PARLIAMENT OF VICTORIA

PARLIAMENTARY DEBATES (HANSARD)

LEGISLATIVE COUNCIL

FIFTY-SEVENTH PARLIAMENT

FIRST SESSION

Tuesday, 8 November 2011

(Extract from book 16)

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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.

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

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

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

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

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

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FIFTY-SEVENTH PARLIAMENT — FIRST SESSION

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Hartland, Ms Colleen Mildred	Western Metropolitan	Greens	Tarlamis, Mr Lee Reginald	South Eastern Metropolitan	ALP
Jennings, Mr Gavin Wayne	South Eastern Metropolitan	ALP	Tee, Mr Brian Lennox	Eastern Metropolitan	ALP
Koch, Mr David Frank	Western Victoria	LP	Tierney, Ms Gayle Anne	Western Victoria	ALP
Kronberg, Mrs Janice Susan	Eastern Metropolitan	LP	Viney, Mr Matthew Shaw	Eastern Victoria	ALP

CONTENTS

TUESDAY, 8 NOVEMBER 2011

Tuesday, 8 November 2011

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

NATURAL DISASTERS: TURKEY AND THAILAND

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

That we, the Legislative Council of Victoria —

(1) note with sadness the recent natural disasters that have affected the people of Turkey and Thailand;

(2) offer our deepest and most sincere condolences to the government and people of Turkey following the major earthquake in the province of Van on 23 October 2011;

(3) offer our deepest and most sincere condolences to the government and people of Thailand following the devastating floods that are occurring in that country;

(4) recognise the significant Turkish and Thai communities in Victoria, and the strong family and cultural bonds that exist;

(5) join with all the people of the state of Victoria in expressing our sympathy and our strong support for the rescue, relief and recovery of Turkey and Thailand from these natural disasters; and

(6) request that the President convey messages of condolence from this house to —

(a) the Grand National Assembly and the government of the Republic of Turkey; and

(b) the National Assembly of Thailand and the Royal Thai government.

On 23 October a major earthquake measuring 7.2 on the Richter scale occurred in the province of Van on the far eastern border of Turkey. There have been a series of smaller quakes and aftershocks since that date. I understand, and I think this is largely public knowledge, that more than 600 people have died as a result of the earthquake. The Kandilli earthquake institute, which monitors seismic movements in Turkey, estimates that there could be up to 1000 fatalities in total. More than 4000 people have been reported as injured. The earthquake has caused widespread damage to homes, infrastructure and businesses and has caused considerable disruption to utility suppliers. The Turkish government has estimated that more than 14 000 buildings have been irreparably damaged.

The response of the Turkish government, non-government organisations, businesses and individuals in seeking an outcome that will support people has been swift and decisive. A massive effort is under way to provide blankets, clothing, shelter and food, ensuring that those who have lost their homes will be cared for. The response of the Turkish people has been very generous. I understand that some 17 000 people have applied to accommodate their countrymen who have been left homeless by the earthquake. The government and people of Turkey have responded very strongly, and they have had support from around the world.

The Turkish community in Victoria is a long-established and significant contributor to the cultural and economic development of our state. We as a community, and I think everyone in this chamber, support the Turkish community and want to see the best outcome for those who have been impacted by this earthquake. As we approach Remembrance Day this week, we should remember that there are specific historic links between Turkey and Australia in times of both war and peace. Turkey is a friend of Australia, a peaceful nation and a nation that is held in high regard. On behalf of government members, I express our sincere condolences to the Turkish community in Victoria, especially the Kurdish community, given that the province of Van is in a predominantly Kurdish area.

Additionally, severe floods have been affecting Thailand for four months now. These are reportedly the worst floods to have affected Thailand for more than half a century. As we have seen in the images on television, the floods are threatening the central areas of Bangkok and have spread to more than 20 provinces across the country. Very large areas of land have been inundated, and that has affected crops, particularly rice crops. Thailand is the world's biggest exporter of rice, and there has been enormous destruction of those crops. The outer suburbs of the greater metropolitan area of Bangkok have already been inundated.

The major international airport has been closed because of the floodwaters, and this has had a significant economic impact on Thailand. Domestic travel has been reduced. The floods have had a very significant impact on Thai businesses and the Thai people generally. The royal government has declared a five-day holiday to help people cope with the flood crisis and protect their families and homes. On the news we have seen the calm and committed work that has been undertaken by the authorities and businesses, and we wish them well in that.

The Governor of Bangkok has ordered the evacuation of 11 of the 50 districts in that city and the evacuation in part of about 7 more. At this point it is hard to come to a final number on the death toll from the floods, but

on the numbers that people are putting forward at present it is likely to be around 500. There are fears that the number could be much greater once the floodwaters recede.

The Thai community in Victoria also has a very long history; indeed there were Thai residents in our state from the first census after Federation in 1901. The community has grown steadily and has been complemented by very significant numbers of Thai students who have come to Victoria, first under the Colombo Plan in the 1950s. The number of Thai students studying in this state remains significant, and the links between the Thai community and the Victorian community are very strong.

On behalf of government members in this place, I want to express our sympathy to the Thai people and in particular those who have lost families, friends and businesses and on whom this has had such a significant impact. We are a country very familiar with the impact of nature. We have seen floods and fires in our state in recent years, and we understand the significance that these events can have, but I think everyone in this chamber will offer their sympathy and prayers for the people of Thailand and the people of Turkey.

Mr LENDERS (Southern Metropolitan) — On behalf of the Labor Party, I express our support for the motion moved by Mr Davis and we associate ourselves with the sentiments it expresses. The two tragedies that we are expressing condolences for today are ones that our community is very familiar with, to the extent that in the age of instant communications we see almost on a daily basis the magnitude of what is happening in Turkey and Thailand. As well as that, the Turkish and Thai communities in our own state mean that all of us feel some empathy in a way that may not be the case for many other areas.

It is interesting that in the last sitting week Mr Somyurek gave the house a very moving description of what had happened in Turkey and referred particularly to his wife's association with the province of Van. I guess that is an indication of how this is not just something in a remote area, but something that immediately affects people here. There is a connection between the many people in both of the communities that were, as Mr Davis said, so severely affected by these events, and those communities in our own state.

A 7.2 magnitude earthquake on the Richter scale is something that we in Australia just are not able to comprehend. It is something above and beyond anything that would be in our expectation or imagination. When you have the effect after that of probably more than 100 aftershocks, what that must do for the psychology of the community in Van province that lives with those things is again something that we simply cannot imagine.

We do know from the statistics that Mr Davis outlined that probably something of the order of 600 people have died, all of whom would have had families and loved ones, and again we cannot begin to comprehend what that must do. But one thing we have learnt — and this adds even more poignancy to our condolences — is that more than 60 of those 600 were teachers. While that does not in any way diminish any of the other areas I have spoken of, for the children in the communities that have lost their teachers it is a loss of the future. That will have quite a profound effect.

And winter is approaching. While I have never been to Turkey, I am told that it is particularly cold in that part of the world. Six thousand buildings have been damaged and winter is coming, so it will be very difficult for the community. Again members of the Labor Party associate themselves with the comments made earlier and extend our full sympathy to the Turkish community — one with which we have shared vibrant multiculturalism. We have enjoyed the Turkish community in this state, and it is represented in this Parliament by two members of the Labor Party.

The second part of the motion concerns Thailand and the floods that have hit not just Bangkok but the entire Chao Phraya River valley. They are the result of the extraordinary monsoon rains that have gone on for probably the last three months now. We have seen a large loss of life in Thailand. If members can just visualise Bangkok, a city more than twice the size of Melbourne, they will know that for months on end many activities simply will not be able to be done, whether it be because the 1-metre surge coming out of the river has basically knocked out a lot of infrastructure, whether it be because of the awful public health issues of sewerage and water mixing, or whether it be because of the dislocation through all the losses that have happened in that place.

The manifestation of it for us, as we will often see and hear, will be things like seeing on the local news that the Australia-Thailand soccer match has moved to another part of Bangkok because a particular oval is no longer viable because of the floods. That is just a sign of the disruption that must be happening on a daily basis in Thailand. It must also be quite a fright for the new prime minister, Yingluck Shinawatra. I read the other day that her monsoon headquarters had actually been flooded, and if your control centre is actually

flooded, it is an indication of how disruptive it must be to the broader Thai community.

To the Thai community in Victoria we certainly express our sympathy and condolences. If my memory is correct, Melbourne's Thai community raised something like $30 000 towards the rebuilding of the Marysville tourism centre following the terrible fires that occurred in Victoria but two years ago. Our sympathies go to that community as well. For people here in Victoria, particularly those who have friends and family back in Thailand, this will be an area with a lot of concerns. The opposition strongly supports the motion before the house.

Hon. P. R. HALL (Minister for Higher Education and Skills) — On behalf of The Nationals I wish to offer my deepest condolences to the victims of the recent earthquake events in Turkey and to those of the ongoing floods that are occurring in Thailand. I might also add that the ongoing floods that are occurring in Central America are also in my thoughts at this particular point in time.

As has been said by the Leader of the Government and the Leader of the Opposition, the Turkish earthquake that occurred on 23 October near the province of Van has tragically claimed the lives of close to 600 people — as it is known at this particular stage — and injured over 4000 more. The devastation that event has wreaked upon the people of Turkey is something which impacts on us all, particularly, as has been said, because of the close affiliation and friendship that we have in this country with the people of Turkey.

In Thailand we have all seen the images of the terrible flooding events which have been occurring now for a period of close to four months and have led to more than 12 million people being displaced from their homes throughout Thailand. Again we extend our sincerest condolences and sympathy to those families who have lost loved ones in that particular event, to Thai communities in Australia and to the people of Thailand, with whom we have had a very close relationship for many years.

With the indulgence of the house, I also wish to mention that countries in Central America have also been devastated by some severe flooding events in recent times. I was talking to the consul for El Salvador recently, and he informed me that around 60 000 people have been forced to flee their homes and at least 30 people have tragically lost their lives in flooding events that have been described by the El Salvadorean government as the worst in their history. I acknowledge, too, that some of the neighbouring countries of Guatemala, Honduras and Nicaragua have also felt the effects of the flooding.

At times like these, although this motion is confined to the natural disaster events in Turkey and Thailand, my heart goes out to people worldwide who have suffered from such natural disasters. At times like this our sense of global citizenship must come to the fore, and it is in this sense that my remarks are made today on behalf of The Nationals in wishing that our thoughts be with all of those people, their friends and their communities who are suffering from these disasters.

Mr BARBER (Northern Metropolitan) — The Greens would like to associate itself with all of the sentiments in this motion, particularly the call for the President to convey messages of condolence from our chamber to the national assemblies of Turkey and Thailand.

Victorians are unfortunately all too familiar with the immediate and long-term effects of a natural disaster, and on that basis alone our hearts would go out to the people of these two countries. But here in Victoria, as previous speakers have noted, there are many thousands who have a direct and therefore much stronger sense of kinship with Thailand and Turkey. They are countries from which we draw many of our citizens and with which there are strong cultural, business and tourism links. For that reason there will be many citizens here in Victoria who will feel strongly, as we do in our expressions in the chamber today. Recently I attended the Turkish association's annual dinner. There it was noted that community members had raised funds to assist our flood victims in northern Victoria, and they had done so in a very generous and speedy fashion.

We are all part of a global community, and when tragedies such as these strike it becomes even more obvious to us. Despite the fact that you could not find three more different countries than Australia, Turkey and Thailand in terms of their cultural, historical and political backgrounds, at times like these we very much understand that those differences are quite small relative to our common humanity in the face of tragedy.

The PRESIDENT — I note the obligation in this motion for me to convey messages to representatives of both countries affected by these natural disasters. I will do that at the earliest opportunity.

Recently I attended the celebration of the 88th anniversary of the independence of modern Turkey, an event that the Consul General hosted in Melbourne. In fact in recent weeks there were a number of Turkish community functions to commemorate the

88th anniversary. Whilst everybody was obviously mindful of the achievements of Turkey over those 88 years and was very keen to celebrate that 88th milestone, there was no doubt that the tragedy in Van was foremost in people's minds.

I congratulate the Leader of the Government and all the members who have joined in the debate on taking this opportunity to convey the sentiments of the house sentiments in regard to both these natural disasters. I also pick up Mr Hall's comments about the floods in Central America.

I will certainly convey this motion, on the assumption that it is passed. When I have put the motion, I encourage members to stand in their places for 1 minute's silence to show respect for the people who have been killed in both those natural disasters.

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

ROYAL ASSENT

Messages read advising royal assent to:

2 November

Children, Youth and Families Amendment (Security of Youth Justice Facilities) Act 2011
Crimes and Domestic Animals Acts Amendment (Offences and Penalties) Act 2011
Emergency Management Legislation Amendment Act 2011
Extractive Industries (Lysterfield) Amendment Act 2011
Victorian Commission for Gambling and Liquor Regulation Act 2011

8 November

Energy Legislation Amendment (Bushfire Mitigation and Other Matters) Act 2011
Gambling Regulation Amendment (Licensing) Act 2011.

OFFICE OF POLICE INTEGRITY: REPORT

The PRESIDENT — Order! I take this opportunity to make a brief statement to the house in respect of a matter raised in the last sitting week regarding a report that was presented to this house from the Office of Police Integrity.

Members will recall that on Thursday, 27 October, Mr Barber raised a point of order regarding an article in the *Herald Sun* that day relating to the report of the Office of Police Integrity entitled *Crossing the Line* which had just been tabled that morning. The essence of Mr Barber's point of order was that if the newspaper report was accurate, then it was possible that the report had somehow been made available prior to tabling in the house and was therefore 'at a minimum a discourtesy to the house'. Mr Barber asked me to pursue the matter with the Minister for Police and Emergency Services. In responding to the point of order I indicated that although I was limited in my capacity to pursue the matter, I would discuss it with the minister but that the ability of the Parliament to pursue the matter would best be by a substantive motion.

I now advise members that I did not actually have an opportunity to speak to the minister ahead of receiving a letter from the director, police integrity, indicating to me the circumstances related to the publication of information from that report. The director, police integrity, indicated that the report had been inadvertently placed on the Office of Police Integrity website for some hours late on Wednesday, 26 October. The director went on to say to me in a letter that as soon as the irregularity was detected the website was closed, but unfortunately the report had already been accessed. It appears that the fault lay in the set-up of the website. The director's letter conceded that although the fault was inadvertent it was nonetheless a serious breach in protocol, and he concluded by offering his apologies and those of his staff.

The premature release of any report prior to tabling in this house is certainly grossly discourteous to the house and under certain circumstances, I would suggest, could potentially be dealt with as contempt. That would be a matter for the house to consider by substantive motion based on a consideration of all the circumstances in the case. The premature release of a report can also potentially have serious consequences, in my view, in that the contents may not be protected by parliamentary privilege prior to the report being tabled and ordered to be printed. In this matter I note the assurances of the director, police integrity, that the breach was inadvertent and I accept his apologies.

Any further action would be a matter for the house. I am also happy to make available a copy of the letter, if any members wish to have a copy of that. Several other members of Parliament were copied in on the explanation, and I do not believe there is any reason that the explanation should not be made more widely available.

Finally, I wish to comment — and this is my own view as a Presiding Officer of this Parliament — on the titling of the report by the Office of Police Integrity. The title was *Crossing the Line*. The report relates to an issue that is politically sensitive. In my view the use of a headline such as this, in addition to the more conventional title already on the front page of the report, is sensationalist, gratuitous and completely unnecessary. Government departments and the people who produce these reports are neither novelists nor scriptwriters, and they ought to be mindful of the destination of these reports, which is the Parliament. Whilst the naming of reports is a matter for the judgement of the authors or directors of those departments or agencies, I believe care needs to be taken in future as to how reports are named so as not to create the impression that the reports are anything other than serious parliamentary documents.

QUESTIONS WITHOUT NOTICE

Nurses: enterprise bargaining

Mr JENNINGS (South Eastern Metropolitan) — My question is for the Minister for Health. Following a report in the *Age* of Sunday, 6 November, saying that the government was seeking $104 million in annual savings in the health system to pay for a nurses wage increase, the minister issued a statement, which was later confirmed by the Premier, saying there was nothing new in the story. Is this because the $104 million annual savings had already been counted by the government within the 2011–12 budget, which published $443 million of savings for the health portfolio over the next four years?

Hon. D. M. DAVIS (Minister for Health) — I think the member knows he is drawing a very long bow there. As the Premier and my statement said, there is nothing new in the document released on Sunday. There is an EBA (enterprise bargaining agreement) process under way, as the member and community will be well aware, and it is not my intention to discuss the precise details of EBA negotiations. However, the process is proceeding, and the government is negotiating in good faith with the nurses through the Australian Nursing Federation, through the 86 health services and through the industrial bodies for those 86 health services.

I make the point that the section the member refers to is not to do with the budget; it is to do with a negotiation about the EBA. In line with the longstanding practice of health ministers of all political colours, I am not going to get into the precise details of negotiations about EBAs. The government's wages policy of 2.5 per cent plus productivity arrangements that allow higher payments still applies. It applies to the nurses and to others as well. There is every reason why nurse outcomes could be much greater than the 2.5 per cent if productivity and flexibility arrangements were able to be achieved, and we certainly look forward to that.

Requests for changes to industrial arrangements are not unique to this government. Under Premier John Brumby and health minister Daniel Andrews, who is now the Leader of the Opposition in the Assembly, the last government sought efficiencies and productivity savings through the arrangements that were part of the EBA negotiations; so nothing is new. This is a well-worn set of discussions. I make the point that in terms of productivity arrangements — —

Honourable members interjecting.

The PRESIDENT — Order! The minister, without assistance.

Hon. D. M. DAVIS — The $1.3 billion productivity arrangements put in place by the previous government are still in place and are still impacting on our health system, and they are much greater than any of the productivity arrangements that were announced by the current government prior to the election or indeed put in place following the commonwealth's withdrawal of the GST component for Victoria.

Supplementary question

Mr JENNINGS (South Eastern Metropolitan) — I was listening intently to what the minister said, and halfway through his 4-minute answer he indicated that the savings being sought to support the enterprise outcome, which has been reported as being in the ballpark of $104 million, is beyond the published figure in the budget, which was $443 million — and that can be found on page 112 of budget paper 3. I thank the minister for that confirmation. In terms of reaching an agreement with the unions, can the minister recognise the dimensions of that issue in that nearly $800 million worth of savings is going to be required?

Hon. D. M. DAVIS (Minister for Health) — I am not going to be verballed by the member. The government's wages policy clearly remains at 2.5 per cent plus productivity arrangements, and that is the same as other government EBA arrangements. The government is determined to strike a fair deal with the nursing profession. We want to see nurses with higher salaries, and they can be achieved through not only the 2.5 per cent but also the productivity arrangements that may be struck with nurses. That will be a much better

outcome and the opportunity is there for a much better result. This is not additional to the arrangements put in place; it is part of an EBA negotiation.

Nurses: enterprise bargaining

Mrs KRONBERG (Eastern Metropolitan) — My question is for the Minister for Health, who is also the Minister for Ageing, the Honourable David Davis, and I ask: can the minister update the house on the progress of public sector nurses enterprise bargaining agreement negotiations?

Hon. D. M. DAVIS (Minister for Health) — I am pleased to answer this question from Mrs Kronberg, who has been involved with the health system recently — and we are all pleased to see her back in this chamber. It is obviously not my intention to discuss the precise details of EBA (enterprise bargaining agreement) negotiations, in line with the general practice of ministers of all political colours. However, I am informed that protected industrial action was voted on by the Australian Nursing Federation on Friday. The ANF has indicated that bans will be put in place from this Thursday and stronger bans may be put in place at a later point. The ANF has also sought conciliation, and our view is that negotiations are already under way. There have been a number of meetings and significant discussions with the ANF, and further discussions are planned, including a meeting for this Thursday.

Further, the government's strong preference remains to reach by mutual agreement an arrangement with the ANF through the Victorian Hospitals Industrial Association, which is operating as the bargaining agent for the 86 health services in Victoria. Whilst our preference is to continue the negotiations and to reach a mutual agreement, if patient safety is compromised or threatened, the government is prepared to work with the VHIA and, if required, seek a termination of such actions.

However, it is not our preference to go that way; our preference is to continue good faith negotiations with the ANF. The government needs to be very clear about its intentions. We are determined to continue those negotiations with the ANF, but I indicate that if required and if patient safety is put at risk, in the same way that the former Minister for Health, Daniel Andrews, did — —

Hon. M. P. Pakula — If they don't cop the job cuts, it's back to arbitration.

The PRESIDENT — Order! Once was sufficient, especially at that volume. We all heard it.

Hon. D. M. DAVIS — I know some members opposite find it hard to move into the role of parliamentarian and would return to another role they once had, as an industrial relations person — a union official. I make the point that the government's preference is for an ongoing and genuine negotiation, but patient safety is our primary focus.

Nurses: enterprise bargaining

Mr JENNINGS (South Eastern Metropolitan) — My question is for the Minister for Health. Can the minister tell me what is incorrect in the simple financial calculation that shows that an annual budget saving of $104 million in hospitals equates to the gross average salary of 1758 Victorian nurses?

Hon. D. M. DAVIS (Minister for Health) — As I have indicated, I am not going to get into the precise details of these industrial negotiations, but let me be very clear: this year the government has significantly increased funding to our hospitals by more than $500 million in the acute health output. It is a significant increase in funding, and it is important that it be understood.

Mr Jennings — Does anybody believe that?

Hon. D. M. DAVIS — You can read it in the budget for yourself, Mr Jennings. Let me be very clear for Mr Jennings's benefit: we will negotiate in good faith, we will continue those negotiations and, if patient safety is in any way compromised, we will ensure that we take the required steps. I make the point that nurses, in their negotiations with the industrial agent for our 86 health services, are able to strike an arrangement that sees greater productivity. It may be one of the arrangements that have been referred to or it may be one of the alternatives put forward by the Australian Nursing Federation. It may be arrangements that are reached by mutual agreement that will see both better outcomes for nurses — higher salaries — and better outcomes for our health services, and particularly for our patients.

Supplementary question

Mr JENNINGS (South Eastern Metropolitan) — President, I am sure you heard, as I heard, that the minister did not dispute the fact that a simple financial calculation demonstrates that a $104 million saving equates to the average salary of 1758 Victorian nurses. Given that that is mathematically correct, what is wrong with the Australian Nursing Federation explaining it to its members? Beyond that, and most importantly, what will the minister do to allay fears that it is the intention

of the government to secure that volume of savings and prevent the industrial disputation he foreshadowed in his previous answer?

Hon. D. M. DAVIS (Minister for Health) — That was a string of about 14 questions, but let me answer the general point amongst the 14 questions that were slavishly asked. Hospital budgets have increased, there will be more nurses in the system and that is the base we need to look at. There is an enterprise bargaining agreement (EBA) negotiation going on, in case Mr Jennings is a bit slow to pick that up. The EBA negotiation between the Victorian Hospitals Industrial Association, on behalf of the 86 health services, and the Australian Nursing Federation will proceed over the coming period. It is the government's preference that the arrangement reached be mutually beneficial so that nurses get higher salaries, over the 2.5 per cent, and so that productivity arrangements are in place that see better results in health services — better outcomes for patients and higher salaries for nurses.

That was exactly the position of the previous government under the former Minister for Health, Daniel Andrews. To put this in some context let me read something from 13 August 2007:

> … the government's log of claims says senior nurses must be able to roster above and below the existing fixed ratios …

My point is that the last log of claims — —

The PRESIDENT — Time!

Qantas: industrial dispute

Mr RAMSAY (Western Victoria) — My question is to Minister for Employment and Industrial Relations, the Honourable Richard Dalla-Riva. Can the minister outline to the house the reason for Victoria's intervention in the Fair Work Australia hearings on the Qantas industrial dispute?

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — I thank the member for his question. Obviously the industrial action at Qantas was having a damaging impact on the Victorian economy and, we know, a damaging impact on Victoria's tourism and hospitality industries as well as a damaging impact on our reputation during one of the busiest tourism events of the year, the Spring Racing Carnival. That is why we, as a government, sought decisive action to bring an end to this harmful dispute, and that is why, together with the New South Wales government, we made a joint application to Fair Work Australia on 29 October to terminate the industrial action.

I say at the outset that we were pleased by the decision of Fair Work Australia on 31 October to order the termination of this dispute. That said, we remain concerned by the stance adopted by the Gillard government, in particular why it did not intervene until the planes were grounded worldwide. In Victoria in particular and in New South Wales we saw this dispute dragging on; its impact was becoming more damaging to the state by the day. That is why I was pleased that premiers Baillieu and O'Farrell wrote to the Prime Minister on 27 October warning of the effects of industrial action by the unions on the capacity of Qantas to provide reliable services. It is important to quote what was written to the Prime Minister. The letter says:

> We therefore call upon you as Prime Minister to intervene in this dispute before it damages our economies any further.

It also says:

> The Fair Work Act 2009 gives the commonwealth government the power to exercise leadership in the resolution of difficult negotiations. The time has now come to exercise the power available under the Fair Work Act 2009, and we call upon you to do so.

What was the result of that on the federal government? It called it a stunt, and yet, as we know, the events of 29 and 30 October proved otherwise. The Prime Minister again badly misread the situation and the crisis. We applied the Fair Work Act 2009, as I am allowed to as the Minister for Employment and Industrial Relations, to intervene and make an application to Fair Work Australia on the matter. This is a very rarely, if ever, used power that is available; the private sector industrial dispute provisions in this act are very rarely used. However, we saw that the impact of the Qantas dispute on Victoria's economic interests was serious and threatened to become far worse.

It is important to put on the record that whereas the commonwealth government left open an option for Fair Work Australia to merely suspend the industrial action, Victoria and New South Wales were unequivocal in their view that the industrial action should be terminated immediately. We made it very clear. We have heard all sorts of excuses why the commonwealth government chose not to terminate the action. It raises the question: in what circumstances would you use the powers that are available under the act if you are not going to use them in the situation we faced on the weekend before last?

It is again a failure of leadership by Labor — a failure of leadership at the federal level — where Qantas was losing tens of millions of dollars and tourism operators in Victoria were losing tens of millions more.

Thousands of Victorian tourists and travellers had their flights cancelled. It is vital that these parties come together as quickly as possible to resolve their differences for the long term.

Nurses: enterprise bargaining

Mr JENNINGS (South Eastern Metropolitan) — My question is to the Minister for Health. In the statement the minister issued on Sunday, 6 November, he said all the issues raised in the *Age* report of that day had already been raised with the Australian Nursing Federation (ANF), therefore confirming through this statement that the removal of the nurse-patient ratio is an outcome sought by the government in its claim. Furthermore, is the government not reliant on that outcome for the minister's portfolio to achieve the net savings of $104 million every year?

Hon. D. M. DAVIS (Minister for Health) — The government supports nurse-patient ratios but with some local flexibility. I am interested to note that the ANF published a document in July 2007, which says:

> Nurse-patient ratios — To be undercut at the discretion of management, both shift by shift and during a shift.

This was about the log of claims lodged by the last government. Daniel Andrews, the then health minister, also attacked — —

Hon. M. J. Guy — Who?

Hon. D. M. DAVIS — Who is Daniel Andrews? The opposition has to realise that its government — —

Mr Lenders — On a point of order, President, Mr Jennings asked Mr Davis a specific question about his administration of the health portfolio, and he is now going on a frolic looking at how he sees past history. The question was about government administration today, not his views on the Labor Party. I ask you to hold him to the point.

Hon. D. M. DAVIS — On the point of order, President, it is clearly reasonable to put this in the context of previous EBAs — such as the last one, two or three EBAs that have been conducted — where many of the same claims have been made by unions. Obviously there is argy-bargy, so it is quite reasonable as part of a response to put in context the behaviour of previous parties.

The PRESIDENT — Order! I am of the view that Mr Davis, as minister, is entitled to put these matters in context. At this stage I am not concerned about his answer in that my understanding of this issue is that flexibility is central to much of the current discussion on the nurses agreement and the matters that may have been canvassed by cabinet, given the documents that are purported to be cabinet leaks. Mr Jennings's question is predicated on some of that information. Therefore it is valid that Mr Davis, in putting his answer into context, should draw on some of the material Mr Jennings spoke about. I am sure he will address the specific issue that was raised by Mr Jennings in the latter part of his answer.

Hon. D. M. DAVIS — It is important to understand the historical context over the last few EBAs. I will come to the current point very soon. In 2007 an article in the *Age* talks about the government's log of claims. It says:

> … the government's log of claims says senior nurses must be able to roster above and below the existing fixed ratios in times of high need or lesser need, based on the mix of patients.
>
> Australian Nursing Federation state secretary Lisa Fitzpatrick accused the government of trying to abolish the ratios to save money.

That was the claim in 2007.

> 'It's very disappointing that they're trying to do it yet again, but essentially nurses will retain patient ratios, but also they will be improved', she said.
>
> …
>
> A spokesman for … Daniel Andrews said Victoria's health system was among the best …
>
> 'Our health system is facing significant change', he said. 'This change is taking place in the community's expectations and demands …
>
> 'We need to equip our health services and our nurses to meet these challenges and also recognise nurses' own desire for improved work-family balance.
>
> 'The major outcomes we are seeking are better matching nurse workloads with patient needs and ensuring a fairer work-family balance for nurses'.

I have to say that many of the sentiments that Daniel Andrews expressed at the time did have some validity. I am not endorsing all of them; I am just saying that he had an understanding that the health system is changing and that the need to find some gentle flexibility is a significant point. Notwithstanding that, the government is committed to protecting the workload of nurses and protecting the arrangements that ensure that nurses are able to deliver high-quality health care in this state.

We seek a good outcome for nurses in which they get higher salaries over and above the 2.5 per cent and are able to deliver safe health care for the Victorian community. That is not dissimilar to some of the points

made in 2007 by the then Minister for Health, and the union attacked him for seeking some flexibility.

