

**PARLIAMENT OF VICTORIA**

**PARLIAMENTARY DEBATES  
(HANSARD)**

**LEGISLATIVE COUNCIL**

**FIFTY-SEVENTH PARLIAMENT**

**FIRST SESSION**

**Tuesday, 1 March 2011**

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**Tuesday, 1 March 2011**

**The PRESIDENT (Hon. B. N. Atkinson) took the chair at 2.04 p.m. and read the prayer.**

**SENTENCING FURTHER AMENDMENT  
BILL 2010**

*Introduction and first reading*

**Received from Assembly.**

**Read first time on motion of**

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

**CONDOLENCES**

**Earthquakes: New Zealand**

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

That this house:

- (1) offers its deepest and most sincere condolences to the families of those who have tragically lost their lives in the devastating Christchurch earthquake on 22 February 2011;
- (2) expresses its admiration for the work of the New Zealand police, civil defence, hospital and emergency service workers, together with the New Zealand Defence Force, in their response to this disaster;
- (3) supports the governments of Australia and other countries in their ready deployment of expert personnel to assist in the emergency response;
- (4) commits to doing whatever it can to assist our New Zealand friends as they face this adversity; and
- (5) joins with all the people of the state of Victoria in expressing our sympathy and our strong support for the rejuvenation of the beautiful city of Christchurch and the surrounding district.

This is an important motion. We have very close bonds with New Zealand — strong bonds that go back a long way. We have family, friends and very close business and social relationships with New Zealand. Christchurch was hit very hard by the earthquake of 22 February 2011.

I do not think any Victorian can fail to have been moved by what we have seen on our television screens, heard on our radios and read in our newspapers. These are tragic circumstances that have occurred in New Zealand. The New Zealand police report the toll as 154.

This is expected to rise further in coming days. Nobody is quite sure of the scale of the disaster on that measure.

Welfare centres are still operating in New Zealand. Schools in Christchurch have been closed, at this point indefinitely. The Prime Minister of New Zealand, John Key, has asked that a 2-minute silence be observed today at 12.51 p.m. to show respect to victims, and certainly many of us did that, so I think it is timely that this motion is before the chamber. The Department of Human Services has established a reception centre at Melbourne Airport to support the people returning from Christchurch.

The scale of what occurred in Christchurch is staggering. Electricity supply was cut widely. Water supply was cut. Much has been restored, but there are still significant areas of the city that do not have water or electricity at this point. Sewerage has become an issue, and there is the potential for public health challenges because of that. In fact, as of a day ago, 75 000 premises were without sewerage. More than 10 000 private homes have been inspected, with over 500 of them declared uninhabitable. In the central city area almost 3000 buildings have been inspected, with more than 700 declared uninhabitable and more than 900 assessed as having serious damage. Authorities in New Zealand aim to have about 90 per cent of the roads open by the end of next week. This is a significant challenge; the scale is enormous.

Victorian people have been very generous in their support. Many have family and friends who are in that city or in nearby parts of New Zealand.

It was not just the shock that occurred with the initial earthquake that had an effect but also the aftershocks. People have conveyed to me the fear they felt when those aftershocks occurred. People are working to save those buried under the rubble, and of course there is still hope that they can be recovered from some of the buildings, but as time passes the opportunities for that occurring diminish.

I think the courage and the heroism of the people of Christchurch have come through, as shown by the fact that people continue to fight on despite such terrible circumstances. We have heard of Australians who have been closely involved, and they have our support; I will come to that in a minute. I was touched by the story of doctors and other health workers intervening to assist people. A clear community spirit has come through in each and every contact we have had, and there has been a preparedness by the members of the New Zealand community to pull together and recover what they can from these terrible circumstances.

Victoria Police has provided 115 officers to assist, and I know that many of the constables have been sworn in as official police officers in New Zealand and have been used on rotation to relieve New Zealand police officers, who have been in many cases exhausted by their tasks. This is a practical form of assistance we have been able to supply. Victoria Police and the Department of Sustainability and Environment have provided liaison and logistics staff, and I understand that DSE has also supplied base camp equipment. Ambulance Victoria has provided support officers to assist the ambulance service in Christchurch.

This disaster has touched many Victorians. They have been prepared to reach out and support people in New Zealand because of the scale of the disaster and because of the family bonds and community links that exist. This motion is timely; we need to mark what has occurred in Christchurch and be prepared to signify in this chamber our commitment to support our friends in New Zealand.

**Mr LENDERS** (Southern Metropolitan) — On behalf of the members of the Labor Party I rise to support the motion and to strongly associate ourselves with the comments of the Leader of the Government in speaking to the motion.

It has sadly been with regularity that we have had to get up in this place and acknowledge disasters that have happened around us in so many places. It is of great interest that New Zealand reached out to us during our bushfire tragedy in 2009, whether it be the expression of condolence from the New Zealand House of Representatives or the actual sending of personnel to help us. It is only fitting that Victoria has reciprocated by providing the very concrete support that Mr David Davis mentioned — that is, by sending personnel over to New Zealand to assist in its hour of need.

We saw the earthquake that struck Chile and the earthquake that struck Haiti; we saw the devastation that those tragedies caused, and we reached out to those communities. However, there is something far more immediate about a tragedy when it happens in our backyard — that is, New Zealand. Many in this room have been to New Zealand. I have had the privilege of having been to the Canterbury Plains and to Christchurch on a number of occasions, and I have actually worshipped in ChristChurch Cathedral and visited the communication centre that collapsed. It is chilling to reflect on places you have been to that seemed so safe, so secure and so concrete and then to see pictures of their collapse. It is like imagining this chamber — a place of stability that we have worked in for a long time — suddenly disappearing. It is little

wonder that the New Zealand communities are struggling to deal with the changes that have occurred to the things they were so certain of.

It is interesting to reflect on the words of Mr Davis, including sewer fill, which is something that we in a civilised society accept as a basic for a city of 250 000 people. We accept that we will have water, electricity, gas, sewerage systems, roads and telecommunications that work. The disruption of all of that causes us to think of and offer support to the community.

The people of New Zealand are of course not unfamiliar with natural disasters. Mr Barber, being a Kiwi, is in a better position than any of us to talk of these particular issues. There was the great Napier quake. Throughout Maori and European settlement earthquakes were something that the community was familiar with. The community works around them and tries to deal with them, but in no way is the community prepared when it actually happens. The certainty it has is gone.

I heard John Key, the Prime Minister, and Bob Parker, the mayor of Christchurch, offering incredibly practical advice to citizens, such as ‘Don’t use your mobile phone unless it is to text, so others can actually have communication’, and ‘Don’t empty your hot-water system; keep it going because you have a fresh water system in the town’. It was common-sense advice coming through all that. It is all about a community learning to survive and to deal with the quake.

Members of the Labor Party associate themselves with this motion. We extend our deepest sympathies to all those in Christchurch — to a community that has had its guts ripped out of it — particularly to those members of the community who have lost loved ones and those who at this stage are uncertain of the fate of their loved ones. We saw the consequences of that in 2009 in many small Victorian communities, so we reach out to our New Zealand brothers and sisters.

Finally, in addition to supporting the motion before the house, we can all in our own way do something concrete. We can all go back to our offices, get up the Red Cross internet site and make a personal donation to the quake victims appeal, which will assist those New Zealanders who need our help now.

**Hon. P. R. HALL** (Minister for Higher Education and Skills) — It is on behalf of The Nationals that I stand here and register our total support for the motion before the chamber this afternoon. Our hearts and thoughts are with and our prayers go out to those in

Christchurch and nearby communities in New Zealand who endured the tragic earthquake events of just seven days ago.

Devastation on such a scale is certainly difficult for all of us to comprehend, but even more difficult to comprehend is the impact of that event on the lives of the people who have been directly affected by it. None of us can imagine what it would be like to be in the shoes of those who have endured that event and the subsequent events.

While it is important to convey our support to our brothers and sisters in New Zealand, for me it is almost premature to have this debate because it is difficult to say everything that will ultimately be said about this event, given the closeness in time to the event, which was just seven days ago, and the fact that so many people are still missing, including one Australian, I believe. Consequently the prayers of the many families of the missing will still be for those members of their families, and they will be clinging to the hope of their miraculous survival. For others who have lost loved ones, their prayers will of course have a different focus.

It is true also that the aftershocks are continuing. I heard this morning that there was a significant aftershock event registering, I think, 4.3. The event is still very much with the people of New Zealand. That is why it is difficult for any of us to make the sorts of extensive comments we would want to make in recognising the efforts and assistance given to the people of New Zealand.

Australia and New Zealand share a special relationship. Much of that has been brought about by the fact that we share our own little corner of this earth, with few nearby nations. Therefore Australia and New Zealand have always had a strong relationship. That was of course cemented by the heroic efforts of some of our Australians and New Zealanders on 25 April 1915, when they fought together at Gallipoli and created that Anzac spirit, which will never be broken.

I have to say that as a Victorian I felt proud that following the events of seven days ago Victorians were among the first to respond to and assist our friends in New Zealand. The Leader of the Government has put on record the names of some of the Victorians who were assigned to assist the people of New Zealand with immediate recovery efforts, service provision and doing what was needed in that time of crisis. As I said, I was proud that our Victorian colleagues were some of the first to respond and assist.

The impact of events like this lasts many lifetimes. They are not events that will simply be over with in a matter of time; none of us will survive their long-term impact. We need to recognise that while we are happy to support some of the immediate efforts to assist those directly affected, a level of support will need to be maintained for a long period of time. In registering The Nationals' support for this motion today I indicate that our preparedness to support the people of New Zealand and those from other nations who were impacted by this event will remain in response to both the immediate needs of those people and the ongoing, long-term needs that will be felt for many generations in the future.

**Mr BARBER** (Northern Metropolitan) — We in Victoria understand all too well what people will be going through in Christchurch because we have recently had our own experience of a tragedy of this nature. While there are certainly some differences, many of the emotional experiences that people will be going through are very similar to what we went through in the recent floods around Australia and during the Victorian bushfires of 2009. For that reason our hearts go out to them.

Even a week later people will be living in a situation where they fear the worst but try at all times to hope for the best. People are still injured, people are still frightened and there are families who are missing loved ones. Even as rescue and clean-up efforts go ahead, people are still feeling aftershocks and reliving the tragedy. In the middle of dealing with the immediate effects, just as we experienced here in Victoria, people are starting to develop a plan for rebuilding.

Part of the tragedy for a community like Christchurch — and we have seen it here in Victoria — is that there will always be something that has been lost and cannot be brought back. Many people have died, people are injured and people have had their lives turned upside down. Some will never want to go back to their previous lives, and something in the spirit of the community is always lost when a tragedy like this strikes. As long as it is in human memory, we will feel that loss.

I was born in New Zealand, and I have visited Christchurch many times. As I watch it from afar I see things that were special to me — for example, familiar landmarks — that are being lost. To give an example, years ago I attended the funeral of Rod Donald, a co-leader of the Green Party of Aotearoa New Zealand, in ChristChurch Cathedral. The images being shown on TV have many associations with past experiences for me.

Mr Hall pointed out the close relationship between Australia and New Zealand, and it was very appropriate to do so. However, as a Kiwi I can also point out — or I could perhaps do so at another time — some of the real differences between Kiwis and Australians. Whilst we may look like close cousins, the Kiwis are a unique people with a very different cultural background to that of Australians. You have to go there and know them to understand that. People always ask me whether I consider myself an Australian or a New Zealander, and I always give the same answer: it depends who is in the Rugby final.

What can we take out of this tragedy that is, if it is possible, a small positive? For Australians, New Zealanders and people around the world who experience a seemingly senseless tragedy that nobody can find a reason for, it reminds us of our common humanity. As we stand here we try to make sense of it; we try to understand it. The only way I can understand it is that in our common experiences and in those things that make us who we are, we find our common humanity.

**Mrs KRONBERG** (Eastern Metropolitan) — I rise to support this condolence motion, and I do so with a very heavy heart because in a general sense our Kiwi cousins have always been uppermost in our thinking in terms of the splendid trans-Tasman relationship that Australia and New Zealand have maintained for many decades. I am particularly moved by the suffering of the people of Christchurch, because I know Christchurch well. I had the pleasure and privilege of working in Christchurch over a period of time, and I also used it as a gateway to explore the wonder and majesty of the South Island of New Zealand. For those members who have not been to Christchurch, I believe that the Southern Alps and the Canterbury Plains are still there and that the beautiful Avon River still winds through the city.

It is a wonderfully laid out city of such architectural significance and civic pride that it was very painful to witness the unfolding of the destruction and terror that still prevails following the earthquake. Over 4000 tremors have been experienced since the first quake on 4 September 2010. Having worked in New Zealand I have experienced tremors in that setting myself, particularly in Christchurch. When going to a staffroom there, one of the most remarkable things to see information about is not what to do in a fire drill but what to do in the event of an earthquake. Those symbols and sensations coursed through me last week.

As an Australian and a member of the Victorian government I am very proud of our government's offer

to the people of New Zealand in their time of need. I was proud to see Australian emergency services personnel and police deployed so rapidly. Their skills have been applied to alleviate suffering, save lives and bring closure to people who have lost family members and friends. The fact that 154 people have been identified as dead is a profound number for any city, but the reach of that figure into every community and family must be extraordinary. Many people throughout New Zealand — perhaps the whole South Island — will be suffering, and obviously people in the other major population centres in the North Island will be suffering as well.

I would like to offer special thanks to my former colleagues at Wareham Associates in Christchurch, Auckland and Wellington, with whom I spent many happy, collegiate hours. I offer my prayers to them, their friends and families, and the many business associations I made over a 15-year period. When the area is declared safe for tourism I would encourage Victorians to look to supporting our Kiwi friends in that way. Finally, I would like to offer my heartfelt prayers and deepest sympathy to our Kiwi cousins, the people of the long white cloud.

**Mr JENNINGS** (South Eastern Metropolitan) — We should mourn for the lives that have been lost and join our global community as it grieves during this time of loss. The extraordinary thing that I am mindful of is that we should be grateful for what we find during these moments of adversity and of despair. Listening to the contributions on this motion today, I have found something that is not usually found in this place. People have risen above themselves by opening their hearts and reaching out to others. I celebrate that.

We should celebrate the connection we have to our brothers and sisters on the south-east morning horizon as we on this continent face our neighbours, our fellow citizens in the Pacific community. We should recognise that great connectivity and look in awe and wonder at this great land.

Most often we look in awe and wonder at the savage nature of the forces that have created such a landscape. This is a landscape of drastic extremes that has been carved from the rock and that continues to bubble to the surface from the core of the earth. The people who live in this land have demonstrated a great resilience and a great love for the terror, the beauty and the splendour of the land. This week they are grieving at the consequences of those forces of nature.

