the government removed the small administrative requirement for these transactions to be reported to Consumer Affairs Victoria within seven days? It is a fairly minimal regulatory activity, but it would ensure that there is a record of these transactions so that they can be monitored.

The DEPUTY PRESIDENT — Order! I believe the minister also has responses to some other matters that were raised earlier, so I will allow him to respond to them all together.

Hon. M. J. GUY (Minister for Planning) — On the first question, I am advised that it is to harmonise with other jurisdictions and legislation. I said I would get back to Ms Pennicuik in relation to areas of consultation. I am advised that consultation took place with Owners Corporations Victoria, the Law Institute of Victoria, the Real Estate Institute of Victoria, the Victorian Automobile Chamber of Commerce, the Australian Institute of Conveyancers, the Legal

Practitioners Liability Committee and the Business Licensing Authority. We received feedback from them. We wrote to the Consumer Action Law Centre twice, but we had no reply.

In response to Ms Pennicuik's concerns around the removal of the director of consumer affairs, it was actually done by the previous government.

Ms PENNICUIK (Southern Metropolitan) — While I want to pursue that question, I note for the record that the Greens did not support the removal of the director of consumer affairs by the previous government. I am asking the minister about the removal of the requirement to report transactions to Consumer Affairs Victoria because I am concerned about how we record transactions whereby an agent purchases a vendor's property, for example. Under the bill they have to show that they have acted fairly and honestly — which I would have thought is a statement of the obvious — that they have filled out the form and that they have complied with the other two requirements. How will Consumer Affairs Victoria, or anybody else, be able to keep a record of how many of these transactions are entered into annually?

Hon. M. J. GUY (Minister for Planning) — The initial point is that an estate agent who has acted dishonestly is obviously not likely to come to Consumer Affairs Victoria, and that is why that requirement was not factored in.

Ms PENNICUIK (Southern Metropolitan) — So what we are moving towards is therefore a complaints-based system, as I outlined earlier?

Hon. M. J. GUY (Minister for Planning) — That is right.

Ms PENNICUIK (Southern Metropolitan) — Are complaints that go to Consumer Affairs Victoria — or anywhere else, but particularly to Consumer Affairs Victoria — going to be recorded and reported on annually?

Hon. M. J. GUY (Minister for Planning) — Yes.

Hon. M. P. PAKULA (Western Metropolitan) — In the context of the contributions made by both Mr Elsbury and Mrs Coote, who asserted that once the bill is passed the amendments the opposition is moving would in effect be rendered redundant, I ask the minister to expand on and explain that.

Hon. M. J. GUY (Minister for Planning) — Section 144 of the Fair Trading Act 1999, as amended,

will make the director liable for the actions of their staff.

Hon. M. P. PAKULA (Western Metropolitan) — Is the minister then saying that the effect of the provision of the Fair Trading Act 1999 to which he refers means that section 55 will be applied as if it applied to any staff member of the agency — in other words, they are in effect covered by section 55 in any case, and any inappropriate action by them would be covered by the section?

Hon. M. J. GUY (Minister for Planning) — I am advised that the bill proposes to amend section 144 to ensure that officers, employees and agents of an employer are all placed on the same footing in a manner similar to the commonwealth legislation. It will have the same effect of capturing agents, relatives and employees of estate agents where they are acting on behalf of the estate agent, and it will make the proposed amendment unnecessary.

Hon. M. P. PAKULA (Western Metropolitan) — Rather than go round and round the mulberry bush on this point, let me ask one other question of the minister. Mrs Coote, and I think I recall Mr Elsbury as well, made the point that one of the reasons the government could not support the amendment was that the bill was time critical. Could the minister explain to the house how and why the bill is time critical and when the bill would need to be passed by both chambers in order for it to fulfil whatever objectives the government has for it?

Hon. M. J. GUY (Minister for Planning) — I am advised that the Consumer Affairs Legislation Amendment (Reform) Act 2010 introduced a new uncollected goods framework, and the default commencement of that date is 1 September 2011. The provisions depend on the commonwealth personal property securities register being in operation. That was to have occurred in April this year; however, the commonwealth delayed its introduction until at least October this year. If the provision commenced operation without the personal property securities register being in operation, people wanting to dispose of high-value motor vehicles will not be able to obtain the necessary documentation to do so, and as such they will not be able to comply with requirements under the legislation. It could see small businesses such as tow-truck operators and smash repairers sued for conversion of the goods, and that is the reason the government sees this bill as time critical.

Hon. M. P. PAKULA (Western Metropolitan) — Finally, why is it not practicable for the bill to be

amended in this place today and to pass in an amended form in the other place by the end of this sitting week?

Hon. M. J. GUY (Minister for Planning) — It is not really my purview to comment on the business of the Legislative Assembly and whether or not that could be factored in. Suffice to say, as I have said before, this was to have occurred by April 2011, but the commonwealth delayed its introduction until October this year. To make sure that the system commences on time, we would like to have this bill presented and passed by this house of the Parliament this week.

Ms PENNICUIK (Southern Metropolitan) — Returning to my major concern, which is that vendors are protected, if I take what the government has said with regard to the object of changes to the Estate Agents Act 1980, under clause 4 presumably REIV will ensure that agents are made aware of the new process. I am wondering what awareness activities Consumer Affairs Victoria (CAV) may undertake to ensure that vendors understand what is happening and how they can seek help?

Hon. M. J. GUY (Minister for Planning) — We are about to commence a campaign with CAV directed at estate agents. That campaign will be fairly comprehensive and will bring forward an education campaign to match this response.

Ms PENNICUIK (Southern Metropolitan) — Finally, on that issue will CAV assist vendors to understand the new process — for example, by providing over the phone advice and, importantly, something like issuing fact sheets about the new provisions that agents have to give vendors, along with a written authority form that is in the new provisions under section 55?

Hon. M. J. GUY (Minister for Planning) — The answer is yes.

The DEPUTY PRESIDENT — Order! I regard Mr Pakula's proposed amendment 1 to be a test for his amendment 2.

Committee divided on amendment:

Ayes, 18

Barber, Mr	Pakula, Mr
Broad, Ms	Pennicuik, Ms
Eideh, Mr	Pulford, Ms
Elasmar, Mr	Scheffer, Mr (<i>Teller</i>)
Hartland, Ms	Somyurek, Mr
Jennings, Mr	Tarlamis, Mr
Leane, Mr	Tee, Mr
Lenders, Mr	Tierney, Ms
Mikakos, Ms (<i>Teller</i>)	Viney, Mr

Noes, 20

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

Pair

Darveniza, Ms	Kronberg, Mrs
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Amendment negatived.

Clause agreed to; clauses 5 to 27 agreed to.

Clause 28

Ms PENNICUIK (Southern Metropolitan) — I ask the minister: when will the review of the Associations Incorporation Act 1981, including reconsideration of the model rules for incorporated associations, be conducted as it was flagged in the minister's second-reading speech?

