

**PARLIAMENT OF VICTORIA**

**PARLIAMENTARY DEBATES  
(HANSARD)**

**LEGISLATIVE ASSEMBLY  
FIFTY-SEVENTH PARLIAMENT  
FIRST SESSION**

**Book 1**

**Tuesday, 21 December 2010**

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## **The Governor**

Professor DAVID de KRETSER, AC

## **The Lieutenant-Governor**

The Honourable Justice MARILYN WARREN, AC

## **The ministry**

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

**Heads of parliamentary departments**

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

*Council* — Clerk of the Legislative Council: Mr W. R. Tunnecliffe

*Parliamentary Services* — Secretary: Mr P. Lochert

**MEMBERS OF THE LEGISLATIVE ASSEMBLY**  
**FIFTY-SEVENTH PARLIAMENT — FIRST SESSION**

**Speaker:** The Hon. K. M. SMITH

**Deputy Speaker:** Mrs C. A. FYFFE

**Leader of the Parliamentary Liberal Party and Premier:**  
The Hon. E. N. BAILLIEU

**Deputy Leader of the Parliamentary Liberal Party:**  
The Hon. LOUISE ASHER

**Leader of The Nationals and Deputy Premier:**  
The Hon. P. J. RYAN

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

**Leader of the Parliamentary Labor Party and Leader of the Opposition:**  
The Hon. D. M. ANDREWS

**Deputy Leader of the Parliamentary Labor Party and Deputy Leader of the Opposition:**  
The Hon. R. J. HULLS

Member	District	Party	Member	District	Party
Allan, Ms Jacinta Marie	Bendigo East	ALP	Languiller, Mr Telmo Ramon	Derrimut	ALP
Andrews, Mr Daniel Michael	Mulgrave	ALP	Lim, Mr Muy Hong	Clayton	ALP
Angus, Mr Neil Andrew Warwick	Box Hill	LP	Madden, Mr Justin Mark	Essendon	ALP
Asher, Ms Louise	Brighton	LP	McCurdy, Mr Timothy Logan	Murray Valley	Nats
Baillieu, Mr Edward Norman	Hawthorn	LP	McIntosh, Mr Andrew John	Kew	LP
Barker, Ms Ann Patricia	Oakleigh	ALP	McLeish, Ms Lucinda Gaye	Seymour	LP
Battin, Mr Bradley William	Gembrook	LP	Merlino, Mr James Anthony	Monbulk	ALP
Bauer, Mrs Donna Jane	Carrum	LP	Miller, Ms Elizabeth Eileen	Bentleigh	LP
Beattie, Ms Elizabeth Jean	Yuroke	ALP	Morris, Mr David Charles	Mornington	LP
Blackwood, Mr Gary John	Narracan	LP	Mulder, Mr Terence Wynn	Polwarth	LP
Brooks, Mr Colin William	Bundoora	ALP	Napthine, Dr Denis Vincent	South-West Coast	LP
Brumby, Mr John Mansfield <sup>1</sup>	Broadmeadows	ALP	Nardella, Mr Donato Antonio	Melton	ALP
Bull, Mr Timothy Owen	Gippsland East	Nats	Neville, Ms Lisa Mary	Bellarine	ALP
Burgess, Mr Neale Ronald	Hastings	LP	Newton-Brown, Mr Clement Arundel	Prahran	LP
Campbell, Ms Christine Mary	Pascoe Vale	ALP	Noonan, Mr Wade Mathew	Williamstown	ALP
Carbines, Mr Anthony Richard	Ivanhoe	ALP	Northe, Mr Russell John	Morwell	Nats
Clark, Mr Robert William	Box Hill	LP	O'Brien, Mr Michael Anthony	Malvern	LP
Crisp, Mr Peter Laurence	Mildura	Nats	Pallas, Mr Timothy Hugh	Tarneit	ALP
D'Ambrosio, Ms Liliana	Mill Park	ALP	Pandazopoulos, Mr John	Dandenong	ALP
Delahunty, Mr Hugh Francis	Lowan	Nats	Perera, Mr Jude	Cranbourne	ALP
Dixon, Mr Martin Francis	Nepean	LP	Pike, Ms Bronwyn Jane	Melbourne	ALP
Donnellan, Mr Luke Anthony	Narre Warren North	ALP	Powell, Mrs Elizabeth Jeanette	Shepparton	Nats
Duncan, Ms Joanne Therese	Macedon	ALP	Richardson, Ms Fiona Catherine Alison	Northcote	ALP
Edwards, Ms Janice Maree	Bendigo West	ALP	Ryall, Ms Deanne Sharon	Mitcham	LP
Eren, Mr John Hamdi	Lara	ALP	Ryan, Mr Peter Julian	Gippsland South	Nats
Foley, Mr Martin Peter	Albert Park	ALP	Scott, Mr Robin David	Preston	ALP
Fyffe, Mrs Christine Ann	Evelyn	LP	Shaw, Mr Geoffrey Page	Frankston	LP
Garrett, Ms Jane Furneaux	Brunswick	ALP	Smith, Mr Kenneth Maurice	Bass	LP
Gidley, Mr Michael Xavier Charles	Mount Waverley	LP	Smith, Mr Ryan	Warrandyte	LP
Graley, Ms Judith Ann	Narre Warren South	ALP	Southwick, Mr David James	Caulfield	LP
Green, Ms Danielle Louise	Yan Yean	ALP	Sykes, Dr William Everett	Benalla	Nats
Halfpenny, Ms Bronwyn	Thomastown	ALP	Thompson, Mr Murray Hamilton Ross	Sandringham	LP
Helper, Mr Jochen	Ripon	ALP	Thomson, Ms Marsha Rose	Footscray	ALP
Hennessy, Ms Jill	Altona	ALP	Tilley, Mr William John	Benambra	LP
Herbert, Mr Steven Ralph	Eltham	ALP	Trezise, Mr Ian Douglas	Geelong	ALP
Hodgett, Mr David John	Kilsyth	LP	Victoria, Mrs Heidi	Bayswater	LP
Holding, Mr Timothy James	Lyndhurst	ALP	Wakeling, Mr Nicholas	Ferntree Gully	LP
Howard, Mr Geoffrey Kemp	Ballarat East	ALP	Walsh, Mr Peter Lindsay	Swan Hill	Nats
Hulls, Mr Rob Justin	Niddrie	ALP	Watt, Mr Graham Travis	Burwood	LP
Hutchins, Ms Natalie Maree Sykes	Keilor	ALP	Weller, Mr Paul	Rodney	Nats
Kairouz, Ms Marlene	Kororoit	ALP	Wells, Mr Kimberley Arthur	Scoresby	LP
Katos, Mr Andrew	South Barwon	LP	Wooldridge, Ms Mary Louise Newling	Doncaster	LP
Knight, Ms Sharon Patricia	Ballarat West	ALP	Wreford, Ms Lorraine Joan	Mordialloc	LP
Kotsiras, Mr Nicholas	Bulleen	LP	Wynne, Mr Richard William	Richmond	ALP

<sup>1</sup> Resigned 21 December 2010



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**Tuesday, 21 December 2010**

**OPENING OF PARLIAMENT BY  
COMMISSION**

**Proceedings commenced at 11.04 a.m. by the Clerk reading the Governor's proclamation convening Parliament.**

**The Commissioner, the Honourable Justice Christopher Maxwell, entered chamber and was conducted to chair by the Serjeant-at-Arms.**

**Commission authorising commissioners to open Parliament read by the Clerk**

**SWEARING IN OF MEMBERS**

**Commission appointing the Honourable Justice Christopher Maxwell to administer oath or affirmation of allegiance to members of the Legislative Assembly read by the Clerk.**

**The Clerk announced receipt of return of writ issued by the Governor for election of 88 members to serve for electoral districts set out below and endorsed to show election of following members:**

<b>District</b>	<b>Member</b>		
Albert Park	Martin Foley	Caulfield	David Southwick
Altona	Jill Hennessy	Clayton	Hong Lim
Ballarat East	Geoff Howard	Cranbourne	Jude Perera
Ballarat West	Sharon Knight	Dandenong	John Pandazopoulos
Bass	Ken Smith	Derrimut	Telmo Languiller
Bayswater	Heidi Victoria	Doncaster	Mary Wooldridge
Bellarine	Lisa Neville	Eltham	Steve Herbert
Benalla	Bill Sykes	Essendon	Justin Madden
Benambra	Bill Tilley	Evelyn	Christine Fyffe
Bendigo East	Jacinta Allan	Ferntree Gully	Nick Wakeling
Bendigo West	Maree Edwards	Footscray	Marsha Thomson
Bentleigh	Elizabeth Miller	Forest Hill	Neil Angus
Box Hill	Robert Clark	Frankston	Geoff Shaw
Brighton	Louise Asher	Geelong	Ian Trezise
Broadmeadows	John Brumby	Gembrook	Brad Battin
Brunswick	Jane Garrett	Gippsland East	Tim Bull
Bulleen	Nicholas Kotsiras	Gippsland South	Peter Ryan
Bundoora	Colin Brooks	Hastings	Neale Burgess
Burwood	Graham Watt	Hawthorn	Ted Baillieu
Carrum	Donna Bauer	Ivanhoe	Anthony Carbines
		Keilor	Natalie Hutchins
		Kew	Andrew McIntosh
		Kilsyth	David Hodgett
		Kororoit	Marlene Kairouz
		Lara	John Eren
		Lowan	Hugh Delahunty
		Lyndhurst	Tim Holding
		Macedon	Joanne Duncan
		Malvern	Michael O'Brien
		Melbourne	Bronwyn Pike
		Melton	Don Nardella
		Mildura	Peter Crisp
		Mill Park	Lily D'Ambrosio
		Mitcham	Dee Ryall
		Monbulk	James Merlino
		Mordialloc	Lorraine Wreford
		Mornington	David Morris
		Morwell	Russell Northe
		Mount Waverley	Michael Gidley
		Mulgrave	Daniel Andrews
		Murray Valley	Tim McCurdy
		Narracan	Gary Blackwood
		Narre Warren North	Luke Donnellan
		Narre Warren South	Judith Graley

Nepean	Martin Dixon
Niddrie	Rob Hulls
Northcote	Fiona Richardson
Oakleigh	Ann Barker
Pascoe Vale	Christine Campbell
Polwarth	Terry Mulder
Prahran	Clem Newton-Brown
Preston	Robin Scott
Richmond	Richard Wynne
Ripon	Joe Helper
Rodney	Paul Weller
Sandringham	Murray Thompson
Scoresby	Kim Wells
Seymour	Lucinda McLeish
Shepparton	Jeanette Powell
South Barwon	Andrew Katos
South-West Coast	Denis Napthine
Swan Hill	Peter Walsh
Tarneit	Tim Pallas
Thomastown	Bronwyn Halfpenny
Warrandyte	Ryan Smith
Williamstown	Wade Noonan
Yan Yean	Danielle Green
Yuroke	Liz Beattie

**Members, except the honourable members for Broadmeadows and Ripon, who were not present, took and subscribed oath or affirmation as required by law.**

**The Commissioner withdrew.**

## ELECTION OF SPEAKER

**Ms ASHER** (Minister for Innovation, Services and Small Business) — I propose the member for Bass, Ken Smith, as Speaker of the Legislative Assembly, and I move:

That the member for Bass take the chair of this house as Speaker.

**Dr NAPHTHINE** (Minister for Ports) — It is with much pleasure that I second the motion for Ken Smith, the member for Bass, to be Speaker of the house.

**Mr K. SMITH** (Bass) — I am honoured to accept the nomination.

**Motion agreed to.**

**The Clerk declared the honourable member for Bass duly elected as Speaker.**

**Mr K. Smith conducted to chair by proposer and seconder.**

**The SPEAKER (Hon. K. M. Smith)** — To all members of this house, I am truly humbled by the great honour that you have bestowed upon me today by electing me the Speaker of the 57th Parliament.

Earlier today we were all sworn in to represent constituents across Victoria. They elected us because they believed we will best represent their views, their opinions and their desires. You have elected me and given me the responsibility of ensuring that you have the right to be heard and to represent your constituents' views fairly and equitably. Although I am a proud member of the Liberal Party, I undertake to carry out all of my duties and responsibilities independently of any political affiliations.

I congratulate the Premier and the Leader of the Opposition on being selected and elected by their peers to lead their respective parties, and I look forward to working with them in the future. I pay tribute to the previous Speaker, Jenny Lindell, and I thank her for the dignity and respect she showed to all members of Parliament and particularly for the tolerance she showed to me over the past four years. I also thank my wife and family, who are here today, for the ongoing support they have given me over many years. Their support has been very greatly appreciated. I thank all members for this honour, and I look forward to working with them in the next four years.

**Mr BAILLIEU** (Premier) — Speaker, first of all I congratulate you on your appointment and election as Speaker, and I wish you well for the term ahead. As I have said before, the office of Speaker is one of immense significance to our parliamentary system and to Westminster democracy. It is an office of authority, stature, equity and balance, and it is a symbol of democracy. It is an office that requires experience, wisdom, decisiveness, fair play and a fair go.

Speaker, you have been a member of this Parliament for 22 years. You have been a member of this chamber as the member for Bass and its predecessor since 2002. You have the experience, you have the wisdom, you have the faith of this Parliament and you have the faith of this chamber. I look forward to working with you to ensure the safekeeping of this house, and I will be overjoyed to have you as a voice on my left rather than a voice on my right, as has previously been the case. Your shy, retiring ways are well known to this house.

Speaker, you have attracted great faith from the chamber, and you have given great faith to the Parliament in recent years. I am sure that will continue, but we all share in the responsibility for the good conduct and the stewardship of this chamber. We undertake to do what we can to ensure that this chamber and this Parliament operate as they should. The community has high expectations of this Parliament and of our Speaker. I am sure, Speaker, you will do the job exceptionally well.

I take this opportunity, as you have, Speaker, to thank Jenny Lindell, the previous Speaker, for her stewardship of the Parliament. I wish her well in the future.

Again, Speaker, on behalf of the Liberal Party I congratulate you on your election, and I look forward to working with you.

**Mr RYAN** (Minister for Police and Emergency Services) — Speaker, I rise on behalf of The Nationals to congratulate you on your election to high office. As a passionate believer in the democratic system and the ways of this Parliament, I recognise and respect the office that you now hold, and on behalf of The Nationals I undertake to give you that ongoing support. The official duties you are now to discharge bring with them an enormous amount of responsibility, and in many ways they are extraordinarily onerous. It is therefore important that the person who occupies the position now filled by you, Speaker, be someone of vast experience in the ways of this Parliament and its many traditions, and in you that wisdom and experience rest.

It is also important to have in the Chair someone who is aware of the occasional capacity for the chamber to conduct itself in an extraordinarily robust way. In you, Speaker, we have someone who is well accustomed to those many mannerisms, and so it is that I, on behalf of The Nationals and I am sure all members, congratulate you on your election.

I join the Premier in paying tribute to the previous Speaker and to the many others who for the more than 150 years of this Parliament have carried out the important role which now falls to you. I assure you of my ongoing support and respect and that of my party in the course of the coming four years.

**Mr ANDREWS** (Leader of the Opposition) — I am pleased to rise on behalf of the Parliamentary Labor Party and to join with the Premier and the Deputy Premier in offering our sincere congratulations to you, Speaker, on your elevation to such high office. It is a

great honour to be chosen by this house to preside over it. The work we do here — the business of this chamber — is so important to every single Victorian, and to be entrusted with the role you now occupy does you great credit. It is a great commentary on your 22 years in both this chamber and the Legislative Council, and you can rest assured that whilst we may from time to time call upon you for the protection that those on this side of the house often need — —

*Honourable members interjecting.*

**Mr ANDREWS** — Often but not too often, one hopes — we will always work with you to ensure that this chamber is the best it can be. That is what our electorates demand of us; it is what the Victorian community demands of us. My having said that, I am sure you will indulge me for just one moment as I point out that it is often said that poachers make the best gamekeepers. If that be so, Speaker, yours will be a truly glorious reign. I wish you well.

I will just pick up on a comment that the Premier made. You, Speaker, have been called many things, but a voice on the left is probably not one of them. We do wish you well.

I want to join with the Premier, the Deputy Premier and you in extending our best wishes to Jenny Lindell, noting her great work, her impartiality and the courtesy she demonstrated in her four years in that chair.

To you, Speaker, on behalf of the Parliamentary Labor Party: well done and congratulations. You should be abundantly proud, and we wish you well.

## ELECTION OF DEPUTY SPEAKER

**Mr MULDER** (Minister for Public Transport) — I propose the member for Evelyn, Christine Fyffe, as Deputy Speaker, and I move:

That the member for Evelyn be appointed Deputy Speaker of this house.

**Mr O'BRIEN** (Minister for Gaming) — I am honoured to second the motion.

**The SPEAKER** — Order! Does the member for Evelyn accept the nomination?

**Mrs FYFFE** (Evelyn) — I am honoured to accept the nomination.

**Motion agreed to.**

**The Speaker declared the honourable member for Evelyn duly elected as Deputy Speaker.**

**Mr BAILLIEU (Premier)** — I have to inform the house that I have already ascertained that the Governor will be pleased to receive the Speaker in the library at Parliament House today at 2.10 p.m. I would like as many members as possible to assemble in the Premier's corridor at 2.05 p.m. to accompany the Speaker.

**Sitting suspended 11.44 a.m. until 2.32 p.m.**

**The SPEAKER resumed the chair and read the prayer.**

### PRESENTATION OF SPEAKER TO GOVERNOR

**The SPEAKER** — Order! I wish to advise that today I presented myself to the Governor as the choice of this Assembly and that he was pleased to address me in the following terms:

Speaker,

I have pleasure in congratulating you on your election to the high and important office of Speaker of the Legislative Assembly.

The able manner in which you have discharged the duties you have undertaken during your parliamentary career is recognised by the members of the Legislative Assembly who in their wisdom have selected you as their Speaker.

I have confidence that you will fulfil the duties of this distinguished office and hold fast to its traditions and customs.

David de Kretser, AC  
Governor of Victoria

### GOVERNOR'S SPEECH

**The Usher of the Black Rod brought a message from the Governor desiring the attendance of honourable members in the Legislative Council chamber.**

**Members, led by the Speaker, proceeded to the Legislative Council chamber.**

**Sitting suspended 3.09 p.m. until 5.04 p.m.**

### COMMISSION TO ADMINISTER OATH OR AFFIRMATION TO MEMBERS

**The SPEAKER announced receipt from the Governor of commission authorising him to**

**administer prescribed oath or affirmation of allegiance to any member of the Legislative Assembly who has not already taken and subscribed the same since his or her election to the Legislative Assembly.**

### SWEARING IN OF MEMBER

**The honourable member for Ripon took and subscribed the affirmation of allegiance as required by law.**

### RESIGNATION OF MEMBER

#### Member for Broadmeadows

**The SPEAKER** — Order! I wish to announce that today I received notice of the resignation of the member for Broadmeadows.