When we cast our eyes to the south-east we watched in awe as the natural forces came into play in Christchurch

last week. This earthquake struck a community which perhaps did not believe it was the most vulnerable of communities in New Zealand. In fact many people who know the geology of New Zealand and who understand the fault lines that led to this earthquake and the drastic consequences of it thought that in relative terms Christchurch was at a lower risk than many of its neighbours. However, today many in the global community now understand the importance of liquefaction, a concept that most of us would never have heard of before, in terms of the instability and paucity of the foundations on which this beautiful city has been built and the terror that has been meted out on its citizens.

Whilst we reflect on our awe at seeing the effects of the forces of nature which were unleashed last week, we should also celebrate the wonder of the resilience of the human spirit — the great humanity that has been demonstrated by the people of New Zealand and the support they have found for one another, and the support that has been gathered from around the globe, in particular Pacific neighbours such as us. Whether it has been from Singapore, Taiwan, China or the US, there has been a great coming together of emergency workers and support staff in working to restore, to revive and to rebuild lives.

That great connectivity that has been commented on in this house today is only appropriate, given the great connectivity and humanity that was demonstrated by the New Zealand Parliament in February 2009, when its members rose and expressed their support for us at our time of great despair and great tragedy in Victoria. I have strong personal memories of welcoming the New Zealand firefighters — very stocky, very determined firefighters — who landed in Victoria in February 2009 to join an international brigade of people who supported our community at a time of crisis. It is only appropriate that as part of the global community we reach out to them at this time. I join others in finding pride in our understanding of reciprocity. It is a good word. It actually means you give back. It means it is a two-way street — that is, we share the human spirit, we share a commitment to one another and we live it out.

I join others in looking forward to the new dawn: the rebuilding and the brightness that comes from the spirit at dawn for those people who live in the Land of the Long White Cloud, not the dark clouds they currently perceive.

**The PRESIDENT** — I will add briefly to the comments made. I think Mr Lenders in his comments referred to the extraordinary number of tragic events we seem to have witnessed in recent years in our part of the

world as well as further afield. We can look not too much further than just north of Australia to the volcano eruption in Indonesia, and we can also consider the floods in Queensland and Victoria and this latest season's bushfires in Western Australia. None of these types of tragic events, which are massive natural phenomena, can condition us for the shock of any single event. We as Victorians share the shock and grief of New Zealanders in this episode of nature.

I met with the Acting Consul-General of Japan the other day, and we discussed the collapse of the Christchurch building that housed the language school. There was a large contingent of Japanese students at that school, many of whom were killed in this event. It is dreadful to think of your children going overseas for a fantastic experience and the opportunity to further their skills and then getting caught up in this sort of event. It changes people's lives all around the globe, and it certainly changes our experience.

As Mr David Davis, Mr Lenders and Mr Jennings, in particular, indicated, not only do we share the grief of New Zealanders but we also stand together with them in our intention to rebuild what Christchurch was and will be again — that is, one of the most beautiful cities in the world. Christchurch is a magnificent place to visit. As Mrs Kronberg indicated, for many people it is a gateway to the South Island of New Zealand. It is a wonderful place.

It is my intention after the passing of this motion to convey the decision of the house to the New Zealand Consulate General in Victoria. I assume the house would be pleased for me to take that action. I think members have already been alerted to this, but the New Zealand Consulate General at 454 Collins Street has a condolence book, and it is inviting members of Parliament and other citizens of Victoria to sign it. I encourage those members who are able to sign the book within the period that it will be available — until 11 March — to go to the consulate and do so. The consulate is open from 10.00 a.m. to 12.00 p.m. and from 2.00 p.m. to 4.00 p.m. I intend to go to the consulate and sign the book. I ask all members to pass this motion on this occasion by standing in their places for 1 minute.

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

**QUESTIONS WITHOUT NOTICE**

**Liberal Party: fundraising**

**Mr LENDERS** (Southern Metropolitan) — My question is to Mr David Davis both in his capacity as Leader of the Government and minister representing the Premier. On 17 February this year, when asked in an interview with Jon Faine about the 500 Club function which had been held two days earlier, Mr Davis said:

Yes, I'm not sure it was strictly a fundraising event. I'm not sure of the basis upon which people attended that fundraiser.

Can the minister advise the house when, in the eyes of the government, a fundraiser is not a fundraiser?

**Hon. D. M. DAVIS** (Minister for Health) — I am not sure whether that was on that occasion a fundraiser. I am happy to answer questions on government administration. The administration of a party group is not a matter of government administration.

*Supplementary question*

**Mr LENDERS** (Southern Metropolitan) — Mr Davis admits he was at the function. Whether it was a party function or a government function, did he meet with any individuals or organisations who deal with him as the Minister for Health and Minister for Ageing? If he did, who were they and what did he talk about?

**Hon. D. M. DAVIS** (Minister for Health) — I met with a number of people at the function.

**Health: commonwealth-state agreement**

**Ms CROZIER** (Southern Metropolitan) — My question is directed to the Minister for Health. Can the minister inform the house of the results of the Premier's negotiations at the recent meeting of the Council of Australian Governments with respect to the health-care agreement?

**Hon. D. M. DAVIS** (Minister for Health) — Members in this house may remember a contribution from the Leader of the Opposition in the last sitting week in which he gave us gratuitous advice about the health-care agreement and how we as a government should approach the health-care agreement. I have to say that the new Baillieu coalition government has done a lot better on this agreement than the former Brumby government, of which Mr Lenders was Treasurer.

There has been a very good outcome for Victoria in terms of the financial position of the state. There has been a great victory for the states, including Victoria, in

the retention of the 30 per cent of GST revenue that was at risk under the deal done by former Premier John Brumby. John Brumby and former Prime Minister Kevin Rudd did a deal. I have to say that Premier Baillieu performed magnificently.

**Mr Jennings** interjected.

**Hon. D. M. DAVIS** — Premier Barnett also performed magnificently, and I have to add that a number of Labor premiers performed very well, too.

The Prime Minister was prepared to listen to the case put by the Victorian Premier and other premiers and prepared to work collaboratively with premiers. A better deal was arrived at, rather than the 20 per cent deal that you, Mr Lenders, scored when you went to Canberra with John Brumby to have a debate with Kevin Rudd on the last health-care agreement. You sold out. You caved in. You, former Treasurer, got just 20 per cent of what Mr Brumby said was necessary. That is a disgrace. You sold Victoria out. Premier Baillieu — —

**The PRESIDENT** — Order! I ask the minister to direct his comments through the Chair rather than directly at the Leader of the Opposition.

**An honourable member** — So you got a very good deal?

**Hon. D. M. DAVIS** — I take up the interjection. We got a much better deal than the deal that John Brumby got from Kevin Rudd. There are a number of key things — more funding for Victorian hospitals, a better deal on Medicare Local and protection for single hospital boards — that you never achieved in the last deal. Now under the heads of agreement single hospital boards will be protected. Funding was brought forward for Victorian hospitals and recognition of a 50-50 partnership for growth in the future.

**An honourable member** — We had 60-40!

**Hon. D. M. DAVIS** — You had 60-40, but losing the GST — —

**Mr Leane** — On a point of order, President, following your advice to the minister about directing his response through the Chair, I think he has been flouting your direction. Also he has been pointing quite aggressively towards this side of the chamber.

**The PRESIDENT** — Order! There is a semblance of a point of order there. I suggest that it is fairly hard for me to request that the Leader of the Government direct his comments through me when he is being

provoked by interjections which are very direct to him and which he obviously feels the need to respond to. I suggest that the level of interjection has encouraged him to gesticulate and to respond directly to the Leader of the Opposition. I am sure that the Leader of the Government will do his best to comply with my rulings at all times.

**Hon. D. M. DAVIS** — President, thank you for your ruling.

I have in my possession not just the heads of agreement on national health reform but also an earlier document called *Putting Patients First*. This is a document of the previous Premier, Mr Brumby, and it says:

The commonwealth has described Victoria's call for an immediate return to 50-50 funding as opposing change.

I have to say that 50-50 growth is what John Brumby called for, but it is Ted Baillieu who got 50-50 on growth in the long term — a better outcome. The deal that John Brumby sought, Ted Baillieu got. It is a much better deal. It is a deal that puts Victorian patients first rather than putting Mr Brumby and Mr Lenders — the two Mr Twenty Percenters — first.

### **Liberal Party: fundraising**

**Mr JENNINGS** (South Eastern Metropolitan) — My question is for the Leader of the Government as well, and it relates to an interview that he did with Jon Faine on ABC radio on 17 February. During the course of that interview an allegation was put to Mr Davis that business leaders in Victoria had attended a function in the Premier's office during which — and the allegation was made — they paid a fee for sitting on the Premier's chair, at which time Mr Davis said he was not aware of such an occasion. Jon Faine proceeded to ask whether, if such an action did occur, it was improper. Mr Davis failed to express an opinion. Has he determined an opinion in the last two weeks?

**Hon. D. M. DAVIS** (Minister for Health) — I do not believe I am required to answer in the form of an opinion. Equally, I make it clear that I am unaware of the details of any such function.

### *Supplementary question*

**Mr JENNINGS** (South Eastern Metropolitan) — Obviously this question about public administration is about probity, transparency and reliability of access to government facilities. Has the Leader of the Government taken the opportunity in the last two weeks to verify the veracity of these allegations and to put

them to rest? If in fact they are not true, has he sought an explanation from the Premier, and if not, why not?

**Hon. D. M. DAVIS** (Minister for Health) — Again, I think the question may be out of order in the sense that it follows on from a request for an opinion. I am unaware of the details of the function.

### **Rooming houses: regulations**

**Mr FINN** (Western Metropolitan) — I wish to direct a question without notice to the Minister for Housing. I ask the minister: given the *Today Tonight* exposé last Friday regarding the exploitation of vulnerable people by dodgy rooming house operators, can the minister inform the house what action the Baillieu government is taking to address the previous Labor government's failure to enact appropriate regulations for Victorian rooming houses?

**Hon. W. A. LOVELL** (Minister for Housing) — I thank the member for his question and for his ongoing interest in vulnerable people in Victoria, particularly in them being taken advantage of by dodgy rooming house operators.

There is no doubt that the former government dropped the ball on the regulation of dodgy rooming houses and substandard accommodation. The dodgy rooming houses and dodgy operators were allowed to flourish under both the Brumby and the Bracks governments.

If we go back to 2002, we can find press articles where Mary Delahunty was quoted as saying:

Every parent is nervous about the risks of fire in low-budget accommodation.

She is also quoted as saying:

We want to make sure that low-budget accommodation is a safe alternative for the hundreds of Victorians and overseas tourists who rely on cheaper accommodation ...

It is cheaper, but it should be just as safe.

That was back as far as 2002. Then in 2006 we had the tragic fire at a Brunswick rooming house in which Christopher Giorgi and Leigh Sinclair were unfortunately killed. The danger to vulnerable Victorians using these services was clear, but both the Bracks and Brumby governments failed to do anything to ensure that they were made safer.

Stories of unsafe rooming houses continued to appear in the papers. Tom Reilly of the *Sunday Age* ran a series of articles on dodgy rooming house operators. Just last week we saw a story of 12 students being taken advantage of in a four-bedroom flat at 33 Latrobe Street

in the city. Those 12 students in the one flat with one bathroom were being asked for \$150 per student per week to stay in that apartment.

The Brumby government said it was going to do something, but it was not until the coroner was about to hand down his report into the 2009 Brunswick rooming house fire that that government even moved to form a task force to look into the regulation of rooming houses.

We know that these articles have been running since 2002, and in 2009, only when the coroner was about to hand down his report, did the government move to form a task force. That task force handed down 32 recommendations on how to make rooming houses safer. The coroner also made many recommendations in his report in September 2009, but it took the Brumby government 12 months just to bring legislation into this house that said regulations could be developed. The legislation did not put in place any regulations. It did not make rooming houses any safer. It only said regulations could be developed. However, no work was done on developing those regulations.

When we came to government we found that no work had been done on developing the regulations. The coalition has now moved to expedite the development of appropriate regulations. The coalition will ensure that these new safeguards are appropriately considered and that the regulations will make it illegal for dodgy operators to take advantage of vulnerable Victorians.

### **Liberal Party: fundraising**

**Mr TEE** (Eastern Metropolitan) — My question is to the Minister for Planning, and it relates to the so-called briefing that he was to give on planning in Victoria at the \$1500-per-head Liberal Party function. Does the minister still stand by his decision to agree to attend? Does he stand by the justification he gave to Jon Faine on ABC radio that access at the function was no different from that received by groups like Planning Backlash, or was his statement to Jon Faine just more spin?

**Hon. M. J. GUY** (Minister for Planning) — How amazing it is that the sons and daughters of John Cain and Joan Kirner are out asking questions today, putting their heads up, when Victorians have just learnt they are up for \$24 billion for the next 30 years. How astounding it is that the sons and daughters of Cain and Kirner would bother to raise their little heads on a day like today.

**Hon. M. P. Pakula** — On a point of order, President, question time is not an opportunity for the

minister to debate the question. I ask you to bring him back to the question that was asked.

**The PRESIDENT** — Order! The member is well aware of the standing orders in regard to debate. At this stage I do not regard the minister as debating the question. I believe he has made some introductory remarks, and they are quite acceptable in the context of an answer, which I think he is about to provide in response to the question.

**Hon. M. J. GUY** — Thank you, President. You are quite right that I am about to provide it. As I said, my memory is that the \$24 billion that Labor has bequeathed the state of Victoria for AquaSure is almost the same amount that the sons and daughters of Cain and Kirner bequeathed the coalition when it took government in 1992 — about \$20 billion and the rest. I wonder if the former Treasurer ever met AquaSure in his dealings during the time Labor was in government, or if former ministers ever met a union official while they were in government. It is quite astounding that people opposite would get up to try to raise their heads on a day when they should be sticking them in the sand.

The reality is that the Premier has said he will release some guidelines. What will be more interesting is whether the Labor Party has the guts to abide by them as well.

### *Supplementary question*

**Mr TEE** (Eastern Metropolitan) — My supplementary question goes to the guidelines. Will the minister ensure that developers and others who tender for government contracts, or who might benefit from the decisions he makes as planning minister, cannot get access for cash, or will the guidelines also just be spin?

**Mrs Peulich** interjected.

**The PRESIDENT** — Order! Mrs Peulich! Members may have noticed that I do not call people to their feet until the chamber is quiet. I will be concerned if certain members prolong the question time period by continually interjecting and delaying my ability to call somebody to their feet.

**Hon. M. J. GUY** (Minister for Planning) — What I will do is provide some information to Mr Tee on this question. It is very important, because we have said this government will put in place the most transparent and open system of urban growth boundary expansion in this city's history. We will actually know who it is that will be making the decisions on expanding the boundary, removed from the minister. The level of



transparency in that process will be the highest ever in this state's history.