Supplementary question

Mr JENNINGS (South Eastern Metropolitan) — I want to ask my supplementary question, and I want the minister to keep on talking. Most importantly, I want the minister to take some action to explain to the community, the Parliament and the ANF what flexibility means, particularly in relation to employing nursing assistants, because in fact it is implied that the employment of a nursing assistant reduces the cost structures of health, but you are employing an additional staff member to perform that task. If your net saving figure is $104 million, do you not have to reduce more positions, beyond $104 million, before you can employ any new additional staff? Is that not a fundamental problem with the idea of introducing assistants?

Hon. D. M. DAVIS (Minister for Health) — I make the point that the precise negotiations will be undertaken by the 86 health services bargaining agent and the ANF, and they will undertake the precise details. But let me be very clear: there are advantages to be gained by the use of nursing assistants, and Daniel Andrews, as health minister, advocated the use of nursing assistants. Indeed in the last EBA in 2007 Daniel Andrews sought to have nursing assistants included. That is what Daniel Andrews did as health minister, so there is clearly a role for nursing assistants to work and assist nurses, to relieve nurses of some particular duties and in many cases to enable nurses to undertake higher duties.

The opportunity is there to work with nurses and nursing assistants at a number of the places that have been piloted and have been accepted by nurses — at the Austin, for example — and I have to say Daniel Andrews — —

The PRESIDENT — Time!

City of Whittlesea: early childhood services

Mr ONDARCHIE (Northern Metropolitan) — My question is to the Minister for Children and Early Childhood Development, Ms Lovell. I ask: can the minister inform the house of the excellent facilities being dedicated to early childhood services in Laurimar, in the city of Whittlesea?

Hon. W. A. LOVELL (Minister for Children and Early Childhood Development) — The city of Whittlesea is undergoing a baby boom, with an 18 per cent increase in births between the years 2001 and 2008. In the Mernda-Doreen area, which incorporates Laurimar, the population of children aged zero to four years has increased from 97 in 2001 to 2625 in 2011.

Last week, together with my colleague Mr Ondarchie, I met with Whittlesea City Council to discuss early childhood issues in the municipality — issues that are very important to the city of Whittlesea. On the same day I had great pleasure in opening the Laurimar community activities centre. The $6.5 million facility is the result of a partnership between the Victorian government and the City of Whittlesea. The centre was built next door to the Wallaby Childcare Early Learning Centre and the Laurimar Primary School, which makes the area a one-stop shop where whole-of-family support is provided.

I would like to thank the council employees, community members and the families for their attendance at the event. I would also like to acknowledge the children at the centre — children of preschool age, who were so well behaved. In fact the event was almost tantrum free, with the sole exception of the member for Yan Yean in the Assembly, Ms Green, whose mutterings and rudeness seemed to be a source of embarrassment for her colleague the member for Mill Park in the Assembly. Fortunately for Ms Green, the enforcement of good behaviour at such events is not as strict as it is in Parliament or she would likely have found herself sitting in the naughty corner with the Leader of the Opposition in the other place, Mr Andrews.

I look forward to many more such events in Northern Metropolitan Region and hope they can be celebrated with a sense of bipartisanship and positive community advancement.

Planning: urban growth boundary

Mr TEE (Eastern Metropolitan) — My question is for the Minister for Planning. I refer the minister to his letter to councils outside the growth areas in which the minister asked councils to identify so-called anomalies in the location of the urban growth boundary. In the minister's letter he told councils that the process will not be open to general public submissions and he asked for responses by 28 November. Despite the minister's prohibition on public consultation, councils like Knox and Kingston want to consult with their communities, but they need more time. I ask: will the minister back down on his prohibition on public consultation and give councils the time they need to consult with their communities?

Mrs Peulich — On a point of order, President, I am concerned that the member, having vetoed a visit to the Kingston council to visit the site — —

The PRESIDENT — Order! Clearly that is not a point of order. More importantly, this house takes a dim view of vexatious points of order. I counsel Mrs Peulich not to try that again, because next time I will be very quick.

Hon. M. J. GUY (Minister for Planning) — It is quite amazing that a member of Parliament who vetoed the visit of a parliamentary committee — —

The PRESIDENT — Order! The minister is not being helpful after my ruling on the point of order. I cannot direct the minister on how to answer the question, but I suggest that being provocative in that way will not help the house. The minister should continue his answer with a more circumspect approach.

Hon. M. J. GUY — Allow me to speak about the facts of a matter that involves a point in relation to this question — a very clear and factual point about the question asked of me and a very clear point that both Mrs Peulich and I know. What I find amazing about the question is that the opposition is asking me about consultation, but when the chance for this Parliament to have consultation was offered, the member opposite played a role in scuttling that consultation, as has been pointed out.

Mr Lenders — On a point of order, President, the minister is, I am assuming, referring to the deliberations of a committee of this house of which he is not a member. The point of order I raise is: how is this relevant to him answering the question, particularly if he is referring to the deliberations of a committee of this house?

The PRESIDENT — Order! It might be in the best interests of Mrs Peulich and all members if I intervene and make a ruling straightaway. The minister is not entitled to refer to the proceedings of the committee. Those proceedings are subject to privilege. The committee has not yet reported to this house; therefore the minister should not allude to the affairs of the committee. Mrs Peulich should not shake her head at me; that is the ruling.

Mrs Peulich — On a further point of order, President, I respect your ruling, but I would hope the point of order and your ruling do not inadvertently impugn the matters that are being raised with me by third parties separate to any confidential proceedings of the committee.

The PRESIDENT — Order! I am going to cut Mrs Peulich off because I have no idea what she is talking about.

Mrs Peulich — The point of order, President, is that your ruling may inadvertently reflect on members, including both the minister and me, because it is based on a false assumption — that is, that the information was derived from the committee rather than the complaints of a third party external to the committee process.

The PRESIDENT — Order! The point made by Mrs Peulich is totally irrelevant. The situation is that this house has its rules, and the rules of this house are that members cannot refer to a committee's proceedings before the committee has reported because those proceedings and the activities of the committee are covered by parliamentary privilege. There is no opportunity for members of this house to comment on them.

I know a couple of 90-second statements were made the other day in which members had different versions of events relating to a visit that apparently did not proceed to one of the municipalities mentioned in Mr Tee's question. On that occasion it was probably okay in the context of our proceedings, but it is not appropriate for the minister to now refer to that. Mrs Peulich may wish to disagree, but the fact is that it is not within the rules and the standing orders of this Parliament. I uphold Mr Lenders's point of order; he was perfectly correct.

Mrs Peulich — On a point of order, President, can you confirm whether you have received a letter of complaint from an external — —

The PRESIDENT — Order! Mrs Peulich is totally out of order. Mrs Peulich is now trying to improperly use the proceedings of this house to pursue a particular line of argument in relation to concerns she has in respect of that committee. I suggest that Mrs Peulich take up those concerns with the committee. The opportunity has been provided for that committee to meet, and Mrs Peulich should take up those matters there and not here. Mrs Peulich should not draw me, as the Presiding Officer, into this debate by way of that sort of question, which she tried to take up as a point of order.

Mr O'Brien — Further on the point of order, President, I suggest an additional course. I know nothing about this except that I was in the house when you mentioned the last member's statement. I do not know what the comments were about, but some have made it into *Hansard*. I do not know whether that is

proper or not, but if the opposition or anyone else is going to persist with questions on this matter — —

The PRESIDENT — Order! I do not want explanations or editorials from Mr O'Brien. He should state his point of order.

Mr O'Brien — The point of order is that I ask you, President, to consider *Hansard* and provide the house with some guidance as to your ruling in respect of how this matter can be best progressed, having regard to what is in the public domain.

The PRESIDENT — Order! I have heard enough; I have already done that. I have said the committee makes its own deliberations. Members should go back to the committee and discuss it there. They should not bring it before the house. The minister to continue, without reference to the committee's proceedings.

Hon. M. J. GUY — Thank you, President, and you are quite right, this Parliament does have rules. Some of those relate to provocation when it comes to questions being asked, and they should always be picked up as a matter of course. It is interesting to note that the government has sent letters and made requests to councils to look at anomalies in the non-growth areas — for example, schools that have a growth boundary running through the middle of them. One school in the shire of Yarra Ranges had a boundary running through the middle of the school. It was haphazardly drawn by the previous government — —

Mr Tee interjected.

Hon. M. J. GUY — Mr Tee may not care less about schools, but if he lets me get to the point, which is — —

Honourable members interjecting.

The PRESIDENT — Order! The minister, to continue without assistance.

Hon. M. J. GUY — With regard to the urban growth boundary in non-growth areas, we on this side of the house believe those councils have a right to say that a boundary should not run down the middle of a school. A non-government school should not have to pay nearly $200 000 to a planning lawyer to get that boundary changed so it can build on its own block of land.

Hon. M. P. Pakula interjected.

The PRESIDENT — Order! Mr Pakula's remark was totally unparliamentary. On the basis that Hansard might not have heard that comment, I will not ask him to withdraw it, but I do not want to hear it again.

Hon. M. J. GUY — It is clear that the process we have put in place is exactly the same process followed by the previous Labor government when it came to any examination of boundary change. Mr Tee has actually asked a hypothetical question: will the government agree to an extension of those councils' requests? That is a hypothetical question; it is a question that has not been answered by the government.

Supplementary question

Mr TEE (Eastern Metropolitan) — I note there were a number of distractions, but I take it from the minister's answer that he will not allow an extension of time so that communities can be consulted and councils can consult with their communities. I ask: can the minister confirm that under his so-called anomalies process there will be no community consultation in relation to the loss of green open space?

Hon. M. J. GUY (Minister for Planning) — The so-called anomalies process was endorsed in the last Parliament by Mr Tee and the former Minister for Planning, Mr Madden, who is now the member for Essendon in the Assembly. It is the so-called anomalies process about which Mr Madden ran into the Parliament and said:

> What we anticipate is that after we have progressed our … body of work, we would look at some mechanisms being developed for potential small-scale, logical inclusions where anomalies may occur.

It beggars belief that Mr Tee would run into this Parliament talking about so-called processes that he backed before the last election, processes that bear his name from before the last election and that he voted for before the last election. That is the same process the former government put in place, and it will be followed by this government. The members of the Labor Party in this state are an absolute, 100 per cent, rock-solid bunch of hypocrites.

Housing: affordability

Mrs PEULICH (South Eastern Metropolitan) — I direct my question to the Minister for Planning. I ask: can the minister inform the house of what action the Baillieu government has taken to combat housing unaffordability and reverse 10 years of inaction on land supply?

Hon. M. J. GUY (Minister for Planning) — I begin by congratulating my colleague Mrs Peulich on her work in combating the growing crisis in housing

affordability in this city, because the Baillieu government has done more in 11 months than the previous government did in 11 years to combat the housing affordability crisis in this city. The Baillieu government has worked tirelessly to focus on land supply and has brought forward 50 000 new lots in this city. We have brought forward a housing affordability unit to combat the root cause of housing unaffordability. We are reforming precinct structure plans.

More to the point, we have changed the law on the growth areas tax so that state infrastructure can be realised earlier in our growth areas and railway stations, roads and community facilities can be delivered earlier. This change to the law was opposed by the Australian Labor Party. It was opposed by Andrew Daniels and his colleagues — I mean the member for Mulgrave in the Assembly, Mr Daniels — I am sorry, I am getting a little worked up. It must be Jack Daniels, Andrew Daniels, Daniel Andrews.

The PRESIDENT — Order! I trust that the minister, when he gets back to his feet, will refer to the Leader of the Opposition in the Assembly by his correct name and title and correct what I hope was an inadvertent reference to the Leader of the Opposition as Andrew Daniels. I hope he will not venture forth on any further folly or any other play on the name of the Leader of the Opposition. It is not on.

Hon. M. J. GUY — I recently approved and have pleasure in announcing to this house — —

The PRESIDENT — Order! I have asked the minister, before he continues, to correct the record in respect of his understanding of the name of the Leader of the Opposition.

Hon. M. J. GUY — I am advised that the Leader of the Opposition is a Mr Daniel Andrews.

Mrs Peulich — For today, anyway!

Hon. M. J. GUY — That is correct.

I had great pleasure in bringing forward the Clyde North precinct structure plan — 6600 homes, 18 500 people. It is work-in-kind legislation to bring forward state infrastructure so that we can realise infrastructure and jobs in growth areas at a time that matters, proving that the Baillieu government has done more in 11 months than the previous Bracks and Brumby administrations did in 11 years to combat housing unaffordability in our growth areas. I had much pleasure in bringing forward 137 hectares of open space and 432 hectares of new green space to encourage residential growth in the outer suburban area of the city of Casey.

It is exceedingly important that we realise land supply early, that we combat housing unaffordability with supply, that we bring forward more projects in growth areas to ensure that those growth areas have the ability to absorb a decade — —

Ms Broad — On a point of order, President, and I apologise for raising my voice to be heard. I appreciate that all members raise their voices from time to time in order to be heard. I also note that for some time the house was quiet. To protect us all from industrial deafness, I wonder if the minister, when the house is quiet, could reduce the volume just a touch.

The PRESIDENT — Order! I say to Ms Broad that I am not sure that I can successfully arbitrate on the volume of a member's contribution. I suggest that Mr Guy is clearly on some sort of pep pills today, and I do not mean that to be disparaging.

Hon. M. J. Guy — I hope not.

The PRESIDENT — Order! It is certainly not, but I am not sure that Mr Guy needed to be necessarily as forceful as he was at that time. It is not a point of order that I can uphold in the sense of a point of procedure. I suggest, though, at this time that I have some concerns today about some of the interjections across the chamber, some of which I regard as unparliamentary, and some of them, if they had actually hit particular targets, I would have taken a very dim view of. Members might be a little bit more careful. Some ministers may have considered some of the questions provocative. I think Mr Guy today has been fairly provocative in the way he has approached answering a couple of those questions, and that has clearly led to the problem with some interjections, and I am not happy about them.

Hon. M. J. GUY — I am enthusiastic about good news; Mrs Peulich is enthusiastic about good news. We are enthusiastic about the way this government has done more in 11 months than the previous government did in 11 years to combat the growing level of housing unaffordability in this city.

We had pleasure and were proud to bring forward the Clyde North precinct structure plan — 432 hectares of developable land and 137 hectares of open space to complement legislative changes that we have made to the growth areas infrastructure contribution tax so that work-in-kind legislation can mean state infrastructure being brought forward in this precinct much earlier than could have been realised in the past. I say again that we

are enthusiastic about good news, and with good reason, because it is the Baillieu government that is committed to getting people into their first home, to combating housing unaffordability and to making Melbourne the greatest capital of Australia in which to live.

Nurses: enterprise bargaining

Mr JENNINGS (South Eastern Metropolitan) — My question is to the Minister for Health. Given that on a number of occasions during question time I have asserted, and he has not disputed, the fact that $104 million savings annually within the hospital system equates to the full-time salary of 1758 nurses — given that I have asserted it and he has not actually disputed it once — why is it appropriate for Alec Djoneff of the Australian hospitals industrial association to be saying on radio that the ANF (Australian Nursing Federation) is dishonest and misrepresenting the nature of the government's claims? Is not Mr Djoneff adopting an approach intended to prevent good faith negotiation, to inflame the dispute and to lead to industrial disputation before Fair Work Australia in accordance with his own EBA (enterprise bargaining agreement) strategy?

The PRESIDENT — Order! I will allow the minister to answer, but I indicate that I have some concerns with this question because it is drawing on a report of what somebody is purported to have said on radio. I do not know if the minister knows whether those remarks were made or can verify those remarks as such. I say to Mr Jennings that it is in the same context as some newspaper discussions, and I have some concerns about this question. I will let the minister answer, but the minister might be aware that relying on third-party sources and leveraging them up for the sake of debate in here or questions in here is fraught with danger.

Hon. D. M. DAVIS (Minister for Health) — The first thing I would say is that the precise detail of the EBA negotiations will be conducted between the ANF and the 86 hospitals bargaining agent. The person that Mr Jennings refers to is an officer of that organisation. I make the point clearly — obviously I did not hear the specific points to which he refers, but notwithstanding that — —

Mr Jennings — You don't have to worry. Nothing that I have said is inaccurate.

Hon. D. M. DAVIS — I did not hear it, so I am cautious about accepting the rendition given by the opposition. But let me be quite clear here. All the productivity savings that will be achieved through arrangements struck by nurses and the hospitals in this state — the 86 hospitals — will be devoted to higher salaries and better conditions for nurses. Our aim is to ensure that the government's wages policy — the 2.5 per cent plus productivity arrangements — is in operation. Equally, we see a number of ways in which nurses and other health-care workers could get very significant wage increases that could be achieved through greater productivity.

I make the point that the nursing numbers that are suggested there are certainly not accurate in the way that has been described. I make the point that additional funding has been applied by the state government to see more nurses in our hospital system this year — $725 million extra in the health budget and more than $500 million in the acute health budget; increased spending; increased nurses; increased support for our health system.

At the same time the availability is there under government wages policy where, if nurses are able through the ANF to negotiate arrangements — and that is our favoured course — greater and more productive arrangements can be put in place. It may well mean not less nurses, but more, and it may well mean better arrangements are put in place. It may mean that nurses are able to get very significant wage increases.

It is worth making it clear that the use of that $104 million figure has not been accurate in the way the ANF has described it publicly. The ANF made the point that 4 per cent of the nurses wages bill that is referred to in that point is actually in some way different from the 3.5 per cent that is described elsewhere in other parts of the government's log of claims. The 3.5 per cent, as I am informed, comprises the 2.5 per cent plus 1 per cent, with the 1 per cent coming from 1 per cent per year across four years.

I am making the point that the description by the ANF has not been accurate on that. Notwithstanding that, there may be many different ways in which productive arrangements in the workplace could be struck between the ANF and the 86 health services in Victoria. They could see nursing salaries go up very significantly, and certainly all the productivity savings and the greater outcomes that can be achieved will be devoted to higher salaries and conditions for nurses. That is the government's intention and, as I understand it, all the 86 health services support that position.

Supplementary question

Mr JENNINGS (South Eastern Metropolitan) — President, you would appreciate that I would like, in a sense, the right of reply in asking my second question. In 12 years of being in this place nobody has actually pulled me up and said that I have misrepresented anybody, until the imputation earlier today. I said that Mr Djoneff said on radio that it was dishonest, and that is what he said.

The PRESIDENT — Order! I do not think the minister cast any aspersions in that regard. The minister was taking the lead from me. What I am suggesting is that clearly Mr Jennings believes he has quoted him correctly; that may well be the case, and I would not dispute that either, as indeed Mr Davis did not. However, the proceedings of this house can have problems when members come into this house and quote someone who has been speaking to the media, because the context of the answers they have given to questions from the media might be very different to the context that we would want to have in this place. My concern — my warning, if you like — in terms of coming back to the question, was about picking up on, in effect, media reports, notwithstanding that it was an interview in which the gentleman quoted was obviously speaking. The member, to continue, but Mr Jennings should be assured that his integrity is intact.

Mr JENNINGS — On this occasion I thank you, President. The minister referred in his substantive answer to the $104 million, asserting perhaps that I had made this figure up. In fact in the online attachment to the *Age* article there is a cabinet submission that has those costings in it, and they are $104 million a year. Is the minister indicating that that document is a forgery, or does he want to take the opportunity to account for it in a different way?

Hon. D. M. DAVIS (Minister for Health) — The reality is that there is nothing new in that particular document. It is an old document, as I understand it, and the productivity gains that can be achieved through EBA negotiations could see significant increases in salaries for nurses. The fact is there will be a bit of argy-bargy throughout an EBA process. The previous government in fact faced that, and I would be very happy to make available to Mr Jennings some of the literature that was put out by the ANF at the time that attacked Daniel Andrews for the skills mix that he sought to change, for the nurse-patient ratio that he was said to be undercutting and for the short shifts that he was said to be introducing. These are all the ANF decisions, and I think — —

The PRESIDENT — Order! The minister's time has expired.

Schools: mathematics and science

Mr P. DAVIS (Eastern Victoria) — I direct a question without notice to the Minister responsible for the Teaching Profession, Mr Hall. Will the minister advise the house on progress in relation to the Baillieu government's commitment to provide mathematics and science specialists in Victorian primary schools?

Hon. P. R. HALL (Minister responsible for the Teaching Profession) — There seems to have been a prevailing atmosphere of some tension and combativeness during question time today, so I am pleased to hopefully wrap up question time with a question and a subject which I think has the support of all members of this chamber, that being the $24.3 million commitment by the current government to have specialist maths and science teachers in primary schools. I thank Mr Davis for his question and the opportunity to advise members on the progress of the implementation of this commitment.

It was just yesterday morning that I had the pleasure of meeting the first 100 teachers who are starting their training to become specialist maths and science teachers in Victorian primary schools. When I walked into the function room at Etihad Stadium, where they were about to embark upon the first 10 days of training, the excitement in the room was more than apparent. What we saw were 100 people, chosen from over 200 who had applied for these positions, who were about to embark on the first of three training programs. This week and next week they will undertake a 10-day intensive course to help them in their role as specialist maths and science teachers beginning in Victorian primary schools next year. They will work in 55 different schools, represented in each of Victoria's nine education department regions.

Those teachers will be based as classroom teachers for 0.5 of their working week, and the other 0.5 of their time will be spent assisting both teachers in their schools and teachers in nearby networks or clusters of schools to improve the way in which maths and science is being taught.

The key to engaging people in the areas of maths and science is to capture their imagination and interest when they are young. I believe these 100 teachers scattered throughout schools will do exactly that and equip Victoria well for a resurgent interest in the areas of mathematics and science study. This is the first cohort of 100 teachers. In about two years there will be a

further cohort of 100 teachers. I welcome this positive commitment by the coalition government. It will lead to better outcomes in maths and science education right across the state.

QUESTIONS ON NOTICE

Answers

Hon. D. M. DAVIS (Minister for Health) — I have answers to the following questions on notice: 205–13, 625, 672, 2261, 5688–783, 5880–975, 5976–6167 and 7416–511.

DEPARTMENT OF EDUCATION AND EARLY CHILDHOOD DEVELOPMENT

The Victorian Government's Vision for Languages Education

Hon. P. R. HALL (Minister responsible for the Teaching Profession), by leave, presented Victorian government's Vision for Languages Education report 2011.

Laid on table.

SCRUTINY OF ACTS AND REGULATIONS COMMITTEE

Alert Digest No. 13

Mr O'DONOHUE (Eastern Victoria) presented *Alert Digest* No. 13 of 2011, including appendices.

Laid on table.

Ordered to be printed.

PAPERS

Laid on table by Clerk:

Architects Registration Board of Victoria — Minister's report of failure to submit 2010–11 report to the Minister within the prescribed period and the reasons therefor.

Crown Land (Reserves) Act 1978 — Minister's Order of 6 October 2011 giving approval to the granting of a licence at Alexandra Gardens Reserve.

Emergency Services Telecommunications Authority — Report, 2010–11.

TAFE Development Centre — Minister's report of receipt of 2010–11 report.

Liquor Control Reform Act 1998 — Report of the Chief Commissioner of Police pursuant to section 148R of the Act, 2010–11.

Major Sporting Events Act 2009 — Major sporting event order of 11 October 2011 in relation to the Presidents Cup 2011.

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

Bayside Planning Scheme — Amendments C57 and C92.

Baw Baw Planning Scheme — Amendment C80.

East Gippsland Planning Scheme — Amendment C81.

Greater Geelong Planning Scheme — Amendments C188 and C189.

Moonee Valley Planning Scheme — Amendment C114.

Mount Alexander Planning Scheme — Amendment C57.

Wellington Planning Scheme — Amendment C68 Part 2.

State Electricity Commission of Victoria — Minister's report of failure to submit 2010–11 report to the Minister within the prescribed period and the reasons therefor.

Statutory Rules under the following Acts of Parliament:

Coroners Act 2008 — No. 117.

Subordinate Legislation Act 1994 — No. 116.

Supreme Court Act 1986 — Nos. 118 and 119.

Supreme Court Act 1986 — Criminal Procedure Act 2009 — No. 120.

Transport Accident Act 1986 — No. 115.

Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rule Nos. 109 and 117 to 120.

Proclamation of the Governor in Council fixing an operative date in respect of the following Act:

Victorian Urban Development Authority Amendment (Urban Renewal Authority Victoria) Act 2011 — 25 October 2011 *(Gazette No. S342, 25 October 2011).*

PRODUCTION OF DOCUMENTS

The Clerk — I have received a letter dated 5 November from the Minister for Public Transport headed 'Production of documents'.

Letter at page 68.

Ordered that letter be considered next day on motion of Ms PENNICUIK (Southern Metropolitan).

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, 9 November 2011:

(1) the notice of motion given this day by Mr Jennings relating to the plans of the Minister for Health relating to nurses;

(2) notice of motion 176 standing in the name of Ms Hartland referring a matter to the Law Reform Committee;

(3) the notice of motion given this day by Mr Pakula relating to the Office of Police Integrity's report tabled in the house on Thursday, 27 October 2011; and

(4) order of the day 21 regarding the Treasurer's letter concerning the myki ticketing system documents.

Motion agreed to.

MEMBERS STATEMENTS

Diamond Valley Railway: 50th anniversary

Mrs KRONBERG (Eastern Metropolitan) — On Sunday, 30 October, in the Eltham Lower Park my colleague Ed O'Donohue, the Parliamentary Secretary for Transport, and I joined a group of proud volunteers who battled rain squalls and set out to mark 50 years of serving the community in a very special way. The day marked 50 years since the founding of what we now know as the Diamond Valley Railway Inc. Led by the young and energetic president, Sam Daly, a sizeable representative group, including secretary Ted Brierley, immediate past president Tim Haldene, Gloria Gallacher and other passionate volunteers, marked the half-century since the founding of the miniature railway by the late Clement Meadmore. One volunteer who joined back in 1961 continues to serve the community by applying his skills and passion for miniature rail.

Diamond Valley Railway is an iconic tourist attraction nestled in Eltham's gateway amidst native gardens and adjacent to extensive parkland. Its supporters are proud of its splendid safety record and its 150-strong volunteer membership base, which ensures that over 110 000 visitors each year have a great time riding the rail and picnicking in the surrounding bushland. Now powering into its second half-century, Diamond Valley Railway has introduced over 3 million visitors to the magic of steam rail over its 2 kilometres of winding track.

Victoria University: achievements

Ms HARTLAND (Western Metropolitan) — I would like to congratulate Victoria University on two accounts. Firstly, Victoria University is reintroducing compulsory student association fees. Professor Greg Baxter, the pro-vice-chancellor academic and students, says this will allow the university to provide a wider range of services for the benefit of students. Services common to student associations include child care, access to social workers, legal advice, health and fitness, and student community events and spaces such as the student association offices. Now students can defer payment through the higher education contribution scheme. This is fantastic news for students of Victoria University, many of whom are from the western suburbs. Reinstating the student association will mean an improved student experience.

Secondly, Victoria University's Footscray Park campus swimming pool now contains 100 per cent treated rainwater, saving 2 million litres of drinking water a year. Congratulations to Victoria University on its leadership in sustainable practices.

Exports: Governor of Victoria awards

Mr TARLAMIS (South Eastern Metropolitan) — I rise to congratulate four companies from South Eastern Metropolitan Region on winning the 2011 Governor of Victoria Export Awards. These awards acknowledge the skill, contribution and achievements made by local exporters to the state and national economy.

Ronstan International, based in Braeside, manufactures and distributes fittings for powerboats, yachts, architectural and industrial applications. Established in 1953, it has grown to be one of the largest manufacturers of yacht fittings in Australia, and it was the winner of the small to medium manufacturer award.

MTECH Systems, based in Dingley, develops and manufactures software, systems and equipment for the aviation and meteorological industries. It began exporting in 1987 and is now exploring growth opportunities in China and Europe. It was the winner of the small business award.

Ceramic Fuel Cells, based in Noble Park, is a world leader in developing fuel cell technology to provide

reliable, energy efficient, high-quality and low-emission electricity from widely available natural gas and renewable fuels for small-scale, onsite, micro-combined heat and power and distributed generation units that co-generate electricity and heat for domestic use. It was the winner of the minerals and energy award.

Invetech, based in Mount Waverley, has been at the forefront of breakthrough product development and automation, helping companies get new products to market through innovative design, engineering and manufacturing for more than 30 years. It was the winner of the large services award.

Further, it is important to note that 6 of the 14 recipients of these awards, including the four mentioned above, were won by companies from South East Melbourne Innovation Precinct. This precinct, which comprises the local government areas of Kingston, Greater Dandenong, Monash and Knox, is home to 40 per cent of Victoria's manufacturing activities and more than 56 000 registered businesses. I again congratulate these companies and wish them future success.

Ballarat Arch of Victory

Mr RAMSAY (Western Victoria) — It was with great pleasure that I accompanied the Minister for Veterans' Affairs, Hugh Delahunty, and Her Excellency Ms Quentin Bryce, Governor-General of Australia, to the official opening of the renovation of the Ballarat Arch of Victory, which is world renowned and the entrance to the Ballarat Avenue of Honour, the earliest known memorial avenue in Victoria, with over 3200 trees planted to honour soldiers from the Ballarat region who served in the First World War. I congratulate the restoration committee, led by Jeremy Johnson, and the three tiers of government on supporting this important restoration work.

Ballarat District Nursing and Healthcare: centenary

Mr RAMSAY — I joined the Governor-General in attending a reception to celebrate the 100-year anniversary of Ballarat District Nursing and Healthcare, an extremely important heath service which was recognised by the Baillieu government with an election commitment of $1.8 million. This was delivered in the first budget. Congratulations to CEO Joanne Gell and her team on this wonderful milestone.