### MINISTRY

**Mr BAILLIEU (Premier)** — I wish to inform the house of responsibilities that will be undertaken by ministers in this Parliament on behalf of the government. In the Legislative Assembly, I, the member for Hawthorn, am the Premier and Minister for the Arts. The honourable member for Gippsland South is Deputy Premier, Minister for Police and Emergency Services, Minister for Bushfire Response and Minister for Regional and Rural Development. The honourable member for Brighton is Minister for Innovation, Services and Small Business and Minister for Tourism and Major Events. She will answer for the Minister for Manufacturing, Exports and Trade in the Council.

The honourable member for Box Hill is Attorney-General and Minister for Finance. He will answer for the Minister for Employment and Industrial Relations and the Minister for Planning in the Council. The honourable member for Lowan is Minister for Sport and Recreation and Minister for Veterans' Affairs. He will answer for the Minister for Housing in the Council. The honourable member for Nepean is Minister for Education. He will answer for the Minister for Higher Education and Skills and Minister responsible for the Teaching Profession in the Council. The honourable member for Bulleen is Minister for Multicultural Affairs and Citizenship. He will answer for the Minister responsible for the Aviation Industry in the Council.

The honourable member for Kew is Minister for Corrections, Minister for Crime Prevention and

Minister responsible for the establishment of an anti-corruption commission. The honourable member for Polwarth is Minister for Public Transport and Minister for Roads. The honourable member for South-West Coast is Minister for Ports, Minister for Major Projects, Minister for Regional Cities and Minister for Racing.

The honourable member for Malvern is Minister for Gaming, Minister for Consumer Affairs and Minister for Energy and Resources. He will answer for the Minister for Technology in the Council. The honourable member for Shepparton is Minister for Local Government and Minister for Aboriginal Affairs. The honourable member for Warrandyte is Minister for Environment and Climate Change and Minister for Youth Affairs. The honourable member for Swan Hill is Minister for Agriculture and Food Security and Minister for Water.

The honourable member for Scoresby is Treasurer, and he will answer for the Assistant Treasurer in the Council. The honourable member for Doncaster is Minister for Mental Health, Minister for Women's Affairs and Minister for Community Services. She will answer for the Minister for Children and Early Childhood Development in the Council.

In the Legislative Council the Honourable David Davis is Leader of the Government, Minister for Health and Minister for Ageing. The Honourable Richard Dalla-Riva is Minister for Employment and Industrial Relations and Minister for Manufacturing, Exports and Trade. The Honourable Matthew Guy is Minister for Planning. The Honourable Peter Hall is Minister for Higher Education and Skills and Minister responsible for the Teaching Profession. The Honourable Wendy Lovell is Minister for Housing and Minister for Children and Early Childhood Development. The Honourable Gordon Rich-Phillips is Assistant Treasurer, Minister for Technology and Minister responsible for the Aviation Industry.

I also report that the member for Kilsyth is Cabinet Secretary and Government Whip. In the Legislative Council a member for South Eastern Metropolitan Region, Inga Peulich, is party secretary.

## SHADOW MINISTRY

**Mr ANDREWS** (Leader of the Opposition) — I am pleased to inform the house of the responsibilities and portfolio allocations for the Parliamentary Labor Party in this house and in the Legislative Council. I will have responsibility as Leader of the Parliamentary Labor

Party and Leader of the Opposition, shadow Minister for Veterans' Affairs, shadow minister for multicultural affairs and shadow minister for children and young adults. The member for Niddrie is Deputy Leader of the Parliamentary Labor Party, Deputy Leader of the Opposition and shadow Minister for Education. The member for Bendigo East is manager of opposition business, shadow Minister for Regional and Rural Development, shadow Minister for Bushfire Response and shadow Minister for Roads.

The member for Mill Park is shadow minister for consumer protection, shadow minister for energy, shadow minister for the cost of living and shadow minister for the suburbs. The member for Narre Warren North is shadow minister for child safety and shadow Minister for Sport and Recreation. The member for Yan Yean is shadow minister for emergency services, shadow minister for disability services, shadow minister for health promotion and shadow minister for volunteers. The member for Altona is shadow Minister for Corrections, shadow Minister for Crime Prevention, shadow minister for the anticorruption commission and shadow minister for women.

The member for Eltham is shadow minister for higher education, shadow minister for skills and apprenticeships and shadow minister for the teaching profession. The member for Lyndhurst is shadow Treasurer and shadow minister for industry. The member for Essendon is shadow minister for innovation, shadow minister for small business and shadow Minister for Tourism and Major Events.

The member for Monbulk is shadow minister for police and shadow minister for the TAC and road safety. The member for Bellarine is shadow Minister for Environment and Climate Change and shadow Minister for the Arts. The member for Tarneit is shadow minister for employment, shadow minister for industrial relations, shadow Minister for Ports and shadow minister for major projects and infrastructure.

The member for Northcote is shadow Minister for Public Transport. The member for Preston is shadow Minister for Finance and shadow minister for WorkCover, and the member for Richmond is shadow Minister for Housing, shadow Minister for Local Government, shadow minister for Aboriginal affairs and closing the gap and shadow minister for a fairer Victoria. The member for Kororoit is Opposition Whip in the Assembly, and the member for Yuroke is the secretary to the Parliamentary Labor Party.

In the Council John Lenders is Leader of the Labor Party and Leader of the Opposition, shadow Minister

for Agriculture and Food Security, shadow Minister for Water, shadow minister for resources and shadow minister for commonwealth-state relations. Gavin Jennings is Deputy Leader of the Labor Party and Deputy Leader of the Opposition, shadow Minister for Health and shadow Minister for Mental Health. Jenny Mikakos is shadow minister for seniors and ageing, shadow minister assisting the leader on children and young adults and shadow minister for youth justice.

Martin Pakula is shadow Attorney-General, shadow minister for gaming and racing and is responsible for opposition scrutiny of government. Adem Somyurek is shadow Minister for Technology, shadow minister for manufacturing and shadow minister for electoral reform. Brian Tee is shadow Minister for Planning and shadow minister for sustainable growth. Candy Broad is secretary to the shadow cabinet. Shaun Leane is the Opposition Whip in the Council.

## THE NATIONALS: LEADERSHIP

**Mr RYAN** (Minister for Police and Emergency Services) — I wish to announce the parliamentary leadership roles for The Nationals. I lead The Nationals in the Assembly. The member for Swan Hill is the Deputy Leader of The Nationals. The member for Mildura is The Nationals Whip.

In the Council a member for Eastern Victoria Region, Mr Hall, is Leader of The Nationals, and a member for Northern Victoria Region, Mr Drum, is Deputy Leader of The Nationals.

## QUESTIONS WITHOUT NOTICE

### Questions without notice: government policy

**Mr ANDREWS** (Leader of the Opposition) — My question is to the Premier. Does the Premier still regard Dorothy Dixers as a waste of time and does he remain committed to the principle that all of his ministers should answer all questions in a direct manner?

**Mr BAILLIEU** (Premier) — Can I commence by saying what a joy it is to receive a question in this house from the Leader of the Opposition!

The government stands by all its commitments. We will be looking to introduce new sessional orders and make any changes to standing orders as are necessary. We believe this house plays an important role. Unlike the previous government, ministers of which did not answer a question in years — —

*Honourable members interjecting.*

**Mr BAILLIEU** — As I said, the government remains committed to meeting all policy commitments, and question time will be conducted in accordance with new sessional orders and the standing orders as amended.

### Government: election commitments

**Mrs VICTORIA** (Bayswater) — My question is to the Premier. Can the Premier outline the progress that has been made in delivering on the coalition's election commitments?

**Mr BAILLIEU** (Premier) — It is an even greater joy to receive a question from the member for Bayswater, who in no mean spirit is an outstanding representative in this house and of this state.

I am pleased to report to the house that the coalition was elected by the Victorian people with a promise that it would deliver on all its election commitments, and indeed that is what we intend to do. It has been just 19 days since the government took office. In that short time we have delivered on a number of key election commitments — nearly a dozen — and we will start on three or four legislative commitments today.

I am sure the house will be pleased to hear that not only did we make a commitment to reverse the clearways policy of the previous government but we have fulfilled that commitment, and the program is under way as we speak. The previous government's policy was a disaster. That was widely recognised by the community by traders, commuters and indeed customers. It did little or nothing to achieve any of the goals suggested. Travel times for commuters were barely reduced; there was marginal improvement.

That policy of the previous government created a nightmare for shoppers and traders. Some businesses were close to going to the wall as a consequence of that policy, and some lost millions of dollars. Inside the 10-kilometre perimeter of metropolitan Melbourne businesses and traders were suffering. The cities of Yarra, Moreland, Maribyrnong, Stonnington and Boroondara and other municipalities were all concerned and all fought against it. We have acted immediately to reverse that policy, and that change has been warmly and roundly greeted. We have also acted to commence the process of releasing health data.

As promised, we have reversed Labor's disastrous planning scheme amendment that allowed unwelcome development along every bus, tram and light rail corridor in Melbourne.

We have already taken steps to ensure that Eaglehawk Primary School remains open. We are dealing with the declaration of Mildura's riverfront and marina villas development as a project of significance. We are already under way with expanding Mildura airport. We have already fulfilled the commitment to change the planning scheme to get the Portland helipad under way. One would have thought there could not be a more critical issue than allowing emergency helicopters to land safely in Portland, but the previous government did nothing.

**Mr Andrews** interjected.

**The SPEAKER** — Order! The Leader of the Opposition!

**Mr BAILLIEU** — In government the Labor Party let it go, and there was no change. We have lifted the unfair ban on land-holders building on their own land in Portland and the Narrawong area — —

**Mr Andrews** interjected.

**The SPEAKER** — Order! The Leader of the Opposition should let the Premier speak without interruption.

**Mr BAILLIEU** — We have taken the initial step to support a new national disability insurance scheme to ensure that those who have a disability, their families and their carers get the lifelong support they require and deserve. We have also commenced the task of cutting back on Labor's 11 years of waste and mismanagement by substantially reducing ministerial staff numbers.

This is just a start, and in the new year we will continue the program of meeting our commitments — —

*Honourable members interjecting.*

**The SPEAKER** — Order! The member for Albert Park!

**Mr BAILLIEU** — Might I also say that in these first few days the government, through the Deputy Premier, the Minister for Agriculture and Food Security and local members, has had the opportunity of dealing with the issue of floods in northern Victoria. I take this opportunity to commend the emergency services and all the volunteers who worked so hard to deal with that issue.

I can also say that in the very first week of being Premier I had the pleasure and opportunity of attending a number of key events, which for me by choice represented important functions in Victoria, including

my first function as Premier at a multicultural event in this place.

**Ms Allan** — On a point of order, Speaker, I appreciate that it is the first day, but a standing order that has been well respected by the house over many years states that all answers must be succinct. The Premier has already walked away from his commitment to eliminate Dorothy Dixers as being a waste of time. We have now seen him enjoying them quite a lot. I ask that the 4-minute convention be respected by the Premier.

**Mr McIntosh** — On the point of order, Speaker, the member for Bendigo East has just indicated that the Premier's answer was long. The Premier was clearly asked about the implementation of government policies up to this day. He cannot help it if the list is so long that it may take up some time.

**The SPEAKER** — Order! I do not uphold the point of order.

**Mr BAILLIEU** — I reiterate that in my very first week as Premier I took the opportunity of attending a multicultural function in this state. I put it on the record that I think it is an important step to reinforce a commitment to multiculturalism in this state.

**Mr Pandazopoulos** interjected.

**The SPEAKER** — Order! The member for Dandenong!

**Mr BAILLIEU** — I also attended the VicHealth annual general meeting to support health promotion in this state.

**Mr Andrews** interjected.

**The SPEAKER** — Order! The Leader of the Opposition!

**Mr BAILLIEU** — I also attended with the Minister for Police and Emergency Services the graduation of police recruits at the police academy.

*Honourable members interjecting.*

**The SPEAKER** — Order! I ask members, including those on the government benches, to come to order.

**Mr BAILLIEU** — We are 19 days in. We look forward to days ahead.

### Teachers: remuneration

**Mr HOLDING** (Lyndhurst) — My question is to the Treasurer. I refer the Treasurer to the statement by the Minister responsible for the Teaching Profession, the Honourable Peter Hall, and I quote:

The Premier has made it very clear that he sees no reasons why Victorian teachers cannot be the highest paid teachers ... he has made that statement very clear, categorical in the lead-up to the election. That commitment stands.

I ask the Treasurer a yes or no question: does that commitment stand?

**Mr WELLS** (Treasurer) — I thank the shadow Treasurer for his question, and I wish the member many years in that role. In short, the coalition government stands by every single one of its commitments.

### Floods: government assistance

**Dr SYKES** (Benalla) — My question is to the Minister for Police and Emergency Services. Will the minister outline to the house what the government is doing to assist Victorian regional and rural communities affected by recent heavy rainfall and flooding?

**Mr RYAN** (Minister for Police and Emergency Services) — I thank the member for Benalla for his question and for his remarkable efforts on behalf of his communities, many of which have been affected and impacted upon by the recent floods. The coalition well understands the issues being faced by Victorian communities because of the flooding that has occurred as a result of the rain that fell in September and again in December. Many communities have been affected by both those instances, but in some places around the state only one event has had an impact. Nevertheless, in the northern parts of the state in particular but also in many other regions around Victoria, we have unfortunately seen the effect of the recent rains and floods.

I was recently in Kerang with the member for Swan Hill looking at the residue of the floods that were then impacting upon that area, particularly the effect on residential areas but also with regard to the crops. More recently the Premier has visited Wangaratta to see the effects of the rains in the more recent event.

I commend the government agencies in their different forms that have contributed to the recovery efforts by people right around Victoria. This is in an endeavour to enable people to get back in tune and live their lives, to run their businesses and to make the necessary improvements to what is otherwise damaged property

as a result of these floods. I pay particular tribute to the volunteers in their many forms. The State Emergency Service, the Country Fire Authority and many other agencies have contributed to the recovery effort.

In terms of specifics, the flood response package that was made available, to its credit, by the former government in September has been renewed by the present government. This includes funding for the replacement or repair of damaged community infrastructure, for community events in flood-affected areas and for clean-up and recovery grants of up to \$15 000 which are administered through the Rural Finance Commission. People who were impacted upon by the September floods and who received assistance through grants then are able to apply again if they have been impacted upon by the more recent events. In addition, small business owners and primary producers are eligible for the low-interest loans offered by the Rural Finance Commission for business continuity purposes.

In addition to those initiatives, flood recovery officers have been appointed in the shires of Buloke and Alpine, because in both areas there have been severe effects as a result of the multiple flooding events. What is intended by these allocations is that both shires will be able to better manage the impacts of the two rain and flood events we have recently witnessed.

In terms of local council assistance, local councils are encouraged to apply to the Department of Treasury and Finance (DTF) for reimbursement of any emergency protection works and essential public infrastructure restoration through the natural disaster financial assistance scheme. That is important from a local government perspective, because in many instances damage has been caused to local government assets, and through this process local government can be assured that it will have the capacity to conduct emergency repairs and other work.

Emergency protection works are fully reimbursed, and the restoration of municipal assets is subject to a shared funding formula for amounts up to \$110 000 and beyond \$110 000 it is fully reimbursed. Local government is required to assess the damage and the impact and then submit its claim to DTF. In that regard I make it very clear to the house that this government will stand by those local government regions that have been impacted upon by these recent flood events.

In addition there are a range of emergency grants, and as at 21 December, 102 emergency grants and 3 major relocation grants have been administered across the state. The Department of Human Services has also

activated the Red Cross outreach services to ensure that the psychosocial needs of affected communities are being monitored.

The state of Victoria may be able to claim reimbursement for some of its costs under the commonwealth government's natural disaster relief and recovery arrangements, but in dealing with these important matters I also make it clear to the house that that issue is, in the general sense, a matter of irrelevance. The state government wants to make sure it does everything it possibly can to support those communities across regional Victoria that have been impacted upon by these recent events, and that is precisely what we will do.

**Ms Allan** — On a point of order, Speaker, in light of the Deputy Premier's lengthy answer on the flood situation in northern Victoria, I ask that the Deputy Premier reconsider his refusal, despite repeated requests, to brief the opposition on this issue and to provide a briefing to the opposition as has been afforded — —

*Honourable members interjecting.*

**Ms Allan** — As is the normal course in emergency situations, the opposition often requests that it is provided with a briefing by the government.

**The SPEAKER** — Order! The Deputy Premier had already resumed his seat.

### **Teachers: remuneration**

**Mr HOLDING** (Lyndhurst) — My question is to the Treasurer. I note the Treasurer's answer that the Baillieu government stands by its commitment to make Victoria's teachers the highest paid in Australia, and I ask: how much would this cost?

**Mr WELLS** (Treasurer) — I thank the shadow Treasurer for his question. We value the work of Victorian teachers. We think they do a fantastic job, and as a parent of three children I know it is absolutely essential that we have good-quality teachers. In order to come up with an amount, we need to go through a — —

*Honourable members interjecting.*

**The SPEAKER** — Order! The minister is on his feet. Members should allow him to finish his answer without constant interjections across the table.

**Mr WELLS** — As I was saying, the coalition values Victorian teachers. We need high-quality and

well-paid teachers. Before we can come up with a dollar amount — and this may come as a surprise to the opposition — we need to go through an EBA (enterprise bargaining agreement) process. I would have thought that is what should happen first: an EBA process. That is what normally happens with the police, the nurses and the teachers, and that is what we will do. We will do that in good faith, and we will deliver on all our election promises.

### **Government: financial management**

**Mr WAKELING** (Ferntree Gully) — My question is to the Treasurer. In keeping with the coalition's commitment to reverse 11 years of neglect, incompetence and waste under Labor, can the Treasurer advise the Parliament of actions taken by the government to reduce the mountain of waste left by Labor?

**Mr WELLS** (Treasurer) — I thank the member for Ferntree Gully for his question, and I congratulate him on an outstanding election win.

The Baillieu government is committed to getting rid of waste and mismanagement after 11 years of waste and mismanagement on the part of the previous government. Under the Labor government there was a massive increase in ministerial staff. Do members know that before the election there were 200 ministerial staff working under the Brumby government? We maintain that was a huge waste of taxpayer funds, especially when many of them were working for the dirt unit under the direction of the now shadow Treasurer. It was a disgraceful situation. Taxpayer funds were being used to fund the ALP dirt unit. It was an absolute disgrace. We are going to do away with that.

We have already delivered on our election commitment to reduce the number of ministerial staff by 50. We will reduce the number of ministerial advisers by 50. We are going to do that because this side of the house is committed to delivering efficient and effective administration, unlike the ALP, which spent its time and taxpayer funds digging around for more dirt on political opponents. We will bring that to an end. We will stop the waste and mismanagement and get on with the job. We will ensure that valuable taxpayer funds will be spent delivering quality services.

We will cut the public relations staff — the number of spin doctors — absolutely, and we will end the gross waste and mismanagement in terms of political advertising. What a disgrace that was, leading into the election. After 11 long years of the Bracks and Brumby

governments, the Baillieu government is committed to cutting waste and mismanagement.