Hon. M. J. GUY (Minister for Planning) — I am advised that the review will be concluded later this year.

Clause agreed to; clauses 29 to 40 agreed to.

Reported to house without amendment.

Report adopted.

Third reading

Hon. M. J. GUY (Minister for Planning) — I move:

That the bill be now read a third time.

In doing so, I thank all members for their contribution.

Motion agreed to.

Read third time.

**TRANSPORT LEGISLATION
AMENDMENT (PORT OF HASTINGS
DEVELOPMENT AUTHORITY) BILL 2011**

Committed.

Committee

The DEPUTY PRESIDENT — Order! My understanding is that there are no amendments before the committee but that there may be some questions.

Clause 1

Mr TEE (Eastern Metropolitan) — My question goes to the time frame in terms of the delivery of the bill. The second-reading speech talks about development of the port of Hastings within 10 to 13 years, yet on 27 December 2010 the *Age* reported Dr Naphthine, the Minister for Ports in the Assembly, as saying that a container port at Hastings within 8 to 10 years was not only possible ‘but necessary’. I want to get a sense of the government’s thinking around the delivery of the port of Hastings. The reference in the second-reading speech is:

The government is acting now to ensure that a container port is developed at Hastings within the next 10 to 13 years.

My question is: which one is it; has there been a blow-out; and if so, why?

Hon. M. J. GUY (Minister for Planning) — If we are going to start on the whole language of blow-outs and all the rest of it, I guess the answers will be short. What is contained in the second-reading speech is what the government is working towards.

Ms PENNICUIK (Southern Metropolitan) — I would like the minister to explain a little more than he does in the second-reading speech, which is very brief, about the difference between the Port of Hastings Development Authority, as it has now become, and the Port of Hastings Corporation, as it was before, and how that is different from the Port of Melbourne Corporation.

Hon. M. J. GUY (Minister for Planning) — I missed the first part of Ms Pennicuik’s question. She asked me what was the difference between the Port of Melbourne Corporation and the Port of Hastings Corporation as opposed to —

Ms PENNICUIK (Southern Metropolitan) — Previously the Port of Hastings Corporation was a stand-alone entity. It was then incorporated into the Port of Melbourne Corporation with the previous government’s bill. Now it is being taken out of the Port of Melbourne Corporation but is not being called the Port of Hastings Corporation again; it is being called the Port of Hastings Development Authority. I want to know the reason for that name change, over and above what the minister said in the second-reading speech, which was that it would ‘complement the Port of Melbourne Corporation in handling the massive growth in trade in Victoria’, in terms of calling it a development authority rather than a port corporation, which the Port of Melbourne Corporation is and the Port of Hastings Corporation was.

Hon. M. J. GUY (Minister for Planning) — Apart from the language, as opposed to actuality, the development corporation is what the name suggests — that is, the port will be developed, as Dr Naphthine said, into a container handling facility within a period of years, as has been outlined. This is simply a naming purpose, as opposed to there being any kind of structural change. The bill will establish the separate port entity, as is the obvious intention of the government. As I said, the name is simply around the intention of the government to ensure that it is seen to be what it is, and that is a development corporation handling the growth of a new container port for Melbourne.

Ms PENNICUIK (Southern Metropolitan) — I do not want to labour the point too much, but it is not the port of Hastings development corporation; it is the Port of Hastings Development Authority, which is different from a corporation and which goes to the heart of my question. Perhaps someone who has appeared in the box over there might be able to help the minister.

Hon. M. J. GUY (Minister for Planning) — There is time required for the establishment of a corporation versus an authority. This legislation will allow the establishment of an authority rather promptly and lead to the government’s objectives of realising the port of Hastings as a container port possibly earlier than anticipated by the government.

Ms PENNICUIK (Southern Metropolitan) — The minister’s second-reading speech says:

By 2035 the Port of Melbourne Corporation forecasts that the port will be handling nearly 8 million 20-foot equivalent units of containers — nearly four times what it is handling today.

The minister would be aware that I have always questioned those figures. I wonder how it is that in just over 20 years we would be expecting the port of Melbourne to be handling nearly four times the volume of cargo it is handling today. Are we expecting four times more exports, four times more imports or four times more people to be living in Melbourne? What are those figures based on? I have tried to get the basis of them from the Port of Melbourne Corporation. I think it goes to the crux of this whole issue.

Hon. M. J. GUY (Minister for Planning) — Obviously basic figures in relation to the growth of the port over the last number of years, the expected growth of the port over a number of years and growth in the use of the port over the next few years have been put together by the Port of Melbourne Corporation. It believes that those aims will be realised, and I

understand those figures are growing at the rates that have been forecast.

Mr TEE (Eastern Metropolitan) — My question is complementary to Ms Pennicuik's in a sense. Coming back to my earlier question about the 8 to 10 versus the 10 to 13-year horizon I suppose the question is: has the government's thinking changed in terms of the urgency of getting the port developed? Has the data changed? What is it that has brought about this change in thinking in terms of the timing from December through until August of this year?

Hon. M. J. GUY (Minister for Planning) — I am not sure that there was any change in thinking that had been outlined. I think that was a point advanced by Mr Tee.

Mr TEE (Eastern Metropolitan) — Just to be clear, Dr Napthine was quoted in the *Age* newspaper of 27 December as saying that it was a necessity — that was the word — to have the port developed in 8 to 10 years, and the second-reading speech talks about 10 to 13 years. Has the necessity to have the port developed in 8 to 10 years changed, and if so, why?

Hon. M. J. GUY (Minister for Planning) — It is still a time frame of 10 years. That has been listed in both Dr Napthine's comments and the second-reading speech.

Mr TEE (Eastern Metropolitan) — Is the minister suggesting that the *Age* incorrectly quoted Dr Napthine when it reported him as saying that 8 to 10 years was not only possible but necessary?

Mr Finn interjected.

Mr TEE — That is why I am asking.

Hon. M. J. GUY (Minister for Planning) — I have no intention of engaging in this kind of discussion. We have put our time frames out there, and if Mr Tee wants to interpret them in any way he can, it is up to him.

Mr TEE (Eastern Metropolitan) — The point I am making is that I have not put out any time frames and I am not interpreting the minister's time frames; I am putting to him a quote from the *Age* that has been attributed to the relevant minister and contrasting that with what has been said in the second-reading speech. My question is: is one of those wrong? Has the thinking changed? Has the priority changed? What has brought it about? It is not something that I am putting out there; it is out there.

Hon. M. J. GUY (Minister for Planning) — I think I have answered this question, Deputy President.

Ms PENNICUIK (Southern Metropolitan) — I was saying that in the second-reading speech the Port of Melbourne Corporation forecasts that there will be nearly 8 million 20-foot equivalent units of containers. We are talking just about containers, and we are saying that in 20 years we will have nearly four times as many containers going through the port of Melbourne as we do today, which I have always queried. I am wondering what will be in those containers. What areas of industry, in relation to export and import, are actually going to produce 8 million containers as opposed to 2.2 million, which is what goes through today?

