

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

LEGISLATIVE ASSEMBLY

FIFTY-SEVENTH PARLIAMENT

FIRST SESSION

3 March 2011

(Extract from Book 3)

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By authority of the Victorian Government Printer

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The Lieutenant-Governor

The Honourable Justice MARILYN WARREN, AC

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Assistant Treasurer, Minister for Technology and Minister responsible for the Aviation Industry	The Hon. G. K. Rich-Phillips, MLC
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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

Joint committees

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

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

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

Family and Community Development Committee — (*Council*): Mrs Coote and Ms Crozier.

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

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

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

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

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FIFTY-SEVENTH PARLIAMENT — FIRST SESSION

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Deputy Speaker: Mrs C. A. FYFFE

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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

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Allan, Ms Jacinta Marie	Bendigo East	ALP	Lim, Mr Muy Hong	Clayton	ALP
Andrews, Mr Daniel Michael	Mulgrave	ALP	McCurdy, Mr Timothy Logan	Murray Valley	Nats
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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 ¹	Broadmeadows	ALP	Nardella, Mr Donato Antonio	Melton	ALP
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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
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Delahunty, Mr Hugh Francis	Lowan	Nats	Perera, Mr Jude	Cranbourne	ALP
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Donnellan, Mr Luke Anthony	Narre Warren North	ALP	Powell, Mrs Elizabeth Jeanette	Shepparton	Nats
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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
Languiller, Mr Telmo Ramon	Derrimut	ALP			

¹ Resigned 21 December 2010

² Elected 19 February 2011

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Thursday, 3 March 2011

DOCUMENTS

The SPEAKER (Hon. Ken Smith) took the chair at 9.34 a.m. and read the prayer.

Tabled by Clerk:

PETITIONS

Following petitions presented to house:

Alpine National Park: cattle grazing

To the Legislative Assembly of Victoria:

The petition of the residents of Victoria draws to the attention of the house that national parks are for the preservation and conservation of flora, fauna and natural resources, and the enjoyment of all people. The current trial of cattle grazing in the Victorian Alpine National Park is not necessary as extensive scientific studies referred to in CSIRO reports and conducted over many decades show cattle grazing causes damage to the alpine environment and has little or no effect on fire reduction.

The petitioners therefore request that the Legislative Assembly of Victoria take the necessary legislative action to have the cattle grazing trial cease and legislation passed that will ensure that the Alpine National Park will not be subject to cattle grazing in any form and the use of the park be restricted to conservation and recreation purposes.

By Mr BROOKS (Bundoora) (265 signatures).

**Surf Coast Highway–Beach Road, Torquay:
traffic management**

To the Legislative Assembly of Victoria:

The petition of the residents of and visitors to Torquay in the Victorian electorate of South Barwon, draws to the attention of the house the dangerous traffic situation that exists at the intersection of Surf Coast Highway and Beach Road (McDonald's corner).

The petitioners therefore request that the Legislative Assembly of Victoria support the installation of traffic lights or a roundabout at the above intersection.

By Mr KATOS (South Barwon) (503 signatures).

Tabled.

Ordered that petition presented by honourable member for Bundoora be considered next day on motion of Mr BROOKS (Bundoora).

Ordered that petition presented by honourable member for South Barwon be considered next day on motion of Mr KATOS (South Barwon).

Gambling Regulation Act 2003:

Report of the Gambling and Lotteries Licence Review Panel to the Minister in relation to expressions of interest in the grant of the monitoring licence — Ordered to be printed

Report of the Review Panel to the Minister in relation to a complaint by Intralot Australia Pty Ltd in relation to the public lotteries licensing process — Ordered to be printed

Parliamentary Committees Act 2003:

Government response to the Public Accounts and Estimates Committee's Report on the Review of the Findings and Recommendations of the Auditor-General's Reports July–December 2008

Government response to the Rural and Regional Committee's Report on the Inquiry into Positioning the Wimmera-Mallee Pipeline region to capitalise on new economic development opportunities

Ombudsman — Investigation into an Assault of a Disability Services Client by Department of Human Services Staff — Ordered to be printed.

BUSINESS OF THE HOUSE

Adjournment

Mr McINTOSH (Minister for Corrections) — I move:

That the house, at its rising, adjourn until Tuesday, 22 March 2011.

Motion agreed to.

MEMBERS STATEMENTS

Vin Delahunty

Mr WALSH (Minister for Agriculture and Food Security) — I would like to congratulate local Murtoa agricultural industry identity 87-year-old Vin Delahunty on his Australia Day award. Vin was born in 1924 and has lived his entire life on the family farm, Templemore, which is named after the family's Irish home town. He married Veronica in 1952 and is the father of 7 and grandfather of 19.

As a farmer he transformed his farm from a traditional grazing property to today's vibrant cereal, oilseed and pulse cropping enterprise. He provided exceptional leadership during periods of great change in the

agricultural industry, achieving success with his professionalism, courtesy and dignity. He is a passionate believer in one-farmer representative organisations and has spent his entire life working towards that.

He is a life member of the Victorian Farmers Federation and has an extensive and long-lasting involvement in his local community. He is a life member of the Murtoa Agricultural and Pastoral Society; the Murtoa Golf Club, where he has spent 30 years on the committee; the Murtoa racing club, where he has spent 50 years on the committee; and the Marma turf club, where he has spent 50 years on the committee and 6 years as president.

Apart from all that, he has also had other community involvement, including being on the Murtoa hospital board for nine years, being a member of the committee that established the local Catholic primary school, Our Lady Help of Christians, and being an active deliverer of Meals on Wheels in the town, quite often to people who are younger than he is.

Duncans Road, Werribee: traffic management

Mr PALLAS (Tarneit) — I rise to speak about the need for the Duncans Road interchange, which is an extremely important part of road infrastructure in my electorate. This government needs to commit to an \$18 million investment to deliver the western-orientated on and off ramps on Duncans Road, which is part of the freeway interchange in Werribee. The full diamond interchange will provide benefits for the Werribee tourism precinct and the new marina development, with better access for motorists from Geelong and beyond. This project will provide a massive boost for residents in the area, especially the growers of Werribee South, as well as significantly improving travel times to and from Geelong, easing the traffic burden in the Werribee central business district. As Wyndham continues to grow, we want to ensure that it has this important infrastructure to support sustainable growth in the western suburbs.

The Wyndham City Council and the local community have been strong supporters of this project. Labor committed up to \$18 million in funding for it in the 2010 election, but the Liberal Party remains silent on this issue.

Wyndham is Victoria's fastest growing municipality, and the Duncans Road interchange is an integral infrastructure project that is needed to support Wyndham's growth. I ask that the government commit to this project in its 2011–12 budget.

Middle Kinglake, Kinglake and Marysville primary schools: rebuilding

Mr DIXON (Minister for Education) — I recently visited a number of school communities in areas affected by the Black Saturday bushfires. Together with the Minister for Children and Early Childhood Development I opened the rebuilt Middle Kinglake Primary School. I also visited Kinglake Primary School and Marysville Primary School and met with local principals and school council presidents. I was incredibly impressed by the dedication and commitment of the principals, teachers and school councillors in their service to their community.

Their communities are still finding it difficult. Families are still battling, coming to terms with grief, loss and uncertainty. Children are still grieving, and their grief manifests itself in many ways, often unexpectedly. Many teachers are struggling with their own issues, but they put their students first. Principals are under strain, supporting families, teachers and students.

I was impressed with the positive attitude of the principal and school council president of Middle Kinglake Primary School. Their new facility is a credit to their leadership, dedication and persistence. I was moved by the gentle and supportive atmosphere of Kinglake Primary School. Its memorial gazebo is a very special place. Marysville Primary School is a beacon of hope and an anchor for that devastated community.

The overwhelming message I received from everyone was their appreciation of my department's support over the past two years and also the ongoing need for support. I will not let them down on that issue.