**Rail: Southland station**

**Ms RICHARDSON** (Northcote) — My question is to the Minister for Public Transport. I refer to the government's commitment to build a new train station at Southland costing \$13 million during this term of office, and I ask: does the minister stand by this costing?

**Mr MULDER** (Minister for Public Transport) — I thank the member for her question in relation to the Southland railway station. As the member will be aware, there was a great deal of discussion within the broader community as to the cost and configuration of railway stations under the former Labor government. In particular the member would be aware that a consultant had a look at this particular station and costed it in the order of \$10 million to \$13 million.

I have had discussions with my department about what happened with railway stations under the former Labor government, whereby we got outcomes like that at Laverton, for instance.

*Honourable members interjecting.*

**Mr MULDER** — If you go to Laverton station, you will find the lifts continually break down. Ninety-two million dollars was spent on a railway station — —

**Ms Allan** — On a point of order, Speaker, the question was very narrowly defined. It referred only to Southland; it did not refer to Laverton or any other train station around the state. The answer should be confined to responding to the question about Southland.

**The SPEAKER** — Order! I believe the minister was answering the question.

**Mr MULDER** — As I said, \$92 million was spent, the outcome being that each and every time the lifts break down taxis have to ferry elderly people and the disabled from one side of the station to the other.

I have also had a look at another station, the Wendouree station, and compared it with the proposal for Southland. The doors at Wendouree station do not open when people arrive at the station.

*Honourable members interjecting.*

**Mr MULDER** — Over a period of time functionality in railway station design went out the door under the previous government.

*Honourable members interjecting.*

**The SPEAKER** — Order! Since the minister got to his feet there have been constant interjections from members on both sides of the house. I would like to be able to hear the minister's answer to the question, so I ask that we just have it in silence.

**Mr MULDER** — As I was saying, the issues of functionality and control of costs went completely out the door under the Labor government. Stations like those at Marshall were \$5 million but have gone to \$20 million, 45, 55 — —

**Mr Wynne** interjected.

**The SPEAKER** — Order! The member for Richmond!

**Mr MULDER** — I have said to my department that this is totally and completely unacceptable. We have to have functional railway stations that fit into a budget. That is the decision I have made.

**Ms Thomson** — On a point of order, Speaker, the minister is debating the question and has been debating the question for some time. I ask that he respect question time and that you draw him back to answering the very succinct question that was asked of him.

**Mr McIntosh** — On the point of order, Speaker, I am aghast at that point of order. It is quite clear that the minister was providing incredibly relevant information to the house.

**The SPEAKER** — Order! I believe the minister was answering the question, but he was starting to stray a little, so I would ask him to get back to answering the question.

**Mr MULDER** — In relation to Southland and other railway stations, I have given my department instructions to go back and look at the functionality and design of some of these stations, because under the previous government they were completely and totally out of control. There were no cost pressures put on the department to come up with functional designs that met the community's expectations. That is what we are doing. That is the path we are going to go down. We want to make sure that we get value for money. The consultant's report said it all. It was provided to the previous Labor government, but it did not know how to control costs.

**Former Premier's office: scrutiny unit**

**Mr TILLEY** (Benambra) — My question is to the Minister for Crime Prevention. Is the minister aware of reports in the media today that a black book discovered in the Premier's office confirms the Brumby government operated a secret taxpayer-funded dirt unit from within the former Premier's office, and can the minister confirm if the reports are correct?

**Mr Mulder** interjected.

**Ms Allan** — On a point of order, Speaker — and I appreciate the member for Polwarth's assistance — this is clearly not within the confines of government business. Further to that, as the administrative orders of the government are yet to be gazetted, we have no way of knowing with any confidence that this is within the minister's portfolio of responsibilities, and I would therefore ask that the question be ruled out of order.

**Dr Napthine** — On the point of order, Speaker, clearly this issue is government business. This issue is about the use of taxpayers money under the previous government to fund an alleged dirt unit. I am sure the minister will provide information about this alleged dirt unit and provide very good information about the election. The question is clearly about government business. It is about the misuse of taxpayers money, and it is clearly within the minister's portfolio with regard to scrutiny of government, with regard to —

**An honourable member** — Scrutiny of government!

*Honourable members interjecting.*

**The SPEAKER** — Order! The minister has the right to raise his point of order in silence.

**Dr Napthine** — The question relates to scrutiny of government with regard to the anticrime commission. Clearly it is relevant with respect to taxpayers funds and relevant to the minister's portfolio, and I ask you to rule the question in order.

**Mr Hulls** — On the point of order, Speaker, in relation to this matter, as you would be aware, *Rulings from the Chair 1920–2010* makes it quite clear that in answering questions:

... ministers can refer to the situation of the state when they took office, but should only make passing reference to activities of a previous government.

It goes on to say:

The Speaker ruled a question to the Premier concerning —

in that case —

his alleged private use of government cars out of order because the question must relate to government administration or policy and be directed to the minister responsible. The question instead related to a matter which took place before the period of the government's administration ... and the Speaker advised the member he could raise the matter during the grievance or adjournment debate —

that is, not during question time.

**The SPEAKER** — Order! I appreciate the points of order that have been raised, but I rule the question in. I call on the minister to answer.

**Ms Allan** — On a further point of order, Speaker, in acknowledgement of your ruling I ask that you have the Premier give the house confidence — in light of there being an absence of administrative orders being gazetted by the government, which is a little unusual at this juncture with the election having been held some weeks ago — that this question is indeed within the minister's portfolio responsibilities.

**The SPEAKER** — Order! I have ruled that it is within the portfolio of the minister. I do not uphold the point of order.

**Mr McINTOSH** (Minister for Crime Prevention) — I am aware of reports, and I can confirm that a black book of the taxpayer-funded Brumby dirt unit was discovered in the Premier's office. I am deeply concerned that these documents reveal the existence, the operation and the extent of the activities of a taxpayer-funded dirt unit that was operated by the former Premier. I am particularly surprised that on Jon Faine's program on 6 October of this year the former Premier specifically denied that there was a taxpayer-funded dirt unit operating in his office. He expressly stated that there was no such unit. He said it was 'just not true'. To the extent that he stated that, it is clear that the former Premier did not tell the truth. Discovery of these shocking documents —

**Ms Barker** — On a point of order, Speaker, there are several relevant Speakers' rulings, but the one I would draw your attention to is headed 'Attacks on opposition inappropriate'. Rulings of Speakers Coghill, Delzoppo and Maddigan assert that question time is an opportunity for ministers to be questioned and to provide information on government administration and that it should not be used as a vehicle for attacks on the opposition. I believe that the member is misusing the forms of this house and should be sat down.

**Dr Napthine** — On the point of order, Speaker, in answering the question the minister is referring to the former government. He is not referring to the opposition at all. There is no attack on the opposition. He is talking about the former government.

**The SPEAKER** — Order! I do not uphold the point of order.

**Mr McINTOSH** — As I was saying, the discovery of these shocking documents reveals the full extent of the operation of the former Premier's secret taxpayer-funded dirt unit which was to be used to target and smear political opponents. The government is deeply concerned about the evidence that this unit operated in the former Premier's office and conducted secret investigations into the private and financial details of members of Parliament. The secret black book and the existence of a dirt unit clearly demonstrate that the office of the former Premier and the operatives in that office were compiling secret files about political opponents and, incredibly, was potentially seeking — —

**Ms Allan** — On a point of order, Speaker, the minister is clearly reading from a document, and I would ask him to table that document for the benefit of the house, particularly as he has quoted extensively from that document.

**The SPEAKER** — Order! I ask the minister whether he is reading from a document. He has extensive handwritten notes. I call on the minister to conclude his answer.

**Mr McINTOSH** — In conclusion, one of the worst aspects of this secret dirt unit as revealed in the black book is the fact that the former government, and indeed the Premier's taxpayer-funded staff, was seeking to penetrate the private emails of members of Parliament.

### **Grocery prices: election commitment**

**Ms D'AMBROSIO** (Mill Park) — My question is to the Treasurer. I refer the Treasurer to the commitment given by the now Premier on ABC radio on 29 October this year that he would, and I quote, 'keep grocery prices down', and I ask: can the Treasurer reveal to the house what strategies the government has in place to honour this commitment, and when will Victorian families begin seeing this strategy impact on grocery prices on the supermarket shelves?

**Mr WELLS** (Treasurer) — I thank the shadow minister for consumer protection for her question. We made a number of commitments during the election

campaign, and we intend to deliver on all of our election commitments.

*Honourable members interjecting.*

**Mr WELLS** — Let me explain. We have a savings policy which will be implemented as of 1 January. We made that very clear. That will have an enormous impact on the amount of dollars that are used to run government. That is the first thing. That is about \$1.6 billion. Secondly, we have a commitment to utilities. We made a commitment about a reduction in prices for utilities — and that is across the board.

**Mr Holding** interjected.

**The SPEAKER** — Order! The member for Lyndhurst!

**Mr WELLS** — That is a very important point, because if you look at the cost of water and the desalination plant, you see the waste and mismanagement of the desalination plant project. What a joke. The cost of water has increased because of the desalination plant. If you look at the cost of power, you see there are the smart meters that were implemented by the previous government. The costs of power and water are ongoing.

**Ms Allan** — On a point of order, Speaker, again the relevance of the minister's answer must surely be in doubt. There is no connection between the desalination plant and the price of fish. I would like to ask the minister to come back to answering what was a very narrowly defined question.

**The SPEAKER** — Order! I call on the Treasurer to respond to that point of order.

**Mr WELLS** — On the point of order, Speaker, the example I gave was utility prices. Water and power costs have increased because of the waste and mismanagement of the former Brumby government, and that has an ongoing effect — —

**Mr Nardella** — On a point of order, Speaker, it has been the custom and practice of this house for ministers to answer questions succinctly and not debate questions. The question was specifically about grocery prices within supermarkets. The minister has been debating matters outside of that realm. I ask you to bring the minister back to answering the question.

**Dr Napthine** — On the point of order, Speaker, the Treasurer is being very relevant to the question. It just shows how out of touch opposition members are that they do not see the relevance of electricity, water and

utility prices to the cost of running businesses like supermarkets and therefore to the cost of groceries. They are all interlinked. The costs of taxes and utilities are important components of the cost of running a grocery business or a supermarket, and they affect the price of — —

*Honourable members interjecting.*

**The SPEAKER** — Order! When points of order are raised, I would like for the person raising them to be heard and not shouted down from one side or the other. I would hate to start today, but I will deal with people who make interjections that drown out either the minister or the member on their feet. I call on the Minister for Ports to conclude his point of order.

**Dr Napthine** — In conclusion, it is clear that the cost of running a supermarket business is absolutely integral to the cost of the products sold by that supermarket. That is an issue that the Labor Party fails to understand, and that is the very issue that the Treasurer is addressing. The cost of running a business is absolutely fundamental to the cost of the goods it supplies to the people of Victoria.

**The SPEAKER** — Order! I believe the Treasurer was raising relevant issues in relation to savings on the cost of groceries. I call on the Treasurer to conclude his answer.

**Mr WELLS** — In summary, the increased cost of power and water is due to the waste and mismanagement of the previous government, and that is what is impacting on Victorian families. That is what is hurting. On this side of the house we are committed to getting rid of the waste and mismanagement, to driving down the cost of business and to making sure Victorian families receive a better deal.

### **Former Premier's office: Ombudsman investigation**

**Mr BLACKWOOD** (Narracan) — My question is to the Minister for Crime Prevention. Given the seriousness of the material documented in the black book of the dirt unit discovered in the former Premier's office, can the minister advise the house what actions the minister plans to take?

**Ms Allan** — On a point of order, Speaker, at the risk of repetition this is clearly a question that is not in any way connected to government business or to matters within the minister's portfolio of responsibilities. I again ask that you rule the question out of order.

**The SPEAKER** — Order! The member raised this issue earlier. I ruled against that point of order, and I overrule it again.

**Mr Hulls** — On a point of order, Speaker, in relation to your ruling, which is obviously acknowledged by the house, it might be of some guidance to all members of the house if you gave some reason for the ruling, particularly in light of previous Speakers' rulings which make it quite clear that these types of matters should be raised during a grievance or adjournment debate, not in question time. I seek from you an explanation as to why you have overruled previous Speakers' rulings.

**The SPEAKER** — Order! The question was relevant to the minister's portfolio, and I believe the minister had answered some aspects of the question previously. I ruled at that stage that he was the minister responsible for answering those questions.

**Mr McINTOSH** (Minister for Crime Prevention) — There is clear evidence of potential illegality contained in the black book operated by the former Premier's dirt unit. That illegality relates to the potential penetration of the emails of members of Parliament for some scurrilous purpose by the former Premier's dirt unit. Because of that illegality, tomorrow I will write to the Ombudsman requesting him to investigate the matter in full.

**Ms Barker** — On a point of order, Speaker, I seek clarification. I would have thought that emails from members of Parliament come under the responsibilities of the Department of Parliamentary Services and therefore the Speaker. They therefore do not come under government administration but rather the administration of the Parliament. I seek your clarification on that.

**Mr McINTOSH** — On the point of order, Speaker, clearly this is a matter of illegality. It is a matter of the penetration of the Parliament's email system. That should be an illegal act, and that is why I am going to ask the Ombudsman to investigate and report on it.

**Ms Barker** — Further on the point of order, Speaker, I would have thought that the emails of members of Parliament are a matter for the Department of Parliamentary Services. The Minister for Crime Prevention referred to members' emails, which I would have thought are a matter for the Parliament of Victoria and therefore not a matter of government administration. I am not disputing whether or not the matter should be investigated, if that is what the government wishes to do, but I would have thought that

you, Speaker, rather than the government, would be the one to initiate the investigation.

**Dr Napthine** — On the point of order, Speaker, the issue that the Minister for Crime Prevention has said will be investigated is the actions of the former Premier's office. They are actions that were undertaken with taxpayers funds by staff in the former Premier's office. They are the actions that the minister is asking the Ombudsman to investigate, and I think it is absolutely appropriate that the Ombudsman investigate it and investigate it thoroughly.

**Mr Pandazopoulos** — On the point of order, Speaker, this is a very important decision for you on your first day. We have heard in previous points of order that this should be an issue for the Department of Parliamentary Services to investigate initially. First of all it should establish that there is a prima facie case before anything else is warranted. May I suggest, Speaker, that the government is forcing you into a difficult position in jumping the gun on this issue and putting you and the Parliament in a very difficult position because the normal procedure of this house is that Parliament first investigates itself and determines whether there is a prima facie reason for any other matters to be taken further.

**Mr O'Brien** — On the point of order, Speaker, the contribution made by the member for Dandenong would seem to suggest that members of this Parliament have fewer rights than members of the public in referring matters of abuse of public administration to the Ombudsman. The member for Dandenong and members of the opposition seem to be suggesting there is some reason that this matter should not go to the Ombudsman for his decision as to whether or not it should be investigated. The opposition seems to want to keep this in-house rather than having these matters properly investigated and dealt with. The minister — —

*Honourable members interjecting.*

**The SPEAKER** — Order! I have already asked that members be heard in silence when they are making a point of order.

**Mr O'Brien** — The minister has exactly the same right as any member of the public to refer potential abuses of public administration and acts of public malfeasance to the Ombudsman for investigation.

**The SPEAKER** — Order! I do not uphold the point of order. I believe this is an issue that should be referred to the Ombudsman.

**Ms Allan** — I desire to move, by leave:

That the following sessional orders be adopted to come into operation with effect from the next sitting day:

1. Questions to ministers or other members.

Standing order 53 be suspended and questions may be asked of:

1. ministers relating to public affairs with which the minister is connected or to any matter of administration for which the minister is responsible, and
2. other members relating to any matter connected with the business on the notice paper of which the member has charge.

2. Content of questions.

Standing order 57 be suspended and the following to apply:

1. questions should not contain:
  - a. offensive or unparliamentary language;
  - b. statements of facts or names of persons unless they are strictly necessary to explain the question and can be authenticated;
  - c. argument or opinion — —

**The SPEAKER** — Order! We have not concluded question time at this stage. The member is interrupting the end of question time.

**Ms Allan** — I am sorry, Speaker.

**The SPEAKER** — Order! I am sure we are all grateful that question time has now concluded.

## MINISTRY

**Mr BAILLIEU** (Premier) — Just as clarification of the list of responsibilities I gave earlier, the Minister for Ports will be the spokesman in the Assembly for the Minister for Housing.

## BUSINESS OF THE HOUSE

### Sessional orders

**Ms ALLAN** (Bendigo East) — I appreciate your earlier guidance, Speaker. I desire to move, by leave:

That the following sessional orders be adopted to come into operation — —

**Mr McIntosh** — On a point of order, Speaker, as I understand the process we are now moving on to

formal business, and we should be having the introduction of bills.

**The SPEAKER** — Order! Is the member for Bendigo East seeking leave to move her motion?

**Ms ALLAN** — Yes. On the point of order, Speaker, the purpose of moving this motion is actually as a direct consequence of the Premier's answer earlier when he indicated to the house that he wants to amend sessional orders to improve the operation of question time. On this side of the house we are very keen to assist the Premier with the stated desire to reform question time, and I am providing the house with an opportunity to move immediately to debate the sessional orders and to have them considered by members of Parliament and to meet what the Premier said during the election campaign, which was that he believes Dorothy Dixers are a waste of time and that question time should be reformed. This motion simply facilitates the Premier's wish.

**Leave refused.**

## POLICE REGULATION AMENDMENT (PROTECTIVE SERVICES OFFICERS) BILL 2010

### *Introduction and first reading*

**Mr RYAN** (Minister for Police and Emergency Services) — I move:

That I have leave to bring in a bill for an act to amend the Police Regulation Act 1958 and for other purposes.

**Mr MERLINO** (Monbulk) — I ask the minister to give a brief explanation of the bill.

**Mr RYAN** (Minister for Police and Emergency Services) — This important legislation will pave the way for the government's commitment to install 940 protective services officers across the transport system, particularly with regard to stations in metropolitan Melbourne and major regional centres throughout Victoria. These amendments are necessary to enable the first stage of that process to occur.

**Motion agreed to.**

**Read first time.**

**Mr RYAN** (Minister for Police and Emergency Services) — I move:

That the bill be read a second time tomorrow.

**Ms ALLAN** (Bendigo East) — I propose the following amendment:

That the word 'tomorrow' be omitted with the view of inserting in its place the word 'immediately'.

**The SPEAKER** — Order! Is the minister prepared to accept the amendment?

**Mr RYAN** (Minister for Police and Emergency Services) — Yes.

**Amendment agreed to; amended motion agreed to.**

### *Statement of compatibility*

**Leave granted for incorporation in Hansard of statement of compatibility.**

**Mr RYAN** (Minister for Police and Emergency Services) tabled following statement in accordance with Charter of Human Rights and Responsibilities Act:

In accordance with section 28 of the Charter of Human Rights and Responsibilities, I make this statement of compatibility with respect to the Police Regulation Amendment (Protective Services Officers) Bill 2010.