Hon. M. J. GUY (Minister for Planning) — Plasma TVs, consumer goods and a range of other import items that this country is obviously spending money on — that is, overseas-made products that come into this country. They are some of the greatest numbers of imports into this economy, apart from motor vehicles, and they will be coming in in containers.

Ms PENNICUIK (Southern Metropolitan) — Is the minister suggesting that this is growth in imports rather than exports? Is that what the four times as many containers is about?

Hon. M. J. GUY (Minister for Planning) — I think it is a range of both.

Ms PENNICUIK (Southern Metropolitan) — I would like to get to the detail of it, because we are talking here about a port development authority to take some of this load — that is the idea. Later in the committee stage I will talk about an area that is Ramsar wetland and a UNESCO biosphere region. I think the people of Victoria want to know where these projections come from. What industries have been projected to grow this much? What is the basis for these figures, and can they be produced?

Hon. M. J. GUY (Minister for Planning) — The Port of Melbourne Corporation's own analysis projects that that is what the port will grow by. The port analysis has been fairly solid in projecting growth over the last 10 years, and the state government agrees with the analysis the Port of Melbourne Corporation has put forward that growth in the port will continue. Therefore this government is doing all it can to ensure that Melbourne maintains its edge as Australia's leading port destination.

Mr TEE (Eastern Metropolitan) — The estimates in terms of the port throughput will have an impact in terms of traffic from the port either through to

Melbourne or elsewhere. The *Port of Hastings Land Use and Transport Strategic Study* of November 2006 estimated that there would be up to 8000 truck trips per day generated, which could be some 150 to 400 trucks per hour in each direction. What planning has been done to accommodate that growth in trucks?

Hon. M. J. GUY (Minister for Planning) — Which port are you referring to, Mr Tee?

Mr Tee — The port of Hastings.

Hon. M. J. GUY — If this bill passes through Parliament, this authority will go through all of that planning work to ascertain what work will be necessary, what planning work will be necessary and what infrastructure work will be necessary, and it will report back to the government with that information.

Mr TEE (Eastern Metropolitan) — That is interesting, but I suppose the issue is — and I am not being facetious — that the impact of that number of trucks and how that number of trucks will be managed, whether it is by rail or by road, is really a matter for government rather than something the port of Hastings could undertake. The planning aspect of it would need to be something the government does.

Hon. M. J. GUY (Minister for Planning) — The port of Hastings will obviously work with the state government in relation to the infrastructure requirements as necessary. As I said, the development authority will work with the government to ensure that the infrastructure needs are identified before any material is transported.

Mr TEE (Eastern Metropolitan) — I suppose the concern is that it is a large number of trucks that is estimated will be out there. That will take some planning by both the government and the port of Hastings in terms of the infrastructure that is required. Is there any sense of this in terms of the timing? We have an end point which may be as soon as 10 years. What sort of time frame is envisaged?

Hon. M. J. GUY (Minister for Planning) — As soon as the authority is established it will begin that work with the state government.

Mr TEE (Eastern Metropolitan) — That number of trucks will have an impact on those communities. It will certainly involve new infrastructure and potentially a new railway. When will the communities out there be consulted? I am assuming they will be consulted. What is the sort of time frame that is envisaged? Is the minister envisaging that the port of Hastings will come

up with a document in 6 or 12 months and that consultation with the community will start then?

I suppose there is a degree of anxiety because we are talking about 8000 trucks and potentially about a 10-year time frame. If there are going to be trucks on existing roads, that is going to be a problem. If there are going to be new roads, they will need to be built. There might be an issue in terms of existing homes perhaps needing to be demolished. If it is going to be part rail, part road, there will be issues in terms of where they will be located and the impact that will have. I am seeking clarity for those communities out there in terms of the timing so they can prepare themselves, bearing in mind we have an end point which is in 10 years and there is a considerable amount of planning which will need to occur.

Hon. M. J. GUY (Minister for Planning) — I think I just articulated that once the authority is established it will have a mandate to begin that work with the state government, and then time frames can be put in place in relation to the government's stated objective of bringing on the port in around 10 years or having that in place in around 10 years. Therefore the port authority will be able to commence that work once it has been established with the government, and those time frames and the consultation Mr Tee has mentioned, which is important, will be able to be advanced.

Mr LENDERS (Southern Metropolitan) — My follow-up question is to the minister on that particular issue. If I can recap, what he said to Mr Tee was that the port of Hastings authority and the state government will then start this dialogue and community consultation.

In my electorate at the moment at Grange Road, Carnegie, for example, VicRoads has commenced a process of community consultation regarding grade separation. Forms are being sent out to residents saying the state government is going to look at a grade separation to deal with ongoing needs. My question to the minister is: if the port of Hastings and the state government have yet to determine what heavy rail is going to go down the line, what is the consultation about now when there is no plan? Why is VicRoads consulting on a grade separation on Grange Road, Carnegie, if the government has not yet determined how much rolling stock needs to come in from the port?

Hon. M. J. GUY (Minister for Planning) — I am not sure the matters are actually related, and I do not know the details of the Grange Road, Carnegie, grade separation. The issue in relation to the port of Hastings, and material in relation to infrastructure of the port of

Hastings, is obviously going to be a discussion point between the authority and the government. This government has a program of level crossing elimination, as Mr Lenders would be aware. Whether that is being conducted in isolation or with broader strategic work behind it, it is obviously an issue for the Department of Transport as well. In relation to this bill and the material that is being considered for the port of Hastings, the Port of Hastings Development Authority, if it is established and passes this Parliament tonight, tomorrow or whenever, will begin a dialogue with the government around what will be required in relation to infrastructure for the effective logistic movement of port traffic.

Mr LENDERS (Southern Metropolitan) — I hear what the minister says. Yes, there was money in a state budget for feasibility studies, and one of those feasibility studies is clearly happening at the moment at Grange Road, Carnegie, where the road crosses the Dandenong line. Presumably if the port of Hastings is going to deal with the amount of container traffic that the minister has said it will, that traffic will go on either the road, the Frankston line or the Dandenong line, depending on where the infrastructure at that end of the process permits.

If there is a feasibility study by VicRoads happening now in Ms Pennicuik and my electorate asking people about it, and the government does not yet know whether those freight trains are going to be going down the Dandenong line, I put to the minister that it is an expensive cosmetic exercise to carry out an election commitment to do a feasibility study when you do not even know what rolling stock is going to go down this line. I make the point, and I do not expect an answer.