Assistant Treasurer: comments

Mr LIM (Clayton) — Last Friday I attended the Chinese New Year celebration reception organised by the Hong Kong Economic and Trade Office. I must report to the house the clumsy and insensitive attempt at rewriting history by the Premier's representative, the Honourable Gordon Rich-Phillips, by referring to the racist and anti-Chinese poll tax imposed by the Victorian Parliament in the 1850s as a clever economic measure and opportunity introduced by the Treasurer of Victoria during the gold rush era.

A search of *Hansard* shows that the £10 poll tax imposed only on the Chinese brought misery and horrendous hardship for some 16 500 Chinese gold-seekers as they avoided this racially discriminatory tax by walking more than

500 kilometres from the port of Robe in South Australia to the goldfields of Victoria, resulting in many deaths from hardship, exhaustion, sickness and attacks by Aboriginal people along the way. For a minister of the Crown to make light of the suffering of the Chinese people during that tragic chapter of this state's history on the occasion of this Chinese New Year celebration is most insensitive, patronising and condescending. He owes the Chinese community an apology by way of a personal explanation to be made forthwith.

The house might like to note that in 2007 then New Zealand Prime Minister Helen Clark made an official apology on behalf of her country to the Chinese community of New Zealand for the same wrongdoing.

Floods: sport facility funding

Mr DELAHUNTY (Minister for Sport and Recreation) — As Minister for Sport and Recreation I am pleased to announce that sport and recreation clubs heavily impacted upon by the January floods now have access to funding under the \$4 million Floods Community Recovery Fund jointly established by the state and federal governments.

The heavy rains in Victoria over January created a flood crisis for Victorians the like of which had not been seen for 100 years. In some areas these were the worst floods experienced in history. I have visited many communities impacted by these floods, including Carisbrook, Newbridge, Bridgewater and Charlton. I viewed damage to squash courts, bowling greens, swimming pools, walking trails, recreation reserves, clubrooms and many other sport and recreation facilities.

The municipalities most impacted upon by the devastating floods are Ararat, Buloke, Campaspe, Central Goldfields, Corangamite, Gannawarra, Hepburn, Hindmarsh, Horsham, Loddon, Mildura, Mount Alexander, Northern Grampians, Pyrenees, Swan Hill and Yarriambiack. These 16 local councils will receive \$50 000 each in the first round of funding to restore valuable community facilities.

Sport and recreation groups and community groups can also apply for grants of up to \$5000 under a small grants program to help with immediate recovery activities. Applications for these smaller grants close on 22 March. The Floods Community Recovery Fund will supplement other funding and provide further financial support to assist flood-affected communities.

For information about the Floods Community Recovery Fund and how to access funding, people should visit the Department of Planning and Community Development's website or ring Information Victoria.

Rail: regional link

Ms RICHARDSON (Northcote) — I rise to speak about the appalling antics of the Liberal government and its undermining of the regional rail link project. Earlier this week I visited Ballarat with the Leader of the Opposition to speak to local commuters and the two outstanding local members of Parliament representing Ballarat about why this project is so important to regional Victorians.

They confirmed to me that the regional rail link will provide commuters on the Ballarat, Bendigo and Geelong train lines with up to 12 extra services an hour. For people who live in these regional communities that means one simple thing: more frequent and reliable train services. Hence, I wonder why the Minister for Public Transport, who represents a rural electorate, has gone out of his way to undermine such a project and punish Bendigo, Ballarat and Geelong commuters. The conclusion that I and regional Victorians have reached is that the punishment being meted out by the Liberal government is a consequence of Toorak Ted's ambivalence towards regional Victoria.

One commuter said to me, 'It did not take long for this Liberal government to abandon rural and regional Victoria, just like it did under Jeff Kennett'. That is so true. Now Victorians have got Toorak Ted, who cannot cross the Yarra River, and Terry the Townie, who has forgotten his country roots and is more willing to punish Victorians who choose not to live in Melbourne.

Speaking in this place earlier this week the Leader of The Nationals joined the circus, pointing out that opposition members are bleating because we have not driven the first nail to 'build the damn thing'. I take that as a compliment. The Leader of the Opposition, members of Parliament representing Ballarat and I will continue to hound this Liberal government until it drives the first nail for this important project.

Baxter: health services clinic

Mr BURGESS (Hastings) — On Friday, 11 February, I had the great pleasure of opening a new medical, dental and cosmetic clinic in the township of Baxter. The new centre will offer not only the services of a team of general practitioners but also those of a dentist, physiotherapist, dietitian and podiatrist. The centre will also offer in-house pathology collection and

clinical doctors supported by a practice nurse offering a full range of general practice services. The opening of the Baxter medical, dental and cosmetic service is a significant achievement for the Baxter community and is one that we have been working towards for some time.

There has been significant concern about accessibility of doctors from within the Western Port community, and this new clinic is a small piece of the answer to that challenge. I thank and congratulate Sunil Kumar and the directors of Kumar Medicals Pty Ltd for making this possible.

Somers Primary School: student leadership

Mr BURGESS — Last week I was delighted to present a total of 23 leadership badges to years 5 and 6 students at a school assembly of Somers Primary School. To hold a position of leadership is a tremendous honour, and it should be undertaken with the greatest respect for the position. While not every student was able to receive a leadership badge on that day, all students have the opportunity to be leaders in their school and community every day. I thank the principal, David Ingham, the staff and the students of Somers Primary School for the opportunity to participate in this important school event.

Leonard and Kit May

Mr BURGESS — Last weekend my wife, Lisa, and I had the great honour of helping Leonard and Kit May of Blind Bight celebrate their 70th wedding anniversary. In a day and age when the incredibly important institution of marriage is under increasing pressure Mr and Mrs May have shown the rest of us that with love for and commitment to each other the enduring rewards of life partnership are as available and rewarding as ever. Our sincere congratulations go to Mr and Mrs May.

Fr Bob Maguire: golden jubilee

Mr FOLEY (Albert Park) — Recently I attended a celebration of the golden jubilee of South Melbourne's much loved Fr Bob Maguire, as did the member for Prahran. Over 1000 people gathered to mark this significant occasion and specifically to raise funds for the Fr Bob Maguire Foundation, which exists to assist children from disadvantaged backgrounds whose families might otherwise not be able to meet the cost of their education.

That alone was a significant enough achievement for the evening, but in addition the 1000 people who

attended paid respect to Fr Bob's significant achievements over the 50 years he has been a Catholic priest. Fr Bob is very much the champion of the homeless, the powerless, those who have been in prison, those who suffer mental illness, those who suffer from drug and alcohol problems and anyone who has found themselves on the wrong end of the law or luck. Fr Bob is known, more than anything else, for his commitment to social justice and his incredible ability to communicate that in a lively and engaging way to all who listen.

Not resting on his laurels, Fr Bob is committed to pursuing a range of efforts to maintain his work in the years to come, and whether it is through his 40-unit social housing development, community hub proposal, plans to extend parish activities into the booming Southbank community or any number of activities, the truth of the matter is that Fr Bob will continue on for many years to come.

Clean Up Australia Day: Bayswater Park

Mrs VICTORIA (Bayswater) — This weekend thousands of people across Australia will take part in Clean Up Australia Day. The members of the 2nd Wantirna Heights Guides will be joining me again — they have done that for the last few years — to help clean up one of our local neighbourhood attractions, Bayswater Park, also known as Train Park.

The guides leader, Rebecca Whitehead, known as Possum, has brought the girls together every year in order to help out. It is a terrific learning experience for the children to be able to know that, even though it is a national initiative, the local focus demonstrates that challenges can be overcome with small steps, especially when we all work together.

I encourage everyone to get involved in Clean Up Australia Day and give a little bit of tender loving care to the area in which they live.

Australian Centre for the Moving Image: Dreams Come True exhibition

Mrs VICTORIA — This week, along with some of our colleagues, I was delighted to attend at the Australian Centre for the Moving Image for the Dreams Come True exhibition, which is based on the tradition of Disney from its beginnings. This is yet another presentation by the Australian Centre for the Moving Image in a long line of fantastic exhibitions. It has absolutely excelled.