In my opinion, the Police Regulation Amendment (Protective Services Officers) Bill 2010, as introduced to the Legislative Assembly, is compatible with the human rights protected by the charter. I base my opinion on the reasons outlined in this statement.

#### **Overview of bill**

The bill will:

amend section 118B(1) to expand the purposes for which PSOs can be appointed to include protection of the general public at certain places; and

repeal section 118B(1A) of the Police Regulation Act 1958 to remove the existing cap on the number of protective services officers (PSOs) that may be appointed under the act.

#### **Human rights issues**

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

There are no human rights protected by the charter that are relevant to the bill.

#### **Conclusion**

There are no human rights protected by the charter that are relevant to the bill.

Peter Ryan, MLA  
Deputy Premier of Victoria  
Leader of The Nationals  
Minister for Police and Emergency Services  
Minister for Bushfire Response

*Second reading*

**Mr RYAN** (Minister for Police and Emergency Services) — I move:

That this bill be now read a second time.

The government has committed to the appointment and deployment of an additional 940 protective services officers (PSOs) on train stations to protect the community on the public transport network.

This bill:

amends section 118B(1) of the Police Regulation Act 1958 to broaden the purposes for which PSOs can be appointed; and

repeals section 118B(1A) of the act so as to remove the existing cap on the number of PSOs that can be appointed.

The bill will deliver in part on the government's commitment to improved safety on the public transport system by facilitating the appointment of additional PSOs. The government has committed to the formation of a dedicated unit of 940 PSOs to be stationed on metropolitan rail stations and at rail hubs at major regional centres from 6.00 p.m. to last train, seven days a week.

There are no human rights protected by the charter that are relevant to the bill.

I commend the bill to the house.

**Debate adjourned on motion of Mr MERLINO (Monbulk).**

**Debate adjourned until Tuesday, 4 January 2011.**

## SENTENCING FURTHER AMENDMENT BILL 2010

*Introduction and first reading*

**Mr CLARK** (Attorney-General) — I move:

That I have leave to bring in a bill for an act to amend the Sentencing Amendment Act 2010, to abolish suspended sentences for certain offences, to amend the Sentencing Act 1991 to further provide for the membership of the Sentencing Advisory Council and to make other amendments to that act and for other purposes.

**Ms HENNESSY** (Altona) — I ask that the minister provide a brief explanation of the bill.

**Mr CLARK** (Attorney-General) — The bill has two main purposes. The first is to abolish suspended sentences for a number of additional offences, including recklessly causing serious injury, various commercial drug trafficking offences, aggravated burglary and arson, when those matters are heard and determined in the higher courts. The second is to expand the membership of the Sentencing Advisory Council to ensure that that council reflects a broader range of backgrounds and skills in its membership.

**Motion agreed to.**

**Read first time.**

**Mr CLARK** (Attorney-General) — I move:

That the bill be read a second time tomorrow.

**Ms ALLAN** (Bendigo East) — I desire to move as an amendment to the motion:

That the word 'tomorrow' be omitted with the view of inserting in its place the word 'immediately'.

**The SPEAKER** — Order! Is the minister prepared to accept the amendment?

**Mr CLARK** (Attorney-General) — Yes.

**Amendment agreed to; amended motion agreed to.**

*Statement of compatibility*

**Leave granted for incorporation in Hansard of statement of compatibility.**

**Mr CLARK** (Attorney-General) tabled following statement in accordance with Charter of Human Rights and Responsibilities Act:

In accordance with section 28 of the Charter of Human Rights and Responsibilities, I make this statement of compatibility with respect to the Sentencing Further Amendment Bill 2010.

In my opinion, the Sentencing Further Amendment Bill 2010, as introduced to the Legislative Assembly, is compatible with human rights under the act because it does not limit any human rights as defined by the act.

Robert Clark, MP  
Attorney-General

*Second reading*

**Mr CLARK** (Attorney-General) — I move:

That this bill be now read a second time.

This bill is the first in a series of sentencing reforms to be introduced by the coalition government.

Suspended sentences are a fiction that pretends offenders are serving a term of imprisonment, when in fact they are living freely in the community. A suspended sentence does not subject an offender to any restrictions, community service obligations or reporting requirements. As a consequence, many offenders actually incur no real punishment whatsoever for the offence they have committed and make no reparation to the community. Often those released on suspended sentences go on to commit further crimes.

In the last sitting week of the previous Parliament, the former government belatedly moved to adopt a small part of the coalition parties' policy on the abolition of suspended sentences, by closing the gaping loophole it had left in its 2006 legislation when it purported to abolish suspended sentences for serious offences but allowed suspended sentences to continue in undefined 'exceptional circumstances'. The coalition parties supported the Sentencing Amendment Bill 2010 but made clear that, if elected, a coalition government would legislate in its first term of office to abolish suspended sentences for all offences.

This bill represents the first step in delivering on that commitment. The bill abolishes suspended sentences for a range of additional serious crimes, namely:

- recklessly causing serious injury;
- commercial drug trafficking;
- aggravated burglary; and
- arson.

These are all significant offences that frequently cause great damage and suffering to their victims and undermine the safety of our community. Recklessly causing serious injury is an offence committed when the offender knows that their conduct is likely to result in serious injury to their victim but goes ahead anyway. Examples of this offence include many of the horrific assaults captured on closed-circuit security cameras that Victorians have witnessed on their television screens in recent years. Commercial drug trafficking is a blight on our community that brings misery and suffering to many, particularly to young people and their families and to victims of crimes driven by drug addiction. Aggravated burglary is the offence that covers home invasion, an often terrifying crime that undermines people's sense of safety even in their own home. Arson is an offence that can cause widespread damage and horrific loss of life, as Victorians know only too well.

When this bill comes into effect, sentences of imprisonment imposed for these offences in the County

or Supreme courts will no longer be able to be suspended. It is in these courts that the most serious cases involving these offences are tried.

The government is not saying that every person who commits one of these offences must go to jail. However, where a judge considers that a jail sentence is not appropriate, the judge will openly sentence the offender to a non-custodial sentence rather than being forced to go through the legal fiction of sentencing the offender to a period of imprisonment when the offender actually does not go to prison at all. As we have made clear in the past, under a coalition government, jail will mean jail.

This bill is the first step in a new direction in sentencing in Victoria. The government intends to introduce legislation during the 57th Parliament that will substantially reform Victorian sentencing law and practice. We will legislate to introduce baseline non-parole periods for serious crimes, a four-year statutory minimum sentence for gross violence and a comprehensive, flexible community correction order that will restore real teeth to community-based sentencing. We will also abolish home detention and complete the abolition of suspended sentences.

The bill also expands the membership of the Sentencing Advisory Council by two, allowing for a broader range of perspectives and skills on the council's board. The bill will require the board to include an additional person who is a member of a victim of crime support or advocacy group. This will enable the appointment of a board member who brings the particular perspective of being a member of a support or advocacy group that is primarily run by volunteers who are themselves victims of crime or family or friends of victims. The second additional board member will be an operational member of the police force below commissioned officer rank who is actively engaged in criminal law enforcement. This will ensure that another valuable perspective from the criminal law spectrum is included in the composition of the board.

These changes will strengthen the capacity of the board in considering sentencing practices and fulfilling its other roles on behalf of the community.

I commend the bill to the house.

**Debate adjourned on motion of Ms HENNESSY (Altona).**

**Debate adjourned until Tuesday, 4 January 2011.**

**Sitting suspended 6.32 p.m. until 8.04 p.m.**

**EDUCATION AND TRAINING REFORM  
AMENDMENT (SCHOOL SAFETY) BILL  
2010**

*Introduction and first reading*

**Mr DIXON** (Minister for Education) — I move:

That I have leave to bring in a bill for an act to amend the Education and Training Reform Act 2006 to provide for certain powers for government school principals and others in relation to weapons and other items in the possession of students and for other purposes.

**Mr HULLS** (Niddrie) — I ask for a brief explanation of the bill.

**Mr DIXON** (Minister for Education) — This bill is a follow-up to the commitment in our policy. It will enable school principals to search for, confiscate and ban weapons and other items that may be deemed to be harmful.

**Motion agreed to.**

**Read first time.**

**Mr DIXON** (Minister for Education) — I move:

That the bill be read a second time tomorrow.

**Ms ALLAN** (Bendigo East) — I move as an amendment to the motion:

That the word ‘tomorrow’ be omitted with the view of inserting in its place the word ‘immediately’.

It is clearly the job of the opposition to bring bills into the Parliament for them to be properly scrutinised, and we would like the bill to be second read forthwith.

**The DEPUTY SPEAKER** — Order! Is the minister prepared to accept the amendment?

**Mr DIXON** (Minister for Education) — Yes.

**Amendment agreed to; amended motion agreed to.**

*Honourable members interjecting.*

**The DEPUTY SPEAKER** — Order! It is very difficult for me to hear the Clerk with so much audible conversation.

**Mr Foley** interjected.

**The DEPUTY SPEAKER** — Order! The member for Albert Park is being disrespectful to the Chair. I ask him to apologise.

**Mr Foley** — I withdraw.

*Statement of compatibility*

**Leave granted for incorporation in Hansard of statement of compatibility.**

**Mr DIXON (Minister for Education) tabled following statement in accordance with Charter of Human Rights and Responsibilities Act:**

In accordance with section 28 of the Charter of Human Rights and Responsibilities, I make this statement of compatibility with respect to the Education and Training Reform Amendment (School Safety) Bill 2010.

In my opinion, the Education and Training Reform Amendment (School Safety) Bill 2010, as introduced to the Legislative Assembly, is compatible with the human rights protected by the charter. I base my opinion on the reasons outlined in this statement.

**Overview of bill**

The bill aims to improve safety in Victorian government schools by providing school principals and authorised teachers with the power to search for weapons and other harmful items. These powers are additional to any existing powers, and ensure that principals and teachers have clear legislative authority to maintain order and safety in schools.

**Human rights issues**

*Privacy*

Section 13 of the charter provides that a person has the right not to have his or her privacy, family, home or correspondence unlawfully or arbitrarily interfered with.

New section 5.8A.3, inserted by clause 3, engages this right by enabling principals, assistant principals and authorised teachers to conduct searches of students and student property. The search powers are broad enough to cover school grounds, buildings and premises, classrooms and student desks, premises being used for student activities, school lockers, and student bags, cases and other storage items that students bring on to school grounds. The search powers also include powers to direct students to turn out their pockets or to disclose if they have concealed items on their persons or on school premises.

Items that can be searched for include items that are prohibited by other laws (such as the Control of Weapons Act 1990 and the Firearms Act 1996), items that have been declared by the principal as prohibited, and any other item that the person searching reasonably suspects is being used, or is likely to be used, in a threatening, violent or harmful manner.

While I acknowledge that the right to privacy is engaged by these provisions, I note that students may have a diminished expectation of privacy in a school environment. A student should be aware that they must comply with school regulations, and that it is not appropriate to bring certain items, such as weapons, on to school grounds or on school activities. Further, teachers and principals must be able to act quickly to protect their students and to provide the orderly atmosphere required for learning. Therefore, a flexible approach should be taken to searches conducted by teachers and principals.

Further, there are important limitations on the search powers authorised in the bill. First, the search power does not extend to the student's person. Searches only apply to premises, vehicles, lockers, and storage items carried by the student or brought by the student onto the premises. In addition, the principal, assistant principal or authorised teacher must reasonably suspect that the search will uncover harmful items. The bill therefore does not authorise arbitrary, unreasonable, or overly intrusive searches.

For these reasons, I consider that the search powers do not constitute an arbitrary or unlawful interference with privacy, and therefore the bill does not limit the right to privacy in section 13 of the charter.

#### *Property rights*

Section 20 provides that 'A person must not be deprived of his or her property other than in accordance with law.'

New section 5.8A.4, inserted by clause 3, provides that the principal, assistant principal or authorised teacher may seize a prohibited or harmful item. New section 5.8A.5 provides that items may be surrendered to police, or retained by the principal until the principal is reasonably satisfied that there is no imminent threat to the safety, security or wellbeing of any person or property. If an item is not surrendered to police, items must be returned to the rightful owner of the item or, if the owner is a student or is under 18 years of age, the parent or guardian of that student or child.

The seizure of possessions from students may result in a deprivation of property from students, or from the owners of property that is in the possession of a student. However, the right to property in section 20 will only be limited where there is a deprivation of property that is 'not in accordance with the law'. The law must be adequately accessible and sufficiently formulated to allow the student to regulate his or her conduct. Here the circumstances in which a person may be deprived of property are clearly outlined in the bill, and deprivations will therefore be in accordance with the law. For these reasons, I consider that the right to property in section 20 of the charter is not limited.

#### *Rights in criminal proceedings*

As discussed above, new section 5.8A.3 provides that a principal may ask a student to turn out his or her pockets or disclose whether or not he or she is concealing a harmful item. As there is the potential for such items to be surrendered to police and used in a criminal proceeding against the student from which it is seized, I have considered whether the provisions could limit the student's right to be protected from self-incrimination. That right is protected by both section 25(2)(k) of the charter (the right not to have to testify against oneself) and also section 24(1) (the right to a fair trial).

I do not consider that the right is engaged by the provisions of the bill. The bill only gives teachers the power to ask students to turn out pockets or disclose that they are concealing items; it does not allow the teacher to compel the student to do so. Further, the right against self-incrimination is generally concerned with oral testimony, and is much weaker in relation to 'real' (that is, physical) evidence. I do not consider that the right applies in the circumstances provided for in the bill, and I therefore do not consider that any rights in criminal proceedings are limited by the bill.

#### **Conclusion**

For the reasons set out above I consider that the bill does not limit any human rights and is therefore compatible with the charter.

The Hon. Martin Dixon, MP  
Minister for Education

#### *Second reading*

**Mr DIXON** (Minister for Education) — I move:

That this bill be now read a second time.

The Victorian government is committed to reducing the effects of antisocial and violent behaviour in Victorian schools.

The Victorian government was unambiguous in its plan for education in the lead-up to the state election, committing to introduce legislation providing clear powers for principals to ban or confiscate items considered harmful or dangerous.

This bill gives effect to this commitment.

I now turn to the key provisions of the bill.

Clause 1 sets out the main purpose of the bill, which is to amend the Education and Training Reform Act 2006 to provide certain powers to government school principals in relation to weapons and other items in the possession of students, and to make related amendments to the act.

Clause 2 provides that the provisions of the act come into effect by 1 January 2012. The Victorian government's intention is to bring this legislation into effect as soon as possible, with an intended commencement in the second half of 2011.

Under existing legislation, it is illegal for persons to possess weapons in public places, including government schools, without an exemption or lawful excuse. The bill does not intend to override these existing laws but will operate alongside them to make our schools safer.

Clause 3 of the bill provides the power for principals to ban, search for and seize harmful items. I will deal with each of these powers in order. These provisions allow principals to exercise common sense when dealing with situations in which students are suspected of being in possession of a weapon.

The bill provides principals with the express power to declare specific items they reasonably suspect are likely to be used in a threatening, violent or harmful manner from being brought onto the school premises — at any

time or at certain times for specific purposes. In this way principals will be empowered to ban potentially harmful everyday items in response to local circumstances.

For example, a principal may choose to ban glass bottles being brought to the school during school hours if students are using them as weapons in the playground. However, the principal may want to exercise discretion in respect of activities conducted on the school premises after school hours. Any declaration made in accordance with this aspect of the bill will be required to be made in writing and circulated to the school community.

The bill provides for the principal or assistant principal of a school to search for a harmful item on the school premises, providing they reasonably suspect that a search will uncover a harmful item. Furthermore, if students are participating in a teacher-supervised activity away from the school, including overnight stays and excursions, the principal or assistant principal will be empowered to search any part of a premises being occupied by the students. This power will extend to searches of bags, lockers or other articles in students' possession.

As part of this process, the student may be asked to turn out his or her pockets and to unlock any locked bag, locker or space being used for storage. Principals may also ask a student to disclose whether or not the student is concealing a harmful item.

In circumstances where the principal or assistant principal is not able to be present to carry out a search, the bill provides for the principal or assistant principal to authorise a teacher to undertake the search — irrespective of whether it is off-site or on school premises. Authorisations will be able to be made in writing or provided verbally. The latter is particularly important in situations where the circumstances necessitate that action be taken immediately and the principal or assistant principal is not able to be present.

Importantly, this power does not extend to a personal search of a student — if such a search is necessary it should be carried out by a member of the police force in accordance with established laws and protocols.

Regulations will be developed to help guide principals in the exercise of this power and the related seizure powers under this bill. These regulations will establish a framework for the development of appropriate protocols between Victoria Police and the Department of Education and Early Childhood Development, on behalf of principals, regarding the manner in which

certain powers should be exercised in different circumstances, and how seized items should be handled and how school principals will liaise with Victoria Police in the execution of these new powers. For example, the regulations may provide for protocols for principals when exercising search powers during a school camp or excursion.

The bill will provide the express power for a principal, assistant principal or any authorised teacher of a school to seize any harmful item found on the school premises. This power will also extend to harmful items found on premises where students are engaged in teacher-supervised activities away from the school. Principals will be provided with advice as to how this power is to be applied through regulations. One of the benefits of this approach is that the development of regulations regarding the search and seizure powers will provide an excellent opportunity for extensive consultation with key stakeholders, such as principals associations, regarding the application of provisions in the bill. The Department of Education and Early Childhood Development will also work with the office of the Victorian privacy commissioner and the Victorian Equal Opportunity and Human Rights Commission in developing the regulations and guidelines that will accompany the bill.

Principals may only seize harmful items if the person in possession of the item does not have an exemption or a lawful excuse for being in possession of that item. For example, a student undertaking a fencing class may have a lawful excuse for having a foil or épée in their school bag. Similarly, a student may be entitled to wear a ceremonial knife for religious reasons, such as the Sikh 'kirpan'. The bill also ensures that a person such as a police officer who enters a school while legally in possession of a weapon is not inadvertently brought under the provisions of the bill.

The bill provides some flexibility for principals in dealing with a harmful item that has been seized. For prohibited items such as swords and knives, it remains appropriate for principals to contact police immediately and to surrender those items to police if directed to do so. If police direct that an item is not to be surrendered, a principal will have discretion to maintain possession of an item until the risk of its use in a harmful manner has passed. For less serious items, it may be appropriate for the principal to return the item to the student's parents or guardian. Regulations and protocols will be developed to provide principals with more detailed guidance about how different types of potentially harmful items should be dealt with under different circumstances. Clause 4 of the bill also allows for ministerial orders to be created to provide further clarity

around the powers and rights of principals when banning, searching for and seizing harmful items.

While the bill will provide clear legislative powers for principals to ban, search for and seize harmful items, it does not seek to limit any other powers that principals and teachers possess. Existing police powers are protected under this bill, and teachers and principals can still rely on their existing power to restrain a student from acts or behaviour that is dangerous to members of staff or students. The bill has been designed to provide complementary powers to principals to ensure that our schools remain safe and secure learning environments.