That stands in stark contrast to the backdoor deals that were done under the Labor Party just five months ago, when the opposition was in government. The fact is that no-one knows who expanded the boundary. Was it done by a ministerial adviser for a favour? Was it done by a developer who went and saw the minister for a favour? Who knows! Was it done by a union for a favour? The reality is that we believe in transparency, and we are putting in place the guidelines to prove it.

### **Manufacturing: government initiatives**

**Mr DRUM** (Northern Victoria) — My question is to the Minister for Manufacturing, Exports and Trade, Mr Dalla-Riva. Can the minister outline to the house the importance of the defence industry to Victorian manufacturing?

**Hon. R. A. DALLA-RIVA** (Minister for Manufacturing, Exports and Trade) — I thank Mr Drum for his question and for his ongoing interest in Victorian manufacturing. Obviously my response to the question is important to him as it involves a company in northern Victoria in the region he represents.

I was proud today to formally open the Avalon Air Show in Geelong, together with my parliamentary colleagues Gordon Rich-Phillips and David Koch who have an active interest in that area. It is important for us to understand the defence industry and, in particular, the impact it is having, as Mr Pakula would understand, on the manufacturing base in Victoria and the regional areas.

The commonwealth government is soon to make a procurement decision critical to defence industry manufacturing in this state. The Australian Defence Force — —

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

**Hon. R. A. DALLA-RIVA** — It is very important for Mr Pakula to understand this, because it will affect Thales, as we know.

**Ms Broad** interjected.

**Hon. R. A. DALLA-RIVA** — Ms Broad should also be aware of it as it is in her region, which she occasionally visits.

An important \$4.6 billion project is coming forward for 2013. One of the bidders for that contract is Thales,

which is based in Bendigo. It is the only military vehicle manufacturer in Australia. It is up against two German giants in Mercedes and MAN. At a time when the Australian dollar is very strong, this represents tough competition.

I have had the privilege of visiting two of Thales's facilities, as I am sure many members of this chamber have done, and I understand the importance of the defence capability that that company brings to Australia. We know the Bushmaster vehicle has been instrumental in protecting the lives of Australian soldiers overseas. I have seen a range of vehicles that were bombed in Afghanistan, which is testimony to the commitment and manufacturing base this company puts forward.

We on this side of the chamber recognise — as I hope do those on the other side — the importance of Thales to Bendigo and to manufacturing generally. We have been advocating to ensure that Thales is able to secure a contract through the Land 121 phase 3 project, and that the company looks forward to growing the Bendigo plant.

I have visited Minister Clare, the federal Minister for Defence Materiale, and I have also spoken to the federal Minister for Defence in terms of the defence contract. I argued strongly that they should be giving consideration to Thales remaining in Bendigo.

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

**Hon. R. A. DALLA-RIVA** — Mr Pakula would be aware of the contribution that has been made in view of his former role. That is a cheap shot from a former minister, who would understand that we are trying to retain a significant manufacturer in Victoria. To talk down manufacturing and Thales indicates the short-sightedness with which he views manufacturing. It is no wonder that over the last 10 years we have seen a massive decline in manufacturing in Victoria — and that has been partly under Mr Pakula's watch. Those on this side of the chamber are not going to sit and let that happen. We will fight tooth and nail to ensure that the federal government gives strong consideration to Thales in Bendigo.

**Mr Drum** interjected.

**Hon. R. A. DALLA-RIVA** — I advise Mr Drum that we will work as hard as we can. I will speak to as many ministers as I can to ensure that it continues. This is an important project. It is about securing 300 jobs at Thales and an additional 700 jobs more generally, and we support the project being retained in Bendigo.

**Virgin Blue: maintenance base**

**Mr SOMYUREK** (South Eastern Metropolitan) — My question is to the Minister for Manufacturing, Exports and Trade. I refer to the minister’s recent comment, ‘We have a clear policy position on the aviation industry’, and I note that so impressed was Virgin Blue with the minister’s so-called clear policy position that it decided to muddy things up a little bit by announcing last week that its new maintenance base will be built in Sydney. I ask: what discussions did the minister have with Virgin Blue prior to it reaching its decision?

**The PRESIDENT** — Order! I have to query whether the member has addressed his question to the right minister, because as I understand it the government has a Minister responsible for the Aviation Industry and I would have thought that that minister was the one to whom the question ought to have been directed. Is that not right?

**Mr SOMYUREK** — It is related to the manufacturing portfolio because the Minister for Manufacturing, Exports and Trade has at his disposal an investment support program which would have helped Virgin Blue to stay in Melbourne.

**The PRESIDENT** — Order! I will allow the question to be responded to by the minister from whom the member has requested an answer, but the member should not be surprised at the answer. I have given the member the opportunity to redirect his question to the minister who I would have thought had responsibility for that.

**Hon. R. A. DALLA-RIVA** (Minister for Manufacturing, Exports and Trade) — I thank the member for his question, but given that it is in the context of civil aviation, I think he should refer it to the appropriate minister in this chamber.

**Higher education: deferral rates**

**Mrs PETROVICH** (Northern Victoria) — I direct my question without notice to the Minister for Higher Education and Skills, who is also the Minister responsible for the Teaching Profession, and I ask: can the minister advise the house on the latest research findings on students deferring university offers?

**Hon. P. R. HALL** (Minister for Higher Education and Skills) — I would like to thank Mrs Petrovich for her informed question and her interest in this matter. Members of this chamber who have followed the work of the Education and Training Committee would be aware of the substantial work undertaken by that

parliamentary committee during the course of the last Parliament. I was assisted in my endeavours on that committee by Mr Elasmarr and others.

The committee looked at the difference in participation rates in higher education and the related matter of deferral rates. Some of the findings of that committee included that there were significant differences in participation rates in higher education between those who live in regional Victoria and those who live in metropolitan areas. Within metropolitan areas there were also some significant differences in participation and deferral rates relating to higher education.

Due to my interest in this area I was pleased to accept an invitation last week to launch the most recent report covering this subject, *Deferring a University Offer in Regional Victoria — The 2006 Year 12 Graduates Four Years Out*. The report was compiled by John Polesel, Clare O’Hanlon and Kira Clarke, and I compliment the three authors on their excellent research into this particular issue.

The report found that more young people from regional areas defer their university places than their metropolitan counterparts, which was no surprise. In regional Victoria the rate has risen from 9.9 per cent in 2004 to 15.2 per cent in 2010. In 2009 it went as high as 21.6 per cent. The report also confirmed the finding of the Education and Training Committee that people from low socioeconomic backgrounds who live in metropolitan areas also have higher deferral rates for university places. The report tracks the progress of year 12 graduates from 2006 over a four-year period.

I think this issue is one that both state and federal parliaments need to look at very carefully. I am pleased to say that the current Baillieu government is looking to increase the delivery of higher education programs in regional areas by proposing a Regional Partnerships Facilitation Fund. We have committed \$20 million to the fund. We will seek expressions of interest from TAFE and university providers for the delivery of a greater number of higher education programs in country Victoria. The philosophy behind this is that if programs are offered locally, students from those areas are more likely and more able to participate in them.

The federal government also has a significant responsibility to provide financial support to young people, particularly those who have to live away from home in order to study. That support currently comes in the form of a youth allowance. While I was pleased to hear the federal government’s announcement last week that it would bring forward its review of the youth allowance, it was only brought about by significant

pressure from the federal opposition parties. It should be noted that the federal government has a responsibility to do more than just review the youth allowance. We are looking for outcomes from the federal government. We are looking for increased financial support for students so that there is greater participation in higher education and less cause for students in regional areas to defer university places.

### **Floods: building permits**

**Mr BARBER** (Northern Metropolitan) — My question is for the Minister for Planning, Mr Guy. I ask the minister if he can inform the house of how many buildings were damaged in recent floods to the extent that a building permit would be required to make those buildings usable again? In light of that, has the minister formed any intention to review the flood overlays and various other planning controls currently in the scheme?

**Hon. M. J. GUY** (Minister for Planning) — That is a very good question from Mr Barber. At the moment a lot of councillors are collecting data about homes that are in an unusable state at this time, and that figure has not come back to the government yet. I anticipate it will through the Comrie review, and it will be part of the material that will obviously need to be ascertained. The flood overlays will also need to be reviewed as part of the Comrie review. Obviously that is in its infancy, and the government will receive more detail in due course.

### *Supplementary question*

**Mr BARBER** (Northern Metropolitan) — I thank the minister for his answer. Will the minister's department be making a submission to the Comrie review, or is that something that is likely to have an all-of-government response?

**Hon. M. J. GUY** (Minister for Planning) — I thank Mr Barber. At this stage the likelihood is that there will be an all-of-government response. Again, it is still in its infancy, so there will no doubt be a broad range of views from a number of departments on how to best approach some of the areas that have been severely impacted on by flooding over a number of months, particularly around the Maryborough area. As I said, that is still in its infancy, but my expectation at this time is that there will probably be an all-of-government response. At this stage it is in its infancy, and that will be addressed in time.

### **Telecommunications: government support**

**Mr O'DONOHUE** (Eastern Victoria) — My question is to the Minister for Technology,

Mr Rich-Phillips. I ask: can the minister inform the house about any recent developments which strengthen Victoria's position as a leading state for the telecommunications sector?

**Hon. G. K. RICH-PHILLIPS** (Minister for Technology) — I thank Mr O'Donohue for his question. The telecommunications sector is of great importance to Victoria. Of course Victoria is the home to what remains as Australia's largest telecommunications company, as well as being home to many new innovative start-up telecommunications companies, which make a great contribution to the telecommunications sector in this state. The Victorian government is committed to ensuring the development of those telecommunications companies through support for investment, attraction and facilitation, support for export development, support for capability development and support for skills development in the telecommunications sector through a range of initiatives.

Also critical to the further development of telecommunications companies in Victoria is access to a marketplace that is deregulated and competitive, allowing start-up telecommunications companies to grow their businesses while bringing innovative technologies to the marketplace. Victorian telecommunications companies have a great track record in delivering those innovative products, and two recent great successes for the state include the Melbourne-based Azurn International, which has developed a world-first product known as a 'telco in a box' — a product they have titled Merlin — which provides for a web-based, free-access teleconference and videoconference facility delivered over a Web browser platform. It is currently competing with products from Cisco, IBM and Microsoft.

Last month, in a key deal for Azurn International, we saw the company enter into a partnership with Melbourne IT to provide the Merlin platform to service more than 70 000 clients of Melbourne IT and more than 400 000 websites.

In a similar vein of successful telecommunications companies in Victoria we have Mazuma Mobile, which is succeeding in telecommunications but taking a different tack. Members would be aware that over the last 5 or 10 years there has been an enormous churn in the availability of mobile telephone handsets and personal digital devices, which we have seen come onto the market and change with very rapid progress over the last few years.

Despite the fact that some of my colleagues no doubt still have a 2003 Nokia mobile phone, the reality is that most members of this house and elsewhere have moved on to far more modern technology. The fact that there has been a churn in technology has created an opportunity for a company like Mazuma Mobile, which has recently established its Australian and New Zealand headquarters here in Melbourne at Mulgrave and is employing nine Victorians in the business of purchasing and reconditioning — —

**Mr Lenders** interjected.

**Hon. G. K. RICH-PHILLIPS** — An upper house member, Mr Lenders.

Mazuma Mobile is in the business of purchasing and reconditioning mobile phones for sale in markets such as China, India and Africa. Rather than seeing what we regard as old mobile phone technology being destroyed as e-waste or going into landfill, the company is reconditioning those handsets and selling them in other markets.

What is common with both these telecommunications companies is that they have grown from their access to a deregulated and competitive telecommunications market. It is the success of these companies that indicates to us why we need to maintain a deregulated and competitive telecommunications market in Australia.

## QUESTIONS ON NOTICE

### Answers

**Hon. D. M. DAVIS** (Minister for Health) — I have answers to the following questions on notice: 80–89, 91–93, 95.

## SCRUTINY OF ACTS AND REGULATIONS COMMITTEE

### Statute Law Revision Bill 2011

**Mr O'DONOHUE** (Eastern Victoria) presented report, including appendices.

**Laid on table.**

**Ordered to be printed.**

### *Alert Digest No. 1*

**Mr O'DONOHUE** (Eastern Victoria) presented *Alert Digest No. 1 of 2011, including appendices.*

**Laid on table.**

**Ordered to be printed.**

## PAPERS

### Laid on table by Clerk:

Falls Creek Alpine Resort Management Board — Report for the year ended 31 October 2010.

Lake Mountain Alpine Resort Management Board — Minister's report of receipt of report for year ended 31 October 2010.

Land Acquisition and Compensation Act 1986 — Minister's certificate of 17 February 2011 pursuant to section 7(4) of the Act.

Mount Baw Baw Alpine Resort Management Board — Report for the year ended 31 October 2010.

Mount Buller and Mount Stirling Alpine Resort Management Board — Report for the year ended 31 October 2010.

Mount Hotham Alpine Resort Management Board — Report for the year ended 31 October 2010.

Murray-Darling Basin Authority — Report, 2009–10.

Parliamentary Committees Act 2003 — Government Response to the Environment and Natural Resources Committee's Report on Soil Carbon Sequestration in Victoria.

Planning and Environment Act 1987 —

Notices of Approval of the following amendments to planning schemes:

Bass Coast Planning Scheme — Amendment C117.

Baw Baw Planning Scheme — Amendments C74 and C79.

Casey Planning Scheme — Amendments C141, C142 and C146.

Frankston Planning Scheme — Amendment C69.

Glen Eira Planning Scheme — Amendment C85.

Greater Bendigo Planning Scheme — Amendment C115.

Greater Dandenong Planning Scheme — Amendments C73, C96 and C102.

Greater Geelong Planning Scheme — Amendments C103, C177 and C237.

Horsham Planning Scheme — Amendment C49.

Hume Planning Scheme — Amendments C119 and C121.

Latrobe Planning Scheme — Amendment C24 Part 2.

Melbourne Planning Scheme — Amendment C153.

Moonee Valley Planning Scheme — Amendment C90 Part 1.

Mornington Peninsula Planning Scheme — Amendment C153.

Nillumbik Planning Scheme — Amendment C71.

Southern Grampians Planning Scheme — Amendment C17.

Whitehorse Planning Scheme — Amendments C109 and C132.

Whittlesea Planning Scheme — Amendment C139.

Yarra Ranges Planning Scheme — Amendment C106.

Statutory Rule under the following Act of Parliament:

Crimes (Mental Impairment and Unfitness to be Tried) Act 1997 — No. 4/2011.

Subordinate Legislation Act 1994 — Documents under section 15 in respect of Statutory Rules Nos. 4 and 5/2011.

## PRODUCTION OF DOCUMENTS

**The Clerk** — I have received a letter dated 1 March 2011 from the Attorney-General headed ‘Order for documents — funding agreement between the state of Victoria and HRL Ltd’.