Maroondah Federation Estate: 10th anniversary

Mrs VICTORIA — Congratulations also to the Maroondah gallery, the Maroondah Federation Estate, which celebrates 10 years as a community space. Thanks to Wendy Garden, curator of Silent Feathers and Animal Magic, for the fantastic exhibitions.

Australian Ballet: *Madame Butterfly*

Mrs VICTORIA — Congratulations to everybody at the Australian Ballet, especially Danilo Radojevic, for its stunning presentation of *Madame Butterfly*.

Bridget Patricia Rowan

Ms KNIGHT (Ballarat West) — Recently I attended the funeral of Mrs Bridget Patricia Rowan, or Pat as she was known. It was Pat, along with members of the Catholic Women's League, who set about establishing a parish in Wendouree, including a school on the site. Like most women of her generation she did this while raising her seven children.

It is most important that we remember the hard work and dedication of women like Pat, who have given so tirelessly of themselves to progress an agenda that would ultimately benefit the wider community. Members of that community turned out in droves to say goodbye to Pat and to thank her for her many contributions to her community.

I thought about Pat when I attended the school the following week to speak to the students of grades 5 and 6. Pat would have been proud of these bright and intelligent young people, who were eager to participate in a wide-ranging discussion about politics, leadership and world events. They were clear about their responsibilities as citizens and held many of the same values that Pat's family had attributed to her: the capacity to give to others, courage, tolerance, kindness, generosity, a sense of humour and loyalty.

Thanks go to Carmel Casey and Patrick Ryan for inviting me into their classroom and for the wonderful work they do alongside students. Thanks go to the grades 5 and 6 students for their active participation in a great discussion.

I learnt a lot from this experience. It was a privilege to meet these future leaders. Thanks go to Bridget Patricia Rowan for her legacy of learning and leadership and for caring about her community of Our Lady Help of Christians in Wendouree.

The SPEAKER — Order! The member's time has expired.

Chelsea, Patterson Lakes and Seaford primary schools: student leadership

Mrs BAUER (Carrum) — It has been my privilege to attend local primary schools to assist with the presentation of awards to school captains and junior school councillors. Chelsea Primary School, under the leadership of principal Michelle Little, is a delightful school with an impressive underwater-themed mural, completed recently by students under the guidance of artist Carla Dix. Patterson Lakes Primary School, under the leadership of principal Stan Szuty, has its very own FM radio station, 104.7 FM, 'Patto FM School of Rock', proudly operated by grade 6 students. Seaford Primary School, under the leadership of principal Michael Brown, has the seahorse as its school emblem and is proud of its long history in the area.

Chelsea Bonbeach Train Station Group

Mrs BAUER — I would like to commend the Chelsea Bonbeach Train Station Group volunteers for their commitment to assisting in the upkeep of Chelsea and Bonbeach train stations, improving the safety, amenity and wellbeing of commuters.

Clean Up Australia Day: Bonbeach

Mrs BAUER — I look forward very much to participating in Clean Up Australia Day at the Bonbeach foreshore this weekend. I congratulate the City of Kingston on its efforts in cleaning up debris from foreshore areas after the recent deluge which caused local flooding.

Geelong: Pako Festa

Mr TREZISE (Geelong) — Last Saturday, 26 February, I once again had the pleasure of attending the magnificent Pako Festa. For the information of the house, it is a festa that truly reflects Geelong and celebrates it as a multicultural community. It is the Pako Festa more than any other event in Geelong that truly reflects what Geelong is in 2011: a diverse, welcoming, mature and positive community that embraces all the positives delivered by a genuine multicultural community.

The festa was opened by the Minister for Multicultural Affairs and Citizenship, and I have to acknowledge that in opening the festa the minister delivered a positive bipartisan political message that emphasised this Parliament's commitment to a multicultural way of life, and I commend him for it.

The Pako Festa highlights the variations within each culture of dance, costumes, history, music and, of course, the old favourite, food. In addition, other local community organisations such as schools actively participate. The highlight of the day is the street parade, which this year was bigger and better than ever.

I take this opportunity to congratulate all those involved including the various communities, schools, local traders and other organisations for their input into what was a great day. I thank local sponsors, including MatchWorks. And finally I commend the team at Diversitat, including Michael Martinez, Luisa La Fornara and others, who ensured that Pako Festa was a resounding success for 2011.

Rail: Rowville feasibility study

Mr WAKELING (Ferntree Gully) — It was with great pleasure that I recently joined the Member for Scoresby and the Minister for Public Transport to announce that the Rowville rail feasibility study had been officially launched. The coalition government promised to start this study within 100 days of taking office, and it has been accomplished after 78 days of its being sworn in. That is opposed to 11 years of inaction and delay by the previous government. The announcement has been warmly received by residents in Rowville and Lysterfield.

Ferntree Gully Primary School site: historic buildings

Mr WAKELING — During the previous Parliament I called upon the Brumby government to consider retaining the historic school buildings at the former Ferntree Gully Primary School site for community use. That request was rejected by the former government and these buildings were slated for conversion to social housing. Upon the coalition's election to government I met with the Minister for Housing to determine whether that decision could be reversed to allow these buildings to be retained for community use. It soon became clear that, given the nature of the contracts already entered into with the federal government and Community Housing Ltd and the fact that a builder has already been commissioned to undertake the works, the opportunity for the Ferntree Gully community to retain the buildings for use will be lost.

Agnes Milowka

Mr WAKELING — I wish to offer my condolences to the family and friends of 29-year-old Agnes Milowka, a resident of Boronia in my electorate.

Ms Milowka was passionate about cave diving; however, she sadly met with mishap when exploring Australia's largest underwater cave on the weekend.

Stud Road: bus lanes

Mr WAKELING — The Knox community is gravely concerned about the Stud Road bus lanes between Ferntree Gully Road and Kelletts Road that were commissioned by the former Brumby government. The community wants these detested bus lanes removed, and the member for Scoresby and I are working with the Minister for Public Transport to make that happen.

Olympic Adult Education

Mr CARBINES (Ivanhoe) — I rise to acknowledge the great work of Olympic Adult Education, West Heidelberg's own neighbourhood house, based in my electorate of Ivanhoe. Last Sunday, 26 February, Olympic Adult Education staff members, students and volunteers ran the sausage sizzle at the local Bunnings store across the Darebin Creek boundary I share with the member for Preston. I also volunteered a couple of hours on the stall with my wife, who is an OAE board member. I would like to thank Bunnings and its staff for this longstanding community initiative which provides local community organisations with an opportunity to raise funds and to promote the work they do in our towns and suburbs.

I am advised that some 70 kilograms of snags were cooked up on the day, and despite some inclement weather there was the potential to raise several thousand dollars from this initiative. I am just glad I did not get the job of cutting up the onions.

Olympic Adult Education is a community-based registered training organisation specialising in English and literacy courses, and vocational education and training. As an adult, community and further education provider OAE plays a critical role in empowering local residents through education. OAE has offices in Southern Road in West Heidelberg and at the Banyule Community Health Service.

I commend OAE's manager, Louise Terranova, and staff for providing opportunities for local residents through affordable education and training programs in a friendly yet professional environment, which strengthens our community and allows more Victorians to participate in the workforce and contribute to their community.

Mitcham electorate: student leadership

Ms RYALL (Mitcham) — In recent weeks I have had the pleasure of visiting many primary schools within the Mitcham electorate. It has been a great honour to present school leadership badges or certificates to the students who have been recognised by their peers and teachers as leaders for the 2011 academic year. To quote the sixth president of the United States of America, John Quincy Adams, ‘If your actions inspire others to dream more, learn more, do more and become more, you are a leader’. Our school captains and school leaders are recognised because they do those things, and it is important to recognise these qualities in our children. I congratulate all students in the Mitcham electorate who have received the honour of a school leadership position; it is great to see the potential exhibited by our future leaders.