Hon. M. J. GUY (Minister for Planning) — The Labor Party may consider level crossing elimination a cosmetic exercise, but the coalition certainly does not. In fact I would say that level crossing elimination matters to Melbourne's economic advantage in terms of logistics, safety and a range of other reasons. While Mr Lenders may see it as a cosmetic exercise, I remind him that his government when in office less than nine months ago had a program to bring on the port of Hastings within a 30-year time frame which we are now bringing forward. The exact same questions would have been posed to Mr Lenders as the then state Treasurer, particularly in relation to the infrastructure that would have to be put in place for a possible upgrade of the port of Hastings. I say again that we on this side of the house do not view level crossing elimination in a flippant manner, nor do we see it as cosmetic surgery; we see it as important for Melbourne's logistic movements.

Mr LENDERS (Southern Metropolitan) — The minister invites a response on cosmetics. If he wishes to look at a program which included the many Middleborough Road to Springvale Road grade separations, he would see that Labor's proposal was real. My reference to cosmetics is simply that if you are doing a \$15 million or \$16 million feasibility study on every railway crossing and marginal seat, knowing full well that that amount of money would not even let you do a fifth of one crossing, that is what I call cosmetic; that is what I am referring to. Mr Guy's exact point about a 30-year time frame lets the Victorian transport plan, an integrated transport plan, deal with the freight movements. That plan was ditched, and then those opposite came up with an abbreviated time line, as Mr Tee is saying, with different voices of the government saying different things in different mediums. That is what I call a government on the run, that is what I call panic and that is what I call cosmetics, but I guess we are each preaching to the converted.

The DEPUTY PRESIDENT — Order! It is probably better that the minister not invite another second-reading debate by verballing, which is the word that comes to mind. I suggest that it will be better to accept the process that we have in the committee stage of people asking questions or posing issues and getting a reasonable response.

Mr TEE (Eastern Metropolitan) — I just want to come back again to what is a concern about having thousands of trucks on the road. What the minister is indicating is that the port will make an assessment in terms of what infrastructure is needed and will have a discussion with him. At the same time the port has three staff, and the government's budget cut the port's budget by 30 per cent. Is it really feasible for the port to have the resources to deliver that sort of engagement?

Hon. M. J. GUY (Minister for Planning) — I remind Mr Tee — —

Mr Tee — I don't want a reminder, I want an answer.

Honourable members interjecting.

The DEPUTY PRESIDENT — Order! I ask the minister to sit down. Has everyone finished? We were going very well. I remind the house that we are still on clause 1 of 45 clauses, and it is 25 minutes to 10. I do not have any commitments. The flat is just over the road, and I can keep going. If members want to finish at a reasonable hour tonight, they might refrain from self-indulgence.

Hon. M. J. GUY — The coalition government has money in its budget allocated to increase the resources of the to-be-established port, and it will obviously have more than the resources that Mr Tee has mentioned. I remind the member that his own party had a commitment to expand this port into a container facility.

Mr TEE (Eastern Metropolitan) — We had a \$1.3 million budget, which your government has reduced by 30 per cent. That is the reason for my asking why the minister has confidence that a port that has three staff and has had a 30 per cent cut to its budget is going to be able to deliver a plan to get 8000 trucks successfully moved to where they need to be.

The DEPUTY PRESIDENT — Order! I think Mr Tee is concerned about whether the minister heard the full question. Is the minister confident he has heard it all?

Hon. M. J. GUY (Minister for Planning) — Yes, I did. I am advised that the \$1.5 million Mr Tee referred to was in fact rolled into the Port of Melbourne Corporation's budget, but this government has provided \$2.3 million over two years to the port of Hastings to increase its resource base.

Mr TEE (Eastern Metropolitan) — I think Deloitte provided some advice that the cost of developing the port would be around \$9.4 billion. Is that the cost estimate that the government — —

Mrs Peulich interjected.

Mr TEE — Did the member have a question?

Mrs Peulich interjected.

The DEPUTY PRESIDENT — Order! Mrs Peulich! I have already advised the house that I would like a little bit of decorum and order. We are only at the beginning of proceedings of this committee stage. Has Mr Tee completed his question?

Mr TEE — Yes.

Hon. M. J. GUY (Minister for Planning) — We do not accept the finding by Deloitte.

Mr TEE (Eastern Metropolitan) — As to the cost of building the infrastructure?

Hon. M. J. GUY (Minister for Planning) — An estimate hinges on a range of design options and, as such, the government will make an estimate when it finalises design options.

Ms PENNICUIK (Southern Metropolitan) — On the issue of design options, the *Port of Hastings Land Use and Transport Strategy* — which was meant to be reviewed in five years and five years is up — had quite a lot of options with regard to rail and road corridor development. On page 5 of that strategy it states that the port should take 3.7 million containers — TEUs (20-foot equivalent units) — and, as Mr Tee has pointed out, there would be 3500, give or take a few, truck movements per day and 16 trains per day. In terms of design options, what is the status of the land use and transport strategy and the options referred to in it, or will this new development authority start from scratch in terms of what the port will look like and how freight will move to and from the port?

Hon. M. J. GUY (Minister for Planning) — The government will obviously take note of what the previous government put forward, but it will not be bound by those strategies.

Ms PENNICUIK (Southern Metropolitan) — I take up Mr Tee's other point about the size of the Port of Hastings Corporation, which has three staff — I am not sure if it has three staff, but let us say it does — and developing it to be 15 times the size it is now, which is a large undertaking. Taking into account the road and rail movements and the various options that are in the transport strategy, how is a small organisation like that going to be able to do that, given that will have ramifications, as Mr Lenders said, in terms of the Dandenong line and possibly other rail lines and in terms of the upgrading of certain roads going through many municipalities, invoking other acts of Parliament that need to be adhered to, not to mention federal acts of Parliament, including the Environment Protection and Biodiversity Conservation Act? What I am asking is: how is this going to be undertaken by the Port of Hastings Development Authority, and who else is going to be involved in such an undertaking?

Hon. M. J. GUY (Minister for Planning) — I have actually answered this question in response to a range of questions from Mr Tee. In fact I have answered it about four times. I have said that the government has allocated more than \$2 million over two years to increase the resource base for the Port of Hastings Development Authority. There is no need to ask it for the seventh time. Should the authority be established by this bill, the authority, with its new resources, will then have a clear role in engaging the state government. We will obviously do the same to ensure that any design options are taken into account, noting the work that has been done in the past, and to examine what needs to be done infrastructure-wise to put in place the necessary infrastructure requirements, community consultation

and Ramsar issues that will precipitate the development of this port. We have put the money forward in the budget. It is there; it is not rolled into the Port of Melbourne Corporation budget, as the previous government did. It sits there for when this bill should pass this Parliament.

Mr TEE (Eastern Metropolitan) — I seek a bit of clarification. The minister has indicated that the budget is \$1 million for the next financial year and \$1 million for the financial year after that. The minister indicated that the difference was that the previous government had funding allocated for work on the port of Hastings but it was allocated to the port of Melbourne, as you would expect given that this legislative framework was not in place. Can the minister confirm that for at least the next financial year that is a 30 per cent reduction in the budget allocated to the development of the port of Hastings relative to that put in place by the previous government?