*Letter and attachment at pages 295–296*

**Ordered that letter from Attorney-General and attachment be taken into consideration next day on motion of Mr BARBER (Northern 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, 2 March:

- (1) notice of motion 21 standing in the name of Mr Tee relating to the provision of height restriction planning amendment documents;
- (2) the notice of motion given this day by Ms Pennicuik relating to the provision of Australian Grand Prix Corporation documents; and
- (3) the notice of motion given this day by Mr Jennings relating to alpine grazing.

*Honourable members interjecting.*

**The PRESIDENT** — Order! I am not really interested in a committee discussion at this point.

*Honourable members interjecting.*

**The PRESIDENT** — Order! Mr David Davis has granted leave for this motion of precedence, but perhaps his concerns about not having been given previous notice might be noted by the opposition with regard to these sorts of motions in future.

**Motion agreed to.**

## ELECTORAL MATTERS COMMITTEE

### Membership

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

That Mr Somyurek be a member of the Electoral Matters Committee.

**Motion agreed to.**

## MEMBERS STATEMENTS

### Floods: children’s services

**Hon. W. A. LOVELL** (Minister for Children and Early Childhood Development) — I would like to take this opportunity to update the house on the actions the Baillieu government has taken to assist Victoria’s early childhood services that were affected by the floods in January and the severe rain event in early February. Almost 40 services across five regions have reported some damage to the department, but as children’s services are delivered by a variety of providers, including local government, community management and private providers, this number may still grow as claims for assistance are lodged.

The Baillieu government moved quickly to put in place a range of assistance measures to support early childhood services. These measures included drinking

water and sanitary supplies for services where water supplies were affected, measures to ensure that kindergartens where enrolments were affected in the short term were not financially disadvantaged and the extension of the kindergarten fee subsidy to families who have received Department of Human Services grants or an Australian government disaster recovery payment, making kindergarten effectively free for these families.

Other measures included: grants of up to \$10 000 for licensed children's services, including maternal and child health, for clean-up costs and reinstatement of outdoor play areas; an additional \$10 000 to enable maternal and child health nurses to provide families with safe nursery equipment; and printed materials providing advice to children's services to enable them to support affected children.

I am proud the Baillieu government has delivered such a comprehensive and well-balanced response. Most of the affected services were operational within a week of being inundated, but in some instances alternative provision was made available to families.

### **Northern Bellarine foreshore plan**

**Ms TIERNEY** (Western Victoria) — On Friday evening, 11 February 2011, community members from St Leonards, Portarlington and Indented Head came together at the beach in front of the Parks Hall Community Centre and Indented Head Community Hall to launch the Northern Bellarine foreshore planning project.

Uncle Bryon Powell started the proceedings with a welcome to country and gave an insight into local indigenous life over many generations. Cath Whelan, the new chair of the Bellarine Bayside foreshore committee of management, and Cr John Doull explained the project and encouraged everyone to get involved in the Northern Bellarine Peninsula foreshore plan, which will set future directions for the Crown land foreshore areas between Portarlington and St Leonards.

I know there is plenty of community interest in this project, which was demonstrated by the large attendance at the community walk held in adverse weather conditions. I take this opportunity to encourage other community members to get involved in the consultations. I wish Cath and her team, the City of Greater Geelong and the Department of Sustainability and Environment, all the best in their endeavours to ensure that we have the best possible plan for our much-loved public foreshore.

### **Benjamin Gebert and Luke Reichenbach**

**Ms TIERNEY** — On another matter, I would like to congratulate two young Jeparit men, Benjamin Gebert and Luke Reichenbach, on receiving Wimmera Agricultural Societies Association awards this month. Benjamin was given the junior ambassador of the year award and Luke received the rural ambassador runner-up award. Benjamin will now go on to represent Victoria in Melton in June at the Junior Ambassador Awards, and I am sure everyone in Western Victoria Region will be wishing him the best of luck.

### **Geelong and Bellarine electorates: election commitments**

**Mr KOCH** (Western Victoria) — I would like to highlight the government's initiative in following through on its 2010 election commitments, particularly those for the Geelong and Bellarine electorates. I recently met with representatives of Christ Church Geelong, Point Lonsdale Surf Life Saving Club, Barwon Rowing Club and the Bellarine Art Group to reaffirm election commitments.

Christ Church has provided meals to Geelong's homeless for over 15 years. Its meal program provides over 22 000 meals a year. I am proud of the coalition's \$60 000 commitment, which will allow for an electrical refit of the premises and contribute significantly to the costs associated with keeping the program viable. The Point Lonsdale Surf Life Saving Club does a great job and is looking to redevelop its clubhouse, possibly at a new location. The coalition's \$200 000 commitment will allow it to continue this planning in a meaningful way.

The Barwon Rowing Club will be supported with \$250 000 to assist with the fit-out of its new clubhouse on the banks of the Barwon River at the Moorabool Street bridge. The Bellarine Art Group at St Leonards organises art classes at the local yacht club. The government's \$3000 commitment will provide easels, canvases and art supplies to assist in workshop activities. These community organisations are appreciative of the meaningful election commitments made by the Baillieu government that are now being delivered.

### **Meadows Primary School: parent support project**

**Ms MIKAKOS** (Northern Metropolitan) — On 16 February I was pleased to attend the project launch of the Supporting Parents — Developing Children project at Meadows Primary School in Broadmeadows.

The project is a joint initiative of the federal and state governments, Hume City Council and the Scanlon Foundation. The programs include a flexible mother and child English language program, bilingual story time, expansion of local playgroups and support for local early years hubs. These programs encourage parents and children to learn English together whilst at the same time provide early development opportunities for children.

The city of Hume has one of the largest populations of people from culturally and linguistically diverse backgrounds, with almost a third of residents born overseas. Programs such as those offered by this project encourage and support non-English-speaking families to link into community services and encourage social cohesion in the community.

Whilst the Minister for Children and Early Childhood Development, Ms Lovell, announced that the state government would provide \$907 000 over three years towards the project's total cost of \$2.9 million, the project is a result of talks that began two and a half years ago and was committed to by the then Brumby Labor government. Sadly, the Baillieu government's meagre commitment of \$15 million towards expanding kindergarten facilities demonstrates its lack of interest in ensuring that all of Victoria's children have early learning opportunities.

This was an excellent event that was marred only by Minister Lovell's partisan remarks urging those present to vote for Broadmeadows not Brighton in the recent by-election. I take this opportunity to congratulate Frank McGuire, who will be an excellent member for Broadmeadows, and I encourage the minister to stick to her portfolio in her future speeches.

### **Kim's Foundation of Hope**

**Ms HARTLAND** (Western Metropolitan) — It is with heartfelt congratulations that I acknowledge the fantastic work of Kim's Foundation of Hope and the great generosity of Victoria's Vietnamese community. I recently attended a Queensland flood appeal event held by the foundation in Ascot Vale. More than \$17 000 was raised at the event, a great achievement which will go a long way to help fellow Australians in need.

The Vietnamese community, many members of which reside in my western suburbs electorate and home suburb of West Footscray, never ceases to amaze me with its generosity and strength of spirit, and Kim's Foundation of Hope is a shining example. Kim, a former refugee from Vietnam, established the foundation, which works to help poor, sick and

impoverished people in South Vietnam as well as other charitable causes within Australia and Vietnam. Examples of its work in Vietnam include providing student scholarships to children; building bridges, water wells and houses; funding cataract operations, sponsoring life-saving operations and providing medical treatment; and supporting orphanages and refugees. In Australia the foundation supports the Royal Children's Hospital. I congratulate the foundation and the Victorian Vietnamese community on their life-changing efforts both in Australia and in Vietnam.

### **Seniors: multicultural community grants**

**Mrs COOTE** (Southern Metropolitan) — No doubt everybody in this chamber has attended a citizenship ceremony and heard the wonderful stories of people who have become new Australian citizens. These citizens can be very young, but they can also be much older. When those citizens are older and have been here for some time, they have some very special interests and they want to collaborate with people from their original home cities, towns and countries.

I was pleased to hear that on 14 February 2011 the Minister for Multicultural Affairs and Citizenship, Mr Kotsiras, made grants to 700 multicultural seniors community organisations across Victoria. Many of those organisations were in the city of Port Phillip. The Victorian government allocated \$15 050 in funding to: the New Life Association, the Eremia Greek Elderly Association of Port Phillip, the Greek Senior Citizens Association of South Melbourne and Albert Park, the Lemnian Community of Victoria Elderly Citizens Club, the Port Melbourne Greek Community Senior Citizens Club, the South Melbourne Chinese Women's Group, the South Melbourne Greek Women's Club, Olympia, and a number of other groups. These groups are particularly grateful for the funding, which will enable them to meet on a regular basis and to look to involvement in issues that reflect needs in their communities and to do so within their own time frames. These are positive grants, and the recipients in the city of Port Phillip are pleased to have them.

### **International Women's Day**

**Ms PULFORD** (Western Victoria) — In 1910 a second International Conference of Working Women was held in Copenhagen. At this conference Clara Zetkin proposed that every year in every country there should be a celebration on the same day — a women's day — to press for their demands. The conference of over 100 women from 17 countries, representing unions, political parties and working women's clubs and including the first three women elected to the

Finnish Parliament, greeted Zetkin's suggestion with unanimous approval, and International Women's Day was born.

One week from today, on 8 March, people around the world will celebrate 100 years of International Women's Day. The past 100 years have seen a significant change in the position of women in society. Last year we saw Australians elect their first female Prime Minister, the Honourable Julia Gillard, and now in many states and territories a female leader has served their interests.

The presence of women in Australian politics — state, federal and local government — continues to grow. With more women in politics, greater equality in legislative rights and more and more women being represented in a range of professions, there is a lot to celebrate on 8 March. However, let us not be complacent — there is still a way to go for women to achieve full equality. Women are still not paid equally to their male counterparts and are not present in equal numbers in business or politics.

I encourage everyone to take part in the hundreds of activities across the state celebrating this great day and to continue to strive for gender equality in all facets of society.

### **Nagle Preschool: opening**

**Ms CROZIER** (Southern Metropolitan) — Recently I attended with the Minister for Housing, who is also the Minister for Early Childhood Development, the opening of the refurbished Nagle Preschool in Sandringham.

This project was a joint initiative involving the state government and the Bayside City Council with input from the Nagle Preschool parents association and the work of the parents association president, Rebecca Melville. The event was also attended by the mayor of Bayside City Council, Cr Alex del Porto, and councillors Felicity Frederico and Michael Norris, together with the many parents and children of the Nagle Preschool community.

The work of the parents committee, firstly, to identify and assist with the project, and secondly, to coordinate the many parents wanting to participate in the project, demonstrated a true community spirit. The many hours put in by parents working together with the staff and various stakeholders involved in the project have resulted in improvements to the facility and its surrounds that will benefit both the children and staff, and the project should be applauded.

Preschooling is an important aspect of any child's development. The Baillieu government supports high-quality education facilities and teaching programs at all levels. It also recognises the dedication of our early childhood educators, school principals and teachers who assist children to realise their full potential. It also recognises the very important aspect of parent involvement with a child's education. The work undertaken by the parents committee for the refurbishment project of the Nagle Preschool is one such example.

### **Carbon price: introduction**

**Mr SCHEFFER** (Eastern Victoria) — The recent climate change institute research shows that 34 000 new jobs could be triggered by the introduction of a substantial carbon price. According to the study there would be a net gain in the Latrobe Valley in the construction of new energy plants.

I was also pleased to see that Dave Oliver, national secretary of the Australian Metal Workers Union, and Tony Maher, president of the Construction, Forestry, Mining and Energy Union, have applauded the climate change institute for its focus on jobs, skills and training.

The report coincides with the release of the federal Multi-Party Climate Change Committee statement on a climate price mechanism endorsed by the Labor Party, the Greens, and Independents Tony Windsor and Rob Oakeshott, which outlines a two-stage plan to cut carbon emissions and to move to a clean energy future and link this firmly to an economic reform agenda.

The Victorian government backs a carbon price and stands by the former Labor government's target of a 20 per cent cut in carbon emissions based on 2000 levels over the next decade. We have here the beginnings of a bipartisan approach that could isolate the federal opposition leader, Tony Abbott, and the climate change deniers who have captured the federal coalition. It is now imperative that the Victorian government supports federal Labor and the federal coalition progressives to build a national consensus on emissions reduction.

Fossil fuels and renewable energy producers, as well as industry and business sectors, are desperate for a broadly implemented carbon price because it will bring certainty. It is time to put a stop to the destructive antics of the federal opposition leader, and the Victorian government should use its considerable political traction to do so.



### **Disability services: national insurance scheme**

**Hon. P. R. HALL** (Minister for Higher Education and Skills) — Today I want to welcome the release yesterday of the Productivity Commission's draft report on disability, care and support, and in particular its recommendation and support for the establishment of a national disability insurance scheme.

I am sure members who have represented electorates for a number of years share my view that one of the most distressing matters we have to deal with is the support that is unavailable, in many cases, particularly for ageing parents who have spent a lifetime looking after children with disability. I must say that I despair every time one of those particular issues comes before me in my electorate office; I can see that there is a lack of funding at both the federal and state levels to adequately support those who are caring for people with disability.

So it is that a national disability insurance scheme has been spoken about for some time now. The Baillieu government has been at the forefront of the public debate about the need to establish such an insurance scheme. I am pleased to welcome the Productivity Commission's draft report, and we will move with it. There are obviously some issues that need to be discussed between state and federal governments, such as how the scheme will be funded, but at long last some real relief is in sight for those despairing families who have spent a lifetime caring for their children with disabilities. For the first time there is some real and positive light ahead for them. I welcome the report and trust that we will implement the recommendations in due course.

### **DonateLife Week**

**Mr TARLAMIS** (South Eastern Metropolitan) — Last week was DonateLife Week, Australia's national awareness week to promote organ and tissue donation. With around 1700 people on the Australian organ transplant waiting lists, just one organ and tissue donor can save up to 10 lives and improve the lives of many more. Most people are on a waiting list for between six months and four years.

Australia is a world leader in successful transplant outcomes, yet it has one of the world's lowest donation rates. We are getting better, as the number of organ donations in 2010 was the highest in any year of the past decade, with 309 organ donors giving 931 Australians a new chance at life.

Almost anyone can donate their organs and tissue. While your age and medical history will be considered, you should not assume you are too old, too young or not healthy enough; there is every chance that some of your organs and tissue will be suitable for donation. It is important that you advise your family and friends of your wishes because even if you are a registered organ donor your family will still be asked to give their consent. Families faced with giving consent are dealing with loss and grief. Under such circumstances they can be helped by knowing that their family member wished to benefit others.

The DonateLife website, [www.donatelife.gov.au](http://www.donatelife.gov.au), provides a wealth of information on organ and tissue donation, plus many heart-warming stories of donors and recipients. As a registered organ donor I encourage my family, friends and colleagues to urge as many people as possible to register and inform their families of their decision.