Justin Wilson and David Rowlands

Ms RYALL — I would also like to bring to the attention of the house the magnificent achievement of two Mitcham electorate constituents, Mr Justin Wilson and Mr David Rowlands, who were awarded this week for their long service to the State Emergency Service. Their selfless contribution to the community has been recognised through the award of the national medal for voluntary service to the SES. For the past 15 years these members of the Nunawading SES have responded to numerous calls for help from the local community, and it is important to recognise and congratulate these men who have given selflessly to the benefit of other residents in my electorate in their time of need. To Justin and David: congratulations.

Ovarian cancer: Afternoon Teal

Ms GARRETT (Brunswick) — I rise to thank members of my community who attended the Afternoon Teal I organised in my electorate on Ovarian Cancer Awareness Day, which falls on the last Wednesday of February. The teal ribbon is the symbol of this cause, and I would like to thank members on both sides of this house who have held similar events and who have worn the teal ribbon throughout the month of February.

As we know, ovarian cancer awareness is absolutely critical; the symptoms can be very vague and there is no easy diagnostic test. That is why Afternoon Teals are so important in helping raise awareness of the symptoms and ensuring we are dramatically reducing the number of cases of ovarian cancer that are diagnosed at stage 4 and instead having them diagnosed at stage 1.

Many residents in my electorate attended this afternoon teal. I would like to thank Helen Malley from Ovarian Cancer Australia for coming and speaking to the attendees. One of the key messages that Helen gave us all was that the women there should go and tell five women they know about the symptoms of ovarian cancer and encourage them to act, and that those women should go on to tell five other women. I would also like to thank the mayor of the City of Moreland, Oscar Yildiz, for his attendance and for his commitment on behalf of the local council to further support this cause. I would also like to thank a fine local cafe, Moka Gigi, for allowing us to have the Afternoon Teal in its courtyard, and thank its owner, who made a donation to Ovarian Cancer Australia. I encourage all members of the house to hold a similar event next year.

Sophie Molineux

Mr BULL (Gippsland East) — I wish to make mention of the amazing efforts of Bairnsdale girl, Sophie Molineux, who recently captained the Victorian team in the School Sports Australia girls 12 and under national championships. Over the course of the week Sophie proved to be the outstanding bowler of the tournament, capturing 24 wickets in her 5 games for just 34 runs. This included one game where she had figures of 7/0 against the ACT, including a triple hat trick — 5 wickets in 5 balls. She then played in the Victorian championships for Gippsland Pride and was player of the championships. I think Sophie is destined for bigger and better things.

East Gippsland Corporate Teams Triathlon

Mr BULL — I want to take this opportunity to acknowledge the great community spirit in Gippsland East. I recently had the opportunity to participate in a number of local events displaying this spirit. The East Gippsland Corporate Teams Triathlon was an outstanding success, led by the chief organiser, Ryan Cross of the Riviera Triathlon Club. More than 350 contestants participated and a total of \$10 000 was donated to the East Gippsland All Abilities playground.

Relay for Life: East Gippsland

Mr BULL — I also had the pleasure of participating in this year’s East Gippsland Cancer Support Group’s Relay for Life. Hundreds again contributed to what was a most worthy cause, and a terrific atmosphere prevailed. This event followed on from the great work of the Salvation Army toy run.

Will Anderson

Mr BULL — Finally, at the East Gippsland Shire Australia Day Awards I was privileged to meet Will Anderson, a great young man and our Young Citizen of the Year, who raised \$25 000 for cancer research.

Bellarine Peninsula: Festival of Glass

Ms NEVILLE (Bellarine) — I would like to congratulate all the people involved in the inaugural Festival of Glass, which was held on Sunday, 20 February, at the Potato Shed in Drysdale. This is a great new initiative on the Bellarine Peninsula and was an enormous success with around 7000 people attending on the day. The festival brought together the artists who work with and use glass, those in the commercial and building industry who design and build with glass, the culture and heritage of local glass and the innovations of glass for the future.

Members of the festival committee were delighted with the attendance, which was a massive endorsement of their dream that has taken 15 months to become reality. The idea was generated from the Drysdale-Clifton Springs Community Association, and it was part of the Bellarine strategic plan to conduct a community festival. The president of the association, Doug Carson, had the vision for the festival and a willing and hardworking band of volunteers brought this to fruition. There were stalls presenting glass in all its forms, including sculpture, jewellery, mosaic, stained glass, leadlight, moulded glass, slumped glass and etched glass. There was glass at the cutting edge and a blast of glass from the past, with antiques and collectibles. Visitors overwhelmed by the scale and diversity of the glass on show also had a variety of musical alternatives throughout the day.

Sponsors and partners of the festival included the City of Greater Geelong, Bendigo Bank, Drysdale Rotary Club, the Lions club and many volunteers. I was also pleased to provide support for the festival. I thank everyone involved — it was a great day.

Desalination plant: water charges

Mr HODGETT (Kilsyth) — The truth about the Wonthaggi desalination plant contracts was released this week by the Premier and the Minister for Water as part of the Baillieu government's commitment to unveiling the secrecy synonymous with the previous Brumby government. The truth about the terms of the desalination contracts proves that the legacy of the previous Brumby Labor government will be one of

rising water bills for Victorian families for the next 30 years.

Despite mounting cost of living pressures and the increasingly common issue of escalating water and utility bills for Victorians, the previous Brumby Labor government embarked on a project that will potentially cost Victorians more than \$23 billion over the next 30 years.

Mr Eren interjected.

Mr HODGETT — For the 2012–13 year the desalination plant will cost Melbourne water users \$654 million, regardless of whether any water is ordered or delivered.

Mr Eren interjected.

The SPEAKER — Order! The member for Lara is warned.

Mr HODGETT — This cost will flow onto household bills for the next 30 years.

Cost of living pressures are an increasing burden on households, and the desalination plant deal proves the previous Labor government's contempt for the difficulties facing Victorian families. The cost of the desalination plant will see families paying over the next 30 years for water which may never even be used, due to the incompetence and short-sightedness of the previous Labor government. Former Premier John Brumby refused to publicly release the cost of the desalination plant to households, but it is now clear that Labor's desalination plant will put unprecedented pressure on water bills as the billions of dollars it will cost filter through to consumers directly. Victorians will be left struggling from the legacy of the previous Labor government's incompetence and mismanagement.

The Baillieu government is committed to easing the cost of living pressures on Victorian families after 11 years of neglect from the previous government.

The SPEAKER — Order! The member's time has expired.

Oakleigh Primary School: kindergarten

Ms BARKER (Oakleigh) — Last Friday evening I had the great pleasure of participating in the official opening of the new outdoor classroom and play area at the Oakleigh Primary School kindergarten. This fantastic new outdoor area was made possible by a \$100 000 grant through the Brumby government's children's capital program, along with \$19 542 raised

by the kinder community. The kinder community continues its great efforts to raise funds through the Donate a Tree campaign which has to date raised \$2585.

I particularly thank the outdoor play space committee of Gabrielle Darvell, Melissa Apps, Kerri Sak and Kirsty Thomas-Thoenu. The grant committee of Helen Tonkin, Andrew Sharpe, Jon Tiller, Cheryl Sanders, Jane McClelland, Eleanor Whyte, Peter Sak and Brendan Borg, as well as the staff of the kinder, Teresa McCann, Naomi Pritchard-Tiller, Simone Glenn-Ward and Athena Samiotis.

I am very proud of the Oakleigh Primary School kindergarten, which was opened in 2003 and is a purpose-built stand-alone kindergarten on the primary school site. With the closure of a local kindergarten the community knew that another kinder was desperately needed, and with a great deal of hard work we achieved the building of this much-needed facility in our local community.

There is no doubt that this great achievement of the kindergarten, and the total renovation of the outdoor area is due to the hard work and support of the local community. As Gabrielle said at the opening on Friday evening, ultimately a community has built what is now available to the children of the Oakleigh Primary School, and this shows very clearly what great community spirit is present in our local area.

Well done to everyone involved.