Importantly, the bill provides an exemption to principals, assistant principals and teachers from contravention of the Control of Weapons Act 1990 and the Firearms Act 1996 in the event that they take possession of a prohibited item after seizing it pursuant to the bill. This is similar to the exemptions recently provided to health professionals who may be required to seize weapons from patients in the course of their regular duties. These exemptions are appropriate and necessary to ensure the proper functioning of the bill.

The bill also takes the opportunity to make a minor statute law amendment to section 7A(4) of the Control of Weapons Act 1990.

### Conclusion

This bill represents the implementation of the government's pledge to create clear legislative power for principals to ban or confiscate items considered harmful or dangerous. Principals will continue to work with Victoria Police to ensure that appropriate action is taken in instances where people take knives and other dangerous weapons onto school grounds. These new powers will allow principals to take a proactive and common-sense approach to making their schools safer for staff and students.

I commend the bill to the house.

**Debate adjourned on motion of Mr HULLS (Niddrie).**

**Debate adjourned until Tuesday, 4 January 2011.**

## NOTICES OF MOTION

### Notices of motion given.

**The DEPUTY SPEAKER** — Order! As the Clerk did not have a copy of the member for Mornington's last notice, it cannot be allowed.

### Further notices of motion given.

## DOCUMENTS

Border Groundwaters Agreement Review Committee — Report 2009–10

*Confiscation Act 1997* — Report under s 139A

*Estate Agents Act 1980* — Notice under s 10A (*Gazette G43, 28 October 2010*)

*Financial Management Act 1994*:

Budget Update 2010–11

Report from the Minister for Skills and Workforce Participation that she had received the Report 2009–10 of the TAFE Development Centre

*Interpretation of Legislation Act 1984*:

Notices under s 32(3)(a)(iii) in relation to:

Statutory Rules 111 (*Gazette G44, 4 November 2010*), 127 (*Gazette G50, 16 December 2010*)

Waste Management Policy (Used Packaging Materials) (*Gazette G46, 18 November 2010*)

Notice under s 32(4)(a)(iii) in relation to Waste Management Policy (Siting, Design and Management of Landfills) (*Gazette G42, 21 October 2010*)

*Land Acquisition and Compensation Act 1986* — Certificate under s 7

*Major Sporting Events Act 2009* — Major Sporting Event Order under s 22

Ombudsman — Investigation into the issuing of infringement notices to public transport users and related matters — Ordered to be printed

*Planning and Environment Act 1987* — Notices of approval of amendments to the following Planning Schemes:

Ararat — C14 Part 2

Ballarat — C139

Banyule — C60, C63, C75, C95

Bass Coast — C113

Bayside — C93

Boroondara — C90, C117, C133

Brimbank — C122, C139

Cardinia — C130, C139, C140, C142, C145

Casey — C127

Central Goldfields — C20

Darebin — C107, C119

East Gippsland — C95	Victoria Planning Provisions — VC74, VC75, VC76
Frankston — C64, C68	Wangaratta — C37
Glenelg — C50, C54	Wellington — C65 Part 1
Golden Plains — C52	West Wimmera — C21
Greater Bendigo — C119	Whittlesea — C58, C131, C140, C149
Greater Dandenong — C112, C121, C126	Wodonga — C69
Greater Geelong — C146, C163, C168, C169, C195, C200, C232, C235	Wyndham — C130
Greater Shepparton — C126	Yarra — C109, C116, C126, C136
Hepburn — C47	Yarra Ranges — C90 Part 2
Horsham — C41	Yarriambiack — C15
Hume — C120, C144, C145, C146	Statutory Rules under the following Acts:
Kingston — C115	<i>Accident Compensation Act 1985</i> — SR 128
Knox — C48, C86, C94	<i>Bail Act 1977</i> — SR 121
Latrobe — C14	<i>Bus Safety Act 2009</i> — SR 110
Macedon Ranges — C68, C76	<i>Children, Youth and Families Act 2005</i> — SR 105
Manningham — C55, C89, C91	<i>Civil Procedure Act 2010</i> — SR 145
Mansfield — C21	<i>Conveyancers Act 2006</i> — SR 107
Maribymong — C96	<i>County Court Act 1958</i> — SRs 145, 146
Melbourne — C141, C157, C164, C174, C175	<i>Crown Proceedings Act 1958</i> — SR 120
Melton — C82, C84 Part 1, C104, C105	<i>Drugs, Poisons and Controlled Substances Act 1981</i> — SRs 130, 131
Mildura — C52, C55, C57, C62, C70	<i>Electricity Safety Act 1998</i> — SR 111
Mitchell — C74	<i>Fair Trading Act 1999</i> — SR 124
Monash — C89, C99	<i>First Home Owner Grant Act 2000</i> — SR 138
Moonee Valley — C103	<i>Fisheries Act 1995</i> — SR 118
Moorabool — C40	<i>Gambling Regulation Act 2003</i> — SR 129
Moreland — C109	<i>Legal Profession Act 2004</i> — SR 123
Mornington Peninsula — C86, C134, C141, C149	<i>Liquor Control Reform Act 1998</i> — SR 125
Mount Alexander — C58	<i>Magistrates' Court Act 1989</i> — SRs 122, 140, 141
Moyne — C36, C45	<i>Metropolitan Fire Brigades Act 1958</i> — SR 126
Murrindindi — C28, C33	<i>Mineral Resources (Sustainable Development) Act 1990</i> — SR 108
Nillumbik — C69	<i>Motor Car Traders Act 1986</i> — SR 101
Northern Grampians — C33	<i>Port Management Act 1995</i> — SR 115
Southern Grampians — C21	<i>Prostitution Control Act 1994</i> — SR 106
Stonnington — C78, C116, C125, C126, C140	<i>Rail Safety Act 2006</i> — SR 114
Surf Coast — C49	<i>Residential Tenancies Act 1997</i> — SR 132
Swan Hill — C36	

*Road Safety Act 1986* — SRs 116, 134, 135, 136, 137  
*Subordinate Legislation Act 1994* — SRs 103, 104, 112  
*Supreme Court Act 1986* — SRs 100, 142, 143, 144  
*Surveying Act 2004* — SR 102  
*Tobacco Act 1987* — SR 113  
*Transport (Compliance and Miscellaneous) Act 1983* — SR 133  
*Victorian Civil and Administrative Tribunal Act 1998* — SR 117  
*Victorian Energy Efficiency Target Act 2007* — SRs 109, 127  
*Water Act 1989* — SR 139  
*Working with Children Act 2005* — SR 119

*Subordinate Legislation Act 1994:*

Ministers' exception certificates in relation to Statutory Rules 94, 100, 103, 104, 105, 117, 122, 126, 140, 141, 142, 143, 144, 145, 146  
 Ministers' exemption certificates in relation to Statutory Rules 98, 101, 102, 106, 107, 108, 109, 111, 113, 116, 118, 119, 120, 121, 122, 124, 127, 128, 131, 132, 133, 134, 135, 136, 137, 139  
 Ministers' infringements offence consultation certificates in relation to Statutory Rules 101, 107, 134

Victorian Law Reform Commission — Review of the *Property Law Act 1958* — Ordered to be printed

*Water Act 1989* — Yarram Water Supply Protection Area Groundwater Management Plan

*Wrongs Act 1958* — Notice under s 28LXA (*Gazette S451, 1 November 2010*).

**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE**

**Membership**

**Ms ALLAN** (Bendigo East) — I desire to move, by leave:

That:

- Five members be appointed from the Legislative Assembly to the Scrutiny of Acts and Regulations Committee, three from the government, nominated by the Premier, and two from the opposition, nominated by the Leader of the Opposition.
- The members will be appointed by lodgement of the names with the Clerk by the persons referred to in paragraph 1 no later than 12 noon on 24 December 2010.

**Leave refused.**

**Ms Allan** — On a point of order, Deputy Speaker, and on the matter of leave being refused, I seek your counsel. There is now legislation sitting before the Parliament, and, with these bills having been second read and now being available both to the Parliament and to the public for scrutiny, the normal practice is for the Scrutiny of Acts and Regulations Committee to be convened as the appropriate parliamentary committee for the scrutiny of those bills. Therefore, we want to facilitate the establishment of SARC, facilitate the operation of the Parliament, facilitate the ability of the government to progress its legislation and facilitate the capacity of the opposition and the community to scrutinise the legislation. There is a need for the opposition to take the initiative to introduce the motion to bring on the formation of SARC.

It is not our position to comment on the fact that the government has failed to think about the establishment of SARC. We have had a bit of a chance to think about it and to demonstrate that we are very much ready to get on with the work of scrutinising the legislation that is before the Parliament. We are happy to work with the government on the scrutiny of legislation and happy to establish SARC by — —

**The DEPUTY SPEAKER** — Order! I think I have heard enough. The matter is in the hands of the house. If members have not been appointed to the Scrutiny of Acts and Regulations Committee, I cannot make a ruling on it.

**Ms ALLAN gave notice of motion.**

**SELECT COMMITTEE**

**Establishment**

**Ms ALLAN** (Bendigo East) — I desire to move, by leave:

- A select committee be appointed to consider and report upon the standing orders of the house.
- The committee will consist of the Speaker, three members from the government nominated by the Premier, and three members from the opposition, nominated by the Leader of the Opposition.
- The government and opposition members will be appointed by lodgement of names with the Clerk no later than 12 noon on 24 December 2010.
- The quorum will be four.

**Leave refused.**

**Ms ALLAN gave notice of motion.**

## BUSINESS OF THE HOUSE

### Adjournment

**Mr McINTOSH** (Minister for Corrections) — I desire to move:

That the house, at its rising, adjourn until Tuesday, 8 February 2011, at 2.00 p.m.

In moving this motion I note that this week was convened under the constitutional matrix that was introduced by a former government. It means that with the return of the writs only scheduled for last Saturday and given the Christmas period, this is the only week when we could sit before the end of the year. We wanted to sit on this occasion to introduce the three bills that have been introduced and second read. Most importantly those bills are a critical part of our community safety regime, and they have been introduced. It also gives us an opportunity, even at this late stage, of starting our inaugural addresses.

The appropriate thing is for the house to adjourn until Tuesday, 8 February. The sitting schedule for next year has been set out, and I note that the house will sit for 17 weeks or a total of 51 days. That substantially exceeds the number of sitting days for the last few years. There will be more sitting time and more debate, and more government action will be manifest in the house. I commend the motion to the house.

**Ms ALLAN** (Bendigo East) — In speaking to the motion I propose an amendment:

That the expression ‘Tuesday, 8 February 2011’ be omitted with the view of inserting in its place the word ‘tomorrow’.

The reason for this is that we want to have a Parliament that is ready to get down and do the work of scrutinising and putting through legislation.

We have already seen how the government was shamed into bringing in its second-reading speeches. Clearly its preference was to conceal the bills from the public over the summer period. Indeed its preference was to have the Parliament return on 8 February and for us to hear only the second readings of those bills. There would have been no debate on the bills; it would have been simply their second reading. We want to see the Parliament return to work and not be about just ceremonial garden parties and government members congratulating themselves on winning government.

There is definitely a lot more work that could be done this week. There is the establishment of the sessional orders. The Leader of the House has already given notice of a motion regarding sessional orders. That

motion needs to be debated; the sessional orders need to be introduced. Of course the opposition would like to assist the Premier to fulfil his wish to improve question time practice by removing, to use his words, ‘the Dorothy Dixers’, which he says are a waste of time. He has also said question time is a farce.

We would like to facilitate that change and indeed introduce new sessional orders mirroring those of the upper house for practice in question time. Those sessional orders have been agreed to by all parties in the upper house, so it should be a pretty simple debate. It should be a pretty simple acceptance of those amendments to the sessional orders, and we can then see the Premier fulfil his plan to amend question time practice. Indeed in an answer in the house earlier today he said he wants to review question time practice by amending the standing orders and introducing new sessional orders. We are happy to do that tomorrow. We have taken the initiative and moved to introduce sessional orders to help the Premier to fulfil his agenda. It is obviously disappointing for the Premier that his team has not shown that initiative and introduced new sessional orders, but that is for him to determine within his party. We are happy to bring on that debate.

Also, parliamentary committees need to be established. That is a bit more of a complex matter which requires negotiation and will take a bit of time. We would like that debate to take place and to assist the government to bring on that debate. In addition, as has been referred to already, a number of members are very eager to start the address-in-reply debate. That is an important part of the parliamentary work, and if all that were done tomorrow, that would free up the first sitting week of the Parliament in February for debate on bills rather than debate on sessional orders.

Just today the Premier is reported in the *Herald Sun* as saying ‘Victorians elected us to get on with the job’. All we are asking is for that job to be got on with, and we want to help Premier put his legislation through Parliament. Of course that legislation requires appropriate scrutiny by the opposition and the community. It requires appropriate scrutiny by the Scrutiny of Acts and Regulations Committee, which is why we want to move immediately to establish that committee.

But clearly the government is just not ready to do these things. It is simply not ready. That is evidenced by the fact that it was not prepared to bring on the second-reading speeches. The opposition had to bring on those second-reading speeches for the government. We had to coax and encourage the government to bring on those second-reading speeches. We had to bring

those speeches into the daylight. They were hidden away in a little room in the bowels of the Parliament; we had to coax the government into bringing them into the Parliament.

Now we have the summer to scrutinise those bills. If we had not done that, there would have been no scrutiny. They would have been hidden away for the next 48 days. This Parliament is not going to meet again for 48 days. Today we are meeting for one day. There are so many more things that we could do if we had the opportunity to have a full parliamentary week. Certainly the opposition is ready to do this job. We are ready to hold the government to account, and we look forward to doing that this week.

**Dr NAPTHINE** (Minister for Ports) — We have just seen another example of the selfish arrogance of the Labor Party — its arrogant abuse of this parliamentary process. We have new members of Parliament who were sworn in today and whose families and friends are here to listen to their inaugural speeches, but instead we have selfish, arrogant grandstanding from the Labor members. It is absolutely disgraceful behaviour. That is the sort of selfish arrogance that forced them from this side of the house to that side of the house: the people of Victoria had had enough of their arrogance and their abuse of process and enough of them spending their time creating problems rather than fixing them.

Opposition members agreed to adjourn for two weeks debate on the bills that were brought before the Parliament today. Those bills cannot be debated tomorrow. The opposition has adjourned debate on those bills for two weeks. We have just had over an hour of members giving notices of motions which reflect a litany of failures by the previous Labor government over 11 years. Members gave notice of motion after notice of motion asking why we have done this and that in 19 days when they had 11 years! They had 11 years of waste and mismanagement. Is it any wonder schools and fire stations were not built and railway crossing separations were not undertaken? The selfish, arrogant Labor Party — which has demonstrated those traits again by the behaviour of its members in here tonight — had 11 years of waste and mismanagement.

What we need tonight is a bit of decorum and common sense. We need to give the members who were sworn in here today the chance to give their inaugural speeches while their families and friends are here to listen. It is a pity the Labor Party does not have the common decency to allow that to happen. I would have

thought the Leader of the Opposition was a better person than that.

We need to reject the amendment moved by the member for Bendigo East, and we need to support the motion moved by the Leader of the House. This house needs to move on to the inaugural speeches. This house needs to adjourn until February next year. I hope in that time the Labor members will realise they lost the election simply because of their arrogance and because they were out of touch with the people of Victoria. They need to listen to the people of Victoria. The people here are saying let us get on with the inaugural speeches, let us stop this filibustering, stop this abuse of process and stop this arrogant behaviour.

**Mr HULLS** (Niddrie) — I thank everybody who is here tonight. We understand that people want to make speeches and that their families are here. We certainly understand that, but the Parliament is a lot more than that. Those in government can shout and yell all they like, and that is fine, but the fact is, whether they like it or not, I get 5 minutes to speak. That is the democratic process: like it or not, I get 5 minutes to speak. I have said time and again that I am not a big rap for sooks. From time to time I can understand people being a bit sooky when they have lost something, but I find sooking after you have won quite extraordinary! The members opposite won, but they are still sooking.

The fact is that this Parliament has a very important role to play. You can choose either cucumber sandwiches or work, and the fact is that work is very important. I understand the point that has been made about the opposition having agreed to adjourn debate on the bills for two weeks, so why the hell would it want to sit tomorrow. This Parliament does more than just debate bills. We adjourned debate on those bills for two weeks because we think that is absolutely appropriate for proper scrutiny of bills.

I remember time and again in the last Parliament when then opposition members said, ‘Two weeks is not enough; we want months and months’, and talked about how arrogant the government supposedly was. The fact is the shoe is now on the other foot. It is appropriate for these bills to be appropriately scrutinised, and that is what we will do as an opposition. But in doing that there are a whole range of procedures and forums that need to be put in place to properly scrutinise legislation, and SARC (Scrutiny of Acts and Regulations Committee) is one of them.

SARC plays a very important role in this place. We can come back here tomorrow and debate the sessional orders, because the Premier, whom I congratulate on

his victory, has made a number of very interesting pronouncements, particularly in relation to making this place even more democratic, freeing up question time, ensuring that question time is not a waste of time — that is what he said — and ensuring that ministers actually answer questions succinctly. We have given notice of a motion that could be debated tomorrow in relation to ensuring that we have supplementary questions in the same way that the Legislative Council has. All these things can be debated tomorrow. I know it is very close to Christmastime, but I am available tomorrow — I will be here! All members on this side of the house are more than happy to be here tomorrow.

We urge the government to show it is fair dinkum about reforming this place and doing some real work by coming back tomorrow. Let us get the inaugural speeches out of the way tomorrow. We could all be here to congratulate all the new members when they make their inaugural speeches — there will be plenty of time tomorrow — but we could also do some real work. We could debate the sessional orders and talk about the Scrutiny of Acts and Regulations Committee. We could do a range of things to ensure that we are absolutely ready to go again when we come back in February.

I have to say it is a good thing that the Deputy Premier, the Minister for Education and others finally agreed to our motions to second read the government's three bills today. That shows a lot of goodwill. It is a good way to start this 57th Parliament. Had we not moved those motions and had the bills not been second read today, we would have come back in February with virtually nothing to do. We would not have been able to debate the bills then; they would have just been second read. I take the thanks that is coming from the government for the motions we moved today! It was a good thing for the government to agree to them on a bipartisan basis. However, it is also important that we continue the democratic process and the work of this Parliament by coming back tomorrow, debating sessional orders and ensuring that we are ready to go, full steam ahead, when we finally come back in February. I certainly support the amendment that has been moved by my colleague the member for Bendigo East.

**Mr RYAN** (Minister for Police and Emergency Services) — Tonight we have seen the living example of why the people of Victoria threw the Labor Party out of government: what an appallingly disgraceful performance. The ones I feel sorry for are those on both the other side of the house and our side who came here today with their respective families with the intention of making — and as I understand it the agreement was that they would be able to make — their inaugural speeches. As I understand it that was the agreement

between the parties so that members who are in this chamber for the first time could come here safe in the knowledge they could have their families here for the wonderful occasion of their addressing this Parliament for the first time, yet we have this farce playing out. It is an unmitigated disgrace.