Mount Blowhard Primary School: facilities

Mr RAMSAY — I also acknowledge the great honour I was given of representing the Minister for Education, Martin Dixon, in officially opening new school facilities at Mount Blowhard Primary School. The new, refurbished classrooms and school hall are a fitting testimony to demonstrate what can be achieved by an extremely tenacious principal in Lynne Devlin, ably supported by the school council president, Stuart Scobie, the parents and the local community. It is a great example of what can be achieved with the support of the local, state and federal governments and the fortitude and determination of a small rural community that takes pride in its primary school and wants the best education for its children.

Baiada Poultry: employment conditions

Ms PULFORD (Western Victoria) — Poultry workers employed by Baiada Poultry at its processing facility in Pipe Road, Laverton, will take industrial action this week. The action will commence at 6.00 p.m. on Wednesday, 9 November. This protected action is in response to the company's attempts to take away job security and implement an unethical and illegal employment model which puts cash-in-hand workers and contractors inside Baiada's poultry processing facility. This type of illegal, indirect employment model is dangerous, particularly at a workplace with many injuries, including an injury resulting in the death of Indian national Sarel Singh who was sucked into a machine and decapitated last year. I am told this indirect employment model has also compromised the quality of the poultry sold in our major supermarkets and threatens to expose consumers to food-borne pathogens like listeria, campylobacter and salmonella.

Over the last year Baiada has systematically attacked the rights of its workers to collectively bargain and work in a safe workplace. The company has intimidated workers into resigning from their union and has verbally threatened workers who refused to take risks with worker and consumer safety. On a positive note, and despite their relatively vulnerable position against one of Australia's most powerful companies, these workers are intelligent, resourceful and courageous. They can protect themselves and the consumer. All they need is the removal of the barriers that are holding them back from achieving job security. This protected action is an important stand for all Australians who are forced to endure insecure employment, and I urge all members to get behind these brave workers.

Schools: maintenance

Mrs PEULICH (South Eastern Metropolitan) — I rise to congratulate the Baillieu government on its announcement last week of a comprehensive maintenance audit of all Victorian government schools after 11 years of Labor neglect. The audit sends a strong message to the Victorian community that the Baillieu government will work hard to ensure that it tries to fix the mess left behind by the former Labor government.

As the Parliamentary Secretary for Education I have had the opportunity to visit numerous schools throughout Victoria, speak with local principals and witness buildings needing urgent repairs after being neglected over 11 years of Labor administration. The mind boggles at what could have been fixed in local schools had the federal Building the Education Revolution program money not been wasted and mismanaged by state and federal Labor governments.

That is why I was surprised to read a media release from the deputy opposition leader in the Assembly, who is also the shadow Minister for Education, Rob Hulls, which states:

> Mr Hulls said that after almost 12 months in office, the Baillieu government had only itself to blame for the state of Victorian public schools.

This is the same ALP deputy leader who stood outside his local schools claiming maintenance neglect by the Baillieu government. That education stunt was nothing more than a confession of his own lack of commitment and effectiveness as a local MP, as the former Deputy Premier, and the hypocrisy he now shows as the shadow Minister for Education.

A newspaper article published in the *Dandenong Leader* of 7 November headed 'Schools falling apart in Greater Dandenong' stated that Keysborough College had a $2.4 million maintenance bill, Lyndale Secondary College a $889 323 bill and Noble Park Secondary College a $247 798 bill. What a great legacy in education the Brumby government left behind for the Greater Dandenong community — —

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

Frank Thompson

Mr SCHEFFER (Eastern Victoria) — I congratulate Frank Thompson on his 80th birthday celebrations, which were held at the Victorian branch of the Maritime Union of Australia last Sunday and attended by around 150 family members, friends, colleagues and comrades who have known and respected Frank throughout his many years of community activism. Frank made his most significant contribution to the Victorian community through his work in the Maritime Union of Australia, as a councillor and mayor of the former City of Collingwood and as an ALP member. Frank has served on the management committee of many community organisations and as an organiser for any number of campaigns.

It is impossible for any one person to tell the full story of the life of a man of Frank's calibre — someone who has been active over so many years across Victoria, including Collingwood, the Mornington Peninsula and Castlemaine — which is why the accolades of three speakers were needed to cover the territory: Caroline Hogg, a former member of this chamber; Wally Curran, formerly of the Meat Workers Union; and Barney Cooney, a former Victorian senator. Caroline Hogg evoked the bliss it was to be alive in that dawn on the Collingwood council with Frank, and she was referring to the promise that came from the Whitlam government. Wally Curran held Frank up as man and unionist who, able to persuade many to his cause, never lost his working-class identity and struggled selflessly for his community, not for personal position or power. Barney Cooney recognised that each of us holds an aspect of Frank's story and that we are all part of his understanding and his strengths and achievements. Happy birthday, Frankie!

Bendigo: Biggest Ever Blokes Lunch

Mr DRUM (Northern Victoria) — My 90-second statement is about the big blokes luncheon which is going to be held in Bendigo on Friday, 25 November. This is an opportunity for men to get together to raise awareness of prostate cancer. A similar event to this one has been running for the last three years in Shepparton, and I have been able to get to a few of them. This event will follow on from the inaugural Bendigo event, which was held last year.

We know prostate cancer is one of the easiest cancers to control and recover from, yet of all the cancers it continues to be the biggest killer of men. Getting together to share a meal and a few drinks and hearing stories from men who have had or are dealing with prostate cancer has a positive impact on getting men to contact their local GP to have a check-up, particularly once they turn 40 but critically once they turn 50.

The organiser of the Bendigo event, Keith Sutherland, undertakes a whole range of fundraisers. He is a strong

community man. He has organised a substantial line-up of items to be auctioned so that additional moneys can be raised to help fight prostate cancer. I urge all men approaching middle age to book a ticket for the big blokes barbecue on Friday, 25 November, and if possible to add to the items to be auctioned. If they are unable to do that, then they should go and see a GP and get themselves checked out.

Children: early childhood services

Ms MIKAKOS (Northern Metropolitan) — It has been 12 months since the Baillieu government came to office, and its members have little to show for it, particularly in the area of children's services. This government has axed the Take a Break occasional child-care program, resulting in the closure of many programs around the state, especially in regional Victoria. There have also been fee increases for some centres and some job losses. Some centres have lost their government-funded professional indemnity insurance. The Baillieu government has cut the Young Readers program, and it has cut access to free internet services for Victoria's kindergartens. It has scrapped the dedicated funding to children's centres, and it has woefully underinvested in kindergarten infrastructure.

Minister Lovell has been trolling around the state opening many projects funded and commenced by the former Labor government — with no acknowledgement of that fact. The minister has sought to disguise her underachievements by claiming Labor's achievements as hers. Last week the minister opened two children's centres in Melbourne's northern suburbs. She claimed that the Victorian coalition government had contributed $1.95 million towards the Laurimar activity centre and $500 000 to the Gowanbrae community and children's centre when in fact both projects were fully funded by the former Labor government.

I take this opportunity to congratulate Danielle Green, Lily D'Ambrosio and Christine Campbell, Assembly members for Yan Yean, Mill Park and Pascoe Vale respectively, former Minister for Children and Early Childhood Development Maxine Morand and the local communities and local councils involved on achieving a great outcome for the northern suburbs. Given that dedicated funding for new children's centres has now gone, few new children's centres will receive funding from the Baillieu government. The minister should stop gilding the lily and start delivering for Victoria's children.

Hepburn community wind farm: opening

Mr TEE (Eastern Metropolitan) — On Saturday I had the privilege of attending the formal naming of the Hepburn community wind farm at Leonards Hill. At capacity the two wind turbines generate enough power to supply 1000 houses. Saturday was a very sunny day with only a light breeze, yet the two turbines were still operating at half of their full capacity — enough to power some 500 homes. This project was made possible by local community members who became shareholders in the venture. It was a great family event attended by hundreds from the local community. My children and I were able to tour the wind tower. Geoff Howard, the member for Ballarat East in the other place, was in attendance, and the Greens were well represented by Mr Barber. I suppose I am not surprised that no members of the government parties were present.

The day was somewhat soured by the realisation that this local vision to provide a cleaner world, a vision supported and funded by the local community, is a historic anomaly. Under the Baillieu government, local communities, with the best will in the world, will struggle to get projects like this off the ground. I salute the local community, which worked so hard to get this project up. I thank those who made my day so enjoyable, and I urge the government to stop and think, drop its radical and extreme opposition to wind farms and restore some balance so local communities that just want to do the right thing are not punished.

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

VICTORIAN RESPONSIBLE GAMBLING FOUNDATION BILL 2011

Second reading

Debate resumed from 13 October; motion of Hon. G. K. RICH-PHILLIPS (Assistant Treasurer).

Hon. M. P. PAKULA (Western Metropolitan) — It gives me pleasure to speak on the Victorian Responsible Gambling Foundation Bill 2011 and indicate that the opposition will not oppose the bill. The bill should be unremarkable and uncontroversial because the Victorian Responsible Gambling Foundation builds on the legacy of the previous government's Taking Action on Problem Gambling blueprint of some five years ago. It was a five-year blueprint with more than $130 million worth of funding designed to promote problem gambling services,

promote education campaigns directed at problem gamblers, reduce the incidence of problem gambling in the community and reduce the impact of problem gambling on Victorian families, including those who find themselves victims of the curse of problem gambling. The bill ought to be uncontroversial, but it is a victim of the overblown rhetoric of the government and the Minister for Gaming's claim that in setting up the Victorian Responsible Gambling Foundation he is creating an independent foundation modelled on VicHealth. This foundation is nothing of the sort, but I will come back to that later.

It is worth putting on the record that back in 2009–10, according to the Victorian Commission for Gambling Regulation, Victorians lost some $5 billion through gambling. Electronic gaming machines accounted for a large proportion of those losses, but they were not confined to electronic gaming machines. We have just been through the Spring Racing Carnival, during which some people had a bit of luck but many others — —

Ms Pulford interjected.

Hon. M. P. PAKULA — 'How did I go?', Ms Pulford asks. I went better on Derby Day and Cup Day than I did on Oaks Day and Stakes Day, and I reckon I am in the same boat as many in that regard.

Mrs Peulich — Out of pocket?

Hon. M. P. PAKULA — No, I was a little in front all in all. However, the point is that for many Victorians that was not the case. Horseracing, not just at Spring Racing Carnival time but throughout the year, can be an issue for Victorian problem gamblers. I have known well and worked with people with serious issues with horseracing and the gambling that goes with it. We also know that many people find their gambling pleasure at the casino. Many people do so for leisure, and many do so to the extent that it becomes a problem.

In recent times we have also seen an enormous upsurge in the use of digital gambling options through smart phones, online accounts and sports betting, which is being promoted heavily at sporting venues. It is quite obvious that some of the more recent campaigns have moved away from education about electronic gaming machines and started to move towards education about betting on a mobile phone or a smart phone and betting on sporting events or two flies crawling up a wall. These days the options for betting are vast and immediate, and anyone who has an online account would know that their ability to bet funds from their online account and also to transfer funds from their bank account to their online account is incredibly easy and immediate. For those who have a predisposition to addictive behaviour or are getting in over their heads, the risks are very real, and the problems they can lead to, both for themselves and for friends and families, are apparent and immediate.

Governments of all persuasions and in jurisdictions right around the world are having to address issues in regard to problem gambling. Back in 2003 the previous government passed the Gambling Regulation Act 2003, which established the Victorian Commission for Gambling Regulation. It laid out tough regulations to ensure that wherever possible gambling was conducted responsibly, and it laid out obligations on gaming venues and gambling providers. We passed regulations back in 2005 that strengthened the provisions of the 2003 act. As I indicated at the outset, we initiated the Taking Action on Problem Gambling campaign, which was a five-year blueprint with more than $130 million worth of funding. It was that initiative that saw a massive upsurge in educational programs and advertising campaigns and the provision of gamblers support, which all helped to bring down the incidence of problem gambling, though not as much as we would have liked.

More always needs to be done to bring down the incidence of problem gambling, and governments will have to continue to increase their investment in this regard because of the gambling options I outlined earlier. It is no longer about a punt on the horses or going to the pokies; there is a plethora of gambling options, and they are growing by the day. The ease of access to those options and the immediacy of the losses are growing all the time. The capacity of gambling organisations to adapt, to change their product offerings and to deal with changing community interest and sentiment is something we should not underestimate. The need for governments to increase their investment and change the focus and delivery method of that investment will be a watching brief for governments. Governments will have to continue to work on these things as the problems mutate, as the offerings change and as the propensity of people to become addicted and become problem gamblers changes and diversifies.

A few years ago Mr Drum and I were both on the Select Committee on Gaming Licensing. We have talked in this house previously about some of the matters the committee examined, but its substantive work, unlike the witch-hunt conducted by elements of the committee, did not get a lot of coverage. It looked at problem gambling and took evidence from people who had been confronted by problem gambling issues and worked hard to address them. If we had suggested back in 2007 that 5 or 10 years hence there would be a

gambling offering that was more likely than electronic gaming machines to give rise to problem gambling, we would have been laughed out of the room. Right now electronic gaming machines are the biggest outlet for problem gamblers, but I am not sure that will still be the case 5 or 10 years from now.

There is now an ability to quickly gamble large sums of money on a range of different events, whether they be sporting or political events. We have just seen Pakistani cricketers sent to prison because people are gambling on whether a no-ball will be bowled or how many runs will be scored in a particular over. This betting during the run of play, which is a form of constant gambling that occurs during every minute of play in any given sporting event, means that it is a very real prospect that problem gambling will emerge in a much more serious way in forms of gambling other than electronic gaming machines. These are the kinds of issues that governments confront, and they are among the reasons that we as a government announced a cap on withdrawals from automatic teller machines and initiated a ban on automatic teller machines in gaming venues, which will come into effect next year.

The legislation before us today is a result of the commitment the coalition took to the last election to create the Victorian Responsible Gambling Foundation, with $150 million worth of funding from the Community Support Fund guaranteed for the next four years. The government described it as being based on the VicHealth model. I take issue with that, and I will in a moment, but it is clear from the briefing we had that the foundation will be a service delivery agency. It is not an organisation that will have a policy role, it is not an organisation that will have an advocacy role and it is certainly not an organisation that will have a regulatory role.

In the discussion we had with the department it was reconfirmed by the minister's staff and by the department that the Victorian Commission for Gambling Regulation will retain all of the regulatory functions that it has currently and that none of those regulatory functions will be transferred to this foundation. Without commenting on whether or not that is appropriate — it would appear to be appropriate — it is absolutely necessary that that be unambiguous, and we seem to have unambiguous confirmation that that is the case.

The function of this foundation will primarily be to deliver services to problem gamblers, to run community education campaigns about problem gambling, to run advertising campaigns, to run Gambler's Help or whatever organisation might be the successor to Gambler's Help if it changes its current format, and other like functions. We have been told by the department that the foundation might assume some of the research roles currently performed by the Department of Justice and that there will be some Department of Justice roles subsumed into the Victorian Responsible Gambling Foundation.

I understand there will be a committee stage, so one of the things we might pursue in committee is how much of the money is following those roles — in other words, how much of that $150 million is being taken out of the Department of Justice and put into the foundation as functions from the department flow into the foundation. Certainly at the time of the briefing those details had not been finalised, but perhaps some of them have been now.

As I indicated, the funding will come out of the Community Support Fund — $150 million over four years. It is very important to indicate that this $150 million has not materialised out of nowhere; there are a whole lot of funded campaigns that exist right now, the funding for which will be included in that $150 million, whether they be Gambler's Help, other education campaigns or, as I have indicated, potentially some of the functions of the Department of Justice. Having said that, Taking Action on Problem Gambling was $132.5 million over five years; this is $150 million over four years. We acknowledge that, but as the issue of problem gambling becomes more acute, more widespread and more difficult to pin down to a particular form of gambling it is inevitable that the resources that governments put into addressing those activities are going to need to grow.

It is important to lay on the table the opposition's concerns about this bill and what is going to flow from it, because the government has made some pretty wild claims about the nature of this foundation. There are some issues with that, and there are some very real issues in the advocacy space which I indicate the opposition needs some satisfaction and clarification on. The risk we run is that in creating this foundation we go backwards in the policy and advocacy areas, and that is an outcome that cannot be allowed to occur.

The first point I want to make is that this foundation is not the independent creature that the minister likes to pretend it is. The minister says the foundation is independent, but he appoints the chair of the foundation, the deputy chair of the foundation and the CEO of the foundation. Two coalition members of Parliament will be appointed to the board of the foundation. The government indicates that there will be

three MPs on the board, in line with the VicHealth model. Let me make a point about this.

The opposition is very happy and proud to participate on the VicHealth board because it is a policy and advocacy organisation. It is an organisation that is specifically designed to provide input to government, to sometimes hold the feet of government to the fire and make life difficult for the government and to advocate on behalf of Victorians for better health outcomes for Victorians. This foundation is no such thing. The minister made it clear in his second-reading speech that there will be no policy role for this foundation and no advocacy role for this foundation. This is a service delivery agency and nothing more. The government then says, 'We are going to give it a veneer of VicHealth by providing a spot on the board to a member of the opposition'. We will wait and see how it plays out.

The other point I should make is that we were told in the briefing that, just like VicHealth, the board of this foundation will have one member of the Liberal Party, one member of The Nationals and one member of Labor on it. There is no mention of Ms Hartland or the Greens and no recognition of the fact that one day the Liberal Party and The Nationals might not have a majority in this place. One day there might be a Labor government with majorities in both chambers, like the coalition has now, but the government seeks to enshrine in legislation, through the second-reading speech, that members of the Liberal Party and The Nationals will always make up the majority of those members of Parliament on the board — to say nothing of the Greens.

It is also worth nothing that the government determines the size of the foundation's allocation from the Community Support Fund. It has made a commitment over the next four years, but beyond that what sort of income this foundation receives is totally reliant on the budgetary decisions of the government of the day. The foundation has to consult with the minister on its business plan and on any variations to the business plan. What we have is a chair appointed by the minister, a deputy chair appointed by the minister, a CEO appointed by the minister, two coalition members on the board, a budget reliant on the government, a business plan that you have to consult the minister about and variations to the business plan that you have to consult the minister about — but it is totally independent! If that is independent, then I would hate to see what a dependent foundation would look like, because I cannot imagine it could look much different to the foundation that is being created by this bill.

The second point is the one I have touched on, which is that this foundation is nothing like VicHealth. The minister talks about a VicHealth model, but for some reason that I cannot fathom the minister specifically said in the second-reading speech that this organisation cannot undertake policy work or advocacy work. He did not go into any reasons why that is the case and he did not even leave open the possibility of the foundation doing policy and advocacy work at some point in the future. He simply said, 'N-O, it is not to do anything of the sort'. The policy and advocacy work it does is the very thing that makes VicHealth so respected. It is what gives the shine to the VicHealth brand and it is why comparing this foundation to VicHealth is such an attractive thing for the government to do. The government is saying the foundation is like VicHealth, except it cannot do the things that make VicHealth VicHealth. It is a bit rich for the government to be comparing this foundation to VicHealth in any way.

To claim any similarity to VicHealth in these circumstances is, frankly, spin. To restate the point I made earlier, the opposition is dubious about the government using the VicHealth claim as a pretext for putting members of Parliament on the board of this foundation at the same time as it is creating an organisation which bears almost no resemblance to VicHealth in any substantive sense. That is a matter of concern to us, and that concern would certainly be greatly assuaged if government speakers were to indicate that policy and advocacy work was back within the remit of this foundation.

I say that most vigorously, because at the same time as the minister is refusing to allow this foundation to undertake policy or advocacy work he is refusing to guarantee any funding for the Victorian Responsible Gambling Advocacy Centre past 30 June next year. The advocacy centre was set up by the previous government to do the very work this foundation should be doing if it were to be properly comparable to VicHealth but which the minister has said this foundation will not be doing. The Victorian community may pay the price of the funding for the advocacy centre being cut off in order to help fund the foundation.

The bill, which is ostensibly about helping problem gamblers, might in the end be the cause of the demise of the only state-funded advocacy centre which is targeted at problem gambling. In anybody's language that has to be an utterly perverse outcome. You cannot claim to be worried about problem gambling when you use the creation of a responsible gambling foundation as cover for defunding an advocacy centre aimed at problem gambling during this debate. The government

could put this concern to rest very simply by announcing that the funding for the advocacy centre will be renewed after next year.

Mr Lenders — And the Assistant Treasurer can do it!

Hon. M. P. PAKULA — And the Assistant Treasurer can do it.

We put this very question to the department during the briefing. We asked, 'Will the Victorian Responsible Gambling Advocacy Centre be funded beyond 30 June 2012?', and the answer we were given was, 'No decisions have been made about that'. We did not raise those questions in a vacuum. I have been consulting with a number of organisations which have concerns about this, including the Uniting Church, and with individuals who have been on the Responsible Gambling Ministerial Advisory Council. They have raised these concerns with me because they have raised them with government and have not been given an answer that gave them any comfort whatsoever.

Something seems very fishy about the fact that at the same time that the government is creating this foundation and refusing to allow it to do advocacy work the government is simultaneously refusing to guarantee that the Victorian Responsible Gambling Advocacy Centre will be funded past 30 June next year. I wonder why that might be? Might it be because the Victorian Responsible Gambling Advocacy Centre has said some things about mandatory precommitment that this government finds inconvenient? Might this be the advocacy centre's punishment for that? I hope the government is not that vindictive. I hope the government sees some benefit in having a state-funded advocacy regime beyond 30 June next year. I urge government speakers to put these concerns to rest today by indicating that the state will continue to fund the Victorian Responsible Gambling Advocacy Centre after 30 June 2012.

It is also instructive that the government will not commit to the ongoing funding of the centre for excellence in problem gambling treatment that is run out of Monash and Melbourne universities. This centre for excellence does fantastic work. The government is indicating that it has made no decision about that. The departmental advice at the briefing seemed to suggest that the role and some of the functions of the centre for excellence would be subsumed into the role of the foundation. All is not what it seems. The government talks about $150 million, but things are being chopped and hived off from elsewhere to help pay for this, and other really important organisations and functions might go by the wayside. The difference with the centre of excellence is that at least the department is saying that some of the things it does might be done by the foundation — and there might be an argument for that — but with regard to advocacy, where the government has said quite specifically that there will be no advocacy role for the foundation, there is no excuse for the advocacy centre to be defunded.

The last issue I want to raise has also been raised with me by various stakeholders, and it concerns the way the bill has been drafted. There appears to be no impediment at all to the minister appointing to the board of the Victorian Responsible Gambling Foundation current executives of gambling companies that make up a consortium. Nor is there any obligation of disclosure by those organisations if the minister does appoint them.

We have had conversations with stakeholders who have indicated, for instance, that it might not be entirely inappropriate for a retired person who once worked for a gambling company to be on the board of the foundation — and I agree with that. Someone who has worked for Tabcorp, Tatts, Sportsbet or any of these organisations probably has some insight into problem gambling that could be very useful for the Victorian Responsible Gambling Foundation. However, there is no way it can be properly argued that it would be appropriate for serving executives from gambling companies to operate on the board of a foundation aimed at helping problem gamblers. That would strike me as one of the more obvious types of conflict of interest. I would have thought that any government with an eye to really wanting to help problem gamblers would ensure that legislation setting up a foundation such as this made it impossible for the minister to appoint current executives of gambling companies to the board of the responsible gambling foundation.

Having said that, it may well be that the government has absolutely no intention of appointing persons currently engaged by gaming companies to the foundation board, and it may be that the minister wants to keep the definition of an appropriate person to be a board member as broad as possible for other reasons. If it is the case that the definition is being kept broad for other reasons and the government has no intention of appointing current executives of gaming companies to the board, perhaps the government speaker might want to provide that undertaking to the house or perhaps it is something we can interrogate further during the committee stage.

The opposition supports the creation of a responsible gambling foundation. We recognise that this has been

an issue for some time and it will be an issue long into the future. Governments need to continue to change the way they deal with problem gambling and to confront the changes in the gambling landscape, and I suspect they will need to continue to increase their investment in problem gambling solutions, but what is not appropriate is for the government to pretend it is creating something that it is not. This foundation is not independent: it is nothing like VicHealth. It should not have executives of current gambling companies on the board — I fervently hope it will not — and it must not lead to the demise of the only state-funded advocacy centre for problem gamblers.

Ms HARTLAND (Western Metropolitan) — Mr Pakula has covered much of the ground that I would have covered, and I am in total agreement with him. All my concerns about the bill are very similar, so rather than talking about what the bill does I am going to talk about what it does not do and what I see as the contradictions in the bill.

One of the things I would like to start off with is the fact that my electorate of Western Metropolitan Region is clearly targeted by the gambling industry as an area where it can make large amounts of money. I do not see how this foundation is going to do anything to stop that. I would like to quote a few figures from the Victorian Commission for Gambling Regulation. The city of Brimbank has a population over the age of 18 years of 138 779 people. It has 15 venues and 953 machines. Its losses in the 2010–11 financial year were $139 385 098.32. The population of over 18s per venue is 9252. What will this bill do to actually stop the western suburbs being targeted as a place to make huge amounts of money out of people who cannot afford it? How will this foundation do work that will cut the losses that obviously lead to incredible destruction of families? Problem gambling causes heartbreak, suicide and thefts from employers. How will this foundation do anything to stop that?

The minister has said that the VicHealth model will be used for the Victorian Responsible Gambling Foundation. I do not see that stated in the bill nor in the minister's second-reading speech. As we all know, VicHealth is a body that has great respect and authority in the community because it is independent in its policy and advocacy. The foundation might do some research but it will not be doing policy or advocacy. One grave concern I have, as already outlined by Mr Pakula, is: how do we know who will be on the board? When we look at the VicHealth board we see a range of people with backgrounds in the areas of health, advocacy, social policy, sports and politics. How do we know who will be on the board of this foundation? There is no protection in the bill to prevent it from being made up entirely of people who currently work in the gambling industry — people who currently take money from the western suburbs in profit.

We do not know who will be on the board, and in terms of political representation there will be people from both houses of Parliament, but the Greens are clearly excluded from that representation. I can only assume that is because we have always advocated strongly against the evil behaviour of some gambling companies and the way they target people and use people to make profit.

Will the foundation be able to look at some of the ideas that the Greens have advanced on these issues such as a maximum bet limit of $1 per spin? Given that 88 per cent of recreational gamblers already spend less than $1 per spin when playing the pokies, this policy would actually not affect the average punter, but it would certainly slow up the problem gambler. Will the foundation be looking at and advocating those kinds of ideas?

The Greens will be voting for the bill, but I do not see how it will fix any of the problems that I see in the western suburbs. It will not stop the losses in areas like Brimbank; it does not have transparency; we do not know who will be on the board; we are not sure about connections to the board — there are many unanswered questions that I will be asking during the committee stage. Mr Elsbury rolls his eyes again, but he is a representative of the western suburbs and I would have hoped that by this stage he would have taken up the cause of supporting and defending people in the western suburbs who are targeted by the pokies industry.

Mr Elsbury — Don't get me started, Colleen!

Ms HARTLAND — Actually, when we were last debating this bill Mr Elsbury told me that it was going to fix everything. I am not sure whether he had read the bill when he made that comment because I do not see it fixing a thing.

Mr ELSBURY (Western Metropolitan) — I am proud to be standing here this afternoon to speak in support of the Victorian Responsible Gambling Foundation Bill 2011. Victoria has been, and continues to be, a trailblazing state in many areas of legislative reform. This bill and the consequent establishment of the Victorian Responsible Gambling Foundation is just such an action.

The bill seeks to tackle problem gambling through the establishment of an independent body and give it the

ability to do its job. The introduction of this bill shows the government is serious about acting on problem gambling. The amount of $150 million will be invested to assist those with a gambling issue to work through their troubles and rebuild their lives. Ms Hartland expressed last sitting week, and again in her contribution today, her concern for problem gamblers in Melbourne's west, and I identify with those sentiments. I have no issue with gambling as a leisure activity. I lost $20 on the cup, and I would not be surprised if the horse is still on the track! Every so often I feed my hard-earnt money into a pokie machine. But it is when those small, fun actions become much more and develop into an unhealthy habit that we need to act.

According to a Department of Justice report from 2009 titled *Problem Gambling from a Public Health Perspective*, 73 per cent of Victorians participate in some form of gambling each year; 47.5 per cent bought a lotto ticket; 43 per cent bought tickets in raffles, sweeps and other competitions; 21.5 per cent played pokies; 16.5 per cent bet on horses or greyhounds; 15 per cent bought scratch tickets; less than 5 per cent bet on sports or gambled at the casino; 0.7 per cent of Victorians are classified as problem gamblers; 2.36 per cent are moderate-risk gamblers; 5.7 per cent are low-risk gamblers; and 64.3 per cent are non-problem gamblers. That leaves 27 per cent of the population who do not participate in gambling.

The Victorian Responsible Gambling Foundation will not be a pro-gambling or an antigambling organisation. It will seek to assist those who have developed a damaging gambling habit, to divert their behaviour and, as a diversionary measure, to educate those who are at risk of damaging habits as a diversionary measure. As I stated earlier, the package includes $150 million of funding over four years which will see the annual budget for the problem-gambling initiative climb from $26.5 million under the previous government to $37.5 million with this reform. Given the tough budget constraints implemented by a coalition government attempting to repair the damage of Labor sitting on the Treasury benches for 11 years, including the mismanaged gaming machine licence sell-off which did not realise the true value of such licences and lost $3 billion in that exercise, it is clear through this commitment that we are serious about getting this situation under control.

An integrated approach will be developed with research commissioned to study problem gambling. With this information a proper strategy can be developed on how to communicate with problem gamblers and what messages are most likely to reach the target audience. The Victorian Responsible Gambling Foundation will work with established organisations like Gambler's Help to deliver counselling services. Although not included specifically in the bill, the foundation will also carry out a counselling and advice function through an office that will be known as the gambling information resource office. The gambling information resource office will assist local communities, local governments, sporting clubs, individuals and industry by providing information on gambling, regulatory processes and how to have your voice heard by regulatory decision-makers.