### **John Fawkner College: achievements**

**Mr ONDARCHIE** (Northern Metropolitan) — I would like to report to the house on my visit to John Fawkner College in Jukes Road, Fawkner, last Wednesday, 23 February. Just last year the college, then known as Fawkner Secondary College, lacked spirit, had a high rate of absenteeism, had a reputation of underachievement and was neglected by the Brumby Labor government. John Fawkner College was established last year to replace Fawkner Secondary College and to leave behind the culture that prevented students and staff from shining.

College principal, Gus Napoli, and assistant principal, Judy Poole, along with their staff, have gone to great lengths to bring in a fresh, new culture, a friendly, positive environment and a safe place where students can be happy and staff can have respect for their workplace.

The college has a great new uniform, which students wear with pride; the attendance rate is much higher than that of the former college; and academic achievements are now improving and are much higher than before. Students now spend time at school as opposed to down at the park, where they used to spend their time.

During my visit I met Sam, Bianca, Nora and Julia — great students who were extremely polite and showed a great deal of pride while assisting staff in showing me around the school. It was fantastic to hear of such a drastic turnaround in such a short space of time and witness firsthand the achievements brought about as a

result of the changes made. What a difference freshness makes.

I wish to record my congratulations to Mr Gus Napoli and his team, and I thank them for their time and enthusiasm during my visit.

### **Swan Hill Region Food and Wine Festival**

**Ms DARVENIZA** (Northern Victoria) — I am encouraging all my parliamentary colleagues to take a trip to Swan Hill, a beautiful part of the Northern Victoria Region, and enjoy the foodie fest next weekend.

The festival is part of the Melbourne Food and Wine Festival, and kicks off on Friday night with an evening river cruise. On Saturday at the Pioneer Settlement, which is looking really good following the recent floods — I was up there recently and was able to have a look around — food and wine from the region will be on display and set up in stalls and available for everyone to enjoy.

The highlight for the weekend will be a 12-course degustation dinner at the Pioneer Settlement on Saturday night, and restaurants right across the town will be putting on signature dishes. On Sunday it is all happening down at Riverside Park, where there will be a belated Australia Day celebration and farmers market.

Swan Hill has experienced a reduction in visitors and tourists following the recent floods. This is a great opportunity to be able to showcase not only the town but its fine food and wine and for everybody to get the message loud and clear that Swan Hill is open for business and receiving visitors.

### **Earthquakes: New Zealand**

**Mr EIDEH** (Western Metropolitan) — I take this opportunity to express my sincere condolences and deepest sympathies to the people of New Zealand and their loved ones in Victoria following last week's devastating earthquake in Christchurch. Unfortunately this is the second earthquake to strike New Zealand in the past six months, and sadly 154 lives have been lost, with many people still unaccounted for.

My electorate is home to many residents who have a New Zealand background, and during this sad time we are all standing by to offer support to victims and their families and friends.

I commend the efforts of the search-and-rescue service members who have been working their way tirelessly through rubble and debris and enduring the many

aftershocks over the last seven days. I also commend the 120 Victoria Police officers who travelled to Christchurch last week, as well as Mr Brad Dalgleish, the State Emergency Service unit controller for Brimbank in my electorate, who has helped not only during this tragedy but also during the Queensland and Victorian floods, which have affected many of us. It makes me proud that constituents in my electorate are showing their generosity of spirit to help those in need when disaster strikes.

## **STATUTE LAW REVISION BILL 2011**

### *Second reading*

### **Debate resumed from 10 February; motion of Hon. D. M. DAVIS (Minister for Health).**

**Hon. M. P. PAKULA** (Western Metropolitan) — I am pleased to rise to speak on the Statute Law Revision Bill 2011. I do not imagine it will cause much surprise to the government members that the opposition will not be opposing this bill, but the bill brings into stark relief the importance of the operation of the Scrutiny of Acts and Regulations Committee. I must say I am grateful for the fact that this bill has now been to SARC, because although it is a bill which repeals a number of acts of Parliament and amends or alters other acts in almost all circumstances in a non-controversial and minor way, it would be difficult for any member of this chamber to ascertain that under their own steam and without the work done by the Scrutiny of Acts and Regulations Committee.

In the committee's report on this bill I note that SARC has stated it is satisfied that the amendments to the acts are not of a substantive nature. That is consistent with the information I received in a briefing I had from the Department of Justice. I am aware this is a Department of Premier and Cabinet bill, but officers of the Department of Justice were able to provide some information and undertakings, give me some certainty that the amendments made to the acts are not substantive and reassure the house that the proposed repeal of the 17 principal acts and the remaining 10 acts listed in schedule 2 are spent or redundant pieces of legislation and that it is appropriate to include those acts of Parliament in the Statute Law Revision Bill 2011.

As the Leader of the Government indicated in the second-reading speech, bills of this nature are of a routine kind. They are part of the regular housekeeping function of the Parliament; they are important to ensure that the statute book is up to date and relevant.

A recommendation of SARC is that it write to the Minister for Planning seeking further advice concerning the repeal of the Footscray Land (Amendment) Act 1990, which is an unproclaimed piece of legislation. Perhaps the chair of SARC in his remarks could indicate the nature of that correspondence. I am presuming it will simply be to receive reassurance that the unproclaimed piece of legislation is spent legislation that no longer needs to be on the statute book.

With those few remarks, I once again indicate that the opposition will not oppose this bill. I thank the members of the Scrutiny of Acts and Regulations Committee for the work they have done to provide the information they have to the chamber.

**Mr O'DONOHUE** (Eastern Victoria) — I rise to contribute to the debate on the Statute Law Revision Bill 2011. As Mr Pakula stated, the bill is up for debate after being referred to the Scrutiny of Acts and Regulations Committee because of a motion moved by Mr David Davis, the Leader of the Government.

Earlier this day the Scrutiny of Acts and Regulations Committee tabled its report regarding the Statute Law Revision Bill 2011. Bills such as this come before the Parliament on a regular basis to tidy up the statute book. From time to time errors make their way into Parliament; they have few consequences, but they are errors nonetheless. The bill corrects 112 errors made in various acts. Some relate to cross-referencing errors, spelling or punctuation; some relate to spent provisions of particular acts. Notwithstanding that some of those errors are retrospective in nature, the Scrutiny of Acts and Regulations Committee is satisfied that none of them make substantive changes to any of the acts referenced.

The other function of this piece of legislation is to repeal a number of acts. The bill repeals 27 acts, 17 of which are principal acts. As is often remarked upon when bills of this nature come before this chamber, they are a window into the past and the issues that previous parliaments debated. They include the Geelong Harbor Trust Act 1905, the Melbourne Harbor Trust (Exchange of Lands) Act 1922, the Junior Legacy, Melbourne (Dureau Memorial) Act 1953, the National Mutual Permanent Building Society Act 1985, the Mildura Irrigation and Water Trusts Act 1969 and various other acts.

The more things change, the more things stay the same. The bills being repealed deal with various water issues, regulatory issues and issues associated with the ports of Victoria. The Scrutiny of Acts and Regulations Committee is grateful to the parliamentary counsel. The

acting chief parliamentary counsel, Mr John Butera, sent a letter to the committee dated 11 February which says:

In accordance with the usual practice for this kind of bill, I certify that schedule 1 contains only amendments appropriate for a statute law revision bill and does not make any substantive changes to the statute law of Victoria.

I also certify that schedule 2 to this bill contains only repeals appropriate for a redundant legislation repeals bill. The relevant departments have confirmed that the acts proposed to be repealed by the bill are now obsolete or redundant or spent and can be safely repealed. Any transitional, saving or validation provisions in the act to be repealed will be saved by section 14 of the Interpretation of Legislation Act 1984.

That assurance from the parliamentary counsel following its engagement with various departments provides a degree of comfort to the Parliament over and above the work that the Scrutiny of Acts and Regulations Committee has done to satisfy itself the bills being repealed are appropriate to be repealed, and that the amendments being made are of a generally administrative nature.

With those words I advise that the coalition is committed to reducing red tape and to making the statute book as efficient as possible. This process helps to deliver a more efficient statute book for Victoria. I wish the bill a speedy passage.

**Ms HARTLAND** (Western Metropolitan) — My comments will be brief. I agree with the comments made by Mr Pakula and Mr O'Donohue. One of the things that does concern me, though, is the fact that we have received this report today. We are speaking on this bill this afternoon, and we have had no time to look at the report of the Scrutiny of Acts and Regulations Committee before we delve into this debate.

I would also like a government speaker to talk about appendix 2 of the report, which says:

The committee provides the following information pursuant to section 17(a)(iv) of the Parliamentary Committees Act 2003 concerning any unproclaimed act(s).

Unproclaimed acts

Footscray Land (Amendment) Act 1990.

**Ms PULFORD** (Western Victoria) — I am thankful for the opportunity to speak on the Statute Law Revision Bill 2011. Bills such as this are always an interesting lesson on some of the history that has preceded us in this place. This bill is the continuation of an initiative of the previous Labor government to provide greater clarity in our laws through, as it were, a spring-clean of the statutes to reduce red tape and the

compliance burden on all those in Victoria who concern themselves with the operation of our legislation.

It is a jolly good thing to be here in this Parliament and to be speaking on some legislation. I am sure there will be plenty more to come. I note that there are 112 acts listed in schedule 1 to this bill, amendments to acts literally from A to Z — the Aboriginal Heritage Act 2006 through to the Zoological Parks and Gardens Act 1995. There are many acts listed that I am sure members will have a great deal of interest in as the new government pursues its legislative agenda in the coming weeks and months.

The Regional Infrastructure Development Fund Act 1999 has had a tidy up in this process, but perhaps it might come before us before too long in what I am sure will be a much more robust debate than the one we are having today. Debates are often robust, but sometimes they are quirky and sometimes strange things are uncovered. As a member of the Scrutiny of Acts and Regulations Committee (SARC) in the previous Parliament, on which I served with Mr O'Donohue, I have enjoyed some of the strange historical quirks revealed in discussions about these bills over the years.

Schedule 2 of the bill seeks to repeal 27 acts: spent principal acts, spent amending acts and transitional or substantive provisions.

I am pleased that SARC has had the opportunity to consider this legislation and I am confident that the process has been as robust as the one I experienced in the previous Parliament and with which I am familiar — that being the thorough work undertaken by people in departments to ensure that things are not being dispatched that ought not be dispatched and the oversight and coordination that the office of the chief parliamentary counsel contributes to this process.

I concur with Ms Hartland's observations that only a couple of hours have elapsed since the SARC report was tabled in the Parliament. On a sitting day that is a pretty tight window of opportunity for members to familiarise themselves with this information. But as always, this legislation considers matters that are topical today and others which serve as a bit of historical interest. Some acts covered by this legislation have some very minor amendments made to them today, but they will no doubt get a thorough working over in debates in time to come. I have just flicked my bill open to page 7, and I see mention of the Equal Opportunity Act 2010. I recall that the government has foreshadowed some changes to discrimination laws in this state. I note the Accident Compensation Act 1985

is another area in which the government has foreshadowed its intention to make some changes.

I am sure there will be many other opportunities for us to debate the specifics of legislative changes as the government seeks to do whatever it is that it plans to do to 'fix the problems'. On this occasion I commend the bill to the house and wish it a speedy passage.

**Mr O'BRIEN** (Western Victoria) — The purpose of the Statute Law Revision Bill 2011, as simply stated, is 'to revise the statute law of Victoria'. It makes minor amendments to a number of acts to correct grammatical and typographical errors, to update references and for other similar purposes. The bill also repeals spent provisions of acts and repeals a number of spent acts.

I have recently become a member of the Scrutiny of Acts and Regulations Committee (SARC) and have enjoyed my short time on the committee exploring the machinations of statute law revision bills. The committee has an important role in relation to statute law revision bills, and I endorse the words of Mr Pakula in relation to the purpose of these bills being not to make substantive changes to the law but rather to revise and tidy up the statute book. That phrase is extracted from the sixth edition of *Statutory Interpretation in Australia*, published by Butterworths in 2006, whose learned authors, D. C. Pearce and R. S. Geddes, said on page 262:

... the approach that has usually been followed by the courts assuming that statute law revision acts are not intended to change the substance of the law. They are used to tidy up the statute book, often before consolidation or reprinting occurs. The result of this approach has been to make the courts slow to infer that a change of substance has been made to an act where an interpretation not changing the previous operation of the act is tenable.

I also note the comments of previous speakers that appendix 1 of the report of the Scrutiny of Acts and Regulations Committee that has been put on the table today includes an endorsement by the chief parliamentary counsel in a letter to the chair of the committee, dated 11 February 2011, the terms of which were recited by the lead speaker for the government, Mr O'Donohue.

There have been some questions raised in relation to one aspect of the bill, which I will refer to briefly. This matter has been raised by SARC and relates to unproclaimed legislation, being the Footscray Land (Amendment) Act 1990. I am advised that, unlike other pieces of legislation in the Statute Law Revision Bill 2011, the Scrutiny of Acts and Regulations Committee was not able to certify that repealing that act would make any substantive changes to the law or that it is a

matter that is spent or otherwise not capable of further application. The committee is awaiting advice from the Department of Planning and Community Development, which it expected from the former minister, but that has not yet been forthcoming.

If there is any doubt as to whether the act still has an effect on the land, then it is not appropriate that it be the subject of the Statute Law Revision Bill 2011. The resolution of the committee was to write to the Minister for Planning to seek advice on whether the Footscray Land (Amendment) Act 1990 still has work to do or is in other ways warranted or whether it should be the subject of a further statute law revision bill.

Whilst many of the pieces of legislation repealed by the bill are now regarded as spent, it is perhaps timely to pause and reflect upon some of the work that has been achieved by these pieces of legislation; 27 principal acts will be repealed. The proposed act will operate under two schedules. Schedule 1 contains 112 items which make minor amendments to the acts specified under those items. They are grouped in the committee's report under several headings, the first of which is 'Retrospective provisions'.

The importance of retrospectivity will be known to many members of the house. It is important if passing retrospective legislation that it be enacted in a way that does not change interpretation but rather gives effect to what would have been regarded as the intended interpretation. That has been covered in the report of the committee as to those provisions. The other headings are: 'Spelling, typographical, punctuation, missing words, extraneous words or grammatical errors'; 'Cross-reference errors'; 'Updating nomenclature (act names, definitions, agency or departmental names); 'Repeal of spent provisions (parts, divisions, sections et cetera) that have commenced operation and have achieved their purpose'; and 'Incorrect legislative instruction (eg. "insert" instead of "substitute" or failed amendment)'.

Turning to some of the spent acts, I will briefly mention four which I have identified as of particular relevance to either me or my electorate. The first is the Geelong Harbor Trust Act 1905 — these are contained in schedule 2 of the bill — which was enacted, as per the explanatory memorandum:

... to provide for the construction of works at the Geelong harbor and established the Geelong Harbor Trust Commissioners. Most of this act was repealed in 1915.