Hon. M. J. GUY (Minister for Planning) — The 2011 state budget allocates \$2.3 million over two years to progress the planning for the port development and to establish the new authority. It is made up of a commonwealth grant of \$1.3 million and a further \$1 million. The government has an assurance from the Treasurer that if additional funds are required because we have got the authority up faster and out there doing its work faster, then additional funds will be available.

Mr TEE (Eastern Metropolitan) — I understand the government is doing a high productivity freight network review in relation to monster trucks. Will that review include consideration of an extension of that freight network to incorporate the port of Hastings?

Hon. M. J. GUY (Minister for Planning) — I am happy to take that on notice and give Mr Tee an answer.

Mr TEE (Eastern Metropolitan) — Can I get an indication as to when that is likely to be — in rough terms; I do not want to hold the minister to it?

Hon. M. J. GUY (Minister for Planning) — I will endeavour to do that for the member as soon as possible in the next 15 minutes.

Ms PENNICUIK (Southern Metropolitan) — If I could just explore my train of thought with regard to the development authority, is it envisaged that with the extra resources — which I presume mean extra staff — the Port of Hastings Development Authority will be the lead agency in terms of what needs to be done? We know there are about 3500 hectares of land set aside for use as a port but, as I mentioned earlier and as

Mr Lenders and Mr Tee have said, it is also going to involve other infrastructure way out past Hastings and into many surrounding municipalities, including perhaps new railway lines and the upgrade of existing railway lines and roads.

Is this development authority the lead agency, is there another agency such as the Department of Planning and Community Development involved, or what is there in terms of this massive undertaking in the government's planning?

Hon. M. J. GUY (Minister for Planning) — The lead agency is the Department of Transport.

Ms PENNICUIK (Southern Metropolitan) — Late last year the commonwealth government released a national ports strategy. I am wondering what relationship or involvement the Victorian government has in terms of the existing ports, the new Port of Hastings Development Authority and the national strategy?

Hon. M. J. GUY (Minister for Planning) — Yes, there is some relationship in terms of those things. There has been a conversation with the federal government in relation to the authority's establishment once that occurs, or if that occurs. We expect, obviously, to be on a similar plane as the federal government when it comes to the development of the port.

Ms PENNICUIK (Southern Metropolitan) — The purpose of that strategy is to achieve a nationally coordinated approach to future planning and the development of Australia's ports and freight infrastructure. I wonder how that fits with what the Minister for Ports said in his second-reading speech:

The authority will complement —

and I emphasise the word 'complement' —

the Port of Melbourne Corporation in handling the massive growth in trade in Victoria. In addition ... will deliver the benefits of greater competition to Victorian exporters and consumers of imported goods.

There are two issues: is the idea just about developing the port of Hastings as a competitive port or is it a complementary port, because that is not clear from the second-reading speech; and if so, how does that fit in with a nationally coordinated ports and freight strategy?

Hon. M. J. GUY (Minister for Planning) — It is the premise of competition. If you have two corporations or two entities operating a port within Melbourne, people have the ability to utilise either of them on a cost or

convenience basis. Where there is a complementary situation of two ports operating within a city, which would be very different from the situation in other major cities in Australia, obviously they can complement each other by having a larger facilities base at the Melbourne port. But there is also the competing arrangement of market forces where one port may be able to offload more quickly or at a lower price — therefore that is the situation of how it will work in terms of competition.

Mr TEE (Eastern Metropolitan) — Following on from what the minister said, I understand that essentially that is, ‘We will build up the port and then make it competitive so it can compete with the port of Melbourne’. Is there a view within the government or has consideration been given as to whether or not there is an option to effectively sell off the port of Hastings?

Hon. M. J. GUY (Minister for Planning) — That is a hypothetical matter which is not considered in this bill. We are trying to establish the port at this point in time.

Ms PENNICUIK (Southern Metropolitan) — In my contribution to the second-reading debate I referred to the Western Port bay scientific study that has been carried out under the auspices of Melbourne Water. I understand a report has not been released yet. I draw the minister’s attention to that; I am sure he is aware of it. I ask whether he or the Department of Transport is intending to take that scientific review into consideration.

Hon. M. J. GUY (Minister for Planning) — We will look at all of the studies such as the one Ms Pennicuik referred to, and we will make an assessment in time as to whether they will be released.

Mr TEE (Eastern Metropolitan) — When we talked about infrastructure needs going forward, the Minister for Planning talked about the fact that the port of Hastings was going to do work in terms of defining what its needs were and then engaging with the government. Will the work in relation to environmental impacts and environmental assessments — the sorts of things Ms Pennicuik has just raised — be done by the port authority or by the government?

Hon. M. J. GUY (Minister for Planning) — The Port of Hastings Development Authority will do work and advise the government in the same way the current Port of Melbourne Authority does similar work and advises the government. That work will be undertaken by the Port of Hastings Development Authority and then advice will be given to the government.

Mr TEE (Eastern Metropolitan) — I suppose that leads to the same concern. There is a port with three staff members. On the basis of the government’s figures, it has a \$2 million budget for the next two years, which includes a \$1 million budget for the next 12 months. Is the minister confident the authority can do work in terms of the internationally recognised wetlands in addition to determining the infrastructure that is required?

Hon. M. J. GUY (Minister for Planning) — We have to get this legislation through; we have to get the board in place. The board can then get the staff in order to be able to do the job. Mr Tee raises a very good point about the Ramsar wetlands. I remind Mr Tee that his own party considered this port as a container port of the future.

Ms PENNICUIK (Southern Metropolitan) — I remind the minister that I did not consider that to be the case.

Hon. M. J. Guy — You think we should all go and live in humpies, so I am not surprised.

The DEPUTY PRESIDENT — Order! Thank you, Minister! That is enough!

Ms PENNICUIK — I draw the minister’s attention to the whole of Western Port as a Ramsar wetland. Under the Ramsar convention the government of Australia is under an obligation to preserve the ecological values and character of a designated Ramsar site. Has the government done any preliminary work on ascertaining whether development of the port of Hastings, to the extent that it is envisaging, is at all compatible with the ecological character of Western Port as a Ramsar site?

Hon. M. J. GUY (Minister for Planning) — I guess that pre-empts the outcomes of the process in a way, because Ms Pennicuik is asking a legitimate question, the answer to which the environmental studies will show us, should the bill pass the Parliament. Those studies will need to be done. We will need to find the answers to the questions Ms Pennicuik put, but that will need to be precipitated once this bill has passed the Parliament.