The Victorian Responsible Gambling Foundation will benefit from many of the elements employed by VicHealth in its structure and operation. It will be governed by an independent chair and board, including three members of Parliament from each of the major parties: The Nationals, the Labor Party and the Liberal Party. This structure allows for bipartisan support of the Victorian Responsible Gambling Foundation's initiatives. Members of Parliament cannot be appointed as chair or deputy chair and will hold their position for four years or until a house of the Victorian Parliament is prorogued or the Legislative Assembly is dissolved. The board will consist of people who bring their knowledge and experience to benefit people impacted by a gambling addiction. The board will consist of between four and eight members to be appointed by the Governor in Council on the recommendation of the minister. Their appointment will be for a specified period of not more than four years.

The Victorian Responsible Gambling Foundation Bill 2011 creates the legal framework for the establishment of the foundation's functions, establishes the position of chief executive officer, puts in place ministerial powers to direct the foundation, establishes the Responsible Gambling Fund and outlines arrangements for the employment of staff. Considering the massive funding of $150 million dedicated to this cause, it is incumbent upon the government to ensure that Victorian taxpayer money is spent within a system of accountability. The Financial Management Act 1994 will require the foundation to report to Parliament each year, and this will place genuine financial accountability on the foundation and those who operate the accounts that support initiatives surrounding problem gambling.

The ability of the foundation to conduct its business with as much autonomy as possible while protecting the financial interests of Victorians seemed to be an issue for Mr Pakula in his contribution to the debate. The minister will not be approving the foundation's business plan. However, the minister will want to know that the foundation has a strong plan in place to achieve

its objectives. The foundation structure is greatly different to that of an organisation the former Labor government established, Sustainability Victoria. The minister is required to approve the business plans of that organisation directly. The foundation's day-to-day functions will be independent. It must be stressed that the work of the Victorian Responsible Gambling Foundation is to assist problem gamblers.

The foundation will fund research, provide counselling services and undertake educational initiatives to divert those who could potentially tip over from the category of potential problem gambler into that of problem gambler. The foundation is not a lobby group and it will not take up a policy role. It will assist those who are in need. That is its goal and that is where its resources need to be directed. This bill highlights the importance of providing resources to the challenge of problem gambling in our state. The amount of $150 million is a substantial investment over four years, and it will provide great support measures to those afflicted with a gambling problem. The structure of the foundation borrows from that of VicHealth; the government is using a strong and proven model for tackling this problem in our community. I wish the board and the foundation as a whole all power to their collective arm in this endeavour. I am proud to indicate my strong support for this bill.

Mr LENDERS (Southern Metropolitan) — I will speak briefly on this bill primarily in response to Mr Elsbury's fairly outrageous comments and loose words about the sum of $3 billion. I will just provide some context. We have a piece of legislation that has been designed to stop problem gambling or deal with it through the foundation that it will establish. Selective commentary on an Auditor-General's report is probably the prerogative of any member of Parliament, but I want the house and Mr Elsbury to take note of exactly what Mr Elsbury is saying. If he wants to selectively paraphrase from an Auditor-General's report and say that potentially $3 billion more could have been milked out of gaming machines at the time of the global financial crisis (GFC) by maximising the profits without restraints or any cognisance of the coalition's amendment for country clubs, then I suggest he stand up and say that the gaming companies of Victoria should have the prerogative to milk the community for every single cent they can during a global financial crisis with no heed whatsoever for small country clubs.

If Mr Elsbury wants to say that, and if by implication he is criticising the previous government for not milking that $3 billion out of the community, he should have the courage to go into his electorate and say that is his objective. He should go out there and milk $3 billion from problem gamblers by removing every constraint, by putting every profit motive in place so that the taxpayer can actually get more dividends out of the community, forgetting the minor fact of the GFC and that his party, The Nationals, the Greens and the Democratic Labor Party, supported by the government in the end as part of a package, brought in a more generous tendering process that allowed clubs in country areas in particular, but clubs generally, to bid less for their licences. If what Mr Elsbury believes is that the clubs in country areas should pay more and that vulnerable gamblers should be exploited more, he should say that before he just mindlessly parrots Josephine Cafagna's lines about the $3 billion. I support the bill.

Ms CROZIER (Southern Metropolitan) — I might return to what this bill is actually about. We have heard a number of members speak about the Spring Racing Carnival held last week. Mr Pakula attended the races on quite a few days, as did many other Victorians and many people from around the country and overseas. It is a great time of year; there is no doubt about that. As we know, literally hundreds of millions of dollars are put through TAB branches, on-course betting facilities and bookmakers for the Melbourne Cup, the race that stops the nation. Many people punt on that one race each year.

There is much debate on this issue at the federal level with the proposal by the Independent member for Denison, Andrew Wilkie, on pokies reform. But as Mr Pakula rightly highlighted, gambling comes in various forms; it is not just pokies or horseracing. As Mr Pakula said, a plethora of betting and gaming activities exists, including online betting, horseracing, greyhound racing and table games at casinos.

In my electorate of Southern Metropolitan Region, which is also the electorate of Mr Lenders — —

Mr Lenders — It is a very good region.

Ms CROZIER — It is a very good region, indeed.

In Southern Metropolitan Region Crown Casino operates within its complex legitimate responsible gaming and entertainment businesses. It provides significant employment opportunities for many Victorians. In fact the number of employment opportunities is within the range of 6500 and there are regular positions for 3000-plus contractors. Crown Casino has a responsible gambling and gaming message. A number of features within the gaming areas encourage and arrange for people to gamble responsibly. We know, as members have highlighted,

that some people are at risk of serious gambling problems. Problematic gambling is very destructive to not only the individual but also their families and, in many instances, their communities. Ms Hartland raised some figures about her area, as did my colleague Mr Elsbury and other speakers in their contributions. I think we are all in agreement as to how serious a problem gambling is.

A Victorian gambling study that commenced in 2009 produced data that indicates that some moderate gamblers become problem gamblers once their gaming habits increase or they are further addicted to the process. In the coalition's policy in the lead-up to last year's election we recognised that problem gambling was a major concern to many people within the community. As a result of that, the Liberal-Nationals coalition pledged to establish a Victorian Responsible Gambling Foundation, which, as Mr Elsbury and others have said, will be funded by the Community Support Fund. The foundation will undertake a range of functions. Mr Pakula said that there was something fishy in the facts around the funding of the foundation — the $150 million over four years. It is actually a 41 per cent funding increase over the previous government's gaming and gambling programs.

The purpose of this bill is, as has also been said, fairly unremarkable. It will establish the Victorian Responsible Gambling Foundation and make consequential amendments to the Gambling Regulation Act 2003. The objectives of the foundation are to reduce the prevalence of problem gambling and the severity of harm related to gambling, and to foster responsible gambling. The board, which has some similarities to the make-up of the VicHealth board, will be responsible for ensuring that the foundation achieves those objectives. The functions of the foundation will include a number of preventive activities to address the determinants of problem gambling. It will have responsibility for education and information programs to provide treatment, counselling and intervention services in relation to problem gambling, and it will provide information and advice in relation to various issues related to gambling and gambling legislation.

The bill is a comprehensive component of what this government seeks to undertake in addressing problem gambling within this state. The foundation is the first of its kind and the Minister for Gaming, Michael O'Brien, should be commended for taking the lead within Australia and providing Victorians with a comprehensive and far-reaching approach to tackle problem gambling. With that contribution I commend the bill to the house.

Motion agreed to.

Read second time.

Committed.

Committee

Clause 1

Ms HARTLAND (Western Metropolitan) — I would like to start off with what both Mr Pakula and I outlined in our responses to this clause on who will be on the board, because there is no provision in the bill to say that someone who is not currently working within the gambling industry would not be on the board. It does not say what kinds of people the government will have on the board. VicHealth has a very wide selection of talent and interests among its board members. Can the minister tell me who is going to be on the board?

Hon. M. J. GUY (Minister for Planning) — I guess the first point to make in answer to Ms Hartland's question is that I do not know who is on the board and I do not know who is going to be on it because it has not been appointed, suffice it to say that we believe the model chosen by VicHealth is dated and one that can be improved. Therefore we believe the most appropriate manner in which to select people on this board will be for the minister to appoint people based on their skills in relation to the objectives and functions of the organisation that will be established.

Ms HARTLAND (Western Metropolitan) — Could that mean that everybody on the board could be currently involved in the gambling industry?

Hon. M. J. GUY (Minister for Planning) — I think that is a hypothetical. I am not sure whether to answer that or not. What could or may someone be? I think the objective of this is to get people who have the appropriate skills, as I said, and objectives for the functions that have been outlined.

Ms HARTLAND (Western Metropolitan) — The question I asked the minister was: would it be possible then for this entire board to be made up of people who currently are involved in the gambling industry?

Hon. M. J. GUY (Minister for Planning) — I would just say I do not think it is wise to start engaging in speculation on who is going to be on the board. As I said, suffice it to say that people will be chosen on merit. Clearly the government will make considered decisions which are relevant to the organisation and obviously where conflict issues do not apply.

Ms HARTLAND (Western Metropolitan) — The minister has spoken about the fact that this would be based on the VicHealth model, but he has just said that VicHealth is somewhat dated. He also said that VicHealth does policy and advocacy work but this foundation does not, so how can he say that this body is modelled on VicHealth?

Hon. M. J. GUY (Minister for Planning) — When I talk about the VicHealth model, it is because it is based on the public health approach to problem gambling, but when I am talking about what is dated I am talking about the board's selection process and the skills of those being specified in the legislation, so there are two separate issues rather than the two combined.

Ms HARTLAND (Western Metropolitan) — In that case my second question is: in the VicHealth model they do policy and advocacy, but the foundation will not be doing that, so again how can we say that it is modelled on the VicHealth model?

Hon. M. J. GUY (Minister for Planning) — With respect, I think I have just answered that question.

Ms HARTLAND (Western Metropolitan) — How will this foundation be used? Obviously I have a major concern with what happens in the western suburbs because of the huge losses that are incurred. What will the foundation do to cut those losses?

Hon. M. J. GUY (Minister for Planning) — The organisation has been given an unprecedented amount of resources to fulfil its objectives, which, as has been outlined, are to reduce problem gambling and gambling-related harm. Rather than referring just to a specific area of suburban Melbourne I would prefer to take a broad approach and say that those objectives and the ability of the organisation to carry them out are obviously unique, and we believe that will lead to its objectives being fulfilled.

Ms HARTLAND (Western Metropolitan) — Can the minister outline how that will occur?

Hon. M. J. GUY (Minister for Planning) — Can Ms Hartland specify what it is that I should outline will occur?

Ms HARTLAND (Western Metropolitan) — How will this foundation cut the losses from pokie machines for families across Victoria?

Hon. M. J. GUY (Minister for Planning) — One of the things it will do is launch major education campaigns within communities to advise people about problem gambling and how to foster responsible gambling as a way forward. The government cannot force people to change habits, but it can provide education campaigns to give people the full answers about gambling issues and ensure that they are fully aware of problem gambling issues and some of the signs in relation to problem gambling.

Ms HARTLAND (Western Metropolitan) — Currently Brimbank has 15 venues, which basically means that for most people there is often a venue in their neighbourhood. What is the foundation actually going to do to cut the number of venues and the number of machines in those high-risk areas?

Hon. M. J. GUY (Minister for Planning) — I would just say that cutting the number of gaming machines is not covered by the specifics of the bill. Ms Hartland's specific question in relation to Brimbank and those 15 venues is not addressed directly in the bill.

Ms HARTLAND (Western Metropolitan) — The purpose of the foundation, as I understand it, is to actually deal with problem gambling. One of the issues around problem gambling is the number of venues and the number of machines. If the foundation is not able to address those kinds of issues, how do you see it being able to cut losses?

Hon. M. J. GUY (Minister for Planning) — The government has never sold this bill as one which will target individual venues for closure. If that is what is being asked, I respond that the government has never said that is what it would do.

Ms HARTLAND (Western Metropolitan) — I still do not understand how this foundation will actually assist people throughout Victoria who have problem gambling issues. How is it actually going to assist those people to stop gambling when we have so many venues and so many machines?

Hon. M. J. GUY (Minister for Planning) — The government has never believed that the foundation itself is a silver bullet. It has always said that we need a holistic approach to combating problem gambling. In response to Ms Hartland's question I would say that this should be viewed through the prism of the government's policies around precommitment, around there being no ATMs in those facilities and around maintaining regional caps. It is part of a larger mechanism to address issues in relation to problem gambling. There is obviously only so much a government can do, but the mechanisms that are being put in place through this bill, particularly the education campaigns around problem gambling issues, will go a long way to addressing some of those concerns.

Clause agreed to; clauses 2 to 5 agreed to.

Clause 6

Hon. M. P. PAKULA (Western Metropolitan) — Clause 6 outlines the functions of the foundation. It has already been ventilated during the second-reading debate that it will not have an advocacy role or policy role. Can the minister explain why that is the case?

Hon. M. J. GUY (Minister for Planning) — I will go back to some of the points that were previously raised, noting that it is not a policy-making body — that is obviously the role of governments or the Parliament. It is a service delivery body procuring research, counselling, treatment and education services to deliver the foundation's statutory objectives. As I said before, it is the job of parliamentarians to make that kind of policy. There is no shortage of policy advocates on all sides of the gambling debate. The government has said it does not want to take funds away from the research that has been done on counselling, treatment and education.

The foundation will include a gambling information resource office to provide objective information and advice to the people and organisations that want to engage in gambling policy, the regulatory process or public debate. It will not be a body to be captured by any side of the gambling policy debate; this will be an independent body solely focused on delivering on important objectives and functions. That is what the government believes will be achieved by passing this bill.

Hon. M. P. PAKULA (Western Metropolitan) — The minister has just made the point that policy is a matter for parliamentarians, and I would venture to say that one of the reasons that parliamentarians are represented on the VicHealth board is that it is in fact an advocacy and policy body. In the absence of there being an advocacy or policy role for this organisation, given that it is strictly a service delivery organisation, why is it appropriate for there to be members of Parliament on the board?

Hon. M. J. GUY (Minister for Planning) — That question is quite similar to some of the questions asked before. The presence of MPs on the board relates to the government's commitment to model some of the structures of the VicHealth board, and that is why on that one as well as this there will be members of Parliament on the board.

Hon. M. P. PAKULA (Western Metropolitan) — I know there will be; that is why I asked the question. I will come back to it when we get to clause 9. The minister has answered my question about advocacy. Is he able to confirm that the functions of and activities currently carried out by the Responsible Gambling Advocacy Centre are not the kinds of functions that the foundation will have?

Hon. M. J. GUY (Minister for Planning) — No decision has been made in relation to the details of the way the advisory centre will operate. It will be a function of the foundation to come back with those details. We are leaving it to the foundation, obviously, to make those decisions or to provide that direction as to where it will go, so we have not been specific in the bill in relation to the advisory group. We have been specific about the establishment of the process, but not about the details beyond it.

Hon. M. P. PAKULA (Western Metropolitan) — I am mindful that the minister has answered the question after extensive consultation and I do not want to in any way impugn the minister, but I have to say that I find that answer a bit difficult to swallow. The minister has already conceded that the foundation cannot do advocacy. Basically the only thing that the advocacy centre does is advocacy. So if one does advocacy and one cannot do advocacy, how can it be that the decision has not been made about whether or not it is going to subsume its functions?

Hon. M. J. GUY (Minister for Planning) — The premise of Mr Pakula's question is wrong. The advocacy centre does many things; it is not limited to just advocacy. I think that is the crux of the point.

Hon. M. P. PAKULA (Western Metropolitan) — Would the minister care to outline to the Parliament what the Responsible Gambling Advocacy Centre does other than advocacy? I would like to hear what those functions are.

Hon. M. J. GUY (Minister for Planning) — Mr Pakula said before that he finds some things difficult to swallow. I must say that I also find some things difficult to swallow, given that Mr Pakula should know the answer to this question, as he was part of the government that set up the centre.

Hon. M. P. Pakula — I wanted to hear it from you.

Hon. M. J. GUY — It is the same. In terms of the advocacy centre, it does a number of things, such as provide information sheets on different aspects of gambling, problem gambling and how to get help in relation to problem gambling. It obviously does a number of key things in the education space, as opposed to the issues Mr Pakula raised.

Hon. M. P. PAKULA (Western Metropolitan) — That might well be the case, but is the minister disputing that the Responsible Gambling Advocacy Centre's primary function is advocacy?

Hon. M. J. GUY (Minister for Planning) — Let us be clear: its primary function is advocacy and education.

Clause agreed to; clauses 7 and 8 agreed to.

Clause 9

Hon. M. P. PAKULA (Western Metropolitan) — This is just a straightforward question in that there is a distinction between what is in the bill and what is in the second-reading speech. The bill refers to only three members of the board being from the Legislative Assembly or the Legislative Council, elected jointly. The second-reading speech makes reference to a member of The Nationals, a member of the Liberal Party and a member of the Labor Party. My question is: is the second-reading speech intended to be a guide to interpretation to ensure that in future in all circumstances that will be the configuration of the members elected to the board?

Hon. M. J. GUY (Minister for Planning) — While the second-reading speech outlines the intention of the government, obviously future governments may have a different agenda. As Mr Pakula said in his contribution to the second-reading debate, should a Labor government have a majority in both houses, they might choose to appoint a member of the Greens. I will not make any quips, but they might appoint three Labor members to the board. The intention of the government is outlined, and that is what it relates to.

Clause agreed to.

Clause 10

Hon. M. P. PAKULA (Western Metropolitan) — Hopefully I have only one question on clause 10. This again was the subject of some conversation during the second-reading debate. Clearly the clause places no impediment on the minister appointing a current serving executive of a gaming company to the board of the foundation. I am not going to ask the minister to state the obvious, because clearly there is no impediment under the clause. Can the minister provide the house with any guidance as to whether the government is prepared to indicate that indeed it will not appoint anyone who is a current executive of a gaming company to the board of the foundation?

Hon. M. J. GUY (Minister for Planning) — It is the obvious. The government would make appointments that are obviously based on merit, but within that issues in relation to conflict would also be taken into account.

Ms HARTLAND (Western Metropolitan) — The minister refers to whether or not there is a conflict, but there is nothing in the bill about a conflict, so how will that be resolved?

Hon. M. J. GUY (Minister for Planning) — There are processes and probity checks that take place at the departmental level when someone is going through a process of appointment to a government board.

Clause agreed to; clauses 11 to 16 agreed to.

Clause 17

Hon. M. P. PAKULA (Western Metropolitan) — I raise a matter in regard to the chief executive officer's position. The Minister for Gaming has made some comments about the independence of this foundation. We have already touched on the fact that both the chair and deputy chair are Governor in Council appointments on the recommendation of the minister, and whatever one says about that, it is what it is. I am wondering why the position of CEO is a Governor in Council appointment on the recommendation of the minister rather than an appointment of the independent board.

Hon. M. J. GUY (Minister for Planning) — That is exactly what I am advised. That is exactly what occurs with VicHealth, and that is the structural model on which it has been based.

Hon. M. P. PAKULA (Western Metropolitan) — That is interesting. The minister has already indicated that there are certain elements of the VicHealth board structure that the government considers to be out of date and therefore they have not been replicated in this bill. Given that the government has made such a song and dance about the independence of this foundation, if it is looking for elements of the VicHealth model to change, perhaps one where the board appoints the CEO rather than the minister appointing the CEO might be a good one if the government is really committed to its claim that this is an independent foundation. However, I do not think there is anything in what I have just said that requires a response from the minister.

Clause agreed to; clause 18 agreed to.

Clause 19

Hon. M. P. PAKULA (Western Metropolitan) — Clause 19 of the bill refers to the Responsible Gambling Fund. It talks about the creation of a Responsible Gambling Fund that will be administered by the foundation. Can the minister provide some

further information about what the Responsible Gambling Fund is, how much will be in it and what it will do?

Hon. M. J. GUY (Minister for Planning) — The fund is again similar in structure to how VicHealth operates. Why is it there? It is there because that is where the money for the Responsible Gambling Fund will be deposited. How much will that be? It will be $150 million over four years.

Hon. M. P. PAKULA (Western Metropolitan) — Will money be appropriated from that fund to fund the Responsible Gambling Advocacy Centre?

Hon. M. J. GUY (Minister for Planning) — That is a very good question. No decision has been taken to date. I am sorry; that might elicit more questions from you, but no decision has been taken at this point in time.

Clause agreed to; clauses 20 to 22 agreed to.

Clause 23

Hon. M. P. PAKULA (Western Metropolitan) — I have a couple of questions about clause 23. I understand the minister might not be able to be expansive in this regard, but there is a very broad provision that says the minister may give to the foundation written directions relating to the objectives and functions of the foundation, and the foundation must comply. Can the minister provide some examples of what kinds of directions this clause might be contemplating?

Hon. M. J. GUY (Minister for Planning) — The question is somewhat hypothetical. I want to be as frank as I can. Again, it is a similar structure to VicHealth, and there will be similar powers to what exists with it. We have replicated those with this bill. It goes to the heart of the need to provide a balance between accountability and independence. As I said, I cannot get into specifics because I do not want to be hypothetical from one to the other, but obviously it is the same function that exists in the legislation for VicHealth.

Hon. M. P. PAKULA (Western Metropolitan) — I think the minister might have touched on this a little in his answer, but can I just ask: what is the thinking behind the minister having to publish that direction in the *Government Gazette* after it is given? Can the minister explain the thinking behind that?

Hon. M. J. GUY (Minister for Planning) — Yes. I would refer in part to the previous rationale, being the structure put forward by VicHealth, but predominantly this is for accountability and transparency reasons. They are the core reasons.

Hon. M. P. PAKULA (Western Metropolitan) — So when the minister refers to accountability and transparency reasons, it is the government's position — and I do not want to verbal the minister — that it is appropriate for the minister to be able to give directions, but for the purposes of accountability and transparency it is appropriate that the public then be aware of what those directions are?

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

Ms HARTLAND (Western Metropolitan) — I may have misheard Mr Elsbury before — and I apologise for mispronouncing Mr Elsbury's name — with regard to him saying that the minister would not be giving directions and that this foundation would be independent. It is fairly clear to me from the bill that the foundation will be directed. Can I have that clarified? As I said, I may have misheard what was said.

Hon. M. J. GUY (Minister for Planning) — I cannot comment on Mr Elsbury's second-reading debate contribution. However, clause 23 obviously provides the minister with the power to direct the foundation in writing in relation to the objectives and functions of the foundation and says that the foundation must comply with the direction. I do not know how that relates to what was stated by anyone in the second-reading debate; I apologise.

Clause agreed to; clauses 24 to 26 agreed to.

Reported to house without amendment.

Report adopted.

Third reading

Motion agreed to.

Read third time.

WATER LEGISLATION AMENDMENT (WATER INFRASTRUCTURE CHARGES) BILL 2011

Second reading

Debate resumed from 27 October; motion of Hon. G. K. RICH-PHILLIPS (Assistant Treasurer).

Mr LENDERS (Southern Metropolitan) — The first thing I will say in rising to speak on this bill is that the Labor Party does not oppose it. This is a very complex bill dealing with what is essentially a sensible

alignment of the Essential Services Commission (ESC) and the ACCC (Australian Competition and Consumer Commission) in relation to two water authorities in northern Victoria. The bill has been outlined quite clearly by the minister in his second-reading speech. The response from the Labor opposition has been very clearly enunciated by my colleague Jacinta Allan, the member for Bendigo East in the Assembly, so I do not need to refer any further to that.

While I could wax lyrical about Peter Walsh, the Minister for Water, and some of the views on water he holds that I disagree with, I would not do so in relation to this bill. I think this is a sensible piece of legislation. It is legislation that had the auspices of the previous government; former Premier John Brumby and former Prime Minister Kevin Rudd had agreed that some of the powers referred to the ACCC should logically come back to the ESC, and this bill puts that in place.

I certainly do not oppose this bill. For Mr Hall's benefit, I compliment Mr Walsh on this bill in that he was forthcoming with a very thorough briefing. He and his office showed courtesy and gave information to the Labor Party that the party sought. Credit where credit is due; I will put that on the record. I will sit down, because Jacinta Allan has said it all. The opposition does not oppose this bill.

Mr BARBER (Northern Metropolitan) — The Greens will not oppose this bill.

Mr Finn interjected.

Mr BARBER — Don't tempt me! The purpose of the bill is a complicated legislative three-step aimed at landing on the ultimate square of the Essential Services Commission becoming the regulator for certain charges associated with water infrastructure generally considered to be part of the Murray-Darling system.

I could wax lyrical — like Mr Lenders — on the success or otherwise of the regulated monopoly model we seem to have now for water, gas, electricity and anything else that may have been flogged off in the 1990s, but that will be for another day. In all those areas there are some important challenges coming down the line, many of them driven by climate change. It is unlikely that this combination of the invisible hand of the market and some sort of economic monopoly regulation is going to deliver the outcomes we want. We wish the government had shown a bit more ambition when it came to regulation of water resources rather than bringing in this fairly minor bill. In any case, we will support the bill.

Mr RAMSAY (Western Victoria) — I rise to speak in support of the Water Legislation Amendment (Water Infrastructure Charges) Bill 2011. Like the previous speakers, I wish to make some short points about the bill. It principally amends the Water Industry Act 1994 to apply certain provisions of the Water Charge (Infrastructure) Rules Act 2010 (WCI rules). As has been said before, the bill enables the Essential Services Commission to approve or determine charges for the provision of certain water services in the state. It also enables the ESC to apply for accreditation of those arrangements by the ACCC (Australian Competition and Consumer Commission) and to make related and consequential amendments to that act and other acts.

Under the commonwealth Water Act 2007 the federal Minister for Sustainability, Environment, Water, Population and Communities introduced water infrastructure charge rules which give the ACCC the power to determine the water infrastructure charge that Lower Murray Water and Goulburn-Murray Water may levy from 1 July 2013. Pricing for non-basin water charges will continue to be made using the existing ESC regulatory regime. The bill will enable the Essential Services Commission to seek accreditation from the ACCC of the Victorian applied provisions, which will enable the ESC to remain the price regulator for all water businesses in northern Victoria.

The bill is time critical. Under commonwealth rules the ESC must apply for accreditation from the ACCC before 31 December 2011. As soon as the Victorian scheme under this bill is accredited, the ESC will take over the ACCC role as the price regulator of Murray-Darling Basin water charges in Victoria, something which is expected to occur early next year.

The good news is that this bill will reduce red tape and regulatory costs to water authorities by having them deal only with the Essential Services Commission instead of both the ACCC and the ESC. Dealing with one regulator will give the irrigator greater certainty. Victorian water users will be better off with an accredited ESC due to its familiarity with the key challenges facing the region, such as the Murray-Darling Basin plan and the Northern Victoria Irrigation Renewal Project (NVIRP). This will ensure a smooth transition to the new regulatory arrangements and integration with government priorities around both the basin plan and the Northern Victoria Irrigation Renewal Project.

The bill has been drafted to satisfy the criteria for accreditation set out in the commonwealth rules. To avoid a potential conflict between the proposed state and existing commonwealth legislative schemes the bill

excludes the application of a number of existing powers and functions of the ESC in its role of approving or determining basin water charges. Similar provisions under or consistent with the commonwealth rules or the commonwealth Water Act 2007 will be effective instead.

Customers will not pay more under this amendment. Victorian rural water users will be better off with an accredited ESC due to its familiarity with the basin plan and NVIRP. Consumer interests will be taken into account by ensuring that charges reflect efficient and prudent expenditures and are stable over time. The WCI rules already apply to northern Victoria; the bill does not enable the application of the commonwealth law. The bill will enable the ESC, Victoria's independent economic regulator, to continue to make price determinations in this region.

A person's right to judicial review through the state's courts of an approval or a determination of a basin water charge made by the ESC as regulator will not be impacted. However, the use of the provision to appeal a determination of the ESC within the ESC act will not be available in relation to an approval or determination of a basin water charge. Victorian farmers will not face new charges under this bill as basin charges are currently levied. The only change is that the ESC will determine these charges according to the Victorian applied provisions enacted by this bill.

In summary, I am pleased to see that the opposition parties, including the Greens, are supporting the bill. In a past life I was president of the Victorian Farmers Federation (VFF), and I spent many hours — in fact years — negotiating on behalf of farmers a commonwealth water bill that protected the interests of water users in Victoria. I spent many hours in discussions with the former federal Minister for the Environment and Water Resources, Malcolm Turnbull; the former Prime Minister, John Howard; and, with the change of government, the former Minister for Climate Change and Water, Penny Wong. During this time the VFF, with Victoria's Premier, both Steve Bracks and John Brumby, were united in protecting Victoria's interests in the proposed Murray-Darling Basin plan and the commonwealth Water Bill 2007.

We had a common purpose in dealing with the commonwealth to protect Victorian irrigators and an ongoing commitment to upgrade the ageing irrigation channels in northern Victoria. However, the Brumby government's sleight of hand to tap water from a finite water resource in the Goulburn system to provide security of water for Melbourne water users as a condition of investing in upgrading irrigation infrastructure was disappointing, to say the least. From there on it was a deterrence to any good relationship the government hoped to build with country Victoria. Leaving that aside, this bill serves Victoria well in infrastructure pricing, and it allows the ESC to do what it does best. I commend the bill to the house.

Motion agreed to.

Read second time.

Third reading

Hon. P. R. HALL (Minister for Higher Education and Skills) — By leave, I move:

That the bill be now read a third time.

In doing so, I thank Mr Lenders from the opposition, Mr Barber from the Greens and Mr Ramsay for their contributions to this debate, and in particular I thank all members in the chamber for their support of this bill. I also appreciate the generous comments made by Mr Lenders about the quality of the briefings provided by the department.

Motion agreed to.

Read third time.