Sections 26 and 29 remain but are no longer required, and the 1905 act will be repealed by the bill. In relation to Geelong harbour I remind the house of the recent

announcement by the Minister for Ports, Minister for Regional Cities, Minister for Racing and Minister for Major Projects, Denis Napthine. I quote from an article in today's *Geelong Advertiser*, dated 1 March 2011, in which Cameron Best wrote:

The head of Geelong port has welcomed the state government's feasibility study into relocating Victoria's car imports and exports to Geelong.

Then the article quotes Patrick's business manager, John Murray, who estimated that:

... the required four berths at Geelong Port for the car trade would cost in excess of \$100 million alone to develop.

It is important to note that in this instance the coalition government has not proceeded to launch into a project without conducting a business case analysis. What has been announced is a feasibility study, and the government hopes the car trade will generate 1000 jobs and bring \$200 million in economic benefits to Geelong. That feasibility study will no doubt be a matter of great interest to the citizens of Geelong, and it may also lead to the opportunity to free up other parts of the port of Melbourne.

The next act I would like to briefly comment on is the Junior Legacy, Melbourne (Dureau Memorial) Act 1953. I have obtained the original act from the Parliamentary Library, which again I thank. It notes that as part of the gratitude that the United States felt towards Australia for its provision of armed services during the conflict of 1939 to 1945 and to perpetuate the memory of the late David Dureau of Victoria, an act was passed and a contribution of land was made to assist the establishment of junior Legacy. Legacy Australia remains an important organisation, and 7000 legatees assist more than 122 000 widows. There are 1700 children referred to by Legacy as 'junior legatees'. That particular piece of land has been sold, so the purpose of that act of Parliament is spent, but the important role of Legacy continues and it is important that this house takes this opportunity to commend it on its continuing role.

Another brief act that came and went was the Year 2000 Information Disclosure Act 1999, which, as members may recall, related to the so-called 'year 2000 bug' that caused a lot of activity among the legal profession and many other professions. Those in this place or any other place will never know whether that activity was warranted. Did it solve the problem? We will never know whether there ever was a year 2000 bug or whether it was eradicated by all the prudent action taken by engineers and lawyers in this instance with the disclosure act. Nevertheless it is an example of

being a bit cautious when one hears of impending doom and looming problems that society may face. In any event, we trust that our computer industry, which was the so-called cause of the year 2000 bug due to its failure to identify that the year 2000 would have three zeros rather than two, will not leave us with similar problems into the future.

The last act I will briefly mention is the Land (Revocation of Reservations) Act 2007, which revoked orders in council and related to Crown grants in respect of reserved land at Lake Condah, the Roman Catholic orphan asylum land at South Melbourne and land reserved for asylum purposes at Daylesford and Beechworth. Again, the previously reserved land was deemed to be unalienated Crown land. The provisions have taken effect and are spent, so the 2007 act can be repealed.

I have been advised that there is a process in development by which amending acts in particular will now have self-repealing provisions. Such acts have been prepared in this way for some years, wherever possible, to ensure that in future less tidying up of the statute books is required. I would urge all members of the government and opposition and other members to be mindful of reducing the cost of red tape by being as careful as we can with existing legislation and by working within the acts as well as we can.

The aspects of the acts that I would particularly like to comment on include, firstly, the reserved land at Lake Condah, which is land I am familiar with. My colleague Mr Drum, a member for Northern Victoria Region, supported the revocation of its reservation when the previous government introduced that bill; The Nationals did not oppose the provision regarding that land. It was an important piece of land for the Gunditjmara people, who have had a land title claim on it since 1996, and the passage of the bill involved the settlement of that land title claim.

If any member knows the land at Lake Condah, they will agree that it is very significant land. It contains evidence of stone huts and eel traps, which date back well before the missions. It is also part of the United Nations Educational, Scientific and Cultural Organisation listing for the Kanawinka volcanoes geopark. The legislation had the support of the Glenelg Shire Council. I recently spent time with Cr Saunders from Glenelg Shire Council at the opening of the Dartmoor Bowling Club, where we shared many a good moment in relation to future intentions and plans for the Glenelg shire. The Nationals supported that revocation and vesting of the land, and we continue to

support this in the statute law revision bill before the house.

With that brief and potted history, I note that there are many other sections of acts that will have been spent. I wish to lend my support through this debate and indicate my support for the bipartisan approach to working together to make more sensible revisions to legislation where they are identified by parliamentary counsel. I commend the work of the Scrutiny of Acts and Regulations Committee that was done during the preparation of this bill.

**Mr LENDERS** (Southern Metropolitan) — In rising to contribute to the debate on the Statute Law Revision Bill 2011 I will speak about a range of issues. Firstly, in response to Mr O'Brien's remarks about the Y2K issue — and Mr Rich-Phillips might enjoy this as Minister for Technology — one of the better things that happened in my time as Minister for Information and Communication Technology was that I had an analyst explain to me that after 18 months with an insurance company she had found two bugs in the lead-up to Y2K, and she was putting a case for why we needed to have Y10 000, when the year number will go from four to five digits. I will probably be accused by the now government of short-sightedness, but I thought going from four to five digits was probably something we could wait 7000 or 8000 years to worry about.

I refer to the substance of the bill before the house, which on its face is a fairly innocuous and good bill. It is one that was prepared by my good friend Tony Lupton as the then cabinet secretary. It is one of the bills that dropped off the former government's agenda at the end of the year. It is interesting to note that the very first bill to come into this house from the new government is actually a piece of work done by Tony Lupton.

Leaving that aside, it represents a good part of the previous government's agenda to reduce the regulatory burden, to accelerate this work and to clean out redundant acts. To take up Ms Hartland's point, I guess the sad thing about what has happened with this bill is that the Scrutiny of Acts and Regulations Committee report has only been received in this house today. The Labor Party moved a motion to establish SARC in the Legislative Assembly in the December sitting of Parliament, which was so urgently required to get the government's legislative agenda running, and yet it is now the third sitting week and a Tony Lupton bill is the first piece of legislation we have received in this house.

Leaving that aside, in December the member for Bendigo East in the Assembly, Jacinta Allan, moved

that SARC be established forthwith. The government did not do that; it would not accept that that needed to happen because it was not its agenda, so SARC was only established in the last sitting week. As I understand it, there are outstanding questions on a piece of Footscray legislation in this bill that I do not think any government speaker has addressed to the satisfaction of either Mr Pakula or Ms Hartland, the members who represent the Footscray area in this place. The consequence of that will be that this bill may well go into committee because leave will not be given to proceed to the third reading forthwith until the government addresses the issue.

The issue related to the Footscray legislation is probably quite harmless and innocuous, but it is the right of any member representing their constituency to review a piece of legislation. The fact that the government did not think it was a priority to respond to Jacinta Allan's motion in December to establish SARC forthwith has thrown this feeble legislative program back a week. I would argue that you cannot take this chamber for granted in relation to what, on the face of it, is a good piece of legislation. If my colleague Tony Lupton ran his eye over it, I am sure it is a very good piece of legislation. However, as a process issue it is not unreasonable for members of this house to have the chance to read the *SARC Alert Digest* about a bill and the time to consider that before coming in here — —

**Hon. G. K. Rich-Phillips** interjected.

**Mr LENDERS** — Mr Rich-Phillips talks about last year's process. If it was so urgent to call Parliament together before Christmas to do a few first readings, then certainly it would have been important enough to establish SARC so that this house could review legislation. I might add that SARC is not some sinister, Fabian, socialist creature of the Labor Party; it was set up by Jeff Kennett. It is hardly some mad, chaotic organisation. There are checks and balances, and that is what this debate is about.

I would not be surprised if leave was not given for the third reading until the minister answered some questions about the Footscray legislation he seeks to abolish.

**Debate adjourned on motion of Mrs COOTE (Southern Metropolitan).**

**Debate adjourned until later this day.**

## GOVERNOR'S SPEECH

### Address-in-reply

**Debate resumed from 10 February; motion of Mr ELSBURY (Western Metropolitan) for adoption of address-in-reply.**

**Mrs COOTE** (Southern Metropolitan) — In rising to speak on the address-in-reply to the Governor's speech, at the outset I would like to congratulate the Honourable Bruce Atkinson on his elevation to the position of President. Those of us who have been in this chamber for some significant time know the ability of Bruce Atkinson and the high calibre of respect that he enjoys in this chamber.

As Chairman of Committees in the last Parliament, Mr Atkinson was absolutely superb. In fact, Acting President, you would ask many very trying and difficult questions of him during committee stages to the point where I think you earned yourself the title of Queen of Committees! However, I suggest that he dealt with the continuous questioning that went on, sometimes for hours at a time, with an enormous amount of dignity and aplomb.

It would not be unusual for me to say what a wonderful and refreshing change it is to have such an intelligent and respected President. I think those of us who have been here before would concur with me. He probably needs to adopt some dress sense from the previous President, who I must say was very dapper; however, perhaps we shall see the end of those garish ties. I am sure the former President would be only too happy to give some suggestions!

On a more serious note, the Governor's speech is an opportunity for the Governor to reflect upon what an incoming government intends to achieve in its term of office. The Governor gave a very distinguished speech, and in fact it was to be his last speech as the Governor of Victoria because Premier Baillieu has appointed a new governor. I would like to put on the record my appreciation for the work that Governor de Kretser and Mrs de Kretser have done, because they have held Victoria in the highest esteem. None of us will ever forget the dignity with which David de Kretser spoke to the bushfire victims and the work he did on the ground with people in those terrible circumstances. He gave them great hope and support. Also, I might add, Governor de Kretser really put the issue of men's health on the map. His speciality in his scientific career was men's health, particularly prostate cancer, and he really brought that debate into the community, for which men

in Victoria and their partners and families will be eternally grateful.

We have a new governor-elect. In times to come much will be said about Alex Chernov and his charming wife, Elizabeth, and there will be an opportunity for me to speak about them in the future, but I wish them every success in what I know will be an excellent time for Victoria under the guidance of this highly respected person and former judge. His story, like that of David de Kretser, is almost the Victorian story: he is a person who came to this state as a migrant being given an opportunity by Victoria and Australia, grasping it with both hands, using education as a tool and coming to occupy the highest role in the state. Both men are to be commended, and in their own way they will both make huge contributions to Victoria.

I remind the chamber of my seat of Southern Metropolitan Region.

**Mr Lenders** — A good seat.

**Mrs COOTE** — Indeed it is a good seat, and I am sure the Acting President would agree with that. For the benefit of those who are not aware, following the changes in the constitution some years ago, my electorate now covers 11 suburbs: Albert Park, Burwood, Bentleigh, Brighton, Caulfield, Kew, Hawthorn, Prahran, Malvern, Oakleigh and Sandringham. It includes a great diversity of people across all those areas. There are some of the very wealthiest in people in our state in seats such as Malvern, parts of Prahran, certainly Brighton and Hawthorn. We also have people who suffer from homelessness in and around Southbank. The Hanover crisis accommodation and housing support centre is located in Southbank, where it does an excellent job with the homeless and acts as a place of refuge for people in grave situations.

We have a large gay community in Prahran, and its members have issues of their own. It is concerning to see that HIV is becoming more prevalent amongst young men in the gay community. They did not live through the horrors, as many of us did, of the 1980s, when friends and relatives were dying of HIV. At that time the community had enormous interest in HIV, and there was a large amount of research done on it. People changed their behaviour as a consequence. Let me make it very clear: HIV and AIDS have not been cured. Drugs have been found that have put HIV in abeyance, but it certainly has not been cured. I suggest that the members in our area — Mr Lenders, Ms Pennicuik and the rest of us who represent the Southern Metropolitan Region — work with the community to make certain

that young people today understand the issues and concerns associated with this horrendous disease.

We have the very old and the very young. We have a lot of private schools which do an excellent job. We have a number of selective entry schools in the Southern Metropolitan Region, including Melbourne High School and MacRobertson Girls High School. You only have to look at the excellent Victorian certificate of education results published at the end of last year to see just how well the students of the Southern Metropolitan Region did. Of the top 10 schools, 9 were in the Southern Metropolitan Region, including both MacRobertson Girls High School and Melbourne High School as well as a number of Jewish schools. I commend the Jewish community for obtaining such high levels of academic achievement.

Monash University Caulfield campus is in the Southern Metropolitan Region, and it conducts excellent research in IT; however, a former vice-chancellor of Monash University was bemoaning the fact that although a lot of young students are very bright and have some terrific skills in the IT sector, they have no networking skills. One thing I pointed out to him was that a number of retired people who lived just across Dandenong Road from Monash University's Caulfield campus and in and around the Malvern electorate were business leaders and captains of industry. I suggested to him that he bring them together with these students. These retired captains of industry can only play golf so many days of the week, and they were looking for things to do. They were able to help the students with networking and assist them to get into industry and associated areas of work. That is the kind of difference we as members of Parliament can make.

In the last election it was particularly pleasing for me to see my colleague Georgie Crozier join our ranks in the upper house. The way the results ran were as follows: David Davis from the Liberal Party was elected first, then John Lenders from the Labor Party, myself from the Liberal Party, Georgie Crozier from the Liberal Party and Sue Pennicuik from the Greens.

I would like to put on the record my respect for the retiring Labor member for the Southern Metropolitan Region, Jennifer Huppert. Jennifer Huppert came in after taking over from — you could probably call him a fly-by-nighter — Evan Thornley, who came in for 1 minute, looked at the scene and then left. He went off to a so-called 'Better Place'. He got a better offer, decided he was going to leave and left mid-term after seeing the writing on the wall. I would suggest that it was no great loss.



Having said that, we inherited in this chamber Jennifer Huppert. Jennifer Huppert knew that she came in with an enormous challenge. She came into this place, distinguished herself with a great deal of dignity and worked exceedingly hard. Jennifer was a very good colleague to work with, and I would like to put on the record my acknowledgement of her hard work. I hope that she goes on to enjoy her life within the community and that I have the opportunity to work with her again in the community. I know she was particularly highly regarded in the Jewish community.

Notwithstanding this, I am especially delighted that Georgie Crozier has joined the Liberal Party ranks. I know she will have a very long and distinguished career. As those of you who read her inaugural speech will know, Georgie comes from a long line of distinguished politicians, both here and interstate. I know she will be a huge contributor to this chamber over a long period of time.

I had the opportunity to work particularly closely with colleagues in the Assembly seat of Bentleigh. The Liberal Party, in its great wisdom, chose an excellent candidate in Elizabeth Miller. Elizabeth Miller had not been in our party for a very long time, but every so often you come across a person who just 'gets' this job, and Elizabeth Miller is one of those people. She understands the people, she understands the issues and she is not frightened of going and tackling them. The former member for Bentleigh, Rob Hudson, with whom I worked quite effectively and whom I wish well for the future, had forgotten the people. He had forgotten how to talk to the people and he had forgotten what their issues, interests and concerns were.