Ms PENNICUIK (Southern Metropolitan) — On that point, during the discussions on the Transport Legislation Amendment (Ports Integration) Bill 2010 in the last Parliament and on this bill I have been trying to establish the threshold for whether a massive development and a massive expansion of the port of Hastings is compatible whatsoever with the maintenance of the Ramsar site at Western Port,

because the whole of Western Port is a Ramsar site. It seems to me that, given the Melbourne Water study, which is looking at all the previous studies and gathering contemporary studies together, we cannot really decide whether there is any scope to expand the port of Hastings at all, or to decide by how much to expand it, until we know the answer to that question. What I really want to know is whether the government is committed to answering that question first.

Hon. M. J. GUY (Minister for Planning) — The government is committed to expanding the port of Hastings to be Melbourne's second container port, and the government is committed to seeing all the necessary environmental studies completed in order to advise us on the best way of doing so.

Mr TEE (Eastern Metropolitan) — Will that include an environment effects statement (EES)?

Hon. M. J. GUY (Minister for Planning) — I am advised that environmental studies will be undertaken before any EES process can commence. Those studies would help prepare for the EES, including providing a guide on what needs to be done and how much it will cost. The form an EES may take would be determined through research as well as discussions between the state and commonwealth.

Mr TEE (Eastern Metropolitan) — Will the environment effects statement be completed before any of the infrastructure work is done? I ask because ultimately the nature of the infrastructure and where it is located might have an impact.

Hon. M. J. GUY (Minister for Planning) — It is likely that each stage of planning would require an EES, so that would be a long process that would be determined as it is unfolding.

Ms PENNICUIK (Southern Metropolitan) — I seek some clarification. My understanding is that you do not start an EES without a proposal to build something or do something. What I am talking about is the threshold question as to whether the whole idea is compatible with a Ramsar site, and I think this cannot be undertaken under the EES process; it is a different process. It is an investigation by the government using what is available to it — and the federal government may intervene — in relation to whether you can maintain the ecological character of the Ramsar site at the same time as undertaking a massive port expansion on the site. That is the crux of the issue.

Hon. M. J. GUY (Minister for Planning) — I think the government's intentions for Hastings are clear.

Clause agreed to.

The DEPUTY PRESIDENT — Order! I advise Mr Tee that we do not have anything before the Chair at the moment.

Mr TEE (Eastern Metropolitan) — The matter before the Chair is just the outstanding question that the minister said he would provide an answer for within 15 minutes. My questions in terms of the other clauses of the bill have been picked up in the purposes clause.

Hon. M. J. GUY (Minister for Planning) — I thank Mr Tee for reminding me about that; he is quite right. My advice is that no roads to Hastings are currently being trialled for high-productivity vehicles. Trials will continue until September, then the government will consider whether to extend them through to the Western Port Highway.

Mr TEE (Eastern Metropolitan) — Just to be clear, is it the case that after September the government will then consider whether to extend them through to the Western Port Highway? I just want to make sure I have picked that up correctly.

Hon. M. J. GUY (Minister for Planning) — That is correct.

The DEPUTY PRESIDENT — Order! I do not mean to be finicky, but as there are no comments on the remaining clauses I would like to make some comments on my expectations of the procedures of the house and of the committee. It may appear that I am being finicky, but I like the procedures of this committee stage to be correct. In the course of this committee stage I have been referred to as Acting President, as President, as Acting Deputy President and as chairman, but it is actually Deputy President. Secondly, in this committee stage — —

Mr Leane — It could have been worse.

The DEPUTY PRESIDENT — I have been called a lot worse. Mr Leane is correct, and I might say that is not particularly helpful either.

Also in relation to the committee stage, I remind members that if they wish to make a contribution or pose a question on a clause, it is better to get my attention rather than one another's attention. That would facilitate the proceedings of the committee stage a lot better.

Clauses 2 to 45 agreed to.

Reported to house without amendment.

Report adopted.

Third reading

Motion agreed to.

Read third time.

Business interrupted pursuant to standing orders.

ADJOURNMENT

The DEPUTY PRESIDENT — Order! The question is:

That the house do now adjourn.

Firewood: collection permits

Mr LENDERS (Southern Metropolitan) — The matter I raise tonight is for the Minister for Environment and Climate Change, Ryan Smith. I am delighted that Ms Lovell is in the chamber tonight as the minister at the table because this is a matter that should be of interest to her. On 3 November last year the coalition promised to abolish firewood permits in areas where there was no natural gas connected. That came from no less a source than a press release from Wendy Lovell, MP, Deputy Leader of the Liberal Party in the Legislative Council, and a series of other titles including then shadow minister for country Victoria. This promise to abolish firewood permits was accompanied by a whole lot of hyperbole about Labor not delivering natural gas to communities, but the solemn promise from the coalition was that if elected it would ensure that firewood would be free in towns where natural gas was not connected. The question I raise for the attention of the Minister for Environment and Climate Change is: when will Ms Lovell's promise be delivered?

Last week I went down to Bruthen in East Gippsland. Bruthen is a great town. It was a lovely day. It was raining, but it was good to see the place was green.

Mrs Coote — Got any relatives down there?

Mr LENDERS — There are a lot of people in Bruthen. What we are finding in Bruthen is that as people go to get their firewood they pay for a permit. It has now been nine long months since the change of government, and whether the policy about a permit is good or bad is not the point. The point is that the coalition promised before the election, in a mad scramble to unseat Craig Ingram as the member for East Gippsland in the Assembly, that it would abolish the permit on firewood. Now nine months later, a budget later, after ministers have been to presumably about 30 cabinet meetings — there have been about

30 executive council meetings — nothing has happened.

The action I seek from the Minister for Environment and Climate Change is either to deliver the natural gas that Ms Lovell said in the press release was so critical, or if that has not been delivered, to remove the firewood permits as she promised. The action I seek from the minister is to deliver on the election promise, or to renounce this press release as just another lot of spin.

Schools: Kyneton

Mrs PETROVICH (Northern Victoria) — My matter is for the Minister for Education, Martin Dixon. Recently, on 29 July, I was invited to visit Kyneton Secondary College to meet with representatives of the Kyneton primary and Kyneton secondary school councils and the Macedon Ranges Shire Council. I followed with a visit to the Kyneton Primary School on 12 August at the invitation of the school principal. I note that Kyneton is not in my electorate, but I am always happy to visit. I was shocked and disgusted by the toll of 11 years of neglect by the previous Labor government, and I question just how a consultative process was created with an expectation that the Labor government would deliver an estimated \$30 million for a rebuild and development of the K-12 facility.

The representatives I met with were absolutely convinced that this major consolidation of kindergarten to year 12 was proceeding under the previous government, but these commitments were not delivered or even budgeted for. Even worse than compounding the problem is the fact that Kyneton Primary School sent \$2 million back to the federal government's Building the Education Revolution program as it thought it would not be needing it on the current site and the secondary college did not even think it needed to apply.