TRANSPORT LEGISLATION AMENDMENT (PUBLIC TRANSPORT DEVELOPMENT AUTHORITY) BILL 2011

Second reading

Debate resumed from 27 October; motion of Hon. G. K. RICH-PHILLIPS (Assistant Treasurer).

Hon. M. P. PAKULA (Western Metropolitan) — The opposition will not oppose the Transport Legislation Amendment (Public Transport Development Authority) Bill 2011 but it will seek to amend it. We will not pursue the amendments we pursued in the Legislative Assembly, but I will refer to them during the second-reading debate. We will, however, pursue amendments regarding a requirement for the Public Transport Development Authority (PTDA) to publish directions given to it by the Minister for Public Transport. About 15 minutes ago we had an interesting debate on the Victorian Responsible Gambling Foundation Bill 2011, which, like this bill, has a provision that says the minister may provide the foundation — the authority in the case of the bill before the house — with directions.

However, the two bills have very different clauses about what has to happen next. The Victorian Responsible Gambling Foundation Bill 2011 says those directions must be published in the *Victoria Government Gazette* as soon as practicable. When we had discussion in committee I asked the minister why that was, and he said it was for reasons of accountability and transparency. When we discussed it further, I said, 'What you are saying to me is that it is appropriate for directions to be given, but for reasons of accountability and transparency it is appropriate that they be published in the *Gazette*', and the answer was yes. In the bill before the house we have provisions that say the authority may publish directions. There is no obligation on it to do so, and there is certainly no time line for when it has to do so. We will pursue amendments in that regard.

Beyond that, our view of this bill is similar to the view we put in regard to the Victorian Responsible Gambling Foundation Bill 2011, which is that the government has boasted about the independence of the authority and how it will have the ability to make wide-ranging decisions in regard to public transport infrastructure in the years ahead. I am pretty sure that is what the Greens had in mind when they went to the last election with a plan for an independent public transport development authority. I am certain it is what the Public Transport Users Association believed was being promised. I know it is what the government promised to deliver, but this is far from that.

Mr Barber — What have we got here?

Hon. M. P. PAKULA — Mr Barber asks, 'What have we got here?'. Whilst I do not want to be diverted from the structure of my comments by questions from Mr Barber, it is fair to say that what we have here is simply another layer of bureaucracy with no more independence from the minister than the current Department of Transport. In effect all we have is the director of public transport under another name. The government went to the last election with a commitment to deliver the Public Transport Development Authority. Whilst we will argue about whether this delivers what was promised, whether it is as independent as the government claims and whether it will be able to do anything more than the current Department of Transport or the director of public transport do, we will not oppose the legislation, because it was a matter of some profound contest during the election campaign.

I remember well a public debate that occurred at the Melbourne town hall with Mr Barber, Mr Mulder, the now Minister for Public Transport, and me. There were quite a large number of people who seemed well disposed to Mr Barber but not so well disposed to Mr Mulder or me. We had a spirited debate about a range of matters, including the creation of an independent public transport authority. I recall predicting at the time that the authority would either be so powerful as to render the minister's role almost nugatory or be simply another layer of bureaucracy with no more powers, no more authority and no more scope to enable it to do anything more than the current director of public transport and Department of Transport do. Surprise, surprise, the second contention was far more accurate than the first.

This is all happening in the context of a government that does not want to commit to any elements of the Victorian transport plan (VTP). I am the first to suggest that a new government is not obligated to carry out the programs of its predecessors. However, in the Victorian transport plan we had programs that were fully budgeted and funded, like the premium station upgrades. We had other programs that were highly necessary, such as the truck action plan, WestLink, Melbourne Metro 1 or a range of other projects. If the government will not proceed with them, it is incumbent upon it to indicate what it will do instead. We have already seen the first round of Infrastructure Australia applications come and go with no submissions from the Victorian government. The second round is close to being closed, and I wonder whether the government has made a submission this time.

The government is benefiting now from a range of things put in place by the previous government before the last election and throughout the last term. As I recall, at the time of the last election 15 of the 38 new X'trapolis trains had been rolled out onto the network. I dare say that since the election a large number of the balance have been rolled out by the government. The previous government provided the funding and built the trains which the current government is now rolling out onto the network and which are helping to improve the punctuality of the network. I would not describe the situation as a golden era for public transport, as the minister has done — his mission-accomplished moment! He may as well have done it on an aircraft carrier. I suspect that moment will come back to haunt him.

Nevertheless, we are now seeing the benefit of that investment. The Doncaster area rapid transit system is working well for the people of Doncaster. We understand the government still has on the drawing board its plan to build a railway line to Doncaster and another to Rowville. I look forward to Mr O'Donohue indicating in his contribution how that will work for the

people of Murrumbeena, Carnegie and Oakleigh and all the other people along the Dandenong-Cranbourne corridor where the boom gates are down for many minutes of the day and explaining whether another half a dozen trains per hour being fed down that corridor will make life easier or harder for those people. Perhaps the government is prepared to commit to grade separating Murrumbeena Road, Poath Road, Koornang Road and all the rest. A whole lot of the investments from the Victorian transport plan have been rolled out and are now making a real difference.

When I and other ministers of the former government see the fruits of our investments being enjoyed by the new government and the Victorian community, we have to wonder, 'What if things had been slightly different last November?'. However, they were not, and the new government is continuing with the initiatives that it cannot undo. If the government will not continue with the important VTP initiatives, we look forward to its indicating exactly what initiatives it will implement in order to make the public transport system more efficient and more responsive to the needs of commuters.

That brings me to the Public Transport Development Authority. During the campaign the Public Transport Development Authority was a bit of an alibi for Mr Mulder. When we sought specifics about infrastructure projects, about what construction would go on and about what new lines and services would be created, the answer was, 'That will be a matter for the independent Public Transport Development Authority'. Unfortunately it is not nearly as independent as it seems, because basically this authority will act under the control and direction of the minister. If it is going to act under the control and direction of the minister, I would sincerely hope he is going to be able to provide a better answer than he has been able to provide in the past, given that it will be his goals, his objectives and his decisions that the Public Transport Development Authority will be implementing rather than its own.

The advocacy role of the PTDA will be restricted to the confines of the goals of the Department of Transport and the Minister for Public Transport. I have to say that it is our view that if you are going to have a properly independent public transport development authority, it ought to be free to advocate for whatever it believes to be the most important and effective outcomes for public transport users. The coalition government has said that the authority will be customer focused. If it is really going to be customer focused, if it is really going to be independent and if it is really going to be able to deliver for Victorian commuters, why confine its advocacy work to the goals and directions provided to it by the minister and the department? That sounds a lot like the Victorian Responsible Gambling Foundation Bill 2011, which we have just debated, under which the minister directs the foundation. That foundation cannot advocate at all. At least the PTDA can advocate, but only in the way it is told to by the minister and by the department.

The legislation goes on to allow the minister to intervene and give the authority such direction as he sees fit. You can have an authority like that if you want, but you cannot call it independent. You cannot have it both ways; you cannot say, 'Here is an authority that is independent' and then on the other hand say, 'The minister can direct what it does, and it can only advocate for those things the minister or the department lets it advocate for'. We have a situation where the minister appoints the board of directors, so we have a minister-appointed board, ministerial directions as to the roles and functions of the authority and ministerial directions as to its advocacy performance, yet the government continues to have the audacity to claim that the PTDA will be an independent authority that is customer focused.

We are also concerned that there is no requirement, it seems, for any of the regular surveying or reporting that will be carried out by the PTDA to be made public in any way. We are going to have an authority that gathers a whole lot of information about the attitudes of commuters and no doubt about load breaches, crush numbers, punctuality — —

Mr Barber — It will release them just like you did, will it?

Hon. M. P. PAKULA — Mr Barber, we put them up on the Metro website on a rolling 28-day average. We have an authority which is about gathering all of that information, but there is no obligation to make it public. There is this facade of it being independent.

Then we go to the issues that were raised in the Assembly in regard to amendments. In many ways this authority is a reflection of the general disingenuousness of the government in relation to the undertaking it gave to the Victorian community about being open, transparent and accountable. If I heard the Premier, Mr Baillieu, talk about openness, transparency and accountability once during the last term, I heard it a million times.

Mr Barber — I read it in Steve Bracks's first speech to the Parliament.

Hon. M. P. PAKULA — There you go — Mr Barber read it in Steve Bracks's first speech to the Parliament. I suspect we are about to get from

Mr Barber one of his regular 'pox on both your houses' speeches that we have become so accustomed to. He seems to be firing up for his 'you are all as bad as each other' routine, and I suppose we all need to hear it again.

Given the absolute premium that the now Premier put on this issue of openness, transparency and accountability and given the disappointments we have had from him in terms of the ongoing non-appearance of the FOI commissioner, the centralisation of FOI in the Premier's office and the fact that we have the Deputy Premier in the other chamber dodging, weaving, obfuscating and prevaricating about who told him what and when in regard to the Office of Police Integrity report, I suppose we should not be surprised that the Public Transport Development Authority is just a bit more of the same. There are numerous examples in the bill seeking the government to ensure that information about consumer sentiment or the performance of the public transport system is not made publicly available despite the fact that as a result of the creation of this authority we know that that information will be provided to the minister. There is provision in the bill for it to be provided to the minister but no provision for it to reach out anywhere else.

The opposition moved a series of amendments in the Legislative Assembly — I will not bore the Council by going through all of them — to entrench the independence of the authority. They were amendments that would have done no more than have the government deliver on what it claimed this authority would be. They did not go beyond that; they did not try to create any powers for this authority. They simply tried to hold the government to its word. They simply tried to have this authority be a reflection of what the government claimed it would be in the run-up to the last election, but all of those amendments were voted down by the government.

In those amendments we also sought to ensure that any performance or survey information provided to the minister would be provided to the general public. Those amendments were voted down by the government, and we are not going to resubmit those amendments in the Legislative Council. We know what the outcome of moving those amendments would be. But given that the government has blocked the attempts by the opposition to enshrine the independence of the new authority in the legislation, we are at least seeking to have enshrined in the bill a provision that will ensure that any directions the minister gives to the authority must be published so that everybody is aware of those directions and there is some real rigour, accountability and transparency in this relationship between the minister and the authority.

Let us be clear, it was the minister who claimed this authority would be independent. It is the minister who has now brought forward a piece of legislation that says the minister can direct the authority what to do and the authority does not have to tell the public that it has been so directed. We do not support the notion of the direction in any case, but if there is going to be direction from this minister to this authority, then at least we should have a provision that says those directions must be published so that the public can be clear on what the authority has done of its own volition and what has been done at the minister's behest. None of us wants to see a situation where the authority makes a decision at the behest of a minister, the minister then washes his hands of it and says, 'It was not me; it was the authority', and it is never revealed that it was in fact the minister who gave the authority those directions. If we want to avoid that sort of situation, the publishing of those directions is a must.

I again go to the conversation we had in regard to the Victorian Responsible Gambling Foundation Bill 2011, which does create an obligation for directions to be published where it says:

> The Minister must cause a direction given under this section to be published in the Government Gazette as soon as practicable after it is given.

When I asked the minister at the table why that provision was in the bill he volunteered the information, quite appropriately, that it was there for reasons of accountability and transparency. That is why that provision is in that bill.

If it is good enough for the Victorian Responsible Gambling Foundation to have a provision in its legislation which says if it receives a direction from the minister, the direction should be published, why is it not good enough for the Public Transport Development Authority to have the same provision in its bill? All that is in this bill is a provision that says the authority may publish a direction. There is no obligation to publish it and no time line for when it has to publish it. Of course the time line is irrelevant because the authority may never publish it. In that situation I am sure there will be some directions that will be published and some that will not be. I am happy for the amendments to be circulated now, so members can have the benefit of having read them.

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

Hon. M. P. PAKULA — The other point I should make is about the way the bill makes provision for the

new authority to compulsorily acquire land. Through my own experience I know how confronting and difficult it can be when vital public transport or road projects require there to be compulsory acquisition. No minister ever likes doing it. The public is never really very keen on it, although there are some circumstances where people are happy to sell their properties. But if you are going to build an EastLink or a regional rail link it is sometimes inevitable that private property needs to be acquired in order for projects of public significance to proceed.

Ordinarily property owners receive monetary compensation. It is quite an iterative process in many cases, where there is a bit of to-and-fro between government or government agencies and the relevant property owner over what is market value for their property. In many circumstances there are extra payments for inconvenience and for resettlement costs. The bill will enable the new authority to force property owners to accept blocks of land instead of money as compensation for the acquisition of their homes.

I know the lead speaker for the government is likely to say, 'There were a couple of pieces of legislation passed under the previous government which had similar provisions', but those provisions have never been used. When it was put to the government in the other place that this provision might be used, the government indicated that it may well intend to use the provisions in this bill. I say to government speakers that it is not enough for them to simply fob off this question by saying that this provision has appeared in legislation in the past. We are talking about a type of provision that has never been used.

The government is now indicating that the authority may indeed require those who have their properties compulsorily acquired to accept land rather than money as compensation. It would be extraordinarily important to all of those householders in transport corridors to have someone from the government — perhaps the Parliamentary Secretary for Transport — indicate in their contribution today that the government will not use the provision where it may compulsorily acquire people's homes and provide them with anything other than financial compensation, unless of course the people agree.

That concludes what I would like to say on the bill. We do not oppose the creation of the authority. But, as we did in regard to the Victorian Responsible Gambling Foundation, we very much challenge the government's assertions about what the authority is. We challenge the assertion that it is independent. There are ample examples in the bill to demonstrate that it is nothing of the sort. The authority really just fills the existing role of the director of public transport, with a couple of add-ons. It is a name change and not much more.

This authority will act at the direction of the minister. It will have to advocate only on those things that the government allows it to. At the moment it does not even need to tell the community when it has been given a direction by the minister, and whilst it has the ability to provide all sorts of data and information to the minister, it does not have to go any further than that. The opposition has sought amendments in the other place about a range of those things. For today's purposes we will content ourselves with our amendment requiring the authority to publish any directions it receives from the minister, and we will pursue that amendment in the committee stage.

Mr BARBER (Northern Metropolitan) — Mr Pakula seems quite cynical about whether this legislation will change anything in the management and development of public transport in Victoria, and I guess he has a reason to be cynical — he has seen something of the Department of Transport in action and he can see very clearly that there is nothing in this bill that changes the way public transport will be run or developed in the state of Victoria.

Mr Pakula has informed us that the amendments moved in the Legislative Assembly have gone back to Muppet Labs. He now has a new amendment, and in that amendment he has hit the nail on the head: in order to make this body accountable, it needs to be first and foremost transparent with respect to the directions that the minister is giving to it. That way the minister is accountable for the directions given, and the body is accountable for those decisions it took of itself.

As Mr Pakula kindly pointed out, the Greens went to the election with a policy for a strong and accountable public transport authority, and anyone who has looked around the world and seen where public transport is managed effectively or where there has been a renaissance of public transport in a particular city will know that a strong authority tasked to deliver public transport is an essential element. It will not work coming out of a departmental office where people have to run up and down the stairs to talk to the minister every time they make a decision, but it will work where that body is both strong and accountable. Both of those measures need to be in place. Because this body that has been put forward by the government is not accountable, it also will not be strong. How can it be when part of that strength would come from telling the public what it intends to do, consulting with the public

in the preparation of its plans and then being held accountable by the public for those plans?

Also, we know this body will not be strong in its structure. It will be a fairly weak — above rail, if you like — body that does not hold the key assets required to make public transport work, nor will it necessarily make the key investment decisions to deliver an expanding capacity of public transport. Therefore wherever we find the public transport authority being accountable, it is accountable back to the minister. Certainly it has the power to do many things should it seek to, but it has no accountability to the public for delivering on the development of our public transport needs. A number of the existing bodies, such as the transport ticketing authority, which was going to be abolished anyway, and the customer service front end of Metlink, are being rolled into the new authority, but if you look at that kind of noodle nation diagram of who actually runs public transport across Victoria, you will see that all this is really doing is creating one slightly larger meatball. The rest of it is still a complete mess.

The real weight comes with VicTrack, which controls the physical assets. It is the real estate part of the provision of public transport, not to mention its expansion. It also becomes the ultimate owner of all the assets. All this new body will be able to do is get leases issued to various operators over assets that ultimately belong to VicTrack. If the government had wanted to get serious about this, the first thing it would have done would have been to put the physical assets in the hands of the authority, which would have been responsible for continuously expanding those assets.

We would also have seen a direct link back to the public. There is no reason at all why the meetings of this body could not be held in public as they are in a place like Vancouver, for example, where ordinary citizens can actually turn up, watch the decisions being made and, dare I say it, even ask questions. The body is meant to produce a corporate plan, and the corporate plan must look two years into the future. How exciting! Two years into the future, by the way, in the context of our public transport growth could quite easily mean a 10 or 15 per cent growth in demand. And if the best the authority is doing is looking two years into the future, then it will be constantly caught out.

It needs to be looking a couple of decades into the future, indicating what its long-term plan and targets are and then coming up with a series of perhaps five-year plans, every one of which should go out for public consultation, with plenty of opportunity and time to do that. Those plans will be all the better for that consultation. Instead it produces a two-year corporate plan and gives it to the minister, and the minister gets to comment on it. This is a totally missed opportunity to give the public a sense of ownership of their public transport system — not to mention all the land use decisions that are going on with that — yet we are told that this will be a customer focused organisation. In what sense? Will it have a call centre?

Mr Pakula finally hit on this key issue. It is interesting the political choices that the Labor Party makes. In government it said this was unnecessary and would make no difference; however, in opposition it is now supporting the bill and going one step further. So in some instances the opposition says it supports the government's mandate, while in other instances it does not care about the government's mandate — it just sticks with its own policy and votes for it anyway. And in this third instance it is taking the government's mandate and borrowing it for a while so that it can take it one step further. In any case it is an opposition with no real direction. It has learnt nothing from its 11 years in government, much less its defeat. It simply chooses the most politically opportune argument for doing what it wants to do and for which it thinks it will get a headline, which is what it is all about in opposition.

There is another missed opportunity for the Labor Party to determine its position, even from the opposition benches, on what is needed to develop public transport in Victoria. We can be pretty confident that it will go forward from this point with nothing more than a few niggles about the government's plan — a plan that will not take us forward any time soon. We have a structure that could do a lot, but because it is neither strong nor accountable it will not be able to do a lot and will not have anything driving it forward. For example, one of its powers is to coordinate across the different modes — bus, tram and train — but as anyone who has ever jumped off a train at a station and then seen their bus leaving knows, there is very little coordination. In fact there is virtually a random set of connections between — —

The ACTING PRESIDENT (**Mr Finn**) — Order! Mr Barber may have noticed that there was a flash from the gallery. I assume that was a camera, and I direct members of the gallery not to use photographic equipment, particularly with a flash, in the chamber as that will cause no end of trouble. I ask members of the gallery to adhere to that direction.

Mr BARBER — It is the paparazzi, Acting President; they follow me everywhere. Thankfully I have your protection when I am in this chamber. My bald spot will be in *Who Weekly* next week!

As I understand it, the current status of coordination between modes within the public transport system is an ad hoc committee made up of a group of enthusiasts who, out of personal professional pride, are trying to organise better coordination between modes. I have seen their minutes, having used the FOI act to obtain them, and most of what they are doing seems to be simply arguing the case as to why there should be coordination between trains, trams and buses. You can go to a brand-new tram shelter on any day that one pops up and find a map of the tram system. You are on the tram, so of course you will not want to know where the train or bus is, or when the tram does not come that there is a train station around the corner, and that is the case to this day, decades after the original Kennett government break-up of the different modes.

With those sorts of decisions being made on a daily basis at the whim of the individual train, tram and bus operators, then we can be absolutely sure that no-one inside the Department of Transport is thinking about this level of coordination, or if they are, they are doing it on such an experimental level that we will virtually never reach a properly coordinated system. Therefore we are wasting an enormous amount of travellers' time and really losing all the possible synergies for public transport in a city like Melbourne.

When you look at a map of Melbourne's public transport services it looks like there is an enormous array of services. You would think it was one of the best systems in the world, but then when you come to Melbourne you find that 90 per cent of Melburnians cannot use public transport for their daily journey because it is too slow, it is too disconnected, it is too infrequent or it simply does not run at all in the areas they want to go to.

While there are many sentiments such as these expressed in the bill — that there is a desire for these needs; how could the government put forward such a piece of legislation without at least recognising these needs; saying it makes it happen — it is simply a corporate plan looking two years out and provided to the minister for his comment. How about our comment? How about our aspiration?

The government thinks it has licked public transport problems. I have heard government members in this chamber talking about the problems in public transport or with myki, and they talk about them in the past tense as if they have now been solved, but in fact there is an ongoing increase in public transport patronage causing extreme levels of overcrowding and extraordinary discomfort. It is driving people off public transport for a good part of the day, and it is even creating dangerous situations. Growth in the use of public transport is persistent; the government knows it will grow from 5 per cent to 10 per cent per annum, and it is not even keeping up with that level of growth, much less doing something to get comfort back to normal and expected levels across the system.

On the issue of safety, as we heard during another debate, the Department of Transport is not subject to the authority of the safety regulator because it does not believe itself to be a rail operator. I can see from reading this bill that the new Public Transport Development Authority will also not be subject to the public transport safety regulator when it comes to the development of the safety plan. It would argue that it does not run such services, but in fact within the provisions of this bill it has the ability to run the services itself or to commission or franchise the running of the services. Such an authority, as well as the existing Department of Transport, makes crucial safety decisions — for example, it commissions assets, builds new stations and train lines, and embedded into all those investment decisions are considerations of safety. Then it simply hands that over to an operator that has to try to do its best to meet safety requirements. Even at the most basic level of being accountable to an independent public transport safety authority and regulator, it has slipped the net again. It is an extremely poor performance.

It is clear that the minister, like so many public transport ministers before him, has fallen under the sway of the department. Generally speaking, it does not take very long. In fact I remember a former member for Thomastown in the other place, Peter Batchelor, arriving with the new government in 1999 and within a few days of becoming the Minister for Transport, his whole rhetoric in opposition was discarded, and he was parroting the lines of the Department of Transport. Now we have a new Minister for Public Transport in Terry Mulder, who signed off on the new rail timetable delivered to him, and by early January he had signed off on a rail timetable that actually slowed down trains in order to meet the terrible performance of Metro Trains Melbourne. That is just like robbing people; it is like robbing the taxpayer to slow down trains. It means it is now necessary to buy more trains, which is an expensive way to deliver the same capacity.

We are looking forward to new developments on the Hurstbridge and Epping lines. We were told a little while ago that on 28 November another mission-accomplished banner will go up on Thomastown station. It is a new station, absolutely, but there are no new trains to go with it. I have been checking the timetable for the Epping line — or the

'effing line' as it is referred to by my cousin who travels on it every day — and there are no new services. Apparently none of the benefits will be reaped from the new double-track, previously single-track, sections because the Hurstbridge line timetable would have to be altered if further trains were to be added to the Epping line timetable.

As yet there has been no sign of that happening, and if it is happening, it is happening in complete secret and the members of the travelling public are not involved in it. It is their service; they might like to be asked what they want. Do they want trains that run more frequently? Would they be interested in more services for the peak shoulder? Would they adjust their travelling if they had the opportunity to get an express train at a different time of the day? Or is getting a seat on the long journey home their primary consideration? These are all various trade-offs. We know that the government, Metro, the department and whoever else is involved will have to make those decisions, but they are not even telling the public that they are making those decisions, and nothing in this bill will advance that in any way.

However, I am very pleased that Mr Pakula, with his amendment, which I will certainly be supporting, was able to make a cogent argument for why bodies such as this, when they are directed by the minister, should have those directions made public. I would like to see that rule apply to directions made to the Port of Melbourne Authority, Melbourne Water and any of the other big-spending bodies in Victoria that deliver crucial infrastructure.

I can tell Mr Pakula that I have had the experience of seeking access to directions given by treasurers or other responsible ministers to state-owned enterprises. VicForests is a good example, but of course those bodies that operate commercially operate under a complete cloak of secrecy. When the minister decides that a certain enterprise such as Melbourne Water is going to invest in the north–south pipeline, we are never going to find out about that. When he calls on a dividend from a cashed-up authority or gives a dividend holiday to an authority that is debt laden as a result of having pursued some other government political priority, we never get to hear about that. I think we will have the same difficulty when it comes to some of the ministerial directions to this authority.

There is much more we could say about public transport but very little that could be said about this rather thin exercise in creating a distinction without a difference. The minister may have had aspirations for a strong and accountable public transport authority. He would have seen the approval with which the Greens' policy on that matter was met, and I think after a number of editorials by newspapers saying that the Greens' policy was common sense the minister felt he needed to adopt our policy. However, clearly if the minister did have any aspiration in that area, it has been beaten out of him in fairly short order by his own department, which has put forward something that mirrors its current rather poor performance.

We have no particular opposition to the bill. We will certainly be supporting the opposition's amendments.

Mr O'DONOHUE (Eastern Victoria) — I am pleased to rise to speak on behalf of the government in relation to this exciting piece of legislation which will make a significant difference to the delivery of public transport services and the integration of different modes, as Mr Barber acknowledged and highlighted, and which will deliver on a key election commitment of the former opposition, now government.

Let me go to some of the criticisms of the opposition in particular. I note Mr Barber's comments about the opposition's approach to this bill and other similar bills. Members of the opposition pick their position on the basis of political convenience and the lack of defence of the current arrangements. The performance of members of the previous government is amazing. I have read in *Hansard* the contributions of Assembly members Ms Richardson, the member for Northcote, Mr Brooks, the member for Bundoora, and Mr Eren, the member for Lara, as well as the contributions of other speakers, and now I have heard the contribution of the former Minister for Public Transport, Mr Pakula. The best the opposition can come up with is a half-hearted defence of the unfunded Victorian transport plan.

I go to a specific point that Mr Pakula made in which he said that the new government has failed to respond to many of the initiatives of the transport plan. He mentioned the premium station upgrade. The government has been very clear in that regard by prioritising the delivery of protective services officers. The government has made a number of commitments in response to pending programs or initiatives that were outlined in the transport plan. To go back to the specific point and to echo the substantive point made by Mr Barber, after 11 years in government and after creating this fragmented structure where responsibility was unknown and where a customer who had a complaint could perhaps go to the director of public transport, V/Line, Metro, or Connex before that, the tram operator, the Transport Ticketing Authority or perhaps myki directly — any number of organisations — —

Mr Barber — The public transport ombudsman.

Mr O'DONOHUE — I thank Mr Barber. They could have gone to the public transport ombudsman. The previous government created this very complex structure that we have inherited. The then opposition, now government, recognised this complexity and through this bill is implementing a significant piece of reform to simplify and streamline that process and that interface for franchisees, transport users and other stakeholders so that they have a one-stop shop that is customer and outcomes focused and will bring the different modes together — that is the Public Transport Development Authority (PTDA).

The best the opposition can come up with are a few points around independence and transparency. There is no substantive criticism of the proposal itself, notwithstanding the fact that this is not a policy the previous government supported. There is no defence of the previous arrangements; indeed Mr Pakula, Ms Richardson and other opposition speakers have in effect echoed the minority report issued by Mr Viney, Mr Leane and Ms Huppert, a former member for Southern Metropolitan Region, in response to the first interim report of the Legislative Council Select Committee on Train Services. The substantive point from all of those Labor members was that investment in infrastructure and rolling stock will solve the problem and the regulatory environment is fine. However, that is not what is considered best practice. That does not get the best outcomes for commuters and will not deliver the best return for taxpayers investments.

Mr Viney — Is Mr O'Donohue verballing me?

Mr O'DONOHUE — To pick up on the interjection from Mr Viney, I am not verballing him, I am about to quote him.

The ACTING PRESIDENT (**Mr Finn**) — Order! Mr O'Donohue should not be responding to Mr Viney, because Mr Viney is being most disorderly by interjecting out of his place. He should rightly be ignored.

Mr O'DONOHUE — I thank the Acting President for that direction. The Legislative Council Select Committee on Train Services evolved out of concerns this house had about the performance of the rail network in particular. Who could forget the Oaks Day fiasco that led to a meltdown of the network? Thousands of racegoers were left stranded either on the train, at Flemington station or in various other places.

Mr Ondarchie — They were left at the starting gates.

Mr O'DONOHUE — They were left at the starting gates as a result of the underinvestment in infrastructure by the previous government. I will quote the then Victoria Racing Club chairman, Mr Rod Fitzroy, who was quoted in an article in the *Age* dated 7 November 2008 entitled 'Kosky demands Oaks Day rail fiasco inquiry'. The article states:

> Yesterday, the Victoria Racing Club said the state government and Connex had failed to spend necessary money on upgrading the Flemington train line.
>
> 'They refuse to put the necessary funding required to upgrade the service because it is only a spur line to Flemington', VRC chairman Rod Fitzroy said.

This and other incidents led to this house determining that an inquiry into train services was necessary. In its first interim report tabled in this place in May 2010, the Select Committee on Train Services made a number of comments around governance issues. On page 36, at paragraphs 94 and 95, the report states:

> The fragmentation of the existing system is well illustrated by the various avenues a train customer has when providing feedback or making a complaint.
>
> If a customer has a complaint about train services, reliability, security, passenger comfort or personal safety they should contact the train operators. Alternatively, Metlink is also able to receive such complaints.

On page 37, at paragraph 99, the report goes on to state:

> In its submission to the inquiry, the Metropolitan Transport Forum, a public transport advocacy group representing 18 metropolitan local governments, linked the fragmentation of responsibility with rail service delivery:
>
> > At the heart of issues regarding rail services are the institutional structure and arrangements for the responsible authorities. The fragmented nature of rail operations and management presents a confused picture of roles and responsibilities that reduces accountability and constructive engagement. The division into a number of authorities reduces focus on the main role of rail; instead each agency will tend to focus only on its particular charter.

It goes on.