Elizabeth Miller did a significant amount of doorknocking. She listened to the people of Bentleigh and understood what their concerns were. They were not concerns that were hugely controversial; they were everyday, normal, day-to-day concerns. People wanted to know they could catch the train in comfort and on time, and they wanted to know that the trains were going to be on time so they could spend quality time with their loved ones and families. There would be many a morning when it was either freezing cold, blowing a gale or hot, and Elizabeth would be out there talking to those commuters. She listened firsthand to exactly what they had to say.

Elizabeth went to sporting communities and listened to what they had to say. She talked to them about building new grounds and facilities. Ironically, whatever Elizabeth Miller promised, out would come Mr Hudson with the same promise. He decided to play copycat, but the people of Bentleigh knew better. They

understood that Elizabeth's heart was in it and that she knew what the people wanted. They wanted safety on the streets. If they went to hospital, they wanted to know the facilities to assist them would be there. With her excellent health background Elizabeth was able to talk to people about that issue from a very informed point of view. I know Elizabeth Miller will have a very long and distinguished career. The Liberal Party, the people of Bentleigh and the people of Victoria are very lucky and fortunate to have such a very good member.

Once again I put on the record that I worked very closely with Bob Stensholt, the former member for Burwood, over a very long time. Unlike Mr Hudson, he was out in his electorate doing a number of things. However, I think people in Burwood realised that Bob's time was up and that he could do no more for them.

One of the biggest problems in Burwood was identified by our candidate and the now member for Burwood in the Assembly, Graham Watt. That problem is crime. One crime that reverberated throughout Burwood was the tragic case of an elderly gentleman who was walking around his block for the very last time, after selling his house of 40 or 50 years, to say goodbye to his familiar area before moving to a retirement village. He was murdered in cold blood on a Friday afternoon in the streets of Burwood. This is the sort of thing the people of Burwood would absolutely not condone. Simultaneously the police station in Burwood had been downgraded and police were not on duty. The people of Burwood realised this was not acceptable.

**Mr Ondarchie** — Labor neglect.

**Mrs COOTE** — Mr Ondarchie says 'Labor neglect'. That is exactly what it was. They say, 'Get it right', and the people in Burwood did get it right. I wish Graham Watt the very best for a political career, and I know he will do very well.

The former member for Prahran in the Assembly, Mr Lupton, and I worked in the same area, and I wish him the very best in his future. Having said that, I would have to say he completely lost touch. He was absolutely nowhere to be seen in relation to crime and violence in and around Chapel Street. He shared an office on Chapel Street with the now Leader of the Opposition in this house. On numerous occasions people would try to organise a meeting with Mr Lupton, but he was too busy. He was far too busy being the cabinet secretary and being particularly grand as the cabinet secretary. He was never there for people to approach. In relation to the clearways, I marched in

the streets. We all marched in the streets. We were outside his office with megaphones.

**The ACTING PRESIDENT (Ms Pennicuik)** — Order! The member's time has expired.

**Debate adjourned on motion of Ms PULFORD (Western Victoria).**

**Debate adjourned until next day.**

## ADJOURNMENT

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

That the house do now adjourn.

### Floods: Yarrawonga

**Mr LENDERS** (Southern Metropolitan) — The issue I raise on the adjournment tonight is for the attention of the Minister for Health. On Monday last week I received a phone call at my office from Mr Robert Pilkington of Dunlop Street, Yarrawonga. Mr Pilkington rang me because his ageing mother has had three floods run through her property on Dunlop Street over the last three months. What she saw was leaking stormwater pipes and sewerage pipes. The fluids mingled and rose up the walls of her house.

Her son rang seeking assistance. His first call was to the Minister for Health, thinking the minister would be an appropriate person to ring, but Mr Pilkington was fobbed off to Tim McCurdy, The Nationals member for Murray Valley in the Assembly, who was too busy to come to Dunlop Street because he had to open a tennis tournament. When Mr McCurdy was asked to come after the tennis tournament he said he was busy. However, on the next day he visited a supporter of The Nationals in that street but not the other residents.

The issue was then fobbed off to the Shire of Moira council, which fobbed it off to North East Water. In the meantime Mr Pilkington and the other residents of Dunlop Street were seeking action from the state government to deal with the cracked stormwater and sewerage pipes. Parts of Dunlop Street have sandbags at the front of properties belonging to elderly residents. One of the residents of Dunlop Street has actually built a dyke across their front fence. The residents are seeking action from the state government and ask that it at least show an interest.

Some of the infrastructure in Dunlop Street goes back to the 1930s. Some of it goes back to the 1950s. There have been 13 years of drought, so it is not surprising

that it has not been at the forefront of the minds of the Moira Shire Council or North East Water. However, when a resident of the state rings the Minister for Health seeking urgent action because of sewage in his mother's house I would expect a more prompt response than being flicked off to Tim McCurdy, flicked off to the Shire of Moira and then flicked off to North East Water.

The action I seek — and I am delighted to see the minister is in the house now — is that the minister go, forthwith, to Dunlop Street, Yarrawonga, to inspect the circumstances of these elderly citizens who are seeing contaminated water in their gardens and their houses. If Mr Davis feels he has parliamentary duties that would impede him, I publicly offer him a pair so he can go up tomorrow or Thursday to Dunlop Street and act rather than fob it off to three other bodies.

### Rail: Caroline Springs station

**Ms HARTLAND** (Western Metropolitan) — My adjournment matter today is addressed to the Minister for Public Transport. In October last year site works began for the much-needed new Caroline Springs railway station. The station was due to open next year. However, it has been announced that the project is under review by the new Liberal-Nationals government.

The original commitment to the \$220 million project was made in 2008 after a long community campaign for better public transport in the area. The previous government announced that the station would have Disability Discrimination Act 1992-compliant access, 200 car parking spaces, pick-up bays for buses, a taxi rank, pedestrian and bicycle access and a bike cage. Local residents were pleased by the prospect of improved public transport services, although the V/Line diesel service falls well short of an efficient and frequent electrified service that some other urban areas have.

There is a bus which travels from Caroline Springs to the city, the no. 216, and I catch that bus often, as it goes though West Footscray. However, it takes commuters travelling from Caroline Springs about an hour to travel the 24 kilometres to the city, and the bus runs only every 30 minutes. The population of Caroline Springs is expected to grow to nearly 25 000 within the next 10 years, greatly increasing demand for already underresourced public transport. The Liberal government campaigned on issues of public transport, so its members should understand the importance of a train station to the community in Caroline Springs. My question, and the question of those in the community,

is: how long — or will this turn out to be a South Morang?

I also understand from local media reports that Mr Finn, a Liberal MLC, met with a Cambridge ward councillor last week and said he was unsure when or if funding would be available for the project. Mr Finn was also reported as saying, 'It's hard to say when the project will go ahead at this point in time' and 'We're still working on the finer points of the budget'. It is not good enough for the people living in Caroline Springs, who have the added petrol debt of travel to jobs, schools, study institutions and friends and family outside the area.

The action I ask of the minister is that he not delay construction of the new Caroline Springs station and to inform Melton Shire Council and the community when to expect operational train services.

### **Anglesea River: water quality**

**Mrs PETROVICH** (Northern Victoria) — My matter on the adjournment is for the Minister for Environment and Climate Change. I and other local members have had meetings with various sectors of the community along the Anglesea River, including traders associations and businesspeople.

I note that there are concerns about the river, including about fish kills going back to September 2010, the cause or causes of which there are somewhat different views about. Some blame the drought; some are looking for other reasons. One can only wonder why nothing seems to have been done by the previous government. I would like to congratulate the Baillieu government on its prompt attention to this issue. I understand that there is substantial information available in previous reports and studies. However, in the past no-one seems to have been conclusive about the causes of some of the issues affecting the Anglesea River.

Anglesea is a beautiful part of Victoria to live or holiday in. The Baillieu coalition government is serious about sustainable communities and a healthy environment for all Victorians. In light of this, I would like to ensure that Anglesea remains a wonderful destination for all those who choose to enjoy the area and all it has to offer.

I call on the Minister for Environment and Climate Change to implement an independent inquiry to provide us with accurate and sound data on which to formulate a direction for the future.

### **Schools: Western Victoria Region**

**Ms TIERNEY** (Western Victoria) — Last week I attended a number of discussions in the two fastest growing areas in the electorate of Western Victoria Region, those being the Surf Coast and Wyndham. As most members are aware, significant growth brings significant demands, but education for our young cannot be the sacrificial lamb when it comes to growth. My adjournment matter is directed to the Minister for Education.

In December last year Surf Coast Shire Council finalised its data on population forecasts. It showed that there would be an 8 per cent increase in the number of primary school-age children in the Torquay and Torquay North areas. Currently about 400 babies are born every year in just those areas. That is essentially equivalent every year to the number in a primary school. There is of course expected additional growth on top of that.

Further east, in Wyndham, we have enormous population growth. Wyndham is the fastest growing local government area in Victoria, and the population is expected to reach 158 200 by June. Over the past year there have been 10 new households per week in Wyndham Vale. Now the situation is that there is an enormous growth in the number of primary school-aged children.

I seek from the minister a written explanation of this government's commitment to the provision of a primary school at Torquay North and also what the government's commitment is to a primary school in Wyndham Vale, the cost of each commitment and the time by which each of those schools will be built so that the families in these areas can plan for their children's future.

### **Sunshine College: western campus**

**Mr FINN** (Western Metropolitan) — I wish to raise a matter for the attention of the Minister for Education. I must give due warning to the minister that over the past few weeks I have been very busy visiting a number of schools throughout the western suburbs and that I intend to continue doing so for the duration of this year and beyond. I see Mr Pakula over there screwing up his nose at the prospect that I have been out visiting schools — because that is not something he would ever lower himself to do.

*Honourable members interjecting.*

**Mr FINN** — That is why, I would suggest, his vote dropped so significantly last November.

The schools I have visited over recent weeks have included Strathmore Primary School and Yarraville West Primary School, which surely has to be the smallest in physical size in Victoria. The one I wish to bring to the attention of the minister this evening is the western campus of Sunshine College. I have had considerable contact with the principal, Mr Tim Blunt, and the principal of the western campus, Mr Andrew Pittrakkou. In fact I visited the western campus of Sunshine College just last week. Whilst it is a great school — it has got great results, it has a very high satisfaction rating among the kids and it provides the sort of education that we all should be very proud of — the physical condition of the school is an absolute disgrace. It is far and away the worst school in terms of physical condition that I have seen in my almost 12 years as a member of Parliament.

I went through with the principal of the college and the principal of the campus, and I saw that the roof was sagging in many places. I saw the bare floorboards where the floorcoverings had become disengaged from the floor and other floorcoverings which were clearly very dangerous. I saw walls cracked right down certain buildings, which gave one the indication that those buildings were about to split in two. In fact such is the condition of the school that currently one teacher is on WorkCover — because the roof fell on his head. It is just not good enough in this day and age for a school to be like that.

This school really has to go. It is ready to be bulldozed, they have the plans ready to build a new one, the people of Sunshine need this project and they need it now. I ask the minister to give it the go-ahead for the welfare of the children of Sunshine and the future of their education.

### **Olivia Newton-John Cancer Centre: funding**

**Ms MIKAKOS** (Northern Metropolitan) — My matter is directed to the Minister for Health. It is a shame that he is not here to hear this. I wish to raise my concern that stage 3 of the Olivia Newton-John cancer and wellness centre at the Austin Hospital will not proceed under the coalition government.

Anyone who has been touched by cancer knows how devastating it is for sufferers and their families. The previous Labor government made a major investment in cancer research, including a \$1 billion joint investment with the federal government for the Victorian Comprehensive Cancer Centre in Parkville, and it also pioneered the development of regional cancer centres in Geelong, Ballarat, Bendigo and Traralgon.

The Olivia Newton-John cancer and wellness centre will provide the latest holistic treatment and care to patients, delivering 32 haematology beds, 32 oncology beds and 28 palliative care beds. It will ultimately deliver a comprehensive range of cancer services under the one roof, including services and facilities for cancer treatment, education, training and research, wellness therapies and support services such as meditation, counselling, art and music therapy.

In 2008–09 the Brumby and commonwealth governments, together with Austin Health, invested \$25 million each for the first stage of the centre. In early 2010 the Brumby government announced a \$40 million investment for stage 2a and a further \$28.9 million to complete these works, bringing the total amount to \$93.9 million. At the election Labor committed \$44.7 million towards completing the final stage of the centre. I understand the Minister for Health, Mr David Davis, visited the centre recently but could not commit any funding by this government to this important project.

**Mr Ondarchie** interjected.

**Ms MIKAKOS** — Mr Ondarchie seems to have a lot to say. As a local member I would urge him to be advocating on this issue.

I call on the Minister for Health to urgently commit funding to the Olivia Newton-John cancer and wellness centre at the Austin Hospital to ensure that this important project is completed.

### **Planning: environmental assessment process**

**Mr BARBER** (Northern Metropolitan) — My adjournment matter is for the attention of the Minister for Planning, as the minister responsible for the Environment Effects Act 1978. On 29 July 2009 this house referred a review of the act to the Environment and Natural Resources Committee. Agreement could not be reached on the draft report; not only did the committee fail to reach the 30 August 2010 deadline, but it failed to table the report at all before the 56th Parliament was dissolved. I am requesting that the government initiate another referral under the same terms of reference in order to pick up the work of the previous committee and inform the Parliament of the deficiencies of the current scheme and make recommendations for its effective operation.

The 1978 act was no doubt revolutionary in its time, but time has moved on and the act is now exceedingly inadequate for the task of assessing environmental impacts of development in Victoria. Its most important

inadequacy is that it fails to ensure that community engagement occurs, because the community is both the beneficiary and trustee of the environment as governments come and go.

The environmental impact assessment process is highly discretionary and allows the government to ignore significant environmental impacts, either by declaring that no assessment is necessary or by declaring projects to be environmentally acceptable when plainly they are not. In the past this has been most pronounced in projects where the government is the proponent. I am sure we will not see any more of that in the future! The discretions built into the process create uncertainty, confusion, delays and unnecessary complexities, not to mention costs for the government where it is the proponent.

The discretionary nature of the process has also created a culture of assessment avoidance rather than a culture of referral and compliance as occurs in other jurisdictions. As a result the Victorian process is well below the accepted national and international standards of environmental impact assessment. Victorian practitioners, proponents, conservationists and local communities alike all believe the act and its processes are greatly flawed — I am sure the Plug the Pipe group would agree with me — and in need of an overhaul.