Kyneton and its surrounds have not been previously treated as being as important as they should have been in the regional priorities, and this is despite having Assembly Labor members Geoff Howard, the member for Ballarat East, and Joanne Duncan, representing the neighbouring electorate of Macedon, as their representatives for 11 years. The kindergarten is now required to step in to assist with those who have lost their federally funded Take a Break places, and I am astonished at the extent to which Labor, both state and federal, has let this community down. It is obvious that the money required will not be available immediately as it was not included in forward estimates by the previous government.

We have been left to fix the problem created by Labor's mismanagement of resources and 11 years of neglect of this community. I understand an audit update on the Kyneton Primary School is not scheduled until November, and I request that this audit be brought forward to provide a more immediate snapshot of maintenance issues being faced by this lovely school.

Environment: illegal dumping

Mr BARBER (Northern Metropolitan) — My matter is for the attention of the Minister for Environment and Climate Change, Mr Smith, and it is on behalf of Banyule City Council and a number of other councils that have experienced a considerable amount of additional illegal rubbish dumping since the introduction of the landfill levy. Banyule council's own data show the amount of dumped rubbish has nearly doubled since the new landfill levy commenced in 2010. Unfortunately a large amount of the dumped material is hard waste in nature — that is, TVs, furniture and carpets — which cannot be identified back to who might have dumped it; therefore there cannot be any recovery of costs through that method. As a result the council has had to increase its costs, and that is in addition to the impact that the landfill levy itself has already had, which for many councils has been equivalent to around a 1 per cent rate increase.

By Banyule's estimates the whole landfill levy will collect around a quarter of a billion dollars over a few years, and only \$53 million has been reinvested in the sector, of which \$6 million is for a strike force on rubbish dumping, but that is being managed through the Environment Protection Authority. The council is requesting that funding be provided to assist it with this problem. I know a number of other councils, not just in city areas but in country areas as well, are facing a rubbish dumping problem, and councils are desperate for some financial assistance to clean it up.

Victorian Law Reform Commission: report

Hon. M. P. PAKULA (Western Metropolitan) — The matter I wish to raise tonight is for the Attorney-General, Robert Clark. It concerns the Victorian Law Reform Commission report entitled *Supporting Young People in Police Interviews — Final Report*.

Mrs Coote — You could have done this tomorrow.

Hon. M. P. PAKULA — I could not, for the reason I will give in a moment. It is a very interesting report. It goes to a range of issues that confront young people when they are interviewed by police. It contains

24 recommendations. Amongst those is a recommendation that a statewide scheme based on the very successful youth referral and independent person program be created. It recommends clarification of the role of parent, carer or support person in police interviews, and it recommends clarification of the consequences of police not complying with requirements for a support person to be present. The concept of clarifying the role of support persons in legislation and ensuring that those people are properly trained is a recommendation that is supported by both Victoria Police and the Office of Public Prosecutions.

For that reason, this is a report which we should all be familiar with and understand. However, this might be difficult — and this goes to Mrs Coote's interjection — because even though the Attorney-General delivered this report late last year he has made no public comment on it, he did not attend the formal launch of the report in June and he has not tabled it in Parliament. I find this quite intriguing. It is a self-reference report, so I understand there is no absolute requirement that it be tabled in Parliament, but I would have thought that a report of this nature, with such a high level of potential interest to members and the community, ought to be tabled in Parliament.

The action I seek is that the Attorney-General write to me and indicate, firstly, whether he intends tabling this important report of the Victorian Law Reform Commission, and if not, why not; secondly, whether he has formed a view about the key recommendations of the report, and if so, what is that view; and thirdly, whether he intends to implement the key recommendations of the report, and if so, when.

Autism: program funding

Mr FINN (Western Metropolitan) — I raise a matter for the attention of the Minister for Education. I doubt there would be many members of this house who are unaware of my intense personal interest in the educational needs and general welfare of children with autism. As a result of this interest, I have become aware of a program operating in the Moomba Park Primary School serving children in both Western Metropolitan Region and Northern Metropolitan Region. The IDEA — Innovative Developments in the Education of Children with Autism — program is something very special. It is my strong view, and the view of many others, that this program is the education of the future for children on the autism spectrum.

While this program is cause for great optimism and enthusiasm among families, the same cannot be said for the Department of Education. For some years there has

been a grouping within the department which has continually attacked the program with a passion that might otherwise be laudable. After renegeing on an earlier commitment of \$100 000 for the continuation of IDEA throughout 2011, the department promised the school at least \$50 000 for the funding of this program by the end of this past financial year, with a very strong prospect of a further \$46 000 for the rest of the year. However, no money has been forthcoming and the department has left those running the program to foot the bill. As things stand, there will be no funding — real or promised — for the program next year, effectively killing the one great hope for the future of these children.

As you can imagine, their families are devastated, but that seems to mean nothing to those in department backrooms wielding the axe with no regard for the children who need this program desperately. The IDEA program must not be allowed to die. It is far too important for the future of children with autism and their families. I implore the minister to ensure that the IDEA program not only survives but thrives. I ask that he ensure that this program is funded for this current year and beyond.

The IDEA program achieves wonderful results for less than the Department of Education is currently spending per capita on children with autism. It really is exceptional value for money. Better results for less expenditure — what more could the boffins possibly ask for? How anyone could attempt to scuttle it is totally beyond me. It makes no sense at all. The program must be extended and expanded for the sake of thousands. Children with autism need the IDEA program far more than they need those who want to destroy it.

Interjections from gallery.

The PRESIDENT — Order! People in the gallery are not allowed to participate in the proceedings of Parliament, although I understand that they are very supportive of the position Mr Finn has put.

Eastwood Primary School: upgrade

Mr LEANE (Eastern Metropolitan) — It is very hard to follow that contribution. My adjournment matter is for the Minister for Education. The action I seek from the minister is that he fund the planned upgrade of Eastwood Primary School in East Ringwood. The 60-year-old school has about 300 students, many of whom are deaf. I know firsthand that the school has developed a master plan and that the upgrade of the school has been very high, if not on the

top, on the priority list of the Department of Education. Along with funding the development of the master plan, in the last election period the previous government committed \$6 million to the school's upgrade. Unfortunately the incoming government did not match this commitment. That is a shame, considering the priority the upgrade has been given by independent authorities.

To reiterate, the action I urge the minister to take is that, despite the political imperatives that he and his colleagues may have targeted in terms of the need for school upgrades, he fund this particular school on the basis of need, not just political imperative.

In line with this, I draw the minister's attention to an article on the front page of the *Maroondah Leader* of 2 August in which the school community has its say through the school council president, who expressed his view of how urgently the upgrade is needed and where capital funding for schools in Eastern Metropolitan Region should be targeted first.

Retail sector: Chapel Street, Prahran

Mrs COOTE (Southern Metropolitan) — I have a very short adjournment matter for the Minister for Employment and Industrial Relations, Mr Dalla-Riva. First of all I would like to say that in the time he has been the minister he has shown an enormous amount of enthusiasm and encouragement for the retail sector and for jobs right across Victoria. It is in light of the retail sector in my electorate on Chapel Street in Prahran that I raise an adjournment matter this evening. As members would be very well aware, and as I brought to the attention of this chamber in the last Parliament, prior to the last election the Liberal Party raised the clearways issue. The former Labor government did not care about the retailers, the small business operators —

Hon. D. M. Davis — Shame!