If ever anybody wanted to recount tonight's proceedings for the sake of posterity, it would be a source of absolute wonder that the Labor Party, having so unashamedly conducted itself in this fashion tonight, should still expect that somehow or other it will ultimately make its way over to this side of this house. The Labor Party has sunk to new depths tonight. I was here during the term of the previous coalition government, when we had those all-night debates — and, yes, all of that happened. But over the course of the last 11 years I have heard Labor members in government talking about doing all sorts of things on behalf of Victorians, yet now, member after member, half of them have stood up here complaining that the things they promised to do have not been done, when they had 11 years to do them, and calling upon us to have done them in 19 days. It just goes to demonstrate how low they can sink. To the new members on both sides of the house and the people watching this sitting, wherever they may be, I implore you to accept that this is not the way this government intends this Parliament to function.

In the course of the commentary I made today I said I am a passionate supporter of the parliamentary process, and I am. However, that we have to sit here and listen to this garbage, with this once-proud Labor Party, which has completely and utterly lost its way, making its own members sit here and go through this rubbish, is just another example of what a pathetic, hopeless bunch they have become.

I oppose the amendment moved by the member for Bendigo East, and I ask for some common sense on behalf of not only those members who are yet to make their inaugural speeches tonight but also their families and supporters who have come here tonight knowing that the two parties came here today with an agreement that members would be able to stand up and make — —

**An honourable member** interjected.

**Mr RYAN** — It is now said there was no agreement, so for the people who came here today expecting to make their inaugural speeches, apparently it was all to happen on a whim. It just goes to show once again what a pathetic, hopeless bunch Labor

members are. They will sit in the seats they now occupy for a long time.

**Mr NARDELLA** (Melton) — This follows the pattern that the former opposition, now government, has followed for the last 11 years — that is, to say that it is really hard to come into Parliament and do some work; it is really hard to put the thinking cap on and come back tomorrow! All we heard from the Leader of The Nationals was abuse of Labor members. That was all he gave as an excuse for the government not sitting down and working through the appointments to the procedural committees that need to be worked through, as we want to do tomorrow.

More importantly the Scrutiny of Acts and Regulations Committee — and the Leader of The Nationals chaired the committee when I was on it — is an extremely important committee. When you are talking about taking away people's rights, about having them patted down looking for weapons or other things, then it is important to have legislation to look at the rights that may be taken away from people. That was certainly our attitude: that you need to make sure people's rights are protected and that you need time to set up the committee and do the necessary procedural things.

Members opposite talk about democracy and about the role of the Parliament, but when it comes to making decisions to make sure that those things are actually put in place, they are found wanting. It is always the same. They will say the right things and they will say them sincerely, but when it comes to the actions that are needed by this coalition government it is found wanting at every opportunity.

Let us have a look at the past and what happened during our term of 11 years: in the first session of Parliament in 1999 we sat for two days in the first week; in the first session of 2002 we sat for three days in the first week; and in the first session of 2006 we sat for three days in the first week. We could do it; we are in the Labor Party, and in government we did it. We sat for at least two days in the first week of the session.

Let us go back to the Liberal Party hero, Jeff Kennett. In 1992 we sat for three days in the first week. In the first sitting immediately after gaining office, Parliament sat for three days. Jeff Kennett understood the meaning of hard work — something that this mob on the other side does not understand. What about 1996? Members sat for one, two, three days in the first sitting week of 1996 after they won the election, so they could do it back then. They could do some work back then — but no, not now. This is too hard; it is too close to Christmas.

It is as if it has just been revealed to them that this week is too close to Christmas, and they are saying, 'By the way, we have to go and do some Christmas shopping'. The Parliament is not as important as going to Myer or Coles or Target or David Jones to do Christmas shopping just before Christmas. It is more important to shut the Parliament down. It is more important than making sure that bills are scrutinised and putting in place the sessional orders to make sure the Parliament runs properly so that the words, the promises and the commitments of the Premier are put in place. No, David Jones and Myer have to come first for this government.

The sessional orders and the factional committees are extremely important. Government members are claiming there was an agreement, but we on this side say there was no agreement. They made no agreement with the opposition. If they had actually sat down and talked to us, we could have worked these things through, but that is not the way this government will operate. It never operated that way in the seven long, dark years of the Kennett government, and it is not going to operate that way for the next three years in the 48 weeks that this Parliament is going to be in session, because the government finds it hard to sit down and negotiate with us.

It is important that honourable members make their inaugural speeches. I am certainly looking forward to hearing the inaugural speeches of members on both sides of the house, and that should occur so that we can get straight into the business that we — not the government — have put on the notice paper. We have done the hard work and put that on the notice paper for consideration when we come back in February.

#### **House divided on omission (members in favour vote no):**

##### *Ayes, 44*

Angus, Mr	Mulder, Mr
Asher, Ms	Naphine, Dr
Baillieu, Mr	Newton-Brown, Mr
Battin, Mr	Northe, Mr
Bauer, Mrs	O'Brien, Mr
Blackwood, Mr	Powell, Mrs
Bull, Mr	Ryall, Ms
Burgess, Mr	Ryan, Mr
Clark, Mr	Shaw, Mr
Crisp, Mr	Smith, Mr R.
Delahunty, Mr	Southwick, Mr
Dixon, Mr	Sykes, Dr
Fyffe, Mrs	Thompson, Mr
Gidley, Mr	Tilley, Mr
Hodgett, Mr	Victoria, Mrs
Katos, Mr	Wakeling, Mr
Kotsiras, Mr	Walsh, Mr
McCurdy, Mr	Watt, Mr

McIntosh, Mr  
McLeish, Ms  
Miller, Ms  
Morris, Mr

Weller, Mr  
Wells, Mr  
Wooldridge, Ms  
Wreford, Ms

*Noes, 42*

Allan, Ms  
Andrews, Mr  
Barker, Ms  
Beattie, Ms  
Brooks, Mr  
Campbell, Ms  
Carbines, Mr  
D'Ambrosio, Ms  
Donnellan, Mr  
Duncan, Ms  
Edwards, Ms  
Eren, Mr  
Foley, Mr  
Garrett, Ms  
Graley, Ms  
Green, Ms  
Halfpenny, Ms  
Helper, Mr  
Hennessy, Ms  
Herbert, Mr  
Holding, Mr

Howard, Mr  
Hulls, Mr  
Hutchins, Ms  
Kairouz, Ms  
Knight, Ms  
Languiller, Mr  
Lim, Mr  
Madden, Mr  
Merlino, Mr  
Nardella, Mr  
Neville, Ms  
Noonan, Mr  
Pallas, Mr  
Pandazopoulos, Mr  
Perera, Mr  
Pike, Ms  
Richardson, Ms  
Scott, Mr  
Thomson, Ms  
Trezise, Mr  
Wynne, Mr

**Amendment defeated.****House divided on motion:***Ayes, 44*

Angus, Mr  
Asher, Ms  
Baillieu, Mr  
Battin, Mr  
Bauer, Mrs  
Blackwood, Mr  
Bull, Mr  
Burgess, Mr  
Clark, Mr  
Crisp, Mr  
Delahunty, Mr  
Dixon, Mr  
Fyffe, Mrs  
Gidley, Mr  
Hodgett, Mr  
Katos, Mr  
Kotsiras, Mr  
McCurdy, Mr  
McIntosh, Mr  
McLeish, Ms  
Miller, Ms  
Morris, Mr

Mulder, Mr  
Naphine, Dr  
Newton-Brown, Mr  
Northe, Mr  
O'Brien, Mr  
Powell, Mrs  
Ryall, Ms  
Ryan, Mr  
Shaw, Mr  
Smith, Mr R.  
Southwick, Mr  
Sykes, Dr  
Thompson, Mr  
Tilley, Mr  
Victoria, Mrs  
Wakeling, Mr  
Walsh, Mr  
Watt, Mr  
Weller, Mr  
Wells, Mr  
Wooldridge, Ms  
Wreford, Ms

*Noes, 42*

Allan, Ms  
Andrews, Mr  
Barker, Ms  
Beattie, Ms  
Brooks, Mr  
Campbell, Ms  
Carbines, Mr  
D'Ambrosio, Ms  
Donnellan, Mr  
Duncan, Ms

Howard, Mr  
Hulls, Mr  
Hutchins, Ms  
Kairouz, Ms  
Knight, Ms  
Languiller, Mr  
Lim, Mr  
Madden, Mr  
Merlino, Mr  
Nardella, Mr

Edwards, Ms  
Eren, Mr  
Foley, Mr  
Garrett, Ms  
Graley, Ms  
Green, Ms  
Halfpenny, Ms  
Helper, Mr  
Hennessy, Ms  
Herbert, Mr  
Holding, Mr

Neville, Ms  
Noonan, Mr  
Pallas, Mr  
Pandazopoulos, Mr  
Perera, Mr  
Pike, Ms  
Richardson, Ms  
Scott, Mr  
Thomson, Ms  
Trezise, Mr  
Wynne, Mr

**Motion agreed to.****GOVERNOR'S SPEECH****Address-in-reply**

**The SPEAKER** — Order! I report that today the house attended the Legislative Council chamber where the Governor was pleased to make a speech to both houses of Parliament. I have obtained a copy for accuracy, and copies will be available at the table. We move now to the address-in-reply.

**Mr GIDLEY** (Mount Waverley) — I move:

That the following address-in-reply to the speech of the Governor to both houses of Parliament be agreed to by this house:

Governor:

We, the Legislative Assembly of Victoria assembled in Parliament, wish to express our loyalty to our Sovereign and to thank you for the speech which you have made to the Parliament.

In rising to provide my address-in-reply to the Governor's address, I congratulate you, Speaker, on your election as Speaker of the Legislative Assembly and the Deputy Speaker on her successful rise to office.

I also offer my congratulations to all members of the 57th Parliament on their election and wish them well in undertaking their parliamentary duties.

It is a great privilege to be elected to represent the people of Mount Waverley in this Parliament. I first and foremost thank the people of Mount Waverley for entrusting me to represent our community as their member of Parliament. I will always strive to undertake my parliamentary responsibilities in a manner befitting that trust and privilege. I also acknowledge a number of local residents who are in the chamber tonight. I thank them for their commitment to see their new member of Parliament make his inaugural speech, and I thank them for their patience this evening.

The electorate of Mount Waverley is a relatively new electorate, having been created in 2002. It encompasses the suburb of Mount Waverley and most of Glen Waverley. The electorate is predominantly residential, with a strong service-based economy, diverse educational opportunities and quality parks and recreational opportunities. As part of the Monash community, value-added manufacturing and information and communications technologies also remain of strong importance to the future economic and social opportunities of our community.

Although the Mount Waverley electorate is relatively young, the history of community activity in Waverley predates the 20th century, extending back to times when the Waverley area was utilised for Aboriginal hunting, when pastoralists grazed cattle and when the formation of local townships commenced. By 1905 the towns of Mount Waverley and Glen Waverley were gazetted, and the citizens were focused on building for the future — building infrastructure such as roads, schools, post offices and town halls. Throughout the 20th century these towns thrived and developed into the communities Mount Waverley and Glen Waverley are today. The state Liberal-Nationals coalition understands the importance of looking to the future and, just as the good citizens of those early townships did, will fix today's problems and build for the future.

I am also conscious of the parliamentary history of the electorate, which has been served according to various boundaries by a number of parliamentarians, including the Honourable Roger Pescott, the Honourable Geoff Coleman, Mr Ron Wilson, Mr Ross Smith and most recently the Honourable Maxine Morand. I thank Mr Ross Smith and Mr Ron Wilson, who as former members of this Parliament supported my endeavours to represent Waverley in the best way they could. Both have been loyal and dedicated servants to the Liberal cause in Waverley. I note that Mr Ross Smith is still serving the community in local government and other forums. His dedication to community service is an example I will remember and strive to emulate. I also take this opportunity to wish Ms Morand well.

Although my history is less revolutionary than those who would settle townships, it tells the story of my experiences — experiences which have developed my values and priorities and increased my desire to achieve key objectives that will create a better future for Waverley and our state. I was raised by my parents as one of four children in Melbourne's eastern suburbs. Whilst growing up I was fortunate to experience the benefits a strong family unit can provide, including support, guidance, love and stability. Although I did not always appreciate it at the time, in hindsight I realise

that family experience was crucial in developing my view that people and communities remain best placed to assist individuals achieve their ambitions, fulfil their potential and solve problems. It is my view that this premise is crucial in establishing the role and indeed the limitations of government in our community.

I was very fortunate to receive the majority of my school education at Xavier College, a place which encouraged individuals to think critically, fully utilise every skill they possessed and make the most of every opportunity, with the goal of contributing to a better future for all — a future which protects and recognises the sanctity and dignity of all human life. These are experiences I have valued and retained; they are experiences which highlight the importance of the individual and their potential to make a positive contribution to our future.

With that in mind I involved myself in a range of clubs, including the Liberal club, whilst undertaking a commerce degree at Deakin University. It was through the Liberal club that I met several students and former students who also shared a strong interest in economic and political theory. They were people who believed in the importance of the political process and its power to change lives for the better, and they were people who were committed to running effective campaigns to achieve that end. As a result of those activities, university was not only a great educational experience for me but also an invaluable political experience. In naming just a few from those early university days, I say to Asher Judah, Liz and James Matheson, Dan Feldman, Simon Price and Megan Gidley that I have greatly appreciated and valued your good advice, continuous support and political experiences over those first years. Those experiences were crucial to my political development.

The significance of a strong economy in the development of a stable, functioning and prosperous society can never be underestimated. Without a growing economy governments cannot plan and build for the future, deliver a fair social safety net or provide services such as health care, education and transport. Without a growing economy the challenge for citizens to build their lives free from overreliance on the state, and in doing so to build personal, economic and social capital, is far more difficult. That is why the continued development of a growing economy must remain a key objective for government — and I note that very point was made in the Governor's speech today.

As the private sector is the engine room of a growing economy, governments have an important role to play in encouraging the growth of a competitive private

sector economy through legislative and regulatory programs that are not unduly costly or resource intensive, that encourage rather than discourage the growth of free enterprise and that achieve the objectives sought. As an experienced taxation accountant I have worked closely with many businesses, helping them grow, navigate the maze of government compliance and reduce the associated costs thereof. More often than not such government compliance has cost far more than anticipated, has not achieved its objectives and has substantially underestimated the impact on those affected. A worthy example of such compliance is the tax on long-stay car parking in central Melbourne introduced by the former government in 2005. Even three years after implementing the measure, the government conceded that key objectives of the measure had not been achieved, yet the direct and indirect costs of this failed experiment were once again borne by Victorians.

To ensure Victorians are not exposed to continuous ill-conceived, wasteful government programs and regulations, we must set benchmarks that legislative and regulatory proposals must meet prior to their acceptance and implementation by government. Benchmarks which require an accurate cost-benefit analysis would ensure stated objectives are realistically achievable and demonstrate a need for government to be involved in the proposed activity. By establishing higher benchmarks for the continuation and commencement of government activity, we can reduce the burden of government compliance on businesses and individuals.

The implementation of a low-tax state is an essential way of ensuring governments meet the abovementioned benchmarks. From my experience, if governments are awash with cash through high levels of taxes and charges, they are more likely to engage in ill-conceived, wasteful government programs.

The low-tax state also recognises that in a direct market-based economy individuals are best placed to decide if and where they spend their hard-earned dollars. A low-tax state which retains a fair social safety net will help keep governments focused and honest and deliver better economic and social outcomes.

To achieve a low-tax state I believe we must not only significantly reduce state taxes but also ensure they are levied in an efficient and fair manner. No-one in their right mind could argue that the concept of taxing household insurance policies three times with stamp duty, GST and a fire services levy is a fair or efficient way to raise state tax revenue. Yet for over a decade the previous Victorian government remained

uncompromising in its support for that very system, until the last half of a state election year — a system which discriminated against insurance policy-holders and resulted in Victorians enduring a tax on a tax on a tax.

Likewise, no-one can argue the existing stamp duty regime on property transfers is a fair and efficient state tax, yet again the Victorian government stuck with the system for over a decade. It is just another example of the need to change our state tax system. The state Liberal-Nationals coalition understands this need. It is the only party that has announced a genuine reduction in stamp duty for residents across Victoria. I welcome this first step in reducing the record high levels of state taxes and charges left by the Brumby government. I look forward to working as part of the coalition team to deliver a low-tax state in Victoria.

I believe a focused state government will also deliver services that work today and cater for a sustainable tomorrow — essential services such as public transport, health and police services. After enduring years of dangerous public transport services that simply did not work, underresourced police services incapable of meeting public safety needs and ineffective health services, the people of Mount Waverley and Victoria desperately wanted a government that would work hard to fix the problems and build for the future. On 27 November 2010 they made that loud and clear.

I will always work hard to meet those needs and deliver effective parliamentary representation for our community, consistent with the values and priorities outlined today — a smaller government, a better focused government, increased individual responsibility and a government that works for people, not against them.

To my wife, Megan, who has been such wonderful and enduring support for me in so many ways: I thank you so much for your loving support. To my mother and father, Charles and Bernadette, who always encouraged and supported my endeavours and made many sacrifices to provide for opportunities aplenty over the years: I thank you. I also thank Samantha, Damien and Angela for their continued patience and support over the journey, as well as David, Kathy and Ainsley Cox, who are all loyal supporters of the Liberal cause.

The campaign required to win Mount Waverley was all encompassing. Without the support and dedication of so many professionals, members and volunteers from many organisations and backgrounds it simply could not have happened. Firstly, to the broad coalition of volunteers and supporters of our campaign, your efforts

in so many different aspects of the campaign were tremendous, and I thank you for them. In particular I wish to thank the Mount Waverley SEC committee of Luke Lucas, Con Helas, Chris Nugent, Dan Hopewell, Ben Kunstler, Anton Vucic, Joe Feldman, Asher Judah and James and Liz Matheson for their unwavering dedication to the campaign over the years. I also note the continued and long service of a number of those members, including Con Helas and Chris Nugent, to a range of Liberal support activities in Mount Waverley, and I thank them for that.

Winning campaigns in modern politics also relies heavily on good professional central campaigns run by committed and competent individuals. The state coalition campaign of 2010 illustrates that yet again. I pay tribute to the state director of the Victorian division of the Liberal Party, Mr Tony Nutt, his campaign team and office-bearers and previous office-bearers of the party for the central campaign organisation and their support of the Mount Waverley campaign.

I recognise the strong contribution of the state coalition parliamentary party to the central campaign. In many ways that story was built by the performance of the members of the parliamentary party between 2006 and 2010. The campaign sold that performance, and I take my hat off to those members for an election-winning product.

In particular I want to acknowledge and pay tribute to the Premier and leader of the parliamentary Liberal Party, Ted Baillieu, and the Deputy Premier, Peter Ryan, for their outstanding contributions to a professional and well-run state campaign. Thanks must also go to state upper house members Gordon Rich-Phillips in particular, my buddy MP; Inga Peulich; Bernie Finn; and Matthew Guy — all of whom supported our campaign team in their own way. The support of the Victorian Senate team, particularly Senator Scott Ryan, was invaluable.