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

Mr O'DONOHUE — Before the dinner break I was making the point that finding 3.1 of the Legislative Council Select Committee on Train Services report states:

> Responsibility for delivery of Victoria's trains services is fragmented across a range of government authorities, private operators and independent statutory bodies. The committee believes this fragmentation of responsibility may result in uncertainty in terms of the factors leading to and causes of failures in the provision of train services in Victoria.

Finding 3.2 states:

> Evidence illustrates improvements could be made to the delivery of train services in Victoria by further streamlining of public transport governance responsibilities.

The then government members — the Labor members of the committee — did not endorse that finding, saying:

> Findings 3.1 and 3.2 which ignore evidence clearly stating that the Secretary of the Department of Transport is responsible for the delivery of Victoria's train services — —

It goes on. Clearly Labor members still believe that. They believe there is no case for regulatory reform, and that is evidenced by their lack of contribution, both in the Assembly and in this place, on the substantive issue of this new structure that is proposed by the bill. The government, in opposition, followed through from those recommendations made in that report and from looking at other practices around the world, and a statement of Sunday, 14 November, outlined its vision for the Victorian PTDA. The government is implementing that commitment through this legislation.

I want to take the house to a couple of the provisions of the bill. The purpose of the bill is to establish the PTDA to deliver a more customer-focused public transport service by planning, coordinating and managing the public transport system; administer the arrangements for the provision of trams, trains and buses; operate as the face of public transport; and improve the public transport service experience and create a public transport shopfront for passengers and stakeholders. It goes on in the objects clause to say that the primary role of the Public Transport Development Authority is to plan, coordinate, provide, operate and maintain a safe, punctual, reliable and clean public transport system consistent with the vision statement and objectives of the transport system.

It is clear in the legislation what the purpose of this authority is. It is clear that this new authority is to be the shopfront or the face of public transport in Victoria, and on that basis the government absolutely refutes the feeble rebuttals by the opposition about the lack of transparency and accountability. The authority will have an independent board and an independent chair, and it will report to the Parliament on a six-monthly basis for the first two years and on an annual basis after that. Its directions are similar to those of other similar statutory authorities, and the authority, as is articulated in this legislation, has a clear purpose. It will provide a one-stop shop for stakeholders, for franchisees, for customers and for others in the public transport space. This is an exciting development for public transport in Victoria.

I note that Mr Pakula raised an issue about compensation, suggesting that compulsory acquisition be compensated with adjoining land. The first point to be made about this is that we all remember Mr Pakula having lunch with the then Premier at Zinc at Federation Square, telling the world about the regional rail link and their plans for the regional rail link. Of course Mr Pakula forgot to tell the residents of Footscray, who found out via the media that their homes were to be acquired, so Mr Pakula cannot come to this debate with any great authority in relation to the concept of compulsory acquisition and community consultation. Moreover, the provision that is in this bill is similar to that in the Transport Integration Act 2010, which Mr Pakula, as minister, had carriage of. He has absolutely no credibility on this issue. The provision is reasonable and should stand.

The government does not support the amendments moved by Mr Pakula. The bill clearly articulates the independent statutory function of the authority, making it an independent board, and there are sufficient mechanisms around the reporting requirements and transparency for this new authority.

Since coming to power the government has made significant steps to get the basics right and to improve the fundamentals of the network, and I note a media release from the Minister for Public Transport, Mr Mulder, dated 31 October, which highlights the improved passenger satisfaction with Melbourne's train system and the improved punctuality on many of the metropolitan lines. The release quotes Minister Mulder as saying:

> Since 8 May 2011 Metro timetable changes, overall passenger satisfaction with Metro's trains measured by this ongoing survey has risen from 58.3 index points in the June quarter 2011 to 62.3 index points in the September quarter 2011 …

It is the contention of the government that we are moving in the right direction, and I note that the Public Transport Users Association also thinks we are moving in the right direction. Its September newsletter states:

> Legislation establishing the Public Transport Development Authority was introduced to State Parliament on 14 September, and is expected to be debated this week.
>
> On this vitally important policy initiative the government is proceeding broadly in the right direction. The structure and powers of the PTDA in this legislation largely mirror those of VicRoads. The PTDA will have its own board, including one position reserved for a community representative.

To be accurate in my quoting, I note that later on in the article it does mention some concerns or issues to do with particular aspects of the legislation, but that does

not change the fact that it thinks we are broadly on the right path.

The government is pleased that this piece of legislation is before the house. It is quite a substantial piece of legislation that will create a one-stop shopfront for commuters, and it should assist in improving the public transport network by getting better coordination between different modes. This is an exciting development in the improvement of Melbourne's, and Victoria's, public transport network.

Mr TEE (Eastern Metropolitan) — I also wish to speak in this debate, and I would like to focus on one particular clause of concern to me. The clause relates to the Public Transport Development Authority's capacity to acquire land and the circumstances in which the authority may require the owner of land to take any land adjoining their own that is owned but no longer required by the Public Transport Development Authority. It is a provision whereby there is no consent required from the landowner and one which stands out in the context of the government's proposed rail planning study for Doncaster, which is in my electorate. The government has announced that as part of that study there will be a number of route options considered for a high-quality heavy rail link to Doncaster. As Mr Mulder said in his press release of 26 October 2011:

> Establishing a new rail link is a major undertaking …

The concern I have is that in the ordinary course of events property owners who are subject to compulsory acquisition receive compensation to the value of their property plus an extra payment for inconvenience and resettlement costs, but what this bill does is provide the new authority with the ability to force owners to accept blocks of land owned by the authority as compensation. The opposition put forward amendments in the Assembly to ensure that this position would only be used if homeowners agreed to accept government land as compensation, but those amendments were unsuccessful.

This issue is of particular concern in my electorate because my electorate, and the eastern suburbs more generally, was very much built up as a community some 40 or 50 years ago, and many of those couples who originally moved there and started families are now older. The eastern suburbs has an ageing population relative to the rest of Melbourne, and I think those people in the community who have lived in their house for 40 or 50 years would be concerned by the idea of having to move because of a rail line. That would be a very difficult process, and their concern would be heightened by this proposal, which would mean that they could be forced to accept other land as compensation, particularly when one remembers that the requirement is for the land to be adjoining and owned by the authority. The concern is that they might have a house that is replaced by a rail line and that the adjoining land might be where these homeowners end up. It is a concern, and I am disappointed that the amendment was not successful because it would have given that community some comfort that they would be properly compensated should that rail proceed.

Mr O'Donohue interjected.

Mr TEE — That amendment was put forward in the Legislative Assembly, Mr O'Donohue. As I said, that would have given the community some comfort, because those older residents would have known that they could choose to accept adjoining land if it suited them. For many it would suit them, because they could stay in their communities; they could stay close to their families and friends. Under this bill in its current form — because the amendment put in the Assembly was not accepted, Mr O'Donohue — those landowners may have no choice. They will be kicked out of their homes and could be required to live in effect in the pathway of or certainly adjacent to what the Minister for Public Transport describes as heavy rail.

I note that in his contribution Mr Pakula sought an assurance from Mr O'Donohue in the government's response that these powers would not be used. I note also that that assurance was not provided. As I said, that would provide no comfort to the community in the eastern suburbs of Melbourne.

Mr ONDARCHIE (Northern Metropolitan) — I rise tonight to speak on the Transport Legislation Amendment (Public Transport Development Authority) Bill 2011. This bill establishes a new statutory authority, the Public Transport Development Authority (PTDA), which will plan, coordinate and manage all metropolitan and regional train, tram and bus services with a new customer focus, putting passengers first. It will be created alongside VicRoads as a transport system agency under the Transport Integration Act 2010. It will replace and subsume the roles and responsibilities of the director of public transport. The majority of the director's functions, assets and staff will be transferred to the PTDA. The PTDA will take over Metlink Victoria Pty Ltd's role and many of its responsibilities. The Transport Ticketing Authority will be abolished once it has completed the implementation of the new ticketing system, with ongoing ticketing functions transferred to the PTDA.

The new authority will put passengers first. There is nothing more frustrating than getting off the Epping

line train at Epping station, after you have seen the famous Melbourne Heart or the wonderful Geelong Cats, to watch the bus pull out. The bus pulls out as the passengers decant from the train, and there is nothing more frustrating for the passengers than that. It is bizarre that the previous government had not got its act together sufficiently to integrate the systems.

The previous government let the people of South Morang hang for 12 years waiting for a railway station. Mums and dads made investments in the wider South Morang area; they bought houses and planned their careers and households around the fact that there was going to be a railway station there. It was promised in 1999 by the Bracks government, and here we are in 2011, 12 years on, and the children in those families have had to get drivers licences because they never got the chance to catch a train. Tonight Mr Tee talked about disappointment. That was an absolute disappointment for the people of the north, when the government promised something and took 12 years to deliver it. Those kids are now driving.

The bill creates the PTDA to operate as the face of the public transport system and, as Mr O'Donohue spelt out clearly, as a single shopfront for passengers and stakeholders. It will stop the confusion, blame shifting and frustration that characterised the state's public transport system over the past 11 years. The previous government ran that public transport system a bit like people making a minestrone soup — throwing everything into the pot to see how it tastes — and it failed. That is why the Baillieu coalition government has been elected to fix this up.

Victoria has too many transport bodies, which means it has a fragmented system which lacks accountability — a word that is foreign to those opposite. The government came to office with a clear plan to fix the problems in public transport. The centrepiece of our policy was the proposal to consolidate the functions of various public transport bodies in a single coordinating authority. Mr Pakula challenged the validity of this, but since coming to office, the government has been advised that this model is consistent with international best practice.

The PTDA will act to reduce bureaucracy in the public transport system and improve the quality and consistency of public transport information. The PTDA will be primarily responsible for ensuring that Victorians have access to safe, clean and punctual public transport that is consistent in its reliability. The object, functions and powers of the PTDA will go beyond those that currently apply to the director of public transport. They are strengthened to reflect key priorities, including coordinating and integrating transport models; auditing all Victorian public transport assets and reporting publicly on the value and condition of those assets, along with the cost of renewing them to bring them up to modern standards; advocating extensions to the public transport network; and promoting public transport as an alternative to the car.

Mr Pakula asked for rigour and transparency and the independence of members of the board of the authority. That is a bit of hypocrisy, coming from a member of the former government that appointed people like Christian Zara, a former member for the federal seat of McMillan, to VENCorp; Elaine Carbines, a former member of this place, to Parks Victoria; and Monica Gould, another former member of the Legislative Council, to VicForests. As well, former Labor Senator Robert Ray was appointed to the Victorian Managed Insurance Authority. There has been a track record of the Labor Party appointing its mates to government authorities, and yet those opposite have the hypocrisy and the gall to stand here today and say, 'We demand transparency and independence'. Coming from them, it is bizarre.

Mr Pakula has accused this government of being disingenuous and lacking customer focus. Mr Tee talked about his disappointment in the acquisition of land. I wonder how that compares to the disappointment of the people of Footscray who had a knock on the door from a media representative who said, 'By the way, you're about to lose your house'. They had had no news about it. Members opposite talk about disappointment. They should imagine what the people of Footscray felt when the previous government charged in and just took over their land.

Those opposite sit here today hypocritically talking about the rigour that is required to be applied to the board of the new authority. That has come from members of an opposition who when in government were all talk with no delivery. Let us talk about the myki blow-out, shall we, the buckling lines and, as referred to by Mr O'Donohue, that famous Oaks Day? The previous government let Victorians down time and time again. This bill sets us back on a path to ensuring that the public comes first, that passengers come first, and that the safety and reliability of our transport networks are coordinated and have the appropriate rigour applied to them. I commend this bill to the house.

Motion agreed to.

Read second time.

Committed.

Committee

Hon. M. J. GUY (Minister for Planning) — I seek leave to have Mr O'Donohue join me at the table.

Leave granted.

Clauses 1 and 2 agreed to.

Clause 3

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

1. Clause 3, page 39, line 7, after "Minister" insert "in writing".

I accept that amendment 1 would effectively test amendment 2, and I would like to make some brief comments in relation to that amendment. The amendment is fairly straightforward. I have dealt with the substance of it during the second-reading debate. The amendment in effect provides a requirement for the minister to put directions in writing and provides the Public Transport Development Authority (PTDA) with the obligation to publish any specific directions on its website within 14 days of being given a specific direction. We say that that is necessary because we have an authority which is ostensibly described as being independent, but throughout the bill it is made clear that there are various matters upon which the minister can give the authority direction.

Neither the opposition nor, I am sure, the Victorian public wants to see a situation where the authority and the minister are pointing fingers at one another, suggesting who might have been responsible for a particular course of action. What this amendment will make clear is that the minister should provide directions in writing and that when a minister provides directions to the authority, the authority needs to place the fact that that direction has been given and the direction itself on its website, published for all to see.

I draw your attention, Deputy President, and the attention of the committee to the fact that in a bill debated a couple of hours ago to establish the Victorian Responsible Gambling Foundation, where once again we had an authority in relation to which there is the prospect of ministerial direction, there was a provision which said that the authority — or the foundation in that case — must publish those directions in the *Victoria Government Gazette* and must do so as soon as possible after receiving the directions.

In the committee stage of that bill, I asked the minister at the table, Mr Guy, why that provision was there. The answer, quite correctly, from the minister was that it was there for the purposes of transparency and accountability. He said that it was appropriate for the minister to give directions, but for reasons of accountability and transparency it was also appropriate for the public to know what directions had been given. If that proposition stands for the Victorian Responsible Gambling Foundation, surely the proposition must stand for the Public Transport Development Authority. I think the amendment is utterly self-explanatory beyond those few words of mine. We think directions should be given in writing; we think they should be published and we would hope the government will support this amendment.

The DEPUTY PRESIDENT — Order! I am just clarifying whether Mr Pakula accepts the view that his proposed amendment 2 is tested by amendment 1.

Hon. M. P. PAKULA — I am glad you asked, Deputy President, because having said that, I then formed the view that perhaps I had been hasty. They are in fact quite separate issues. One is about the directions that are given; the other is about publishing. Having said that, I am glad that you have given me the opportunity to rethink that position. I think the amendments probably do need to be put separately.

The DEPUTY PRESIDENT — Order! In reading them, that was my view, so that is fine.

Mr BARBER (Northern Metropolitan) — The Greens will happily support the amendments; we think they are good amendments. There are a vast number of statutory bodies out there, or bodies established under statute such as those covered by the State Owned Enterprises Act 1992, where the interaction between ministers and those bodies is less than transparent, if I can put it that way. I at times have sought copies of ministerial directions given to particular bodies — for example, VicForests and the Port of Melbourne Authority — and they are not always forthcoming. The procedure then is to go down the Freedom of Information Act 1982 route if you want to see them. That is not suitable or appropriate for a large number of these bodies.

There is also the real question about who is accountable. If we create bodies with boards, then those boards, in the style of corporate boards, are meant to be accountable. If you are on the board of an ASX-listed company, you are accountable directly to the shareholders. But if you are on the board of VicForests, for example, the shareholder is the Treasurer. That is the only person you ever need to keep happy.

Where does the actual responsibility lie? Is the board really sitting there just providing a bit of cover for the minister until it stuffs it up so badly that the minister sacks it, as happened with some of the cemetery trusts, so that the minister can then say, 'I have done my job because I sacked the board'? There has to be better elucidation for the benefit of the public as to where the responsibility lies. By routinely disclosing any directions that come from ministers to boards, it is clear for which parts of the decision the minister is responsible and for which parts the boards themselves, with all their procedures of governance and risk management, are responsible.

Hopefully this is a principle that the government can adopt broadly across the whole universe of different government authorities. One of the things that prevents the information from being released is the commercial-in-confidence argument, but again I do not think that should be a barrier because ultimately the fortunes of that particular entity are published and made available in the normal way. It would start to lift some of the veil over what goes on between ministers and the various authorities for which they are not directly the line managers but with which they seem to spend an inordinate amount of time considering and politicking. Members should not expect that to change. Anybody who has ever served on a governmental corporate-style board will have stories to tell about how the minister got their way. We need to lift that veil, and therefore I support this amendment.

Hon. M. J. GUY (Minister for Planning) — The government believes the amendment is not necessary. We believe it would not add to the operation of the Public Transport Development Authority (PTDA) or the management of public transport in Victoria. The reality is that directions are given by ministers as and where necessary in the form that is necessary in the circumstances. We believe the circumstances dictate which directions are general or specific in nature; they also dictate which directions need to be reduced to writing.

It is not necessary for the statute to go against what is currently required for any other transport decision-maker under the Transport Integration Act 2010 and require every specific ministerial direction to be written. It is not required for VicRoads, for example, under section 98 of the Transport Integration Act 2010. It is not necessary to detail every common practice or statute or prescribe something that is often not necessary. The PTDA will have an independent board, and if the board prefers or requires certain directions to be issued in writing, it can make the request to the Minister for Public Transport who will consider the matter on its merits. If the direction is written, the authority may publish it if it so wishes. The government will therefore be opposing the amendment.

Hon. M. P. PAKULA (Western Metropolitan) — I have one final question: can the minister explain in a general sense why the government took it as necessary for the directions given to the Victorian Responsible Gambling Foundation to be published, but not the directions given by the Minister for Public Transport to the Public Transport Development Authority?

Hon. M. J. GUY (Minister for Planning) — It is completely unrelated to the bill and as a consequence it does not have a relationship to what we are debating.

Hon. M. P. PAKULA (Western Metropolitan) — It might be an unrelated bill, but I would have thought the principle is the same. When asked about the Victorian Responsible Gambling Foundation and the reasons for the publication of directions, the minister's answer was that it was about accountability and transparency. If that principle holds good for the Victorian Responsible Gambling Foundation, how is it possible that it cannot also be equally appropriate for the PTDA?

Hon. M. J. GUY (Minister for Planning) — I have answered that question.

Committee divided on amendment:

Ayes, 18

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

Noes, 20

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

Pair

Darveniza, Ms	Kronberg, Mrs

Amendment negatived.

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

2. Clause 3, page 39, lines 11 to 13, omit "may publish the specific direction in the *Government Gazette*." and insert "must publish the specific direction on the Public Transport Development Authority's internet website within 14 days of being given the specific direction.".

I spoke to the substance of this amendment during debate on amendment 1 and during the second-reading debate, and I put the amendment without further debate.

Hon. M. J. GUY (Minister for Planning) — I confirm that the government will not support the amendment.

Committee divided on amendment:

Ayes, 18

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

Noes, 20

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

Pair

Darveniza, Ms	Kronberg, Mrs

Amendment negatived.

Clause agreed to; clauses 4 to 31 agreed to; schedules agreed to.

Reported to house without amendment.

Report adopted.

Third reading

Motion agreed to.

Read third time.

SENTENCING AMENDMENT (COMMUNITY CORRECTION REFORM) BILL 2011

Second reading

Debate resumed from 27 October; motion of Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations).

Hon. M. P. PAKULA (Western Metropolitan) — I am pleased to speak on the Sentencing Amendment (Community Correction Reform) Bill 2011. Labor will not oppose the bill, but we will seek to amend it because we think it is largely an exercise in window-dressing except for one important aspect — that is, the decision by the government to provide, through this bill, public servants with the ability and authority to increase sentences that have been imposed by a court without further reference to the court. We think that is a very unwise precedent for the government to set. It places unusual and improper powers in the hands of bureaucrats — not senior bureaucrats but mid-level bureaucrats, given the delegation authorities that are provided in the bill. We will be seeking to amend the bill in order to ensure that those public servants need to attend the Magistrates Court and seek an order before they increase a sentence that has been imposed by the court.

Outside of that, in large part the bill simply rebadges a number of existing powers which are available to the courts; it takes a number of powers and rolls them into a single order. Members would know that community-based orders have evolved over a number of years — through the Kennett years and through the Bracks and Brumby governments as well. At the moment, prior to the passage of this bill, there are a range of different community correction orders. There are community-based orders, intensive correction orders and combined custody and treatment orders, along with home detention and suspended sentences. That whole gamut of orders, if you like, gives judges what amounts to a full suite of penalties between fines at the lower end of the spectrum and imprisonment at the higher end of the spectrum. In large part this legislation codifies many of the penalties that are already available to judges under the current regime.

Interestingly in effect the bill also gives back to judges some of the powers that they already had. Those powers were taken away under earlier pieces of legislation which were brought forward by this government with great fanfare — for example, the government took the home detention option away from judges. It said, 'Home detention is a terrible sentencing

option for judges. It is a ruse on the public, and with this government, jail means jail'. However, what we see in this bill is that, under the guise of a community correction order, there is a curfew provision which effectively and in many respects is a home detention order with work release. In effect it is almost identical to a home detention order, so for all the fanfare we had from the government about how home detention would be a thing of the past under a Baillieu Liberal government, here we see it effectively being returned as an option to judges but under a different name. Just like the whole suspended sentences fanfare we had from the government, there is once again less in this bill than meets the eye.

I have to say that it is therefore little wonder that despite all of the tough-on-crime rhetoric we have heard from the Attorney-General and from the now fatally wounded Minister for Police and Emergency Services, the Minister for Crime Prevention has for a second time now — after the brain explosion at the Public Accounts and Estimates Committee hearings — said that the government's new approach to crime prevention might not reduce crime rates for 20 years. He said that at the PAEC hearings. We thought there must have been something in the water that day; we could not believe the minister would actually say such a thing. But much more recently, in the last few weeks, when given the opportunity to say something different, the minister effectively repeated the same thing when asked by the opposition and the media what the crime prevention target would be as a result of this enormous shift in investment of taxpayer resources from public transport, health and education to the corrections portfolio. We asked, 'What would be the dividend for the community in terms of a reduction in crime?'. Yet again the answer we got from the minister was, 'You might not see the results now and you might not see the results in the next 4 years or 8 years, but you might see them in 20 years'.

That is probably why the budget itself demonstrates what the government believes will happen. The budget shows that the government is banking on an increase in the recidivism rate in the forward estimates period, so these are not crime prevention policies that are designed to ensure that people are less likely to reoffend when they end their sentence, end their community-based order or come out of prison — whatever the sentence might have been. The budget papers themselves reveal that the government's prediction about what is going to happen is that rates of reoffending are going to go up over the forward estimates period. I would have thought that if a government is making such a monumental shift, in terms of both focus and money, from all the other things that governments need to do — all the other services that governments need to provide — into the corrections and justice portfolios, at the very least the community could expect to see a reduction not just in crime but in rates of reoffending as well. However, we have a prediction from the government that reoffending rates will go up, and it refuses to set any targets for a reduction in crime.

Having said that, the fact is that the then opposition went to the election with a policy to replace the existing types of community-based sentences with a single category of community correction, and this legislation delivers on that commitment. The opposition accepts that, and we accept that the government is going to implement its policy. For that reason we will not be opposing the bill. I am thankful to my friend, the member for Altona in the other place, who took the Assembly through the bill in some detail. I indicate that the bill abolishes all existing types of community-based orders and replaces them with a single community correction order.

If a judge decides that the appropriate punishment resides somewhere between a fine on the one hand and a term of imprisonment on the other hand, the judge can make a community correction order and must attach at least one optional condition. The judge can attach more than one optional condition but must attach at least one. Those optional conditions include up to 600 hours of community work, curfews of up to 12 hours a day, no-go zones, conditions on where an offender may live and restrictions on contact with specified persons. I do not know — Mr Dalla-Riva may know — whether having restrictions on contact with specified persons is like the old definition of consorting. It sounds a bit like consorting. The judge can impose an order with conditions suspending, restricting or cancelling a drivers licence. A judge can attach conditions which impound a vehicle, place restrictions on access to licensed premises, impose GPS monitoring or the like.

The bill also broadens the scope of these types of orders. Previously a community-based sentence could last no more than two years, and that acted as a limitation on the type of offence that the community-based sentence could apply to. The new community correction orders can be applied to any offence with a penalty of 5 penalty units or more, and they can last for as long as the maximum term of imprisonment for that offence. It is this scope — this extraordinary increase in the range of offences that community correction orders can be applied to — which gives the lie to the promise of the Liberal Party and The Nationals that jail will mean jail. Jail might mean jail, but this bill will mean that judges can apply a community correction order to almost any offence.

The bill also grants Department of Justice corrections bureaucrats the power to extend the sanction that has been imposed by the courts in relation to curfews and community work. That is a matter of grave concern not just to the opposition but also to the Law Institute of Victoria and to lawyers more generally. It should be a concern to the Victorian community because this notion of providing public servants with judicial powers is a very slippery slope indeed. This government in opposition, including Mr Clark when he was the shadow Attorney-General, made a great play about respecting the independence of the judiciary and the separation of powers. This piece of legislation does more than most to offend that separation of powers. I will come back to that in a little while.

I want to go to what the opposition has to say about this bill most generally. Principally we would say that the bill is an exercise in sleight of hand. It is another attempt by the government to demonstrate to the community that it is tough on crime. Even though the government has no crime reduction target and it expects recidivism rates to go up, it tries to create the impression that it is tough on crime. Many of the powers that are available to judges as part of this reform are already available to judges as a general reserve power. In effect the bill repackages a whole range of options that are currently available to judges and seeks to codify them, but it does not really do a great deal in terms of giving judges a broader range of powers than they currently have.

Moreover, by broadening the circumstances in which a judge can impose a community-based sentence, this new community correction order will almost certainly be applied to a whole range of offences that were usually or previously greeted with — you guessed it — a suspended sentence. The government came to this Parliament and said, 'We are getting rid of suspended sentences, so now jail will mean jail'. In actual fact the government has got rid of a range of suspended sentences, and jail will mean a community correction order. That is all the government is doing.

There may be a few more offenders who go to jail, but because of the extension of the breadth of offences to which community-based orders could previously have been applied, these community correction orders will now be able to be applied to a whole range of offences for which they were previously unavailable. Rather than these offenders going to jail, they will be on community correction orders. The offenders will still be out in the community but at far greater cost to taxpayers than would have been the case had they received a suspended sentence. The offenders will be out in the community on a community correction order, needing to be supervised and needing to report to a community corrections officer. By the way, there has been no increase in resources and no greater number of corrections officers provided either in this bill or more generally.

We have a situation where the government — and I invite Mr O'Brien or whoever the lead government speaker is to address this point during the debate — has provided no detail as to what additional resources are going to be required to support a large increase in the number of offenders on community correction orders. The government has said these offenders will not be on home detention or suspended sentences; they will be on community correction orders. That requires supervision, and it requires them to report to a community corrections officer. Like the other reforms — and I use the term 'reforms' loosely — this is going to mean an ever-increasing share of the state budget being spent on corrections, on the court system and inevitably on services like Legal Aid. This is all in circumstances where the government cannot or will not reveal what the dividend for the community will be in relation to a fall in the crime rate, whether rates of reoffending will fall or whether we as a community will be safer and where the government has not provided an extra dollar or extra cent for Legal Aid or more corrections officers and the like.

As I have indicated, the bill in effect reinstates home detention, just weeks after the government purported to abolish it. A 12-hour curfew is almost identical to home detention with work release; so for all the hoopla and razzamatazz around the abolition of home detention — voila! It is back under another name. Most importantly, we are concerned about the principle of the Secretary of the Department of Justice or the secretary's delegate being able to increase the sanction that has been imposed by a court, which can apply to curfews and unpaid community work — and we understand the delegate in a real world situation will be a regional manager for corrections.

Of course there will be circumstances where a sanction is applied by a court and for some reason or other the offender is not compliant, but it cannot be right that the only way that can be dealt with is for public servants to be given the right, of their own volition, to increase those penalties. We do not know, for instance, what obligation the public servant has to advise the person that they have the right to challenge in court any curfew increase or community work increase or fine that is imposed again by the public servant. The government has provided no advice on or justification for the public servant not having to go before the Magistrates Court as in every other situation — we are not saying he or she

should go to the County Court or the Supreme Court — and lay out before the magistrate the case explaining why the offender has misbehaved and ask the court to increase the penalty.

The argument might be that it is a resources issue for the Magistrates Court, but that is the impact of the government's policy. The government needs to accept that its policy creates a resource issue. It is unacceptable to simply circumvent the normal separation of powers, the normal relationship between the public service and the judiciary, because there might be a resourcing issue. I know the Magistrates Court would take the view that, resource issues aside, as a matter of principal public servants should not be given the power to increase penalties of and by themselves.

The Law Institute of Victoria, which I know the government respects, has put out a strong view on this. It has expressed profound concerns in correspondence to me, and no doubt in correspondence to the government, about the increased powers of the Secretary of the Department of Justice, as I have described. The law institute makes the point in its correspondence that the Secretary of the Department of Justice is a public servant who has effectively been authorised to exercise judicial power. I refer to a letter sent by Caroline Counsel, the 2011 president of the Law Institute of Victoria, and I take this opportunity to commend Ms Counsel for the outstanding work she has done during her term as president of the institute. In her correspondence to me she described it as 'a clear erosion of the principle of the separation of powers'. The law institute goes on to say:

> It is clearly undesirable and inappropriate to provide unelected community corrections officers, who lack public accountability, with these infrastructure judicial powers.

And that is the point. Public servants do not face the voters, they do not have any public accountability and nor are they judges charged with the responsibility of imposing sentences on members of the Victorian community. Let us not forget that in the circumstances described in this bill a judge would have imposed a sentence having heard all the evidence, all the arguments from defence counsel, from the Director of Public Prosecutions or a Victoria Police informant, and in those circumstances would have decided on an appropriate sentence.

There could well be circumstances where the offender is not living up to his or her end of the bargain, and in those circumstances it is utterly appropriate for a Corrections Victoria official or bureaucrat to go back before the Magistrates Court and say, 'Muggins here is not doing the right thing, and I think you should increase the curfew by 1 or 2 hours'. I have no argument with that whatsoever; but to give a bureaucrat the power to increase that penalty by himself or herself is extraordinary. It is a clear erosion of the separation of powers, and the opposition will be moving an amendment to make it necessary for the corrections officer to go back before a court and seek an order from a magistrate to increase that penalty.