Mrs COOTE — As Mr Davis rightly says, it was a dreadful indictment and a shame. The people of Prahran showed the Labor government exactly what they thought about it. We no longer have a Labor representative there, but we have a very good Liberal representative, Mr Clem Newton-Brown, the member for Prahran in the Assembly. One of the very first actions of this government was Premier Ted Baillieu going out and reversing the inequitable clearway issue. He went out there and physically took down those signs, and as a consequence business has improved.

I know Minister Dalla-Riva has encouraged various retailers. Members only have to look down the street at

the shop Zara where we see people queuing up all the time. It is a great employer, and it is reinforcing the retail sector, a sector which at the moment is under siege from internet shopping. The actions of the Minister for Innovation, Services and Small Business, Ms Asher, and Minister Dalla-Riva have done quite a lot to encourage the retail sector in Victoria. I would like to know if the minister has engaged with any other international retailers or large operators to open stores in Chapel Street, Prahran, because it is a shopping and retail mecca, a tourism precinct and one of the very important areas within our state. I urge Minister Dalla-Riva to add to the tourist, small business and retail opportunities there with his usual enthusiasm by encouraging retailers into this important precinct.

Responses

Hon. W. A. LOVELL (Minister for Housing) — I have responses to adjournment matters raised by Mr Tee on 4 May, Ms Broad on 24 May, Ms Mikakos on 24 May, Mr Finn on 24 May, Ms Pulford on 25 May, Ms Hartland on 26 May, Mr Somyurek on 26 May, Mr Ondarchie on 31 May, Mr Barber on 31 May, Mr Pakula on 1 June, Ms Pennicuik on 1 June, Ms Darveniza on 1 June, Ms Pulford on 1 June, Mr Lenders on 1 June, Mr Elsbury on 2 June, Mr Drum on 2 June, Mr Somyurek on 2 June, Mr O'Donohue on 2 June, Ms Hartland on 15 June, Ms Pulford on 15 June, Ms Tierney on 15 June, Mr Pakula on 15 June, Ms Mikakos on 15 June, Mr Somyurek on 16 June, Mrs Petrovich on 16 June, Mr Lenders on 28 June, Mrs Coote on 28 June, Mr Finn on 29 June, Mr Ramsay on 29 June, Ms Darveniza on 29 June, Mr Somyurek on 29 June, Ms Pulford on 29 June, Ms Hartland on 29 June, Ms Tierney on 29 June, Mr Drum on 29 June, Mr Elsbury on 30 June and Mr Eideh on 30 June.

On tonight's adjournment a matter was raised by Mr Lenders for the Minister for Environment and Climate Change regarding firewood permits in areas where there is no natural gas. After 11 years of Labor and its promise to connect natural gas to country communities there are still many country communities without natural gas because Labor failed to deliver on those policies.

Mrs Petrovich raised an issue for the Minister for Education regarding Kyneton Secondary College, the lack of funding for schools under Labor and the need for a maintenance audit at that college.

Mr Barber raised a matter for the Minister for Environment and Climate Change regarding illegal dumping of rubbish.

Mr Pakula raised a matter for the Attorney-General regarding the Victorian Law Reform Committee's report *Supporting Young People in Police Interviews*.

Mr Finn raised a matter for the Minister for Education regarding funding for the Innovative Developments in the Education of Children with Autism at Moomba Park Primary School.

Mr Leane raised a matter for the Minister for Education regarding the lack of funding for Eastwood Primary School and the need for the coalition to step in and bail out that school after 11 years of Labor neglect. We can now add Eastwood Primary School to Labor's long list of missed opportunities.

Mrs Coote raised a matter for the Minister for Employment and Industrial Relations regarding his support for retailers to encourage tourism and retail opportunities in Chapel Street, Prahran.

The PRESIDENT — Order! The house stands adjourned.

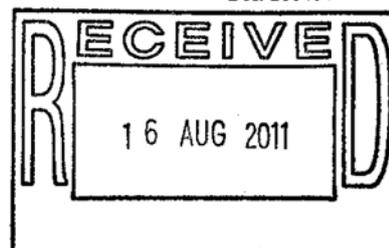
House adjourned 10.20 p.m.



Minister for Energy and Resources

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Mr Wayne Tunnecliffe
Clerk of the Legislative Council
Parliament House
EAST MELBOURNE VIC 3002



Dear Mr Tunnecliffe

ORDER FOR DOCUMENTS – SMART METERS

I refer to the Legislative Council's resolution of 1 June 2011, seeking the production of documents relating to the Government's Advanced Metering Infrastructure project, also known as the 'smart meters project' by Tuesday 14 June 2011.

I also refer to my letter dated 8 June 2011, in which I advised that the Government would not be able to respond within the Council's deadline.

The Government is continuing to process its response to this order and is currently assessing relevant documents. The Government will endeavour to respond as soon as possible.

Yours faithfully,

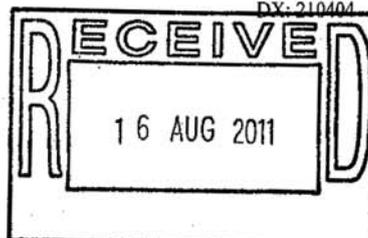
HON. MICHAEL O'BRIEN MP
Minister for Energy and Resources

11 / 8 / 2011

**Minister for Energy and Resources**

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Mr Wayne Tunnecliffe
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Dear Mr Tunnecliffe

ORDER FOR DOCUMENTS – SUBMISSIONS TO THE FEDERAL GOVERNMENT'S CARBON CAPTURE AND STORAGE FLAGSHIPS PROGRAM

I refer to the Legislative Council's resolution of 25 May 2011, seeking the production of:

"a copy of the Victorian Government's submissions to the Federal Government's Carbon Capture and Storage Flagships program."

The Government acknowledges and respects the right of the Legislative Council to require the Government to provide documents to the Council, subject to only limited exceptions.

In this case, I wish to draw to the Legislative Council's attention that the documents sought contain sensitive financial and commercial information and technical information that is proprietary to the industry participants in this project. The public release of this information would materially damage the interest of the industry participants involved and of the Victorian Government by prejudicing its ongoing funding negotiations with the Commonwealth Government.

As the Commonwealth assessment process is competitive, the release of information could weaken the State's position relative to other States seeking access to the same funds and undermine Victoria's competitiveness.

In the circumstances, I request on behalf of the Government that the Council not insist on the Government producing the documents referred to in the Council's resolution.

Yours faithfully,

HON. MICHAEL O'BRIEN MP
Minister for Energy and Resources

11 / 8 / 2011