I once again restate my thanks and commitment to the people of Mount Waverley for this great privilege, and I thank the Assembly for the courtesy extended to me this evening.

**Business interrupted pursuant to standing orders.**

## ADJOURNMENT

**The SPEAKER** — Order! The question is:

That the house do now adjourn.

## Country Fire Authority: stations

**Ms GREEN** (Yan Yean) — The matter I wish to raise tonight is for the attention of the Deputy Premier in his role as the Minister for Police and Emergency Services. The action I seek is for him to provide funding details for each of the 60 Country Fire Authority stations that were indicated in the coalition's election commitments. The reason I ask this is that I have had much lobbying from the emergency services sector and from CFA volunteers who are extremely concerned about the list of 60 CFA stations that has been proposed by the coalition.

This is the first occasion on which I have got to my feet to make a speech in this 57th Parliament, and I say at the outset I recognise that the electorate has spoken and that the coalition has been elected to government. The government now has the task of getting down to work and delivering to the community. I respect that the electorate has spoken; however, in the sector that I have represented for a long time — as an emergency services volunteer and a firefighter, as the Parliamentary Secretary for Police and Emergency Services previously and now as the shadow minister — I find that CFA volunteers are very concerned that funding for only 60 fire stations was committed to by the incoming government.

The Labor Party proposed in our policy to build 250 stations, and that was to be on top of the many fire stations we had built and upgraded over our term in government. Our policy actually named almost 200 of those stations we would build. I cannot find the 60 stations the coalition has promised to upgrade or rebuild listed anywhere in any costings or policy documents that have been publicised by the coalition, and they certainly have not been explicitly named.

In the north-eastern suburbs we had our own terrible experience of Black Saturday, so firefighters in that particular area are acutely aware of the need to have good facilities to support the important work they do. In my area we committed to build a fire station for Plenty, a fire station for Warrandyte, a fire station for Eden Park and a fire station for Wattle Glen, and we committed to upgrade the Kangaroo Ground fire station. That is just in my electorate of Yan Yean. There are a couple of hundred other stations across the state that we committed to build that firefighters are now very concerned will not be built by this government.

If a government has been elected on a platform of openness, accountability, transparency and fixing the problems, it is important that the community understand what it is doing and that it has information,

and I urge the minister to provide information about the costings for these 60 fire stations.

### **Seville, Coldstream and Wandin North primary schools: building program**

**Mrs FYFFE** (Evelyn) — My request for action is to the Minister for Education, and I ask him to review the management of the BER (Building the Education Revolution) program to lift the low efficiency and slow delivery standards of the former government and expedite the completion of Building the Education Revolution buildings at Seville Primary School, Coldstream Primary School and Wandin North Primary School. All three schools have suffered long delays, and half-completed buildings are a reminder of the incompetency of the Brumby government.

Seville Primary School is enduring another delay in the completion of four classrooms; meanwhile, a classroom had to be closed due to a mould outbreak that was making staff and students physically ill. Students are now having to crowd into the library.

Coldstream Primary School has never-ending design issues with its building works. Basic functional details were omitted from the previous government's template. The school has had to find additional money to pay for a door to close off two connecting classrooms. Since when did you have two classrooms connected without a door to close them off as needed? Air conditioning is not supplied. What is even more ridiculous than the lack of a door is that Coldstream and other schools have been told that they are on the wrong side of the Great Dividing Range, so they cannot have air conditioning. It is an offence to leave children in a hot car, but obviously the previous government was happy to leave children in hot classrooms in my electorate.

Wandin North Primary School was approved for funding in the second round. The school was told by the construction company that it was ready to start in September 2009. It is still waiting without even a stump having been sighted. The old mod 5 portables were removed in preparation for the works. Now the school is having great difficulty accommodating the increased school population. Three classes will have to be crammed into two classrooms. It is an excellent school. The pupil numbers are growing all the time, but the school cannot fit them in. At this stage the earliest Wandin North's BER classrooms will be ready in 2011 — two years after the school was told the builders were ready to start.

I ask the minister to urgently look at all the BER projects that under the incompetency of the previous

government are way behind time, are not what the schools have wanted and are not going to be completed properly. Schools are struggling to find the money to pay for extra landscaping, fit-outs and air conditioning.

### **Rail: Hurstbridge line**

**Mr HERBERT** (Eltham) — I wish to raise an issue for the attention of the Minister for Public Transport. The action I seek is that the minister provide an immediate commitment that the communication, signalling and stabling upgrade of the Hurstbridge rail line that was planned and commenced under the previous Labor government will continue under the newly elected coalition government and that additional improvements resulting from major consultations with the local community will be included in the project.

The initial stages of the much-needed upgrade have begun, and these will build upon the \$52 million new bridge and track duplication upgrades between Clifton Hill and Westgarth stations completed a couple of years ago, which represented the single largest upgrade of the Hurstbridge line in decades. The latest upgrade of the Hurstbridge line included new train stabling at Eltham station, a major electronic signalling upgrade that will result in much greater reliability, and two extra morning and two extra evening peak services beginning in 2011.

Importantly, after extensive consultation with the local community, the railway reserve at Eltham station was to undergo substantial landscaping and beautification. Local native plants were to be incorporated into the landscaping and beautification project design, with mature plants and trees to provide screening for Melbourne Citymission residents. These additional works were also to include attractive coloured fencing around the stabling yards; a relocated pedestrian crossing and pathway for cyclists; new, less intrusive, electronic signalling; and rubber-topped concrete sleepers to reduce noise for nearby residents. Importantly a historic display was to be included at the station for future generations.

This is an incredibly important upgrade. With the increased popularity of train travel nowadays we are seeing a lot of overcrowding on carriages on the line, and we definitely need extra trains to provide more peak hour services to increase capacity. However, it is unfortunate that throughout the lead-up to the 2010 Victorian election Liberal Party upper house and lower house candidates undertook an ill-informed and sensationalist local scare campaign in opposition to this much-needed project. Misleading information was circulated to local residents and posted on campaign websites. Consequently and understandably many

Eltham commuters fear that the new government will abandon this crucial upgrade. They want to know if the new Minister for Public Transport will stand up for public transport patrons and make this improvement rather than simply defend his Liberal Party colleagues and their biased and self-serving claims.

I seek an immediate commitment from the Minister for Public Transport — now, not after Christmas — that the Hurstbridge line upgrade will continue, that the two new morning and two new evening peak services will begin in 2011 and that the additional landscaping and beautification works will be completed as agreed through the consultation process.

### **Sandringham and District Memorial Hospital: ministerial visit**

**Mr THOMPSON** (Sandringham) — I congratulate the Speaker and wish him all the best in his role.

The Sandringham and District Memorial Hospital is perhaps the bayside area's single greatest asset. Over the generations of endeavour that have built it and led to the expansion of a range of services the hospital has continued to be a most valuable local community resource.

**The SPEAKER** — Order! The member has not indicated to whom his question is addressed.

**Mr THOMPSON** — I have a matter that I wish to raise with the Minister for Health. The action I seek from the minister is for him to visit the Sandringham and District Memorial Hospital to meet with the service providers there and to note the important role that the hospital plays in the local community. In recent times the hospital has had an uptake in victims of cycling accidents on local roads. It has seen a range of treatment services provided for people who might be injured along the coast of the district, and the accident and emergency department has seen a large increase in the number of people treated in the local area. Of particular importance has been intervention in the case of stroke or heart attack before possible transfer to other hospitals in the district.

The hospital networks that serve my electorate are Bayside Health and Southern Health. It has come to my attention that over the last 11 years there has been an increase in waiting times across a number of key sector areas in health provision. I note that category 1 median waiting times have gone from 7 days in 1999 to 10 days in 2010, category 2 patients have gone from 35 days to 51 days and category 3 patients have gone from 52 days to 89 days. This is a serious matter, and all members of

the house will have dealt with health issues through their constituency offices across Victoria. Delays can cause complications when you are dealing with people who are waiting for elective heart surgery, elective vascular surgery or elective back surgery.

By way of summary, the Sandringham and District Memorial Hospital is an important asset in the local community, and I invite the Minister for Health to meet the health service providers who provide front-line services and to ensure a strong, ongoing role for the hospital.

### **Greensborough College: redevelopment**

**Mr BROOKS** (Bundoora) — I wish to congratulate the Speaker on his election.

My item is for the attention of the Minister for Education. The specific action I seek from the minister is that he commit as a matter of urgency to the rebuilding of Greensborough College in my electorate of Bundoora. The college is a fantastic local government secondary school that is located in the suburb of Watsonia but serves a large number of north-eastern suburbs. Over the last 10 years the college has had significant growth in enrolments as local families have been attracted to the school's fantastic environment and its excellent principal and staff. The staff are very passionate about education and dedicated to the education of their students.

On 10 November I was delighted to attend the school with the then Deputy Premier and the member for Yan Yean to announce that the then Brumby Labor government would rebuild Greensborough College so that the facilities at the school would match the fantastic level of education provided by the staff and volunteers. The previous government had a significant investment program in rebuilding schools across the state. We invested around \$3.7 billion to renovate, rebuild or extend nearly 1000 schools. In the last parliamentary term nearly \$2 billion was spent on 553 schools across Victoria. There was a fantastic program of investment in education that was complemented by the federal government's investment in the Building the Education Revolution program for local schools. Many of the schools in my electorate have benefited from new facilities. I have attended the opening of many of those facilities, where the school communities were making fantastic use of different types of buildings at their schools.

I wrote to the minister and have received a holding response from his office. I ask the Minister for Education to make a commitment to the people in the

Greensborough area that the new government will indeed rebuild Greensborough College. At the very least I ask the minister to visit Greensborough College and talk to the principal, staff, students and families of the school before making any decision, particularly if he is going to decide not to fund the school. I think he should at least pay us the courtesy of coming out and talking to the people that his decision will affect.

### **Water: Murray-Darling Basin plan**

**Dr SYKES** (Benalla) — My issue is for the attention of the Minister for Water. The action I seek is for the minister to take whatever action is necessary to protect the interests of irrigators and associated communities in northern Victoria. At present they are at grave risk as a result of the proposals for water recovery contained in the guide to the draft Murray-Darling Basin Authority plan.

The draft plan was released in October. There have been a number of public meetings since that time, and the local community has been absolutely shocked by the potential implications of the plan. The guide focuses almost solely on protecting the environment and has scant regard for the production of food and fibre and the wellbeing of communities in northern Victoria.

A series of public meetings has been held, with the notable absence of both Victorian and federal Labor government MPs, and it has become evident that there are serious questions about the factual basis and methodology of the work underpinning the guide. One particular concern relates to the Ovens catchment, where it is possible that over 70 per cent of the water available for irrigation will be recovered, which would have a disastrous effect on local irrigators and communities. These irrigators and communities are already reeling from 12 tough years weather wise, three megafires, smoke taint and frost damage to grapes, termination of the tobacco industry, massive floods in September and December 2010 and, last but not least, 11 years of the unsympathetic, city-centric Bracks and Brumby Labor governments.

It is absolutely critical that the Victorian Liberal-Nationals coalition government stand up for irrigators and communities in northern Victoria and ensure that a much harder look is taken at not just the environmental needs of the Murray-Darling Basin as it impacts on northern Victoria but also the associated social and economic impacts. If those impacts are not addressed, we know there will be a devastating effect on the communities in northern Victoria and on our food and fibre production potential, and that cannot be allowed to happen.

I ask the Minister for Water to stand up and take the lead in representing the interests of country Victorian communities and food and fibre producers and to take what action is necessary to ensure that the social and economic needs of northern Victoria are taken into consideration along with the environmental needs.

### **Casey Hospital: funding**

**Ms GRALEY** (Narre Warren South) — The matter that I wish to raise this evening is for the attention of the new Minister for Health, and it concerns Casey Hospital in my electorate. The action I seek from the minister is that he provide an assurance to my constituents that Casey Hospital will receive the extra beds and facilities promised by the Brumby Labor government.

Casey Hospital was built by the Bracks government and improved by the Brumby government. It has a fantastic new special care nursery, which was opened in October and provides excellent facilities for precious newborn babies and stay-in-hospital facilities for parents who are very concerned about their new babies.

Labor had a strong plan for the future of Casey Hospital to build on the significant investment it had already made. Under the historic health agreement reached earlier this year between the Gillard and Brumby governments, Casey Hospital was to receive 30 new subacute beds. In the election campaign we promised that Casey Hospital would have a new surgical operating theatre and a further 30 new beds. This represented a combined promised investment of \$52.2 million for Casey Hospital. I believe this is now under threat.

I notice that the new Premier has said he wants to revisit the health agreement with the Gillard federal government, which is a bit concerning. Today we heard that the Baillieu coalition government will develop what I think it is calling a statewide health plan — more plans but no commitments to provide more beds for Casey Hospital. I note that the new member for Gembrook has said that Casey Hospital will share in the Baillieu government's promised investment in health, but he has absolutely failed to state just how many extra beds Casey Hospital will receive. I do not think he has a clue, and I would like to know what he means by 'share'. Let us hope it is a fair share for the people of the Narre Warren South electorate.

Labor went to the election with a clear commitment for the future of Casey Hospital. By contrast, we do not know what the Baillieu coalition government will do. This is of very serious concern, because we all know

that previous Liberal governments have had very poor records on public hospitals. We also know they did not intend to build and provide Casey Hospital as a public hospital for the residents of Narre Warren South. They wanted to build a private hospital.

I ask that the Minister for Health provide an assurance and a commitment — a rock-solid promise — to my electorate that Casey Hospital will receive the extra beds and facilities promised by the previous government. My constituents deserve nothing less.

### **Port of Hastings: future**

**Mr BURGESS** (Hastings) — I wish to raise a matter for the Minister for Ports. The action I seek is for the minister to take immediate action to remove the port of Hastings from the ownership and control of the port of Melbourne. It is important to the Western Port community and critical to Victoria's future freight competitiveness that the Hastings port is able to operate independently and get the full benefit of its natural advantages.

Western Port is a natural deepwater port which is considerably deeper than Port Phillip, even after the recent channel deepening. Access to Western Port also requires half a day less sailing than the port of Melbourne. The Hastings area has a high-quality and available workforce and high-quality land to attract and support high-quality, job-producing businesses.

Decades of experience from across Australia and around the world have shown that competition provides true economic benefit through the development of operational efficiencies and the minimisation of cost. Allowing the development of a monopoly through one port owning and controlling the other will reduce Victoria's competitiveness and hamper its economic development.

As well as seriously hindering our state's growth, such a situation would encourage the port of Melbourne to continue treating Hastings as a dumping ground for unproductive industries that bring no jobs and no value to my community. An example of is the proposal to develop a bitumen storage facility on the foreshore at Crib Point. This proposal was rejected by 97.3 per cent of Crib Point residents surveyed and unanimously rejected by both the council and the former Minister for Planning's hand-picked independent committee of review. There is no demonstrable benefit to the local community with the developer, Boral, conceding that the project would bring a maximum of two long-term jobs to the area.

Our economy needs competition between the two ports to encourage industry that will provide economic stimulus and deliver real benefits to my local community and to Victoria. Development of the port of Hastings must also be handled in a way that is sensitive to the needs of the local community and in a way that protects our environment. Local ownership and control is the best way to ensure that this is the case.

I have previously called for any development of the port of Hastings to be subject to a comprehensive and independent, up-front environmental, social and economic impact assessment. The industry that is currently located at Hastings provides local economic stimulus whilst being sensitive to the local area. It is important that this approach be maintained. By ensuring that the port of Hastings was not able to operate independently the previous Labor government was attempting to remove all competition and entrench inefficiencies that would lead to an erosion of Victoria's competitiveness.

Our ports are essential to Victoria's competitiveness, and our environment is fundamental to the quality of life of our people. We do not want and cannot afford arrangements such as those put in place by the previous government with respect to the port of Hastings that compromise our economic development and our environment and community amenity.

### **Schools: Pascoe Vale electorate**

**Ms CAMPBELL** (Pascoe Vale) — Speaker, I congratulate you on your appointment.

Tonight I raise a matter for the attention of the Minister for Education, and it relates to the Pascoe Vale electorate. I ask the minister to visit the electorate to examine the primary schools that have been rebuilt and to look at the two that specifically need his immediate attention. Under the Bracks and Brumby governments two outstanding schools were rebuilt in two stages for each. The first was Oak Park Primary School and the second was Pascoe Vale North Primary School. Each received funding in alternate years. Their budget allocations enabled the school enrolments to increase dramatically and the teaching facilities to improve out of sight.

There are two particular schools from which I am sure the minister would learn a lot if he were to visit them. The first is Westbreen Primary School and the second is Glenroy West Primary School. Representatives of Glenroy West Primary School will meet with me and with the department's regional representatives at its February meeting. Mr Dean Miskimmin has extended

an invitation to the regional representatives and would welcome as much input as possible from the minister to look at a rebuild for that school.

The second person I want to compliment in relation to the work they are doing for their school is the school council president at Westbreen Primary School, Ms Pauline Olsen. She has led an excellent school council that has worked very hard to develop the educational pedagogy for the children, which is absolutely essential in terms of a return on investment for its rebuild.

During the election campaign the minister also had the opportunity to hear of the needs of the Coburg community for an all-encompassing year 7 to 12 school. There is a senior high school in Coburg which operates from years 10 to 12, but there is a very deep and profound need in our community for a year 7 to 9 intake to allow all of the students around Coburg to access a local high school. A significant amount of demographic work has already been prepared, and I invite the minister to accompany me to those three major areas — Westbreen, Glenroy West and Coburg.

### **Mildura: infrastructure**

**Mr CRISP** (Mildura) — I also pass on my congratulations to you, Speaker, on your election.

I raise a matter for the attention of the Minister for Regional and Rural Development, and the action I seek is for the minister to commit to the revitalisation of Mildura's riverfront, airport, gas supply and other projects. Mildura's greatest assets — the river, the rowing club lawns and the riverside park — are all disconnected from our city by a rail line, and for a long time the community has sought to be connected with that river. The river, which is the heart, life and soul of the Mallee, remains separated from our city.

The community also wishes to enhance the riverfront precinct according to the riverfront master plan. The community got really serious about the planning in 2005 and put a lot of effort into this project, which was completed in 2008. It is indeed a grand vision, and it is time that vision became a reality. It has also been a very long-term desire of the people of Mildura.

The benefits of the project are extensive. The river is northern Victoria's greatest tourism asset, and the extra tourism value of the connection of the city with the river will give our tourism the shot in the arm it needs as it recovers from the hangover of the drought. Mildura's livability will also be enhanced by the population being able to move very easily from the

business centre of Mildura down to the riverfront area to enjoy the serenity that is the riverfront.