That concern aside, the opposition will not be opposing the bill. We accept that this is in large part a reflection of the commitment that the then opposition took to the election. As I have indicated, there is not a lot in this that judges cannot do already. There is in effect a marching back from the government on some of the tough changes it initiated earlier this year — home detention taken away and in effect returned; suspended sentences taken away and converted into community correction orders — but all being done in a way that is going to be far more costly to the Victorian taxpayer and not noticeably more effective, particularly given that the government will not say what the crime reduction dividend will be, does not expect rates of reoffending to fall and is taking the extraordinary and quite unnecessary step of putting judicial power in the hands of public servants.

Ms PENNICUIK (Southern Metropolitan) — The Attorney-General, in the opening paragraph of the second-reading speech, said:

> This bill represents the most significant reform to community-based sentences that Victoria has seen in 20 years.

It remains to be seen whether that will be so under the provisions of the bill; however, the fact that the Attorney-General has made that statement and the fact that the bill abolishes some longstanding community-based orders (CBOs) from the sentencing regime and replaces them with a new, all-encompassing community correction order (CCO) indicates that it is a substantial change to the sentencing regime. For that reason, I foreshadow that at the end of the second-reading stage I will be moving a motion to refer the bill to the Legislative Council Legal and Social Issues Legislation Committee for its consideration. It will be asked to report back by 8 December. That will enable time for the bill to receive royal assent before some of the provisions of the bill are due to commence in 2012. It is interesting that some of them are not due to commence until a full year after that, which is an issue raised by the Scrutiny of Acts and Regulations Committee.

We must remember that the goal of the justice system and the sentencing regime, in addition to punishing

offenders for their offence in a way that is proportionate to the offence, is to rehabilitate particularly young offenders and to prevent reoffending. This bill and the new sentencing regime needs to be judged on whether it would achieve those goals. It is interesting that in the Attorney-General's second-reading speech he says:

> The purpose of the CCO conditions is to allow a court greater flexibility to impose a less restrictive order than imprisonment where appropriate, potentially leading to a reduction in sentences of imprisonment with advantages such as the promotion of the offender's rehabilitation and the preservation of family and community ties.

I thought that was a very interesting section of the Attorney-General's speech, and if that is what the bill will do — that is, potentially lead to a reduction in sentences of imprisonment — then that is a good thing. However, I am not sure that is what the bill is going to do. As Mr Pakula has said, given that the government is forever talking about 'jail means jail' and 'truth in sentencing', I am not sure how to actually put those two things together. If the Attorney-General is correct and that is what this new regime will bring about, then that would be a good thing, but it remains to be seen. I would like to hear from any government speakers about any plans the government has to monitor the implementation of this new regime and report back to the Parliament as to how it is being implemented in the courts and whether it is in fact leading to a reduction in sentences of imprisonment and the imposition of more community correction orders, which is always preferable.

The main provisions of the bill are to replace the existing community-based orders, which from memory have been around since 1986, which is a long time; the intensive corrections orders (ICOs), which have been around since 1992; the combined custody and treatment orders (CCTOs); and the yet-to-commence intensive correction management orders, which the previous government put in place but which have not begun operating as yet.

The community correction orders will have mandatory basic conditions and also one or more so-called 'optional' provisions, but they are not optional in that at least one of them has to be applied, which seems to make the word 'optional' an oxymoron. One of the questions I have about the optional conditions relates to the fact that under the current community-based orders just the core provisions are required and no extra conditions are required, which is different from the intensive correction orders and the combined custody and treatment orders. My question would be: what if none of those so-called optional conditions is actually appropriate for the particular offender? It would seem that they would be inappropriate for a community correction order if none of the optional conditions, one of which must be applied, can actually be applied to that offender.

That raises an issue of the basic concern that many commentators, and I in particular, have with the change of the regime from the low-level community-based order, which is really just above what you would give if you were not going to impose a fine on somebody, to existing intensive correction orders, for example, which really sit just under imprisonment. When you look at the definition of that on the Department of Justice website an intensive correction order sits directly under imprisonment, and under its core conditions offenders must report to or receive visits from the CCO officer twice weekly, perform unpaid community work and participate in treatment as directed by the CCO for 12 hours each week. Eight of those 12 hours might be working in the community, and 4 of those 12 hours might be undertaking treatment programs. They must also participate in any special conditions imposed by the court.

The combined custody and treatment orders target those who have committed an offence where the court is satisfied that drunkenness or drug addiction contributed to the offence. Such an order could be imposed for up to 12 months, with at least 6 months to be served in custody, and the offender must participate in mandatory drug and alcohol treatment and testing. These existing orders target certain offenders and the issues they face; however, because of the ability to apply what are now just the core provisions of a community-based order and because the bill insists that one of the new optional conditions must be imposed, it could result in limiting the application of community correction orders at the lower end of the scale — that is, people who would at the moment get a community-based order if they were just above being fined for their offence.

The optional conditions contained in new division 4 include unpaid community work, treatment and rehabilitation, supervision, non-association, residence restriction or exclusion, place or area exclusion, curfew, alcohol exclusion and judicial monitoring. All of those can be — and are — an imposition on the offender. If they are a low-level offender and if none of those conditions could be imposed fairly or proportionately, it does concern me that it might either preclude a person from getting a CCO or impose a condition on them which is not proportionate to the offence they have committed. That is one of the issues with abolishing community-based orders and rolling them into this new community correction order.

There are some other issues with the bill. I should also say that the basic conditions of all orders are that the offender does not reoffend, that the offender does not leave Victoria without permission and that the offender reports to or complies with directions from the community corrections officers. It is interesting that the maximum term is based on the maximum term of imprisonment for the offence, but that is only if the sentence is imposed by the Supreme Court or the County Court. In the Magistrates Court it is actually limited to two years.

There is a new offence for contravening a CCO, which is a maximum penalty of 30 units or three months imprisonment. That will also apply to current suspended sentences, home detention orders and intermediate orders, not just to CCOs. Offenders who are already serving those current suspended sentences, home detention orders and intermediate orders could fall under that contravention. Corrections Victoria will now have powers that previously only courts had to impose up to 16 extra hours of unpaid community work, extend curfews for a further two hours a day and issue on-the-spot fines for two new offences — 5 penalty units for the offence or an on-the-spot fine of 1 penalty unit. These offences include failure to comply with specific directions of the secretary of the department, failure to comply with the terms of a CCO and failure to obey written directions that contain a specific request — for example, that the offender attend a specified location at a specified time and date.

We share the concerns that Mr Pakula raised in his contribution and the concerns raised in the letter he received from Caroline Counsel. I extend my congratulations to her in her work as president of the Law Institute of Victoria for taking an interest in this bill and for corresponding with us about that issue, which we had already identified as a problem. Mr Pakula foreshadowed that he would be moving an amendment to remove the ability of the staff of the Department of Justice or the Secretary of the Department of Justice to impose conditions over and above those that have been imposed by a court. I notice that they are contestable. The offender can contest the imposition of that extra penalty in the court, but the current situation is that a court must actually add to a sentence. The current situation is that a court might add certain conditions to a sentence or change the sentence, and that of course can be appealed as well. The current situation is not, as Mr Pakula said, that a public servant who is not a member of the judiciary and who is in fact under the direction of the minister will be able to do that.

The Department of Justice staff are sitting in the advisers box. I thank them for the very comprehensive briefing they gave my staff member and me on this bill. I remember those particular staff members from previous briefings. I have to say that they have always been very helpful in answering our queries about the legislation that has come before us. I thank them for that. I must also mention the very good briefing paper that was prepared by the parliamentary library on this bill.

There are some other provisions in the bill. It is not all bad; I am not suggesting that it is all bad. I am just suggesting that it is not at all clear that this bill will result in the aims and objectives that the Attorney-General has outlined. It would be good if it did, but I am not sure it will. I suggest that one of the good provisions of this bill is that clause 5 amends section 7(2) to allow the Magistrates Court or the County Court to defer sentencing of anyone for six months. Currently only people aged 18 to 24 can have their sentence deferred under section 83A, 'Deferral of sentencing', and this can happen only in the Magistrates Court. To us that seems to be a good development, as pre-sentencing is a critical stage in the criminal process during which there are better chances of rehabilitation.

The section about pre-sentence reports is generally good. Many of these provisions are re-enacted from part 6, division 2 with no substantive changes. New section 8A(3) provides that a pre-sentence report is not required for a CCO with up to 300 hours of community work attached as the sole optional condition, which I note is up from 250 hours under the existing CBO.

In regard to there being more detail in reports, when we talked about this in the briefing we were told that there are new requirements for the court in new section 8B(1), including the ability of the offender to pay a bond, the relevance and appropriateness of any proposed condition, the capacity of the offender to perform unpaid community work for any proposed unpaid community work condition, the recommended duration of any intensive compliance period fixed under the CCO, the appropriateness of confirming an existing order that applies to the offender, or any other information that the author believes is relevant and appropriate. The pre-sentence reports will in effect be more comprehensive and capture more information about offenders, and hopefully that will lead to more appropriate community correction orders being imposed on particular offenders. As the Attorney-General said in his second-reading speech, one of the aims is to more closely target the sentence — the CCO — to the offender under the circumstances around the offence.

We note that clause 13 seems to imply that a CCO can operate in tandem with a drug treatment order, which is welcome. The main clause of the bill that introduces the new community correction order is clause 21, and under that clause new section 36 describes the purpose of a CCO as:

> to provide a community-based sentence that may be used for a wide range of offending behaviours while having regard to and addressing the circumstances of the offender.

If that is achieved, it will be a good thing. The eligibility for a CCO is basically the same as the existing CBO — that is, the conviction of an offence with a penalty of at least 5 penalty units, a pre-sentence report, which under this bill is more comprehensive, and the consent of the convicted person.

I do not want to verbal Mr Pakula — he can complain if I have got him wrong — but he seemed to imply in his contribution that it was not a good thing that a community correction order would capture more offenders. However, I think it is a good thing that, as the Attorney-General said his second-reading speech, it could potentially lead to a reduction in sentences of imprisonment and capture more people for whom imprisonment is not appropriate and allow them to serve community correction orders with certain conditions imposed.

There is a provision in new section 39 that where a CCO is longer than six months a court can fix an intensive compliance period. That new provision means that the requirements of the community correction order are weighted towards immediate or early intervention during the CCO period. At least one condition — for example, community work or a particular treatment program — must be completed in the intensive correction period. When we raised this issue in the briefing we were told that this new power to front-end CCO obligations is not current practice in the courts and its aim is to reduce the risk of reoffending and to have the offender undergo treatment during an intensive period at the start of their community correction order. Hopefully that would result in an enhanced opportunity for rehabilitation or changing the behaviour that has led to the offending.

New section 44 raises some issues, as it appears in effect to narrow the net for who may be eligible for a CCO as compared with the combined custody and treatment orders and intensive corrections orders. Under new section 44(1) a community correction order can be made in addition to a sentence of imprisonment of not more than three months which is not suspended in whole or part. If it is an aggregate CCO, the total period of imprisonment cannot be more than three months, which is like a current community-based order, but currently where an offence and the circumstances are too serious for a person to be eligible for a CBO and that person has obvious issues that contribute to their offending, an intensive correction order or a combined custody and treatment order can be issued. A CCTO can run for 12 months with at least six months served in a prison along with alcohol or drug treatment and testing throughout the period of the order, and an ICO is only made where a sentence of up to one year's imprisonment would also be appropriate and the purpose of the sentence cannot be achieved by CBO.

As we do not know how the courts will utilise CCOs as sentencing options, in effect this bill could most likely mean that people who are now eligible for ICOs and CCTOs will go to prison, and the opportunity for them to get assistance in dealing with the issues that contribute to their committing crimes will be removed. I do not think it is clear how that will operate in the bill. I see Mr O'Brien speaking to the advisers, and I am wondering if he might be able to address that issue because it does seem to be a limiting factor in terms of who may be eligible. It could mean — and perhaps the government could address this — that people who would now get six months imprisonment and a combined custody and treatment order will now get three months imprisonment and a longer community correction order with stricter conditions. It is not clear how that might work.

Some of the conditions that are set out under new section 48A have human rights implications. I also wonder who is going to monitor whether they are being complied with, and that is obviously going to require more resourcing of Corrections Victoria, including resourcing of the staff involved in monitoring community correction orders.

The unpaid community work condition under new section 48C is fairly well established in the sentencing regime already, as are treatment and rehabilitation orders — now called conditions under 48D and supervision under 48E. The non-association condition under new section 48F, which could impose a condition on an offender that they not associate with certain persons or classes of persons, is a restriction on people's human rights. That is one issue, but the other issue is how that is going to be monitored and implemented. Under new section 48G there is a condition relating to restrictions of residence or exclusion of people from living in certain areas, and similarly under new section 48H there is a place or area exclusion condition that requires that a person be restricted from going to certain areas or places. I would like to know how those are going to be implemented.

Under new section 48I, which is the curfew condition, the court can impose a curfew of up to 12 hours per day. I assume that would mostly be at night and that the person would be able to work, for example, so the idea is not to restrict a person who is on a community correction order with this particular condition from working and earning a living and keeping body and soul together. However, I would make the comment — and I think I may have done so in the briefing — that is really almost a detention order under a different name, because it requires a person to stay in their residence for 12 hours a day. I do not know why the government abolished detention orders only to half reinstate them under this regime.

The alcohol exclusion condition under 48J would again restrict offenders from going to certain areas such as licensed premises or licensed areas in certain places. One example given to us was the MCG: a person would be able to go to the MCG to watch a sporting event but would not be able to go to the area of the MCG where alcohol is served. Again, I do not know how that is going to be monitored by Corrections Victoria, so it will be interesting to hear what the government says about that.

Section 48K goes to another optional condition that could be imposed by a court — that is, a judicial monitoring condition, which sounds like a good idea. It could require an offender who is at high risk of reoffending, for example, to undergo a review in a court and be required to attend the court, provide information to the court and be monitored by the court — that is, the judge or magistrate who made the CCO in the first place or any other judge or magistrate if the court believes it is necessary for it to review compliance with the CCO.

That could specify times for reappearance under review and information required during the hearing. The condition could last for the whole order or for a period specified by the court. One of my concerns with this particular condition is the problems that could arise if the person's monitoring is done by a judicial officer who was not involved in imposing the sentence in the first place and who does not have a background in the case of that person. How is that going to be handled. Obviously it is going to be very important that the monitoring judicial officer has some familiarity with the case in front of him or her.

The other new section, 89AC, introduces something quite interesting, which is the ability of the court to make a finding that if any offence is alcohol related, a person's licence can be cancelled or disqualified and an interlock can be placed on that person's car. These provisions only apply to non-driving offences — driving offences are dealt with under the Road Safety Act 1986. The bill allows for a court to suspend the licence or learners permit of an offender for any offence, even a non-driving offence, which raises human rights issues and issues regarding the ability of people to travel, particularly to work or to meet their family members and friends, et cetera. It may in fact impose significant obligations on their family and friends to drive them around if their licence is removed. I would hope that is something that would be done very rarely because a person could be offending in certain ways without posing a road safety risk. It would be useful to hear from government speakers why this particular provision is in the bill, and I may raise this in committee if the government speakers do not.

The other issue I would like to address is that the Attorney-General said in his second-reading speech that the Sentencing Advisory Council basically supported the combining of community-based orders, intensive correction orders and combined custody and treatment orders into the one order, but in fact if you read the Sentencing Advisory Council's report that is not exactly what it said. It did not recommend that they be rolled into one; in fact it recommended that CBOs, ICOs and CCTOs remain as separate orders. It recommended changes to some of them, and some of those are reflected in the bill, but not that they be combined into the one order.

Lastly, I had some correspondence from Youthlaw, which deals with young adults in the criminal justice system. It raised the issue that this bill does not go specifically to the area of young adult offenders — that is, offenders between the ages of 18 and 25, who can have high recidivism rates and lots of problems. Youthlaw is concerned that this new regime might not actually pick them up or deal appropriately with the circumstances of those offenders. It wonders whether more resources will be put into the young adults section of the community corrections offices to provide more community corrections officers to deal with them. I note that the Sentencing Advisory Council also recommended that there be different regimes for adults under 25 years of age for the same reasons. When young adult offenders are entangled with the justice system they sometimes tend to have chaotic lives and require more help with treatment and rehabilitation.

This is quite a large bill that changes the sentencing regime with regard to non-custodial sentences. I think this bill needs more examination than could be done in the committee stage on the floor of the house, because if we were able to examine it in the Legislation Committee, we would be able to invite people to make

submissions and to come and speak to us, and we would also be able to question the Attorney-General as well. I will move to do that because I think we should establish that procedure in this house, as we have the structures to do so, and I think it would make for better legislation.

Mr O'BRIEN (Western Victoria) — This is an important bill. It is a large bill, as Ms Pennicuik has noted, but it is a bill that will be a central plank in the coalition's justice and corrections reform and law and order initiatives which it took to the 2010 election, nearly 11 months ago, and received a very strong mandate from the Victorian people to introduce.

I can advise the house that the coalition will not be supporting the amendments proposed by the Labor Party and will certainly not be sending this important reform off to a parliamentary committee for further consideration and delay, because there has been an extensive series of reports going back to 2005, as mentioned by Ms Pennicuik, in relation to sentencing reform. This has been a very clear policy that was outlined by the coalition prior to the election and also by the Attorney-General in the various other bills that have come before the house.

They have been spoken about in this chamber, the first being the Sentencing Further Amendment Bill 2011, which resulted in the abolition of suspended sentences for a range of significant offences, and the second being the Sentencing Legislation Amendment (Abolition of Home Detention) Act 2011, which abolished home detention. In speeches on both those bills — and these are matters that could go to the heart of much of Mr Pakula's contribution — the coalition very clearly outlined the essence of its policy. Its essence is not, as Mr Pakula has identified, to say that jail means a community correction order, which are the words he used. Rather, it is to restore truth in sentencing by simplifying what has become a complicated and partly inconsistent set of sentencing options. The centrepiece of that will be the community correction order, which is put in place by this important bill. I join Ms Pennicuik in commending the staff of the Department of Justice who have worked very hard to bring this bill to this and the other chamber.

The purpose of the bill is to replace the existing regime of the community-based order, intensive correction order and combined custody and treatment order with a single new community correction order. It has been some 20 years in the making and will deal with the incremental building up of the various types of non-custodial orders that have resulted in a range of inconsistencies. This new, single, flexible community correction order is designed to deliver appropriate sentencing and to restore faith in sentencing, particularly on the issues of protection of the community and rehabilitation of the offender, so the expectations in relation to community behaviour are clear. This issue responds to much of the contribution made by Mr Pakula. If both potential offenders and victims, most importantly, have a greater faith in the judicial process, then it is considered that the cost of crime and of corrections facilities will come down. Failing to protect the community in appropriate circumstances or rehabilitate the offender is a cost to victims of crime. It is really not a pecuniary cost but an important non-pecuniary cost.

Just by way of background to the community correction reform bill, currently there are a number of different regimes — the community-based order, the intensive correction order, the combined custody and treatment order and the intensive correction management order, which is yet to come into force. Each of those has its own rules and limitations, and can be used in various ways. However, they all purport to be a sentence which is served in the community. The irony for some of these is that the Sentencing Act 1991 deems an intensive correction order to be a term of imprisonment but not a community-based order. That is despite the fact that both orders are served within the community, usually with a work component attached and supervision by corrections authorities.

As has been outlined by Mr Pakula and speakers in the other place, the new community correction order will sit in the sentencing hierarchy between imprisonment and a fine, with a broad range of optional conditions. This picks up one of the points raised by Ms Pennicuik — namely, concerns about the imposition of conditions and even a human rights concern. A lengthy statement of compatibility was tabled at the time of the second-reading of the bill.

The essential answer to the concerns raised is that a community correction order will not be imposed by the court in more serious cases unless a pre-sentence report has been prepared and ultimately unless an offender is willing to accept the conditions. That is the basis on which an offender will submit to the court, in appropriate circumstances, that whilst the offence is grave in some respects, it is one that is suitable for this type of order. It will be in that submission of the sentencing report — and the bill picks up some of the work done previously and sets out a more detailed and appropriate process — that the issues of the appropriateness of conditions that Ms Pennicuik has identified will be considered by the court which will impose the sentence.

Turning to perhaps the heart of Mr Pakula's concern and his proposed amendment, it is in effect a submission based upon a false premise — namely, that there is no review by a court of what will be imposed for a breach of a community correction order. If there is a breach of a community correction order, there is a need for some flexibility, because one of the problems that has also been prevalent in the community is that existing community-based orders have not always been satisfactorily complied with. There has been a lack of faith that it is an appropriate real sentence. It is certainly the intention of this government generally and the Minister for Corrections in particular that Corrections Victoria and the people who are subject to these orders will treat the orders seriously. One of the tools will be the limited ability to impose extra time if there have been breaches of existing conditions. In doing so, there is also the ability to provide a clear statement of reasons for those breaches and a right for the person to have it reviewed before the court.

One needs to contrast that with the existing situation where, if there is a breach of the condition of a community-based order, the offender is then dragged back before the court to be potentially re-sentenced under the old offence. That regime can still apply in the new situation if that is an appropriate way for the court to take supervision of the offence. But in limited situations extra hours can be potentially served. If that is sought to be reviewed by the offender, they can take that option.

A second reason the coalition will not be supporting the proposed amendment is that it seeks to take the reoffenders before the Magistrates Court, rather than, as under the regime proposed by the bill, the supervising court, which may well in appropriate circumstances be the County Court or the Supreme Court — that is, the court that has imposed the original sentence.

Hon. M. P. Pakula — We will take that, if you want to make that change.

Mr O'BRIEN — I am not making any change, Mr Pakula. I am referring to the bill.

Hon. M. P. Pakula interjected.

Mr O'BRIEN — You are the one who has your submission wrong. Another correspondent on this issue has been the Law Institute of Victoria. I have been provided with a copy of the letter from the law institute, for which I thank Mr Pakula. Part of the concerns raised by the law institute relate to the power of the Secretary of the Department of Justice to delegate. I am advised that is in fact based on a misunderstanding of the delegation power in the bill, which is very limited. The power can be delegated only to senior departmental officers at Victorian public service level 6 or higher, which limits the power to regional managers and above in Corrections Victoria. These officers are not the same as those who case manage the offender. The coalition hopes that answers those queries.

As to any suggestion that the coalition has not been consistent on the two pieces of legislation that have been brought before the house by the present government, that is totally refuted. I take Mr Pakula to the debate on the Sentencing Further Amendment Bill 2011, where I said that the coalition's position is to abolish suspended sentences and that there is an option under the community-based order for it to bring back elements of a flexible regime. I made it very clear in my contribution in the Council on behalf of the government that in relation to the abolition of suspended sentences in fact one of the key reasons the bill was supported was because the community correction order, as a more flexible regime, would be brought in to provide a range of options. The idea is to restore truth in sentencing which, in appropriate cases, may mean more community work.

If you go back in Victoria's history, or Australia's history, you would find that it was built by convict labour in many instances, by those who worked in the community.

Hon. M. P. Pakula — Get them to build the Stony Rises again.

Mr O'BRIEN — Yes, I love the Stony Rises.

Hon. M. P. Pakula — Get them to build the Stony Rises again. Send them out to the Western District and get them to build a stone wall.

Mr O'BRIEN — Those stone walls are actually being rebuilt by very skilled heritage stone wallers. I have been involved in projects in Ararat such as the Ararat bike path which was built by members of the corrections facility there and people in community-based work. It is a successful example of people working appropriately within the community. This legislation will bring about a more flexible regime.

I am aware of the time. There has been a lot said about this legislation. I am happy to say that in restoring truth in sentencing we will be restoring flexibility to the courts, to those people who are subject to a community correction order. Most importantly, it will restore the community's faith in the justice system.

Mr ELASMAR (Northern Metropolitan) — I rise to speak on the Sentencing Amendment (Community Correction Reform) Bill 2011. We do not oppose this legislation; however, there are a couple of fundamental issues that I would like to mention. It appears to me that amending the Sentencing Act 1991 is designed to hoodwink the people of Victoria into believing these amendments are significant and far reaching in the application of community-based sentences. This legislation simply changes the name of community-based orders to community correction orders. A rose by any other name is still a rose, and I can see no immediate benefits to the community in these so-called wide-reaching changes to overall community-based sentences.

The bill talks about banning offenders from specific locations. That sounds good, but it does not identify any proper monitoring of that ban. When an order such as this is breached the amendments talk about curfews and no-go zones. That sounds good, but who ensures compliance? The government says its community correction orders provide flexibility to the judiciary.

Business interrupted pursuant to sessional orders.

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

That the sitting be extended.

House divided on motion:

Ayes, 20

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

Noes, 18

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

Pair

Kronberg, Mrs	Darveniza, Ms

Motion agreed to.

Debate resumed.

Mr ELASMAR (Northern Metropolitan) — As I was saying before the bells were rung, given the lack of resourcing for this so-called new initiative, it is my opinion we should all be focused on preventing criminal acts from taking place in the first place. The coalition government is saying to the people of Victoria, 'We are tough on crime; see, we have already abolished suspended sentences and home detention'. However, this bill is a do-nothing bill. It lacks clarity and purpose. It is supposed to tackle crime by imposing a so-called new regime of options, but it does nothing to rehabilitate offenders. It imposes more severe penalties for breaches of CCOs (community correction orders) but makes no provision for additional funding to cater for custodial sentences.

Judges and magistrates will be expected to provide mechanisms for monitoring compliance with these CCOs. Our law lists already stretch a mile long with no end in sight, so this will be just additional workload for our court system to manage. I have to say the government's massive cuts to TAFE and the Victorian certificate of applied learning can only mean more underprivileged kids turning to a life of crime, because as we all know there is a direct correlation with education and employment opportunities. With those words, I say again we are not opposing the bill.

Motion agreed to.

Read second time.

Referral to committee

Ms PENNICUIK (Southern Metropolitan) — I move:

That the Sentencing Amendment (Community Correction Reform) Bill 2011 be referred to the Standing Committee on Legal and Social Issues Legislation Committee for inquiry, consideration and report by 8 December 2011.

I move this reference to the committee because, as the Attorney-General has said, this is a far-reaching bill. It completely changes the sentencing regime with regard to non-custodial sentences in Victoria. It abolishes community-based orders, combined custody and treatment orders, intensive correction orders and the intensive correction management orders that have not yet come into force, and it replaces them with a single community correction order, which imposes new conditions on offenders and introduces an entirely new regime.

I believe a bill of this nature and extent should be examined by the Standing Committee on Legal and Social Issues. Standing order 23.02(4)(a) states:

> Legislation committees may inquire into, hold public hearings, consider and report on any bills or draft bills referred to them by the Legislative Council …

That is what I think we should be doing with this bill. We should be holding an inquiry and receiving submissions, particularly from those organisations of the legal fraternity that have written to us, such as the Federation of Community Legal Centres Victoria, Youthlaw and the Law Institute of Victoria. In fact it would be useful to hear from the Sentencing Advisory Council. The council's report on sentencing has been referred to by the Attorney-General, but provisions of this bill, contrary to what the Attorney-General maintained in his second-reading speech, do not directly align with the recommendations of the Sentencing Advisory Council on community-based orders and non-custodial sentences.

My motion would require the committee to report back by 8 December, which would provide enough time for the committee to conduct a proper inquiry and for the bill to receive royal assent if it was passed in the sitting week of 6 to 8 December. I commend my motion to the house.

I say again we should establish a process of regular referral of comprehensive bills to the legislation committees, which is what they were set up for. They have been modelled on the Senate committees, which carry out such inquiries regularly and pretty well with most bills, and they do so expeditiously. As the Clerk of the Senate told us, these inquiries often result in amendments put by the government itself and always result in better legislation.

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — I understand the referral moved by Ms Pennicuik. Can I say from the outset that this bill is about implementing our election commitment on community-based sentencing reform, and I think the people of Victoria have spoken. This was announced in November last year. It was an election commitment that went to the people of Victoria, and the people of Victoria voted for it. The notion that this is something new that has fallen out of the sky is not quite correct in the sense that we made it very clear we were going to replace a range of current community-based sentencing laws with a single community correction order. We indicated we would amend the Sentencing Act 1991 to reform community-based sentencing laws and to provide courts with a broad range of strong and effective new powers and sentencing options.

During the election period we said we were going to provide the courts with new powers to suspend or cancel drivers licences and disqualify persons from driving for any offence and for any period. We indicated we were going to create new offences to deal with the contravention of community correction orders and existing orders and would also provide Corrections Victoria with new powers to respond effectively to less serious non-compliance issues with those community correction orders without returning offenders to court. On that basis we do not see the need to refer this bill to a committee for further examination. An examination was conducted last year in November. It was called a general election and people voted overwhelmingly for the coalition on the piece of legislation which is now before the house. I would enforce — —

Mr Lenders interjected.

Hon. R. A. DALLA-RIVA — Mr Lenders says it was not scrutinised. We had a general election. Mr Lenders is bitter and twisted about it, but he should get over it, take the gold watch and go away. The reality is this was an election commitment, and those on the other side should take their gold watches and go away. We will not be supporting the motion.

Hon. M. P. PAKULA (Western Metropolitan) — The opposition will be supporting Ms Pennicuik's motion. The opposition has indicated on numerous occasions that for motions of referral one of the things we are most interested in is an appropriate report-back date. Ms Pennicuik's motion has a report-back date of 8 December, which would allow this bill to pass and receive proclamation prior to its commencement date of 1 January 2012.

In his response Mr Dalla-Riva indicated that because the coalition won the last election any form of questioning of anything the government does between now and November 2014 is illegitimate and an attempt to frustrate the will of the electorate. We are audacious if we ask questions. We are acting beyond our power if we seek to send anything to a committee, despite the fact that the committee system we are trying to refer this motion to was one agreed on between the Labor Party, the Greens, the Liberal Party and The Nationals — —

Mr Leane — And the Democratic Labor Party.