### **Special schools: Officer**

**Mr SCHEFFER** (Eastern Victoria) — I raise a matter for the attention of the Minister for Education, Martin Dixon, concerning the promised establishment of the special school at Officer. I ask the minister to provide me with a commencement date for the construction of the special school and the date when the new school will start taking students. I also ask the minister to guarantee that the site will not be too small and that the special school will be on a dedicated site, not co-located with another facility. I ask the minister to state whether the \$10 million he promised is enough to complete the construction or, if it is not, to state how much additional money is required and give an undertaking that he will include the full amount in the May budget.

The present reality is turning out exactly as Labor representatives predicted. The structure plan is still being developed, the nominated site is too small and a new location is still being considered. The minister will remember that the former Labor member for Gembrook in the Assembly, Tammy Lobato, announced in August last year that the Labor government had agreed to build a special-needs school in Officer. Ms Lobato said at the time that a demographic study was under way to assess

the types of special education required in Casey and Cardinia and also to work out the most suitable location for the new facilities. As I understand it, Ms Lobato and the then Labor government could not be more precise because the proposed site may in the end be shown to be too small, depending on the results of the studies.

The parents of the children with special needs were strongly campaigning — and anxious with an election pending — for a clear financial commitment and insisted on a firm date for construction. They were not happy with a commitment to build within the four-year term of the next government and insisted that the facility be a dedicated special school and not, as I said previously, co-located with another school. Minister Dixon will remember the parents meeting last November that we attended, along with Tammy Lobato and Judith Graley, the member for Narre Warren South in the Assembly, where, to wild applause, he promised \$10 million and everything the parents asked for. Given the studies that were under way and the planning that remained to be done, it would have been irresponsible for the Labor representatives to participate in what was fast becoming an auction. Has the minister advised parents that with the election behind us the urgency to have the school built is receding?

### **Schools: Bannockburn**

**Ms PULFORD** (Western Victoria) — The matter I raise today is for the Minister for Education, Martin Dixon. I recently had the opportunity to meet with the mayor and the CEO of Golden Plains Shire Council, Ms Geraldine Frantz and Mr Rod Nicholls, to discuss a number of issues of interest to that municipality. In that discussion they identified their no. 1 priority as the construction of the Bannockburn prep to year 9 school.

As members may know, Bannockburn is experiencing rapid population growth and has the highest percentage population of 0 to 4-year-olds in Victoria. The school catchment population is predicted to increase by 59 per cent by 2030, from 1600 to 2550 students. The project is designed to accommodate prep to year 9 students and also includes a second Bannockburn kindergarten to meet existing demand.

Stage 5 planning of the Bannockburn school is now complete, with the next step being the purchase of land to accommodate the school. A site has been identified in an area where there is great growth in the number of dwellings. Whilst it looks a little like an open space at the moment, it is not hard to see how the population is going to grow in this area and how in years to come this very young community will need important services like schools.

The project was budgeted for in the 2010–11 year, but there were protracted negotiations between the Department of Education and Early Childhood Development's property division and the landowner and developer operating in the area, which meant that the project was not able to officially commence.

The Shire of Golden Plains is seeking from the new state government an assurance that it is committed to this project, which is of high priority to the community. Ministerial support is also requested by the shire to facilitate the purchase of the required land. The action I seek on this occasion is that the minister give this important issue his urgent consideration and advise the Shire of Golden Plains, and I would be grateful for his advice as well, of his intentions in relation to progressing the planned P-9 school for Bannockburn's rapidly growing community.

### **Aviation industry: Geelong**

**Mr KOCH** (Western Victoria) — The issue I wish to raise this evening focuses on Avalon Airport and the opportunities it affords to all Victorians, especially those in the west of the state. The Baillieu government recognises the importance of Geelong and its position as a centre of aviation excellence. Last Friday I attended the launch of the Avalon International Airshow with the Premier, along with the Minister for Manufacturing, Exports and Trade, Mr Dalla-Riva, and the Minister responsible for the Aviation Industry, Mr Rich-Phillips. It is an exciting and innovative event that highlights industry best standards and technology while attracting thousands of interstate and international visitors to the Geelong region.

The Geelong region remains one of the state's greatest assets, particularly in relation to the potential for Avalon to be Victoria's second international airport and its ability to accommodate additional aviation events and to house further regional aviation infrastructure. The potential of Avalon, despite its accessibility from Melbourne and western Victoria, was ignored by the previous government for over a decade. Building on Geelong's growing reputation as a centre for aviation, in November 2010 Premier Ted Baillieu announced the coalition's intention to bid for the world-famous Red Bull Air Race. If Victoria's bid is successful, it will further enhance Geelong and Victoria as tourist destinations, attracting thousands of spectators and a worldwide television audience in excess of 100 million people. On gaining this opportunity, an investment of approximately \$4 million will result in a \$20 million windfall for the Geelong region.

The Minister responsible for the Aviation Industry is also investigating opportunities to establish a new regional airport at a site near Geelong to replace the existing airport at Grovedale, which is due to close in mid-2011. This is a fantastic initiative that will benefit the whole community, especially in satisfying the needs of general, recreational and emergency service aviation requirements within the city of Greater Geelong and the surrounding areas.

The Baillieu government is serious about ensuring that the Geelong region takes advantage of all available opportunities to make it a centre of aviation excellence. The Premier's pledge to provide Avalon with a dedicated train line and station linking the airport to both Geelong and Melbourne will pave the way for its continued growth. The coalition's plan for Avalon and the benefits it will deliver to Geelong in aviation, tourism and business opportunities have been well thought out and planned accordingly. Crucial to these plans is the provision for a direct fuel line connection linking Avalon to the Geelong Shell refinery. This will remove the bulk fuel tankers that currently service the airport via Geelong-Melbourne Road and will offer safer passage to all vehicles using Victoria's premium regional highway.

My request to the Minister responsible for the Aviation Industry is to continue to inform the Geelong community about his progress to reaffirm Geelong as a centre of aviation excellence.

### **National Jockeys Trust: funding**

**Hon. M. P. PAKULA** (Western Metropolitan) — I wish to raise a matter for the Minister for Racing, Dr Napthine, and it concerns the National Jockeys Trust, which is a very important charity fund set up to help seriously injured jockeys and the families of jockeys killed in racing accidents. Over the last few years I have had the privilege of attending some National Jockeys Trust events. There are people involved in the trust whom I have known and respected for many years, including the chairman of the Australian Jockeys Association, Ross Inglis, and Greg Sword.

The racing industry is important to this state for many reasons — as an employer, a driver of tourism, a sport and a place where people meet their friends and relax — but none of it would be possible without the jockeys. We have to remember that these are generally 52 or 53-kilogram men and women sitting on the backs of 550-kilogram beasts and travelling at something like 60 kilometres an hour — or faster if you are talking about Black Caviar — with 10 or 15 other

550-kilogram beasts around going just as quickly. It is an extremely dangerous occupation.

While the Glenn Bosses, Craig Williamses and Damien Olivers of this world make a great living as jockeys, there are many others — midweek hoops and bush hoops — who just get by. When a jockey is badly injured in a race fall, like Ray Silburn or Dan Brereton were, or even worse if they are killed, like Jason Oliver and many others have been, life becomes a massive struggle either for the injured jockey or for the family left behind.

That is where the National Jockeys Trust comes in. Since 2005 the trust has paid out something like \$800 000 to 90 riders. Those payments are modest, and right now the trust has around \$650 000 left in it. The trust is always out fundraising, and it receives minimal support from the industry or from government. The trust desperately needs to get some critical mass in its coffers — some one-off seed funding — from state governments so that it can stop living hand to mouth. I understand the chief executive officer of the trust, Paul Innes, plans to make a presentation to the next racing ministers conference seeking something like \$1 million from each of the eastern seaboard states and a bit less from the others.

I do not suggest that Victoria should go it alone, but Minister Napthine has expressed his desire to have a national approach to product fees. This is another issue where I ask the minister to work with the other state racing ministers to get an agreement that all states contribute to the National Jockeys Trust so that the trust can undertake the important work that it does with confidence about its future.

### Responses

**Hon. R. A. DALLA-RIVA** (Minister for Employment and Industrial Relations) — There were in fact 11 matters raised. Mr Lenders raised a matter for the Minister for Health relating to stormwater pipes.

**Mr Lenders** — On a point of order, President, I thought it was a policy of the new government for ministers to respond to their own adjournment matters. My issue is for Mr Davis. We have heard for a long, long time about the importance of this from him. I would urge you to call him into the chamber.

**The PRESIDENT** — Order! There is no requirement in the standing orders that I am aware of for me to call the minister into the chamber. It is an interesting request, given the previous government's position, where it frequently had only one minister —

always had only one minister — in the chamber during the adjournment debate. On this occasion I noticed that for a fair part of the adjournment debate we actually had two ministers in the chamber, because Mr Guy was here as well as the minister at the table.

There is no point of order. I do not require Mr Davis to come in. As I understand it, Mr Dalla-Riva may well address matters that have been raised on behalf of the government, but there is obviously also an opportunity for the minister to consider further those responses.

**Hon. R. A. DALLA-RIVA** — Mr Lenders raised a matter for the Minister for Health. It related to cracked water pipes and the concern about them. I will take this on notice. I am not sure if it is relevant for the Minister for Health, but I will refer it to the relevant minister for response as required.

Ms Hartland raised an issue for the Minister for Public Transport regarding the Caroline Springs railway station and the actions sought through the Melton Shire Council and others. I will refer that on to the Minister for Public Transport in relation to those time lines.

Mrs Petrovich raised an issue for the Minister for Environment and Climate Change regarding the Anglesea River, and Anglesea in particular, and the lack of work done on this issue by the former government. I acknowledge the commitment she is putting forward and the request for the minister to implement an independent inquiry. I will refer that to the Minister for Environment and Climate Change.

Ms Tierney raised an issue for the Minister for Education regarding the Surf Coast Shire Council and the Wyndham City Council and schools for primary school-aged children. What she recognised was the lack of infrastructure from the former government. I will certainly write to — —

**Ms Tierney** — On a point of order, President, it is my understanding that there is not to be a commentary by the minister and that he is to refer the matter, without commentary.

**The PRESIDENT** — Order! Again, on the point of order — —

**Mr Leane** — A good point of order.

**The PRESIDENT** — Order! It is not such a good point of order, but I thank Mr Leane for his help. I am sure it was intended to be good. As I have indicated previously, the more information that ministers can provide on these matters on the adjournment debate the more benefit there is to the house. The point

Ms Tierney made related to whether or not the minister was reflecting on the opposition in the remarks that he made. In the context of his answer on this occasion I do not think he has overstepped the mark at this point, but certainly I expect responses to be directed to the matters raised and not to overtly criticise previous administrations, where that is unnecessary in terms of discussing the merits of an item raised by a member. At this point I do not believe Mr Dalla-Riva has unduly trespassed beyond that mark, and in that sense I do not accept the point of order on this occasion.

**Hon. R. A. DALLA-RIVA** — As I indicated, Ms Tierney raised a matter for the Minister for Education regarding Surf Coast Shire and the Wyndham City Council. My notes are that she was recognising the lack of infrastructure in terms of some of the school builds that have been undertaken. She is seeking some guidance from the current minister on that. I will refer those matters to the minister for his attention.

Mr Finn, as usual, has raised an erudite adjournment matter for the attention of the Minister for Education. He has acknowledged visiting schools in his electorate at Strathmore and at Yarraville, and in particular he is concerned about the physical condition of the western campus of Sunshine College — the cracked walls and the roofs falling down — which is probably an indictment of a previous government. He is asking the Minister for Education to go ahead and rebuild it. I will refer that matter on to the minister.

Ms Mikakos raised for the Minister for Health a matter regarding the Olivia Newton-John cancer institute and the project completion. I will refer that matter on to the minister for his reply.

Mr Barber raised an issue for the Minister for Planning regarding the Environment Effects Act 1978. Am I getting it joined together? He is nodding, for the record. The action he is seeking is the overhaul of that act. I will certainly refer that matter on to the Minister for Planning.

Mr Scheffer raised an issue about a school in Officer for the Minister for Education. We heard about some issues around the pre-election dummy spit, but I will refer that on to the Minister for Education.

Ms Pulford also raised an issue for the Minister for Education, again running the current theme of the former government failing to deliver on projects. I will refer that matter on to the Minister for Education.

Mr Koch raised a very important issue about Avalon Airport for the Minister responsible for the Aviation

Industry. It is in regard to the importance of Avalon as a second international airport. He also raised issues about the regional airport and its general recreational and domestic use for that region. I will certainly forward that on to the minister.

Mr Pakula raised an issue for the Minister for Racing regarding the National Jockeys Trust. What he has raised is an important issue, I agree. The action sought is for Dr Naphthine, the minister responsible, to work with other state ministers on this important trust. I will definitely refer that matter on to the minister.

I have a written response to the adjournment debate matter raised by Mr Leane on 9 February 2011.

**The PRESIDENT** — Order! The house now stands adjourned.

**House adjourned 5.24 p.m.**



**Attorney-General**

- 1 MAR 2011

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Our ref: D11/34811

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

Dear Mr Tunnecliffe

**ORDER FOR DOCUMENTS - FUNDING AGREEMENT BETWEEN THE STATE OF VICTORIA AND HRL LIMITED**

I refer to the Legislative Council's resolution of 9 February 2011, seeking the production of:

*"a copy of documents detailing the funding agreement (and any amendments to the original agreement) between the State of Victoria and HRL Limited, provided under the energy technology innovation strategy (ETIS)."*

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

In this case, I wish to draw to the Legislative Council's attention that the documents sought contain sensitive financial and commercial information and proprietary intellectual property. HRL considers, and the Government agrees, that the public release of this information would materially damage the interests of HRL, including by prejudicing its position in ongoing funding negotiations with the Commonwealth Government. A copy of a letter from HRL, outlining their concern about the possible release of the documents, is enclosed for your information.

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

Yours sincerely

**ROBERT CLARK MP**  
Attorney-General

28/2/11



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25 February 2011

The Hon Michael O'Brien MP  
Minister for Energy and Resources  
1 Spring Street  
Melbourne VIC 3000

Dear Minister

**Motion passed in Legislative Council on 9 February 2011**

I refer to the motion passed requiring the Leader of the Government to table in the Council, by 12.00 noon on Tuesday 1 March 2011, a copy of documents detailing the funding agreement (and any amendments to the original agreement) between the State of Victoria and HRL Limited (**HRL**), provided under the Energy Technology Innovation Strategy (**Motion**).

HRL and related companies are party to agreements that may fall within the scope of the Motion.

The terms of these agreements have not previously been made public.

These documents contain sensitive financial and commercial information and proprietary intellectual property of the company, which was provided on the basis that it would be kept confidential.

The public release of this information, particularly at this time, would materially damage the interests of the company, including by prejudicing its position in current negotiations with a number of parties including the Commonwealth Government, (in conjunction with the Victorian government).

Yours sincerely

Gordon Carter  
Managing Director  
HRL Limited