The SPEAKER — Order! The member for Gembrook has 32 seconds.

Berwick: annual show

Mr BATTIN (Gembrook) — I rise to congratulate the Berwick show committee on a wonderful event at the weekend. The first day had nearly perfect weather; however on the second day the rain fell and some of the activities at the show were cancelled.

I would like to congratulate all the schools on their great exhibits. I enjoyed walking around those exhibits with my family and looking at entries from Beaconsfield, Berwick and Officer primary schools, which had a flyer on display for their upcoming school fete in March.

It was fantastic for the young people and it was great to see so many people from the community involved. I congratulate the Berwick show committee again.

The SPEAKER — Order! The member's time has expired.

FORMER MINISTER FOR PLANNING: CONDUCT

Mr McINTOSH (Minister for Corrections) — I move:

That this house:

- (1) Censures the member for Essendon for his gross misconduct in public office as Minister for Planning for:
 - (a) engaging in a sham community consultation process to subvert proper planning process for the Hotel Windsor's redevelopment;
 - (b) making false statements to the Parliament about his knowledge of the sham process and whether he had received the independent advisory committee report; and
 - (c) making false and misleading statements to the Standing Committee on Finance and Public Administration —

which renders his continuation on the frontbench of the opposition untenable.

- (2) Calls on the member for Essendon to resign his frontbench position and, if he refuses, for the Leader of the opposition to dismiss him.
- (3) Notes that if the member for Essendon refuses to resign from the frontbench, or is not dismissed by the Leader of the opposition, this will be public acknowledgement that the leader takes the view that this conduct by the member for Essendon is of a standard acceptable to the opposition.

Honourable members interjecting.

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

Honourable members interjecting.

The SPEAKER — Order! The member for Richmond!

Mr McINTOSH — In moving this motion I note that this relates to the planned Windsor Hotel redevelopment, which has been the subject of considerable public commentary not only in this Parliament but elsewhere in the public arena. However, the most important thing is that subject to those comments in the public arena, in this Parliament and in relation to the Ombudsman's report — —

Honourable members interjecting.

The SPEAKER — Order! The member for Richmond is on a warning.

Mr McINTOSH — Obviously these are matters of profound concern that should be debated in here to discuss the issue of the capacity of the member for Essendon to retain his position on the frontbench of the opposition. Perhaps a chronology of events may be of some assistance to the house.

In July 2009 a planning permit application was lodged with the Department of Planning and Community Development in relation to the redevelopment of the Windsor. On 25 September the application was advertised, and ultimately some 180 public submissions were received. In December 2009 an advisory committee conducted hearings in relation to the application, and on 8 February 2010 the advisory committee reported and sent the report to the minister's office.

On 17 February 2010 there was a discussion, which included the minister, in relation to the Windsor planning application, and I will go into more detail in relation to that meeting later in this contribution.

On 23 February a formal briefing paper was delivered to the minister, and attached was the advisory committee's report. Indeed on 23 February a discussion was held between Ms Peta Duke and the minister about the Hotel Windsor application.

I turn to the event that made the whole scam public. On 24 February Ms Duke updated her media plan and sent it by mistake to a media outlet, and as a consequence it became public.

I draw the attention of the house to page 7 of the Ombudsman's report. This matter is about how little things could easily bring down a minister — or former minister. It demonstrates categorically that this former minister, now the member for Essendon, is unfit to hold a seat on the front bench of the opposition. At page 7 the report quotes the plan as follows:

Windsor Ad C'tee — report due first week of Feb report is expected to recommend that development go ahead. Strategy at this stage is to release it for public comment as this affects the entire community and then use those responses as reason to halt it as we have listened to community views.

That is the rub; that is the strategy. Most importantly, there was probably nothing wrong with that particular strategy. The trouble is it was completely misrepresented by the member for Essendon and others during the course of what unfolded. The allegations are that the former minister said he had no knowledge of the panel's report, notwithstanding the fact that there is

clearly a document dated 23 February that attaches that committee's report. This minister said he had no knowledge of that report dated 23 February. That was the formal briefing to the minister dated 23 February.

On 26 February the member for Essendon gave an interview to Neil Mitchell on 3AW, and Neil Mitchell asked him this question:

Tell me what's speculative about this. 'Strategy at this stage is to release the report for public comment, as this affects the entire community, and then use those responses as reason to halt it as we've listened to community views'. How's that speculative?

The member for Essendon responded:

Well, I'll tell you why it's speculative, because I haven't received the independent panel's report.

The former minister said that, notwithstanding that that report had been delivered to his office on 23 February.

On the *Stateline* program on Friday, 26 February, the member for Essendon said:

I haven't received advice on these projects. I am still to receive the independent panel's report ...

Honourable members interjecting.

The SPEAKER — Order! This is a serious motion, and I would like members in the house to treat it that way. I am not going to put up with these constant interjections.

Mr McINTOSH — On 9 March 2010 the member for Essendon, the then Minister for Planning and a member for Western Metropolitan Region in the Council, was asked the following question by Mr Guy, a member for Northern Metropolitan Region and now Minister for Planning:

My question is for the Minister for Planning. With the Hotel Windsor redevelopment being a quarter of a billion dollar investment for Melbourne and the minister's private office clearly having knowledge of the advisory panel's plans to recommend its approval, I ask: in the interests of probity, can the minister inform the house how he has checked that his staff came to be availed of the panel's likely decision on the Windsor project, how he did this checking, and if he has not done it, why not?

The member for Essendon responded:

What is particularly important in relation to the Hotel Windsor project is that I do not have that before me, but when it comes to me.

This is on 9 March:

I will consider it accordingly.

The member for Essendon later went on to say in his response:

I will not make those decisions until I have the prerequisite advice from the independent panels, from the department or from any other agency that needs to provide me with that information.

This is notwithstanding the fact that there was a discussion in relation to the panel on 17 February and again on 23 February and a report was delivered to the member's office; on 9 March the member for Essendon was still saying, 'I have not seen that report'.

The second matter I raise is that the member for Essendon has made conflicting and misleading statements in relation to the sham consultation process. On 25 February last year the member for Essendon said in a *Herald Sun* interview:

I don't recall having spoken to this staffer —

that is Ms Duke —

about any issues around any decision making that I may be making or that I'm about to make.

On 26 February last year on the Neil Mitchell program the member was asked:

OK, so you would say that at no stage has it been the policy or the approach within your office, other than this individual, to run such a dishonest strategy.

The member for Essendon, who was then the Minister for Planning, said:

That's right.

On ABC's *Stateline* program on 26 February the member for Essendon was asked:

What about the contents of that email, the strategy that's in it? Is that all her doing or did she consult someone?

The member for Essendon responded:

Well, I can't be sure at this stage, but she certainly didn't consult with me as to what was in her information.

On top of that, at an inquiry of the Standing Committee on Finance and Public Administration held on 1 June 2010, Mr Barber in the other place asked the member for Essendon:

So none of your advisers ever suggested to you at any point, 'After we have received the independent committee's report maybe we could put it out for further public consultation and get some more input from the community'? None of your advisers ever put that idea to you?

The member for Essendon responded:

No, I do not recall any of my advisers making any such suggestion.

Importantly, notwithstanding those comments of the member for Essendon at that parliamentary committee, critical here are the significant findings of the Ombudsman. At page 89, paragraph 458, of his report of February 2011, *Ombudsman Investigation into the Probity of the Hotel Windsor Redevelopment*, the Ombudsman states:

Mr Madden recalled that Ms Duke had approached him for direction in relation to the Hotel Windsor redevelopment on 23 February 2010. Mr Madden said that Ms Duke had put to him ...

I reiterate that the following is a quote from the Ombudsman's report:

A remark which I sensed was an unusual remark to the sort of effect of what are we doing with the Windsor, it was something like that, I think it might have been the Windsor report, something like that, what are we doing with the Windsor report.

... and my response I believe to the effect of there's a possibility of more consultation but I am not keen on it, it was something like that; I don't think I said that but it was to that gist ...