Demand at the airport is growing, and we are outgrowing its facilities. This year there have been 215 000 passenger movements, which is an 8 per cent increase. Four airlines service Mildura: Qantas, Rex, Virgin and Sharp Airlines. The airport administration has prepared a concept plan to meet passenger growth for the years to come. It is a well-prepared plan and concept, and it was released publicly last Thursday. These and other issues were raised during the election campaign, and the minister, as Leader of The Nationals, visited and consulted with the community and with Mildura Rural City Council on how to take these projects forward.

Similarly Mildura has outgrown its gas supply. This constraint of our gas supply is affecting jobs and affecting the value adding of our food — and in particular a company that makes packaging for the expanding table grape market in China. These issues are important to Mildura, and I draw them to the attention of the Minister for Regional and Rural Development and ask for his action to make a commitment.

### **Responses**

**Mr RYAN** (Minister for Police and Emergency Services) — The member for Mildura has raised with me issues about the future of that magnificent part of the state and the prospect of various forms of development being undertaken within his electorate. I start by saying that the member is to be congratulated on his recent re-election. He won what was a pretty fiercely contested campaign, and it is to his eternal credit that such is the case. He is recognised in his community as a very strong community leader. In the dark days of the Labor government when it was trying to inflict a toxic waste dump in the region the member for Mildura was but one — nevertheless a leader of the community — who stood up on behalf of the people of the region in the fight against what was a ridiculous proposition. Ultimately that Labor government, as was its wont, pulled down the flag, surrendered and walked away meekly not only from the proposition for what was to have been developed in Mildura but also from the whole proposition. It is to the credit of the member for Mildura and those others who stood the line, including the council, that they were able to stand up on behalf of their community and do what they did.

Ultimately, of course, that was a factor in the great support which he received at the 2006 election when he defeated the then Independent member, and he was

elected to represent the great seat of Mildura on behalf of The Nationals. At the completion of what was a pretty fiercely contested fight he was re-elected four weeks ago on 27 November. I might say that that particularly fiercely contested election was of itself driven by yet another false promise from the former Labor government when it floated the concept of a casino licence being provided to the municipality of Mildura in circumstances where there was never any real prospect of that happening. The Labor government of the day ran out this fantasy that it would consider issuing such a licence if there were bipartisan support, as it was termed by the former Premier, and if the proposition were supported by local communities.

All of this was done in circumstances where it again demonstrated its failure and inability to govern. There was no consultation or anything like it when it broke promises it had made in 2006 about building a pipeline to pipe water from north of the Great Dividing Range; no sense of bipartisanship was sought let alone provided. One can go through the many promises that were made by the former government — the Labor Party now in opposition — and see again and again instances where promises it made at the time that served its purposes to get elected back in 2006 turned out to be promises broken, yet when it came to the issue of a casino licence, for some reason or another it maintained that it needed bipartisan support.

Of course it was always a fiction, and regrettably the people who ultimately paid were the people of the Mildura community. The casino was to be the centrepiece of a substantial development there which it was otherwise suggested would occur, and understandably in many senses the community came to be divided about this issue. It was a typical example of Labor Party politics: it threw the grenade into the room and then walked away, allowing everybody else to clean up the mess, when in fact it never had any intention at all of issuing a licence in that area.

In terms of the particular matters the member for Mildura has raised, these are of vital importance to the people of Mildura because they are substantial and completely credible propositions which have been advanced by the residents of Mildura and the region over a period of literally years. In 2005 they developed the Mildura riverfront plan — a master plan for the beautification and enhancement of the area along the river. It was a proposition which would link the city of Mildura with the magnificence of the Murray River.

The proposal would cure the problem that has bedevilled many of our towns and cities along the mighty Murray in Victoria and along some of our other

waterways: that those cities were built with their backs to the water. This plan proposed that a connection would be established between the city of Mildura and the mighty Murray. That plan was developed after extensive community consultation, auspiced by the council, back in 2005. In 2009 a feasibility study was undertaken to look at the prospect of realising this wonderful initiative, but nevertheless it has sat idle over the succeeding years.

I am delighted to say to the member for Mildura that the coalition government will bring this great plan to fruition. It is our intention to initiate a series of steps which are ultimately intended to see the realisation of the proposal represented by this great master plan. I recently visited Mildura, where in company with the member I was able to announce a number of aspects with regard to the proposal and to confirm commitments that I had made on behalf of the coalition in the course of the election campaign. Those commitments will be fulfilled from our regional growth fund, which in itself is an initiative that will bring magnificent development to the regions of Victoria — development the style of which and the extent of which the regions of our state have never seen before.

The commitments that I am able, on behalf of the coalition, to renew tonight in response to the matters the member has raised take the following form. We will commit to seeking to have the Mildura riverfront and marina project, which is an associated development further along the river, declared a project of state significance. I have written to the Minister for Planning seeking that declaration under the Planning and Environment Act 1987, and I can tell the local member I am very confident that the minister will see fit to make that declaration.

Presuming that declaration is made, if I may be so bold, it will mean we will have a mechanism to give much priority to the way this development occurs. It will certainly assist in dealing with the various elements of the departments and the bureaucracy that will need to come into play for the purposes of the realisation of the proposal.

We have committed \$500 000 to the development of a Mildura riverfront authority. I have discussed with the municipality whether it is its preference to have the establishment of such an authority — an independent entity, with representation from various persons, including certainly local representatives, the people of the region who have developed this great plan and want to see it come to fruition and others who have a skill set which would assist in having this happen. The option may be to develop a section 86 committee under the

Local Government Act. I have left these matters with the council for its consideration. We will assist it in its deliberations on some further developments and seek its considered opinion over the course of the coming few weeks.

In addition to these proposals I have made available \$10 million in funding through the regional growth fund. This money will be used for a combination of initiatives, the first of which will be extending Langtree Avenue either through or over the rail line to the river, and the second of which will be the enhancement of existing parklands and the construction of jetties and cafes in the immediate area.

The next element I have committed to is the provision of \$1 million towards the Dockside conference centre and resort, which will be a little further along the river from where the main focal point of the initial development will occur. Further, in response to the concerns that have been expressed about the proposals for the redevelopment of the Mildura Airport, the coalition has committed \$3 million of the anticipated \$5.85 million cost of this project to ensure that it proceeds. We will have a conversation with the council about a contribution toward the remaining \$2.85 million, and I also wish to have a conversation with the federal government to see if it is prepared to contribute. Through a combination of sources I am confident that this great project will also be able to proceed.

As the member for Mildura has indicated, the airport is vitally important to not only Mildura but also the Sunraysia region generally. If my memory serves me correctly, it is the busiest airport in the state outside the Melbourne metropolitan area and its immediate environs. It is certainly the busiest in a regional sense. I look forward to this work being completed. About 215 000 passengers passed through that airport last year. The annual growth rate in passenger movements is about 8 per cent. This work needs to be done, and I commend the board of the airport for the great work it has done in bringing this together.

The other matter the member raised was with regard to the enhancement of gas supplies. We have already committed \$10 million to the enhancement of the gas supplies for Mildura. That initiative will — —

**Ms Green** — On a point of order, Speaker, I am grateful that the minister is in the chamber responding, but only one matter can be raised by a member at one time on the adjournment debate. One of those matters has been responded to. It was hard to hear the member for Mildura; he had his head down while reading. I

could not hear what he asked for, but now I am hearing that he raised three matters. He ought to have been pulled up, and I ask you, Speaker, to rule — —

**The SPEAKER** — Order! The member for Yan Yean had the opportunity to raise the issue when the member for Mildura was asking his question.

**Mr RYAN** — The member for Yan Yean should listen properly. She asserted that she was not able to hear what the member for Mildura was saying. Had she bothered to listen and demonstrate any interest in this important part of regional Victoria, she would have heard him asking questions about the future development of Mildura and the initiatives that are important to that region. It just goes to demonstrate again the absolute ignorance of the Labor Party when it comes to considering these matters, particularly when they have anything to do with an area beyond the immediate vicinity of Melbourne.

As I was saying before I was interrupted by the member for Yan Yean, the capacity to enhance the gas supply to the region is vitally important to its future. We have committed \$10 million to that, and it will be a great contributor to ensuring that local industry can be further developed in a variety of ways. Therefore in terms of the matter raised by the member for Mildura I am pleased to tell the house that there are numerous initiatives under way and in short that his aspirations for his electorate will be met in time to come.

The member for Yan Yean raised with me certain matters regarding the Country Fire Authority. Her matter is generally to do with an apparent disquiet, as she would have it, amongst CFA volunteers about the comparative allocations by the former Labor government and the current coalition government for the construction of fire stations around Victoria. I think that is a reasonable summary of the matter she raised for my concern.

I listened with interest to what the member had to say and particularly to her comments about openness, accountability and matters of a similar ilk. That is a pivotal issue in responding to this important matter because those elements were completely absent from what the former Labor government had to say on this important issue. As I recall, the previous government committed a package of \$147 million for the construction of fire stations around Victoria. What it did not tell Victorians at the time was that it was depending on the use of the fire services levy to contribute 77.25 per cent of the cost of the construction of those fire stations. It did not tell Victorians that when you worked the figures its actual commitment in a

budgetary sense was around \$33 million and that the balance of the money was to come from the fire services levy.

When the member talks about openness and accountability and raises an issue such as this she should be straight with Victorians, particularly volunteers, and tell them the whole story. In raising the issue the way she has done tonight she has misled Victorians and particularly CFA volunteers. The package involving a budgetary commitment of about \$33 million by the former Labor government does not compare well when you think that the coalition has committed to a package of \$36 million toward the construction of fire stations. In making that commitment we did not depend on the contribution of the fire services levy. What we did was commit the money so that we could build the fire stations without calling on the fire services levy. It is an important point of distinction.

The way the member chose to raise this matter and the misleading manner in which Labor generally conducts itself were obvious, insofar as CFA volunteers are concerned, throughout the course of the election campaign and in the weeks and months leading up to it. For example, Labor members have conveniently forgotten that a charter had been signed between relevant parties, including the volunteers, some years ago. From memory it was renewed in 2008. I stand to be corrected on that, but I think it was 2008. The general thrust of that charter was that volunteers would be consulted on all matters of relevance to them in terms of the operation of the CFA. When it came to announcing this package, the former government said nothing to the CFA volunteers about what we now know to have been its intention. It said nothing about the fact that 77.25 per cent of the cost of its package would have come from the fire services levy, much of which is paid by volunteers themselves. Nothing was said by the government in relation to that particular issue.

We said we respect the charter and its terms, and the volunteers were delighted to hear it. We said we would enshrine the terms of the charter in legislation, and we will do it.

**Ms Green** interjected.

**Mr RYAN** — I heard the interjection ‘And so were we’. This is yet another case — how many did we have in the course of the campaign? — of a proposition that was advanced by the coalition being mimicked in an act of desperation by the former Labor government. It knew that the volunteers were attracted to this

fundamental proposition, and so the openness and accountability for which the member now pleads was completely absent in relation to that issue.

We have the end result of the enterprise bargaining agreement (EBA) which was ultimately struck with the career firefighters, many of whom are members of the United Firefighters Union. I am the first to give credit to members of the union and the great work they do on behalf of Victorians because they do a great job, but by hell I also respect the work undertaken by our CFA volunteers and the professionalism displayed by people who actually volunteer their time and do what they do. As I have said many times, where would we have been without the CFA volunteers?

In so saying, I recognise and respect the fact that the member for Yan Yean is a CFA volunteer. I recognise and respect that fact, but the simple situation is that the member failed to talk about anything to do with an EBA that was undertaken in circumstances where the CFA volunteers were pleading with the Labor minister to be consulted in relation to the content of that EBA. They were pleading for the opportunity to be able to contribute to those negotiations, yet they were ignored by the Labor government. Many would say they were hung out to dry.

It is a bit hollow and disingenuous, it seems to me, for the member to come in here and put this issue to me when she knows full well that when the mathematics is examined the amount of money that the former government — this pathetic former Labor government — actually put on the table was less than the amount of money the coalition put on the table. This was also in circumstances where the member and the government of which she was a part failed to tell Victorians that 77.25 per cent of the total package which they had gone out flaunting to Victorians, including the volunteers, was going to be paid for by the same fire services levy that many of those volunteers actually pay themselves.

In relation to the fire services levy, after about 10 years of holding the line and saying the FSL should be retained, the former government fell over, like winnowed wheat in the wind, when the pressure was applied to it after the 2009 Victorian Bushfires Royal Commission and eventually agreed that the fire services levy would have to go — as we had been saying for years.

I finish with a rhetorical question: would this program ever have happened if the fire services levy had been abolished as the former government ultimately said it would be? Where would the extra money have come

from? On that note I will rhetorically let the member answer.

**Mr DIXON** (Minister for Education) — Thank you, Speaker, and congratulations on your elevation to high office. We are in very good hands.

I would first of all like to address the matter raised by the member for Evelyn and commend her on the work she has done in supporting her schools, both in opposition and now in government. She has asked me to review the implementation and management of the Building the Education Revolution program in Victoria. This request is quite timely as the Brad Orgill report, which was commissioned by the federal government, was released just last week, and it found that 17 per cent of the Primary Schools for the 21st Century projects in Victoria have still not started. This is even though the program commenced in February last year. Only 23 per cent of projects in Victoria have actually been finished.

The member provided good examples of that. She gave three examples of schools — Seville Primary School, Coldstream Primary School and Wandin North Primary School — which have suffered incredible delays. This has meant that the students in those schools and students right around Victoria that have been affected by these delays have been working in substandard schools. Teachers are teaching in substandard schools. Playgrounds have been ripped up, and in their place there are worksites — or bomb sites, whatever you want to call them. These projects are an absolute mess, and there are hundreds of them around Victoria.

What we are also seeing as this drags on is that costs are going up. Schools have had to strip down their programs. They are getting less than what they expected or asked for, or they have had to hollow out and get absolutely nothing — just bare shells of classrooms. Coldstream and Wandin North primary schools are certainly good examples of that: they have had to dip into resources which they do not have to finish these projects off. I will certainly be reviewing the situation and working with the department to ascertain whether schools that have not had their projects started or finished can take over some of the local management in order to finish their projects in a timely manner.

The member for Bundoora asked me to visit Greensborough College, a school that wants a rebuild. My priority and this government's priority is to fulfil our election commitments. We are not here to fulfil Labor's election commitments; we will fulfil ours as a priority. We will then consult with all communities and

all local members about further needs in other areas in all electorates and all parts of Victoria. Our members and our candidates came up with fantastic projects that are worthy and I will fulfil those promises. We will then look at all of the other schools. There are hundreds of schools around Victoria that have missed out on funding over the past 11 years. They are all lining up. They want me to visit; they want me to see the substandard conditions they have had to live through for the past 11 years. We will work our way through that. We will work with the department. I will work with the communities and the local members to work out a priority and move through those projects.

The response is the same to the member for Pascoe Vale, who has contacted me on a number of occasions already regarding schools in her electorate, including Westbreen and Glenroy West primary schools and a proposed government secondary college in the Coburg area. Once again I say to the member that we will review and look at all those priorities. Our priorities are our election promises and once we have fulfilled those election promises, not Labor's election promises, we will then consult with the communities, the local schools, the local members and the department and work out our priorities and how we can best fulfil the needs of these schools.

The previous government had 11 years. All the schools are lining up and saying, 'We have not had a cent. We have had nothing. We have been promised this, we have been promised that. We want you, the government, to build what the former government did not build'. We will get there, we will work through it and I will certainly consult with all those involved.

**Dr NAPHTHINE** (Minister for Ports) — I thank the member for Hastings and acknowledge the hard work he does for his electorate and the passion he has for a sensible, well-managed development of the port of Hastings. The previous Labor government abolished the Port of Hastings Corporation and stymied opportunity for development of the port. It fundamentally thumbed its nose at the opportunity to develop this beautiful, natural deepwater port. At the same time I understand that the Port of Melbourne Corporation is facing massive challenges as it is expected that it will increase its container throughput from about 2 million TEUs (20-foot equivalent units) at the moment to 8 million TEUs within the next 25 to 30 years. Under Labor the port of Hastings has suffered a litany of broken promises, ill-conceived plans and poor decisions.

In contrast the coalition government is committed to the responsible and sensible development of the port of

Hastings. We recognise that the growth of the port of Melbourne is causing concern and there is a need for a competitive second container port to service Melbourne, Victoria and Australia. We will separate the port of Hastings from the port of Melbourne. We are committed to undertaking cost-benefit, environmental and social impact studies up-front, independently to guide the sensible and environmentally responsible development of the port of Hastings. There are great opportunities for job growth and economic development of the region both locally and across the state. We want a competitive port environment. We want to expand Victorian port capacity. We want the economic benefits that come from a strong, independent, competitive port of Hastings, and that is what we will deliver.

**Mr WALSH** (Minister for Water) — The member for Benalla raised a very valid issue in relation to the concerns of communities in northern Victoria about the guide to the Murray-Darling Basin plan and the proposal in that guide to take between 3000 gegalitres and 4000 gegalitres out of the irrigation system — that is, it is proposed to take 3 million megalitres to 4 million megalitres out of irrigation. That is a reduction of between 40 and 60 per cent of the available water from any given stream.

The member for Benalla raised the issue of the Ovens River in particular. Under the guide to the plan there would be no irrigation on the Ovens River in the future, and I think that is a major anomaly in the plan. The guide to the plan has been developed by the Murray-Darling Basin Authority in isolation from the states and the communities. A range of public meetings have been held right across the basin at which the communities have expressed their anger about the way the authority has gone about developing the plan.

A committee of the federal Parliament has been set up, chaired by Tony Windsor, the member for New England. It will look at socioeconomic issues that are not covered in the plan, because the plan very much focuses on environmental issues. I attended meetings of the authority in Swan Hill and Kerang last week where I asked Rob Freeman, the chief executive officer of the Murray-Darling Basin Authority, what process he would follow in developing the draft plan, taking into consideration any recommendations from the Windsor committee. At the time, his answer was that there would be no consideration of the Windsor committee report on socioeconomic issues.

Subsequent to those meetings, I attended the ministerial council meeting of the Murray-Darling Basin Authority in Albury last Friday. This issue was obviously

discussed at length at that meeting. The communiqué from the ministerial council meeting clearly sets out that there will be a new process in the future and that the draft plan will not be put out for public consultation for a period of time after the Windsor committee reports so that the authority can take into account whatever recommendations may be made by that committee. To do anything other than that would be an insult to those who may present to the Windsor committee. The Victorian government will also be putting in a submission on the guide to the plan in which it will be putting forward very strongly that there needs to be balance in the plan. There needs to be the triple bottom line of not only producing an outcome for the environment but also addressing the socioeconomic issues.

As the duty minister I will pass on the issue raised by the member for Eltham for the Minister for Public Transport concerning the Hurstbridge railway line upgrade, the issue raised by the member for Sandringham requesting that the Minister for Health visit the Sandringham and District Memorial Hospital to view the important role that that hospital plays in its community and the issue that the member for Narre Warren South raised with the Minister for Health about the Casey Hospital and an assurance of funding for extra beds there.

**The SPEAKER** — Order! The house is now adjourned.

**House adjourned 11.03 p.m. until Tuesday, 8 February 2011.**



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