Hon. M. P. PAKULA — And the Democratic Labor Party. The government has found excuse after excuse in every situation to say no to every single

motion that has been moved in this place to refer any piece of legislation to a committee.

Mrs Peulich interjected.

Hon. M. P. PAKULA — Not container deposit legislation motion — that was your motion! The fact is — —

Mrs Peulich — So you admit you were wrong?

Hon. M. P. PAKULA — I will take up Mrs Peulich's interjection. The government has refused to accept any motion to refer any bill to an upper house committee other than a motion moved by a member of the government. We have had situations where the government said, 'It will mean we do not get the legislation passed in time'. The government cannot say that on this occasion. All the government can say on this occasion is, 'We took this to the Victorian community and they voted for it'. The coalition did not go to the Victorian community with a proposition that public servants would be able to increase penalties handed down by judges in the Supreme Court of Victoria. It is quite reasonable for Ms Pennicuik to say that that is a matter that should receive some further inquiry and interrogation.

I do not want to put words in Ms Pennicuik's mouth, but it might be different if Mr O'Brien had indicated that the government would support the proposed amendments. However, Mr O'Brien has already indicated that the government will oppose them. It appears this government has formed a firm view that it will not accept any motion from the Greens or the opposition to take any piece of legislation to a committee for further examination. It seems that the government's attitude to the Parliament and to opposition members who have the audacity to ask questions of it in question time or to seek to scrutinise legislation is, 'How dare you? We won. Get over it!'.

House divided on motion:

Ayes, 18

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

Noes, 20

Atkinson, Mr	Hall, Mr
Coote, Mrs	Koch, Mr
Crozier, Ms	Lovell, Ms
Dalla-Riva, Mr	O'Brien, Mr (*Teller*)
Davis, Mr D.	O'Donohue, Mr (*Teller*)
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

Motion negatived.

Ordered to be committed next day.

ADJOURNMENT

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

That the house do now adjourn.

Floods: Benjeroop

Mr LENDERS (Southern Metropolitan) — The matter I raise is for the attention of the Minister for Water, Mr Walsh. Last week, with my colleague Jacinta Allan, the member for Bendigo East in the other place, I had the privilege of visiting Benjeroop, which is in the minister's electorate. It was the second time this year — —

Mr Drum interjected.

Mr LENDERS — Mr Drum arrogantly says, 'Ambulance chaser'. He has a disappointed and disgruntled constituency that feels used by a government that does not listen to it. I suggest to Mr Drum that he go with me to Benjeroop, which is in his electorate, and start engaging with these people on the issues they feel very angry about.

In July I went to the hall in Benjeroop and met with a range of people. The meeting was convened by Lindsay Schultz, the flood warden. Last week I went back with Jacinta Allan for a progress report. Some things have improved, and I give credit where credit is due. Some of the issues in Benjeroop that were outstanding in July have been resolved by the government, but many of the issues have not been resolved. In Benjeroop, which is The Nationals heartland, we see a town that is very angry with the government and its local member. The action I seek from the Minister for Water is that he start giving some certainty to his own community.

Tonight I will not go through all the issues, because I have a long time ahead of me in this house to go through more of the issues, but what I will say is that at

the public meeting in Benjeroop people put to me that there is anxiety over the fact that they do not believe the minister has read the flood plans that have been in place for many years. They are concerned that they are on the border of Victoria and New South Wales, and they therefore want cross-border action. The minister apparently told them that pigs would fly to Perth before they would get any action from cross-border discussion and that he will not waste his time doing so.

The action I seek from the minister is that he sit down with his New South Wales counterpart, Katrina Hodgkinson, who represents the same party, has held similar portfolios and has the electorate on the other side of the border, to have a discussion about how surplus water coming through Benjeroop can go across to the other side of the river, as the flood wardens think it can. The action I seek is that he have a discussion about the flood plans and about how the long-term issues affecting Benjeroop can be addressed, and that he has that discussion with the community. If that happens, some of the angst in Benjeroop will be addressed and there will perhaps be a good response to the flood plans that were created for a reason other than just sitting on a shelf.

Natural disasters: Turkey

Mrs PEULICH (South Eastern Metropolitan) — I wish to place on record my thanks to the Premier, the government and the Minister for Multicultural Affairs and Citizenship, as well as the two chambers, for at various points in time bringing forward condolence motions following either natural disasters or other events of adversity that affect the many nations abroad from which our multicultural communities are drawn. This afternoon was a case in point in relation to the earthquake in Turkey. I represent a very multicultural region with a substantial Turkish population, and I join in expressing my sympathy to the victims of the Turkish earthquake, not only those who lost their lives — I understand the figure is approaching 1000 — but also those in Australia, in Victoria and certainly in South Eastern Metropolitan Region who have lost loved ones or whose families or friends have been affected as a result.

I understand that something like 3000 buildings have collapsed, which has affected approximately 18 000 to 25 000 people, and that an economic loss of between US$555 million and US$2.2 billion will be the outcome. Clearly there is a very significant injury toll, which is nearing 4500 people. There will need to be a huge recovery and rebuilding effort. On behalf of all of those in South Eastern Metropolitan Region I extend our sympathies to our friends in Turkey and to members of the Turkish community in Melbourne.

Many of us have been invited to share and partake in the celebration of the Eid-ul-Adha festival, or Kurban Bayrami festival, later this month. I was born in Bosnia-Herzegovina and grew up with many Muslim school friends and so on, and this was an important festival in which non-Muslims shared. I intend to share in the celebration and also take the opportunity to express my sympathy to members of the Turkish community in South Eastern Metropolitan Region when I attend the festival of Kurban Bayrami. I encourage other members of Parliament to do likewise. Friendships and relationships are forged as a result of adversity, and this is when we need to express our sympathy and support for those members of our communities who come from Turkey and may have lost family members or friends or had them affected. To that end I commend the minister and Premier for doing so.

The PRESIDENT — Order! I am at a bit of a loss to understand which minister that was directed to. As I understood it, there was no action or matter for consideration by a minister specifically, which is outside the forms of the adjournment debate. Time has expired. I direct the minister not to respond to that, notwithstanding that it was a very constructive contribution.

Mr Drum — On a point of order, President, I was under the impression that under the new standing orders of this Parliament no action is in fact required in an adjournment contribution. Could we have some clarification on that?

The PRESIDENT — Order! Mr Drum is right; an action itself is not required, but there are two critical things about adjournment contributions in this sense. The first is that they need to be addressed to a minister; Mrs Peulich's was not. The second is that they do not need an action, but they need some sort of statement that is relevant to the consideration of a minister performing their duties. I could draw a long bow and say that a minister might well have given consideration to attending the event that Mrs Peulich mentioned is forthcoming, or I could guess that the request was that we continue doing condolence motions, but I am really not sure. In this instance I think it was a worthwhile contribution, but it was not consistent with the adjournment debate.

Bacchus Marsh Racecourse and Recreation Reserve: future

Ms PULFORD (Western Victoria) — The matter I wish to raise in this evening's adjournment debate is for the attention of the Minister for Environment and Climate Change, Ryan Smith. I was recently contacted by a Bacchus Marsh resident, who is one of three elected community representatives of the Bacchus Marsh Racecourse and Recreation Reserve committee.

The Bacchus Marsh Racecourse and Recreation Reserve is a Crown land reserve of around 334 acres located in Bacchus Marsh. It was originally deeded in the early 20th century by a local family to be reserved as an area for a racecourse and other purposes of public recreation. It was administered by trustees until 1975, when the deed was cancelled and the land surrendered to the Crown by the then trustees, one of whom was the then local state member of Parliament and Liberal minister Vance Dickie.

The reserve has since been administered by the Department of Sustainability and Environment through a committee of management comprised of representatives of the resident user groups and three elected community representatives. I am advised that DSE is intent on appointing Moorabool Shire Council as the committee of management under the provisions of the Crown Land (Reserves) Act 1978.

The PRESIDENT — Order! Can we just clarify which minister this matter is for?

Ms PULFORD — Minister Smith.

The PRESIDENT — Order! Ryan Smith, the Minister for Environment and Climate Change?

Ms PULFORD — Yes; I said that at the outset.

It appears that this is being done with seemingly undue haste and with very little or no consultation, especially in regard to guaranteeing security of tenure for the current user groups. This matter has created a great deal of rumour and unease within the Bacchus Marsh community, and I am advised that members of the committee of management and members of the user groups have been approached by many members of the community who are voicing their concerns.

My request is that the minister provide advice to both me and the Bacchus Marsh Racecourse and Recreation Reserve committee about what provisions and actions are being undertaken by DSE to ensure security of tenure for the resident user groups before and after the appointment of the Moorabool Shire Council as the committee of management for the Bacchus Marsh Racecourse and Recreation Reserve, if indeed that is the outcome of the department's considerations.

St Kilda Youth Service: training program

Mrs COOTE (Southern Metropolitan) — My adjournment matter this evening is for Minister Dalla-Riva, who is the Minister for Employment and Industrial Relations and the Minister for Manufacturing, Exports and Trade — an excellent minister, if I may add. I would like to talk about a program which is in my electorate and which is also in the Assembly electorate of Albert Park. The St Kilda Youth Service has a program called the Hospitality Employment and Training (HEAT) program, which is for young people who run the risk of becoming disadvantaged. These young people are usually unemployed or vulnerable. It is an excellent, first-rate program. I am pleased to see that the Baillieu government and the minister have provided $40 000 over 12 months for the implementation of the Hospitality Employment and Training program and that the coalition government has given a $120 000 grant for 15 young people to move into the hospitality industry in apprenticeships, cooking traineeships and front-of-house programs. It is really important.

I have been involved with HEAT for some time. There are a number of local organisations that are particularly supportive of this program, including the National Australia Bank; the Prahran police, who are particularly helpful; and some first-rate, internationally renowned chefs and restaurateurs, including Guy Grossi, Ian Curley, Luke Mangan, Andrew Blake, Karen Martini, Matt Dawson and Arnold Greiner. These young people go in and get some real learning skills — for example, they learn to become a barista so they can go out and pour some of the excellent coffee that we have around Melbourne. It is a proper lifetime skill. They can go out into the workforce, and it gives them confidence and social interaction. It really is an excellent program.

HEAT is located not far from my office in Albert Park. It is in the Assembly electorate of Albert Park, and the program is first rate. It needs to be encouraged. It has been recognised, and I congratulate Minister Dalla-Riva on recognising the importance of this. The action I seek is that he continue to support and encourage this vital program which enables our young people who are at risk of being disadvantaged and who are vulnerable members of our community to be given proper skills with which to engage and embrace the wider community in our state.

Schools: maintenance

Mr SCHEFFER (Eastern Victoria) — I raise a matter for the attention of the Minister for Education, Martin Dixon, regarding the condition of state school facilities. The minister will know that in 2006 Labor committed to a $1.9 billion 10-year Victorian schools plan to renovate or rebuild every state school in Victoria and that by its 2010 budget Labor had exceeded by 53 its target to upgrade or rebuild 500 schools. The last Labor budget in 2010 invested $230.3 million in the Victorian schools plan and added $104.1 million to boost the commonwealth Building the Education Revolution funding in Victoria.

Two months after the election Minister Dixon told the *Age* that while the coalition was committed to rebuilding and renovating all schools, he could not give a guarantee of how much the coalition would be spending each year and when the program would finish. However, the coalition's May budget did in fact invest $208 million in capital works and an additional $100 million in the school maintenance fund, which suggested that the government was, after all, going to honour its promise to renovate or rebuild all state schools. I ask the minister whether this $208 million is for state schools alone or includes non-state schools.

On 3 November the *Herald Sun* ran an article on the lack of school maintenance funding headlined 'Victoria's state schools left to rot'. On the same day the minister, with astonishing prescience, issued a media release on the government's maintenance funding program and reiterated the government's capital budget commitment. Curiously, the minister announced that the government would allocate the $208 million in capital works funding for upgrading schools in the 2012–13 financial year, but I assume he was really referring to the current financial year. I ask him to confirm this.

The 3 November *Herald Sun* article asserts that hundreds of state school facilities are in a dangerous state of disrepair and that in some cases a single school's repair bill exceeds the total capital investment made during Labor's period in office. I ask the minister to clarify the relationship between the maintenance fund for Victorian schools and his government's muddled and half-hearted commitment that the coalition will rebuild or renovate all schools. Common sense would suggest that a maintenance program would be aligned with a program to maintain existing facilities in good working order.

Principals of schools that need renovation, major upgrades or rebuilding tell me — and I am sure they also tell the minister — that it does not make sense to put money into maintaining a building that is on the list for fixing up in the near future. If your school were to be renovated or rebuilt, would you put your maintenance budget towards the rebuild or making repairs to buildings that will be torn down within a short time? I ask the minister to explain what direction he has given to school principals. Should principals endeavour to keep all buildings in good order, or is the advice that they can reasonably let a building go until it is rebuilt, and does this decision impact on the figures that are quoted in the *Herald Sun* article?

The PRESIDENT — Order! I indicate to Mr Scheffer that I have a concern with his adjournment item in that I counted, I think, four different questions for the minister, and the adjournment debate limit is one question. I am sure the minister will choose. It is a multiple-choice question. The minister will pick one.

Housing: Princes Hill estate

Mr BARBER (Northern Metropolitan) — My adjournment matter is for the Minister for Housing, Ms Lovell. A group of Princes Hill housing estate residents have approached my colleague, the federal member for Melbourne, Adam Bandt, and I believe he has also written to the minister, about a series of concerns with the current living conditions at Princes Hill. For several years the residents of Princes Hill housing estate and the Princes Hill Public Housing Association have requested that the Office of Housing attend to the levels of noise in the building. Residents report that due to the age of the building and the poor standard of carpets, underlays, insulation, glass and so forth used in its construction the levels of noise audible from each apartment is quite disruptive for residents. Residents, many of whom are elderly, have disturbed sleep and compromised privacy as a result of the noise levels that occur between apartments.

We understand that the Office of Housing is currently undertaking some refurbishment of the apartments, and this would appear to be an opportune time to invest in improvements that would reduce noise levels. Additionally, we understand that residents have sought an independent audit of asbestos at Princes Hill housing estate prior to the commencement of major works in their kitchens. I would appreciate it if the minister could advise me on measures that will be undertaken by the Office of Housing to improve living conditions and reduce noise levels, including information about an independent audit of asbestos, at the Princes Hill housing estate.

Walhalla: vegetation management

Mr P. DAVIS (Eastern Victoria) — I raise a matter for the Minister for Environment and Climate Change in the other house. It concerns Parks Victoria. Specifically, I wish the minister to direct Parks Victoria to undertake some extensive maintenance in support of the Walhalla historic area for which it is responsible. The Walhalla township, which has a permanent population of only about 12 people but has many more that I would describe as weekenders and part-timers, is a significant focus for tourism. Part of its uniqueness is that it is one of the heritage centres for Victoria's goldfields. It boasts the Walhalla Goldfields Railway.

Surprisingly, the township has never been burnt out by bushfire, but the surrounding areas have been. The 2009 bushfires affected one of the main tourism assets of the area, the Walhalla tramway walk, which leads from the township up the Thomson River valley to Poverty Point, across a bridge and then back to what is known as the Thomson railway station. The Walhalla Goldfields Railway operates between the station and the township of Walhalla. The track of the tramway walk is in a poor state. Incredibly, it appears there has been little or no maintenance on the track since the Poverty Point bridge was reopened at the end of 2010 after works which had to occur subsequent to the 2009 bushfires.

I note that Mount Baw Baw, which is the nearest official weather station, has recorded for the month of October the highest ever rainfall in the history of the weather station, which would indicate that a lot of regrowth is occurring. Because there has been no maintenance the regrowth is causing pedestrian access difficulties along the tramway walk. I can testify to that fact because I have been through there recently, and it is not just the regrowth that is an impediment; there are lots of trees across the track.

The tramway walk is essentially a flat, easy grade and is usually very accessible for families, particularly family groups with young children. It is a great experience for those families to go up the tramway walk and then down to the Thomson station and hop on the goldfields railway train back to Walhalla. The problem is that it is basically inaccessible. I ask that the Minister for the Environment and Climate Change direct Parks Victoria to undertake some maintenance, which is sorely overdue, and ensure that that track is reopened for the tourism industry.

Autism: program funding

Ms MIKAKOS (Northern Metropolitan) — I raise a matter for the Minister for Education. I wish to express concerns raised with me about the Baillieu government's refusal to continue funding the Innovative Developments in the Education of Children with Autism (IDEA) program, operating from Moomba Park Primary School in Fawkner. This program, launched in 2010 by the Brumby Labor government, provides inclusive education at Moomba Park Primary School for children on the autism spectrum and uses a system of behavioural reinforcement to educate autistic children.

I have received many emails from concerned local families who are anxious about the future of this program. These families have explained to me the enormous positive impact this program has had on the educational development of their children. The member for Thomastown in the Assembly has met with many of the affected families, and she has been a terrific advocate for this local school community. The former Labor government was committed to the future of the IDEA program and allocated $350 000 to build new state-of-the-art classrooms for these children. Thankfully, the Baillieu government is allowing this new building to proceed, but it has not committed to doing any more. It refuses to fund this program, no matter how well regarded and successful it may be. We are aware that the Baillieu government has already shown its true colours in relation to education, having slashed $481 million from education programs — —

Mr Ondarchie — On a point of order, President, I remind you of your guidance to members over the last couple of sitting weeks about the adjournment debate. On one occasion you reminded me about using the adjournment debate to simply slam the other party. I draw your attention to Ms Mikakos's contribution today, particularly in light of her most recent comment.

Ms MIKAKOS — On the point of order, President, I am quite disappointed by those remarks because this adjournment matter is a serious one about a program in a local school in the electorate represented by both me and Mr Ondarchie. I would have thought he would have allowed me to continue to advocate on behalf of affected parents in relation to this issue. The fact that it might be critical of the government is entirely irrelevant. I am raising an issue in which I am calling on the Minister for Education to take action, and I am just about to conclude my contribution.

The PRESIDENT — Order! I intend to allow the member to conclude her contribution. I do not believe Ms Mikakos's contribution tonight did attack the current government. What she was doing was explaining what the previous government's provisions were in respect of this particular program, and she certainly is entitled to ask the current government to continue the program or to consider what was in place before. The context in which she has provided this material tonight is perfectly in order, and I do not believe she was attacking anybody at all.

Ms MIKAKOS — The point I was wishing to make is that this is a very valuable program to families in the Fawkner area. I have been very impressed by this program and I would like to see the program extended to other schools as well. But the point I was making is that the minister had previously claimed that front-line services would not be affected by budget cuts, and unfortunately they have been in relation to this particular school program. I therefore call on the Minister for Education to take the necessary steps to finally support the IDEA program and Moomba Park Primary School to enable this program to continue.

Duncans Road, Werribee: traffic management

Mr FINN (Western Metropolitan) — I wish to raise a matter for the Minister for Roads. Yesterday it was my very pleasant duty to visit the Werribee Open Range Zoo for the opening of the new gorilla enclosure, which I have to tell the house is something that has to be seen to be believed. They have done us all very proud at the Werribee Open Range Zoo, and I suggest to members that when they get the opportunity they should travel down the highway and have a look at that zoo. There were a large number of people there, and the singing was led by students from Point Cook College, who did a wonderful job.

On the way to that zoo I passed the Victoria State Rose Garden, the National Equestrian Centre and Werribee Mansion, and I am not the only one to do that on a regular basis because there are literally thousands and thousands of people visiting the Werribee tourist precinct every week. The number visiting the zoo since the Baillieu government introduced free entry for children on weekends, public holidays and school holidays has increased by 38 per cent. At the Werribee Park Mansion this weekend there will be a concert at which 15 000 people are expected, and that is a regular event. Last weekend polo was held in the grounds of the mansion, which also drew many thousands of people.

The bottom line is that the road infrastructure that we have leading into the Werribee tourism precinct is just not up to scratch. It was designed to carry trucks for farmers who were growing vegetables — and of course there are still a number of those farmers around that part of the world — but now we see thousands of people travelling to the Werribee tourism precinct on a very regular basis. The other part of the road infrastructure nearby that does not accommodate the demand for Werribee's tourism culture is the Duncans Road interchange, which I have spoken about in this house previously.

Those coming from Geelong have to go through Werribee, which is some distance out of their way, to get to the tourism precinct. Given that this part of Werribee is a jewel in Victoria's crown, the road infrastructure is just not good enough. It really is something that has to be seen to be believed. I always get quite a thrill when I go there. It is a joy to visit that part of the world and to see so many people coming from various parts of not only Victoria but also Australia and overseas. Therefore I ask the minister to include this extraordinarily important road improvement program on his priority list for urgent works when it next comes up for consideration.

Bushfires: native vegetation clearance

Mr LEANE (Eastern Metropolitan) — My adjournment matter is directed to the Minister for Police and Emergency Services, who is also the Minister for Bushfire Response. The matter concerns an election commitment made by his government concerning the 10/30 right and the clearing of vegetation near homes and buildings. Within the municipality of Knox the areas of Ferntree Gully, Boronia, the Basin and Lysterfield are excluded from the rule, but there was a commitment from the Baillieu government that there would be a review of the 10/30 right for those areas which are currently excluded, and that that review would be done before the 2011–12 bushfire season, which I believe is upon us as we speak.

There has been no evidence of this particular review. I will read from a pre-election press release from the member for Ferntree Gully, which states:

> It makes sense to review the … current application of the '10/30 right', which quite obviously puts local residents in danger —

each fire season, and also puts —

> their homes in the firing line.

Considering the extreme nature of the wording of that press release, the action I seek from the minister is that

he respond to me and the people of Knox and tell us if this review is going to happen and why it has not happened before the bushfire season. If the review is not going to go ahead, I ask the minister to explain the reason to the people of Knox and me.

Geelong Manufacturing Council: initiatives

Mr KOCH (Western Victoria) — My matter is for the attention of the Minister for Manufacturing, Exports and Trade and relates to the recent launch of a new $800 000 industry partnership program designed to boost manufacturing jobs in the Geelong region and support long-term growth of local manufacturing. This launch demonstrates that the coalition government is delivering on its election commitment to establish a new industry innovation program, led by the Geelong Manufacturing Council in partnership with Deakin University, to grow Geelong's export competitiveness by supporting local businesses to innovate and promote skills development in the manufacturing sector. By bringing together the leadership, experience and skills of government, business and Deakin University this program will strengthen Geelong's reputation as a hub of manufacturing excellence.

Geelong manufacturers have long proven they are reliable producers and exporters of world-standard, high-quality products that have been developed through local research and innovation. The appointment of an industry innovation manager means that the Geelong Manufacturing Council can link manufacturing companies to a range of leading research institutions located at the Geelong technology precinct at Deakin University. This new partnership will support local firms in becoming more globally competitive and to innovate, engage with researchers and boost manufacturing jobs in the Geelong region.

CFusion, trading as Carbon Revolution, is one such company in partnership with Deakin University. This company has developed and produced the world's first one-piece carbon fibre composite wheel for use in the aerospace and automotive industries. The wheel offers huge weight savings and will significantly improve fuel efficiency and performance. It is lighter, stronger and ultimately safer than the alloy wheels currently used.

Carbon Revolution is now collaborating directly with some of the world's largest and most sophisticated vehicle manufacturers in Europe to bring this technology to the market in commercial volumes. The company is creating a completely new industry around car manufacturing in Australia. There is immense export potential in Europe, China, India and even the USA. In the short term this new technology has the ability to create at least 200 jobs and significantly many more in the future. The first major production facility is now under development and will be operating by early 2013 with an initial capacity of 250 000 units per year, representing some 60 000 cars. This is equivalent to the annual capacity of a major car manufacturer in Australia.

For this new industry to succeed and remain in Victoria, it needs initial support, both from private enterprise and government, to get off the ground. My request to the minister is that he ensure that all avenues of support are explored so this unique enterprise can be established and it can thrive in Australia, hopefully in Geelong.

Responses

Hon. R. A. DALLA-RIVA (Minister for Employment and Industrial Relations) — Mr Lenders raised a matter for the attention of the Minister for Water regarding Benjeroop, the progress reports and issues surrounding it, and also actions to seek discussions across the border. I will refer that matter to the minister.

Mrs Peulich raised a matter which I note.

Ms Pulford raised a matter for the attention of the Minister for Environment and Climate Change regarding Bacchus Marsh and requested that information be provided to a community organisation. I will refer that to the minister.

Mr Scheffer raised a matter for the attention of the Minister for Education regarding school maintenance. Mr Scheffer is seeking answers to a range of questions, and I am sure the minister will provide answers, but I note there have been 11 years of neglect. Amazingly he referred to the *Herald Sun*, which he has probably never read. I will refer Mr Scheffer's request to the Minister for Education.

Mr Barber raised a matter for the attention of the Minister for Housing regarding Princes Hill and noise issues. He referred to the fact that the Office of Housing is doing some work in that area and asked that it provide a report on the issues of noise and asbestos. I will refer that to the minister for her attention.

Mr Philip Davis raised a matter for the attention of the Minister for Environment and Climate Change regarding Parks Victoria, Walhalla and the railway station, the tourism industry and the issue of growth and accessibility of tracks. I will refer that to the minister for his attention.

Ms Mikakos raised a matter for the attention of the Minister for Education regarding the Innovative Developments in the Education of Children with Autism program, autism and seeking that he take the necessary steps regarding Moomba Park Primary School. I will refer that matter to the minister.

Mr Finn raised a matter for the Minister for Roads in relation to the opportunities that are available to people to travel to see the gorillas at the Werribee Open Range Zoo and to visit Werribee Park mansion and other areas. He was looking for advice in terms of the minister's response to the Werribee Road precinct and any road improvement programs that may be of value to the community and visitors to that wonderful area.

Mr Leane raised a matter for the Minister for Bushfire Response, Mr Ryan. He was seeking a review of the 10/30 rule in relation to the clearing of vegetation in the Knox area. He wanted to be advised as well as the people of Knox. I will refer that matter to the minister for his attention.

Mrs Coote raised a matter for me as Minister for Employment and Industrial Relations regarding a St Kilda Youth Service program — the Hospitality, Employment and Training program, or HEAT, as Mrs Coote rightly pointed out. This program provides opportunities for disadvantaged youth in our community to work with private entities as a sustainable employment option. Mrs Coote raised the issue of $125 000 and an additional $40 000 being provided.

I might say I was very happy that the Minister for Youth Affairs, Ryan Smith, and I attended a fundraiser recently and served the guests at that function together with the young people who had been trained in the hospitality industry under Guy Grossi and others, as Mrs Coote outlined, which included renowned chefs Ian Curley, Luke Mangan, Andrew Blake, Karen Martini, Matt Dawson and Arnold Greiner. It was a wonderful opportunity to see our young people learning a skill and a trade that has been provided through the efforts of this government, and I will take on board Mrs Coote's advice in terms of continuing to support this great program and similar programs under my portfolio responsibilities. It is a great outcome in an area where we need more skilled people.

Mr Koch raised a matter for me in my role as Minister for Manufacturing, Exports and Trade. He talked about the opportunities and the election commitment we have delivered on. I thank the member for again reminding the people of Victoria that we are delivering on our election commitments, and this was a further demonstration. Last week I had the opportunity to present, with Deakin University and the business community, the $800 000 industry participation partnership program. This funding was for the allocation, as Mr Koch rightly pointed out, of an industry innovation manager. That person is now working with the Geelong Manufacturing Council and at the Geelong technology precinct at Deakin University on engaging firms.

I note Mr Koch raised the issue of the company CFusion, trading as Carbon Revolution, looking for opportunities. He requested that all avenues of opportunity be explored. I say to Mr Koch that this government is very serious about carbon fibre. We see great opportunities for carbon fibre, not only in the Geelong region. We would like to see manufacturing excellence in carbon fibre in that region. Moreover, there are great opportunities for all industries to be involved in the automotive, aerospace and rail industries as well as in the military and defence areas. The list goes on.

As Mr Koch rightly pointed out, the Carbon Revolution product is essentially a lightweight carbon wheel. It is a unique patented development. It is basically a mag wheel that is about half the weight of a normal alloy wheel. I know that Carbon Revolution already has orders with Ferrari, Porsche and others, as Mr Koch has rightly pointed out. However, the opportunity is there to have a carbon centre of excellence in Victoria, and that opportunity is not going to be wasted by this government. We are certainly doing all we can to provide opportunities for Geelong, for Victoria and for manufacturers to be heavily involved, and as Mr Koch has again rightly pointed out, it is important to deliver that export capability to the people of Victoria. I congratulate Mr Koch for raising this matter, and we will certainly take that on board as a clear commitment by this government.

I have 11 written responses to adjournment matters that were raised by Mr Lenders on 15 June, Mr Finn on 16 June, Ms Broad on 28 and 30 June, Mr Somyurek and Mr Tee on 17 August, Mr Barber on 30 August, Mr Drum on 1 September, Mr Jennings on 14 September and Mr Pakula and Mr Somyurek on 11 and 13 October respectively.

The PRESIDENT — Order! The house stands adjourned.

House adjourned 11.06 p.m.

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

Dear Mr Tunnecliffe

PRODUCTION OF DOCUMENTS

I refer to the Legislative Council's order of 26 October 2011, seeking the production of documents comprising *any safety assessments, advice received, reports or related documents held by the Department of Transport or the Transport Safety Regulator, including any received since November 2010, regarding the manual gates and railway crossing at New Street, Brighton.*

The government is presently taking steps to respond to the order.

The government is unfortunately not in a position to respond to the Council's order within the time limit set by the Council (2:00pm on Tuesday 8 November 2011) in its order. The government will endeavour to respond to the order as soon as possible.

Yours sincerely

Hon Terry Mulder MP
Minister for Public Transport
5 / 11 / 2011

State Government Victoria