Ms Duke responded, with a throwaway line, to the effect of and I thought she was trying to be humorous ... she made a sort of throwaway remark ... the gist of it was so it [the Hotel Windsor] can be knocked off, or you can knock it off or something like that ... I didn't laugh although I took it as a cheeky line or throwaway line.

Critically, of course, there was commentary by Ms Duke about that particular meeting on 23 February. Ms Duke stated:

... I had a brief — no more than 5-minute — conversation with Minister Madden in his office in Parliament House. The conversation included the Windsor Hotel application. It was about mid-morning. We had just finished filming a piece for the Urban Development Institute of Australia in the minister's office for a conference in Sydney. The only other person present was Ms Amanda Oglethorpe, a ministerial adviser. We discussed a number of current issues. One particular issue took up most of the time. The discussion concerning the Windsor Hotel application lasted only about one minute, or possibly less.

Clearly the former minister recalled he had that conversation on 23 February and Ms Duke clearly recalled that she had a conversation with the minister about the Windsor redevelopment on 23 February. He may have thought it was humorous, but she was obviously taking it very seriously.

On top of that, the third matter I want to raise is the meeting, which the Ombudsman has accepted was a sham consultation process. This was raised with the now member for Essendon even before that but apparently he denied he knew anything about that particular meeting on 17 February. I take the house to paragraphs 411 and 412 of the Ombudsman's report, which are very important, because apparently we have no other knowledge of this conversation. It states:

411. Each week senior departmental officers met with Mr Madden to discuss major planning matters. Mr Madden, Mr Jarvis, and departmental officers, the deputy secretary, Ms Prue Digby, the executive director planning services and development facilitation, Mr David Hodge, and the executive director, planning policy and reform, Mr Jeff Gilmore, were present at the meeting on 17 February 2010.

412. At interview on 20 August 2010, Mr Hodge was asked about the discussions that took place at the meeting on 17 February 2010 in relation to the Hotel Windsor. Mr Hodge said:

... Justin [Mr Jarvis] basically identified the idea or floated the idea of what's been reported in the papers, which was this idea that we would release the report for consultation and then make a decision based on what came back.

He remembers the conversation but apparently the member for Essendon has no knowledge of this. Mr Jarvis remembers the conversation —

Mr Foley interjected.

The SPEAKER — Order! The member for Albert Park is warned.

Mr McINTOSH — The report continues, at paragraph 415:

The department's deputy secretary, Ms Digby, was also asked at interview on 30 August 2010 about her recollection of the meeting of 17 February 2010. She said —

The SPEAKER — Order! The member for Benalla should take his seat. He is warned.

Mr McINTOSH — She said — this is Ms Digby:

... there was one other comment which I do recall although it was just a comment and it was very brief and it was that the chief of staff [Mr Jarvis] made a comment that, and I can't get these words right because I just can't remember the exact words, but to the effect of well if we release the report and everybody got upset, maybe we could refuse it —

which is exactly the strategy that Ms Duke identified in her plan that blew the whistle on this whole sham process.

Importantly, what we have here is the member for Essendon clearly saying one thing to his own department, to his own people, and saying something quite opposite to the people of Victoria. All of that confusion provides a dramatic illustration of why the member for Essendon is unfit to be on the front bench down there. If the Leader of the Opposition is prepared to accept it, he is demonstrating that he is condoning this sort of behaviour for everybody on the opposition. He is demonstrating that this is acceptable behaviour.

Not only on oath, not only in relation to the media but in Parliament we have all these misleading statements and comments by the member for Essendon, such as, 'I don't know when I got the report', and, 'I didn't get the report until much later', notwithstanding that there is evidence the report arrived in early February and that a formal brief arrived in the minister's office much later. It certainly arrived before the whistle was blown on this whole issue by Ms Duke. As I said, that email blew the whistle, and as a then minister the member for Essendon was quite deliberately obfuscating and confusing the issue. He said, 'I know nothing about it; I've got my head in the sand; I've got my eyes and ears covered; I'm not interested; I'm just watching the *Simpsons*. That is my defence: I'm just watching the *Simpsons*'. And this man sits on the opposition front bench.

Mr Foley interjected.

The SPEAKER — Order! The member for Albert Park is on his second warning.

Mr McINTOSH — This house needs to deliver a very clear strong message that this sort of behaviour is unacceptable. It is certainly unacceptable to the government, and it is unacceptable to the people of Victoria, but apparently it is acceptable to the Leader of the Opposition. If the member for Essendon will not do the right thing by the people of Victoria in this place, then the Leader of the Opposition ought to have enough guts to deal with the matter.

Mr ANDREWS (Leader of the Opposition) — I am very pleased to rise to speak against this motion.

Honourable members interjecting.

The SPEAKER — Order! The member for Ferntree Gully is on a warning.

Mr ANDREWS — I reject each and every one of its assertions. I begin by saying to the honourable member for Kew, the Leader of the House, that I would not hold my breath waiting for the invitation from the Brotherhood to be its next guest speaker! If ever this

community and this Parliament needed an example that the Leader of the House is nothing more than a try-hard blowhard, they just got it for 20 of the most ingratiating minutes — —

Honourable members interjecting.

Mr ANDREWS — I apologise. They were the most excruciating minutes that any of his colleagues have ever endured — that is, the few of them who bothered to turn up. I can say to all of those colleagues of his — I think just about all The Nationals members and 20-odd members of the Liberal Party who did not bother to come in — that they did not miss much at all.

As I said, I reject each and every assertion in this motion. What we understand and know about this motion and the motives of the Leader of the House and those opposite — —

Honourable members interjecting.

The SPEAKER — Order! The Minister for Multicultural Affairs and Citizenship is on a warning.

Mr ANDREWS — We know why this motion is before the house. There are two reasons. Firstly, the Liberal Party and The Nationals sent this matter to the Ombudsman, and much to their political upset and surprise, they did not get the report they wanted. The Ombudsman's report makes no finding against the member for Essendon and bears no relation to this motion and its spurious claims which have been put before the house today. The Ombudsman's report provides no foundation whatsoever for the claims made in this motion, so feebly put forward by the Leader of the House.

The second reason that this motion is here before us today is that although the coalition may have a majority, this is not a government but instead an opposition in exile which is completely incapable of governing and is totally unwilling to govern this state. If this censure motion is, in the view of the Leader of the House and his colleagues, the most important matter — —

Honourable members interjecting.

The SPEAKER — Order! I would like the Leader of the Opposition to be heard in some silence.

Mr ANDREWS — It would seem it is the view of the Leader of the House and his colleagues that this motion is the most important piece of business that this Parliament ought deal with. In the view of the majority, the government — or those who masquerade as the

government but who are incapable of governing or unwilling to govern — this is the most important matter that any of us here could debate. That is to say that it is more important than any of the bills on the notice paper. Whilst speaking of bills, we now get to the point where we are almost 100 days into the government's time in office and this government has not passed one bill. It has not made or changed one law.

Going on from that, I note there are other matters on the notice paper. There is, for instance, the Premier's families statement — and who could ever forget that induced coma dressed up as a ministerial statement? I thought that was a pretty shocking performance from the Premier, but I may need to revisit that assessment in the light of the 20 minutes we have just heard from the Leader of the House. We all felt for the Minister for Gaming, who was sitting in his seat, cringing, beside the Leader of the House. He ought to be no. 2; he would look good if he was.

So this matter is supposedly more important than any bill, more important than the families statement — and I am sure the Premier has woken up since delivering it — and more important than establishing parliamentary committees. It is more important than any matter that any Victorian might be interested in. That is absolute proof positive that this is not a government that is willing, able or prepared to govern. It is an opposition that is in exile. I say to the Leader of the House that there is late breaking news: you won the election! And with that late breaking news — —

Honourable members interjecting.

The SPEAKER — Order! I thank the Leader of the Opposition for that revelation, but I would also like to draw the house back to hearing the Leader of the Opposition in silence.

Mr ANDREWS — Thank you so much for your assistance, Speaker. I am sure it comes as a revelation to many, given they have shown a singular incapacity — a total incapacity and unwillingness — to govern this state. For those opposite, part of the late breaking news is that they are required to do things; they are required to govern. While the Leader of the House may enjoy base political attacks — —

Honourable members interjecting.

Mr ANDREWS — I am sure he enjoys it more than his colleagues, who are subjected to it. He may enjoy base political attacks. He may enjoy those things that he was moderately good at when he sat on this side of the house, but he is not on this side of the house any more.

Honourable members interjecting.

Mr ANDREWS — I have no argument with that. That is the determination of the Victorian community. All that the community, including the opposition, want to see happen is those opposite actually governing.

The SPEAKER — Order! I would like the Leader of the Opposition to get on with debating the motion before the house.

Mr ANDREWS — I am very pleased that you invite me to do that, Speaker. The motion speaks of shams, and I will go to that issue. Let us have a chat about shams, which is directly on the motion. I cannot see the Premier. Where is the Premier; is he in the chamber? Captain Courageous is hiding in his office, leaving this dirty work to the so-called Leader of the House. The Premier is not here, but I can recall him being very strident and making all sorts of commitments; not woolly or fuzzy commitments but absolute black and white commitments — and I use the term ‘black and white’ advisedly — about being an open and accountable government. This motion goes directly to the issues of openness, accountability and maintaining high standards. Those are the commitments that the Premier made.

What we have seen in these first 100-odd days is an absolute failure to deliver. We have seen the real sham of these matters, which is a total failure to deliver openness and accountability. There is no better example of that — and I am speaking directly on the motion, Speaker, which talks about high standards. The Leader of the House spoke at length about high standards and the expectations on ministers, so I am being absolutely relevant to that matter. There is no better example of that than a procession of freedom of information documents that have been refused. The opposition made a simple request for departmental estimates and costings for the government’s policies and how they might be implemented.

The SPEAKER — Order! The Leader of the Opposition will come back to the motion before the house.

Mr ANDREWS — The motion before us today, which is the most important matter this government can come up with, talks about shams and false statements, and I will come to those in a moment. I am being completely and utterly relevant to the motion before the house.

The SPEAKER — Order! I do not believe the Leader of the Opposition has been referring to the

motion before the house, and I would like him to refer to the motion.

Mr ANDREWS — The motion calls on us — —

Mr Foley interjected.

Debate interrupted.

SUSPENSION OF MEMBER

Member for Albert Park

The SPEAKER — Order! Under standing order 124 I ask the honourable member for Albert Park to withdraw from the house for 1 hour.

Honourable member for Albert Park withdrew from chamber.

FORMER MINISTER FOR PLANNING: CONDUCT

Debate resumed.

Mr ANDREWS (Leader of the Opposition) — The motion goes to standards and to a whole range of important matters. I am simply drawing to the attention of the house a range of equally important matters that are absolutely relevant. But if it is your ruling, Speaker, that it is inappropriate for me to draw to the attention of the house and to the community this government’s failure to deliver on commitments about openness and accountability and the fact that this government and its leader are frauds when it comes to openness and accountability, then I will respect that ruling.

Mr O’Brien — On a point of order, Speaker, I think the Leader of the Opposition has used a description which is unparliamentary. I would also ask you, Speaker, to bring him back to the question. I feel that in having to try to defend the indefensible he should at least try to refer his remarks to the matters listed on the notice paper.

The SPEAKER — Order! The terms used by the Leader of the Opposition were unparliamentary, and I ask him to get back to the motion. That is my ruling on the point of order.

Mr ANDREWS — On the point of order, Speaker, this is a censure motion, a serious sanction by this house. We all have no doubt that it will pass because those opposite have a majority — nothing more than that; there is simply a majority of those opposite. But a censure motion calls into question standards; it calls

into question the conduct of a member and indeed it allows a debate — if it is a proper debate — about all matters of standards, probity and integrity. As if it is not bad enough that we are being subjected to this political stunt, now we learn it can only be had on the government's terms. Is that your ruling, Speaker?

The SPEAKER — Order! My ruling is that this censure motion is against the member for Essendon, and I would like the Leader of the Opposition to go back to addressing the motion before the house.

Mr ANDREWS — Further on the point of order, Speaker, there was some noise in the chamber, and I am uncertain if I heard you correctly. Is it your ruling, Speaker, that the only person who can be spoken about in this debate — this stunt dressed up as a debate, this political attack and nothing more — is the member for Essendon? He is the only member who can be referred to. Is that your ruling, Speaker?

The SPEAKER — Order! This is a censure motion against the member for Essendon. The Leader of the Opposition's contribution should refer to the censure motion, and he should be defending his member — —

Honourable members interjecting.

The SPEAKER — Order! The Leader of the Opposition has the opportunity to debate the censure motion before the house, and I ask him to do so.

Mr ANDREWS — On a further point of order, Speaker — —

Mr O'Brien interjected.

Mr ANDREWS — I was not asked to withdraw a remark. In relation to your ruling, Speaker, this motion casts aspersions on me as the Leader of the Opposition. Under your spectacularly narrow ruling would I be allowed to defend myself? Would I be allowed to do that? The motion talks about the frontbench. Would I be allowed to refer to the frontbench? Would I be allowed to do anything other than submit to this gross, base political attack so amply facilitated by the Chair?

Mr O'Brien — The Leader of the Opposition has just reflected on the Chair, and he should be made to withdraw immediately.

Mr Hulls — On a point of order, Speaker, firstly, I ask that you stop the clock in relation to this matter.

The SPEAKER — Order! We do not stop the clock during these debates; we stop the clock during question time.

Mr Hulls — On a point of order, Speaker, I refer to your role as an independent Speaker and to the fact that it would seem quite extraordinary if you, as an independent Speaker, were starting to editorialise from the chair as to how and what the opposition should be doing in relation to a purely political stunt by the government. For you to be saying that it is our role in opposition to be defending the member for Essendon — you have made that editorialisation from the chair — I suggest goes beyond the role of an independent Speaker, and perhaps it might be appropriate to withdraw that comment.

Mr Clark — On the point of order, Speaker, your initial ruling was absolutely clear that the Leader of the Opposition needed to relate his remarks to the motion before the house. I would have thought that was a very clear, obvious and patently manifest obligation on any person speaking before the house. The member at that stage had spent something of the order of 10 minutes addressing just about every subject under the sun except the motion before the house. I submit that you should confirm your ruling and invite the Leader of the Opposition to address the motion, as is the requirement of standing orders.

The SPEAKER — Order! I have heard the arguments that have been put. I wish this debate to be able to continue on the motion that is before the house; that is what I want to happen. That is what I am asking the Leader of the Opposition to do: to return to the motion before the house.

Mr ANDREWS — Thank you, Speaker. Whilst I fully respect your ruling and your calling me back to the motion as you see it, I think the manner in which I have been confined in terms of the way I might debate this motion — defend this member and defend myself — are untenable and are not, in my judgement, in the spirit of the way censure motions ought to be debated. This is a substantive motion. It is a motion that should not have its breadth limited in any way, but that is your ruling, Speaker. In light of that ruling and the fact that that makes an appropriate debate on this matter untenable, I move:

That all words after 'That this house' be omitted and replaced with the following words:

condemns the Baillieu-Ryan coalition for:

1. engaging in a 'sham' against the people of Victoria for:
 - a. promising to 'lift the veil of secrecy' but failing to hold itself to the same standards in the release of government documents; and
 - b. promising to raise the standards of the Parliament by having ministers answer questions directly,

factually, succinctly and relevantly, but failing to ensure this has occurred;

2. engaging in false and misleading statements including but not limited to:
 - a. failing to detail all its election commitments in its costing document released on the eve of the state election;
 - b. failing to release the independent Department of Treasury and Finance costings of their election policies;
 - c. promising to end the waste but extending the cabinet by two;
 - d. promising action to “fix the problems” but failing to act on its own rhetoric.
3. failing to govern appropriately by using the Parliament for political stunts instead of the business of the government.

Mr Clark — On a point of order, Speaker, I ask you to rule on whether the reasoned amendment put forward by the Leader of the Opposition is in order. It is a longstanding practice that reasoned amendments to motions need to relate to the motion before the house. What the Leader of the Opposition is seeking to do is entirely replace the motion before the house with an alternative motion on a completely different subject. Accordingly, I ask you to address that issue and consider ruling the reasoned amendment out of order.

Mr ANDREWS — On the point of order, Speaker, I might also point out to you that it has been a longstanding practice in this place and in other parliaments across appropriate jurisdictions that a censure debate — one about integrity, accountability and personal conduct — would open up discussion and allow a proper and frank debate on those matters. To canvass those matters would be entirely relevant. This amendment is absolutely in keeping with the spirit of this motion, which is about high standards and making sure that people act in an appropriate way. This amendment is entirely in order. I know the government may not be pleased with it, but it is entirely in order and entirely consistent with equally longstanding traditions that a debate of this seriousness is a broad debate. Despite the fact that the government may wish only to talk about one particular member — it may want its political stunt to be completely choreographed and orchestrated — that is not its entitlement.

Mr McIntosh — On the point of order, Speaker, this is a debate on a censure motion about a member of Parliament, as I have outlined. The amendment that the Leader of the Opposition has proposed goes way beyond the tenor of this motion currently before the

house. Most importantly, perhaps it may be an opportune time to take the advice of the clerks about this matter.

The SPEAKER — Order! I have read through this amendment that has been put. and I do not believe it is relevant to the debate on the motion before the house. I ask the Leader of the Opposition to return to the debate.

Mr ANDREWS — Speaker, I thank you for your ruling. We note that the government has no interest in debating any issues of substance other than by making an orchestrated and grubby political attack — nothing more, nothing less — on a member of this place. This government seems more concerned about who sits on the opposition front bench than about making sure that its own frontbench does its job and governs.

This motion has no foundation in the Ombudsman’s report. This motion bears no relation to the Ombudsman’s report. We know why we are here having this debate — because those opposite sent a matter to the Ombudsman, failed to secure the report they so desperately wanted and are now using their majority position to give this matter precedence over all other matters.

The motion speaks volumes about the priorities of this government, a government unwilling to govern or incapable of governing this state, perhaps both. The fact that this government is so keen, through the contributions of the Attorney-General and others, to ensure that this debate is a choreographed set piece — a narrow political attack, and nothing more than that — speaks volumes about the fact that it is not an open or accountable government. But make no mistake — it is a transparent government. It is the politics of this issue and every issue that gets members of the government out of bed in the morning and rocks them to sleep at night. That is the only thing they are interested in.

The government’s motion is manifest proof that those opposite — the majority — having won an election are unaware that with that victory comes an obligation. The government ought to govern, not just say, ‘I will govern when I feel like it’, and they ought to govern every day for everybody. The motion is nothing more than a base, grubby political attack on the member for Essendon. No finding has been made against the member for Essendon in the Ombudsman’s report — no finding whatsoever has been made against him. I am sure the member for Essendon will make a contribution later in this debate. He will have the courage to come in here, unlike the cowardly Premier, who could not even come here to speak on this motion, although I am sure he listened with some embarrassment to the contribution

of the member for Kew, the so-called Leader of the House.

I reject this motion. I reject each and every one of the allegations, claims and premises contained within it. They have no basis in fact, and they are not borne out by any finding in the Ombudsman's report. This is a base political attack. It speaks volumes for the fact that this government would rather play politics on this matter and all matters than govern this great state. With its victory comes an obligation to actually govern, or maybe pretend to govern — even that would be an improvement. This is a base political attack, nothing more. I reject the motion and all the assertions within it. They have no basis whatsoever in fact. They are a disgraceful and shameful attack on the member for Essendon. Far from reflecting on the member for Essendon, they reflect abominably on those opposite.

Mr CLARK (Attorney-General) — The Leader of the Opposition has had 30 minutes to address the motion before the house, and he has used every device he could find to avoid addressing the motion. He has been happy to talk about anything under the sun other than the conduct of the member for Essendon, the conduct of his frontbench and his own conduct in relation to the member for Essendon.

The motion before the house is a very serious matter. Probity in public life is a very serious matter. Whenever threats to probity, integrity and standards of government emerge they need to be addressed, because Australia and Victoria do not enjoy our generally high standards of probity and conduct in public life by good luck or good fortune; it has taken a process of decades, indeed of centuries, to establish those standards. Corrosion of standards in public life can be insidious if left unchecked. It needs to be tackled and acted upon.

The government's motion goes not only directly to the conduct of the member for Essendon when he was a minister but also to the standards in public life that are adopted by the opposition as a whole, because by maintaining the member for Essendon on the frontbench it is implicitly condoning and endorsing his conduct. By not removing the member for Essendon from the frontbench, the Leader of the Opposition is also condoning the standards of conduct in public life that were observed by the member when he was a minister.

In the course of this debate the Leader of the House has put on the record a considerable amount of material that demonstrates that lack of standards. It is a matter that has become more and more clear, piece by piece, as the evidence has emerged. We saw the member in his

former capacity proceeding from denying any knowledge to admitting some knowledge, and from saying he had not had certain conversations to admitting that those conversations had taken place. He tried to shift responsibility for what occurred to anybody but himself, but principally to his staff, his chief of staff, his media adviser and the secretary of his department.

For proof of that one need look no further than to the successive record of what the member said in the Legislative Council when he was a minister. When he was first confronted with these issues his response, in relation to Ms Duke's statement, was:

It appears to have been a collation of information ...

We now know he knew a darned sight more about it than what it appeared to have been. He claimed that it reflected Ms Duke's views on the issues, while it is now clear in the light of emerging evidence that it was an orchestrated and deliberate strategy adopted within the minister's office.

The former minister repeatedly claimed that the Hotel Windsor issue was a matter that he was yet to consider, but we now know it was a matter about which he had been engaged in discussions. He attempted to claim that the media plan was the idea of or resulted from brainstorming by the media staffer. That has been entirely discredited by subsequently emerging facts, and that shows clearly that the former minister was not being candid — indeed he was not being truthful in what he was saying to the house. He tried to dismiss Ms Duke's statements with the claim that they were technically incorrect or without substantiation.

The former minister then referred to the appointment of a probity auditor. This is one of the most telling concerns about his conduct as a minister, because he repeatedly assured the house that the appointment of a probity auditor would guarantee that all probity concerns would be complied with in relation to this matter, and that is what he told the Legislative Council on 10 March 2010. He referred to:

... matters before me or before the department, we have a set of probity criteria which have been established ... and which can be complied with.

Yet later on it emerged that the probity auditor had been commissioned only to look at matters subsequent to 11 March, thereby bypassing the crucial aspects of probity in this case.

What was the former minister's defence when this came to public attention? 'Don't blame me. It was nothing to do with me. I told the secretary of the

department to go away and fix it. He probably took advice from somebody. I don't know who he took advice from'. Then, lo and behold, he ended up commissioning a probity audit that commenced looking at events only from 11 March. But his defence was, 'Don't blame me; it was nothing to do with me'. Does he expect the house and does he expect the community to believe that, having assured the house repeatedly that the probity auditor who was to be appointed would ensure probity of the entire process, he then had nothing whatsoever to do with verifying that the probity auditor would in fact carry out what he had assured the house would occur?

There are only two possible explanations. One is monumental incompetence, and the second is a calculated and deliberate course of deceit. Members might try to give the member credit — hardly the word — and think the least possible ill of him by considering that this behaviour could be put down to monumental incompetence. There is certainly plenty of evidence to bear out monumental incompetence.

We know that in so many respects it was Mr Jarvis who was pulling the strings and driving matters within the former minister's office. However, when you put together the Ombudsman's report and what the former minister said repeatedly in the house, the only plausible conclusion is that the former minister was in on this from the start. The former minister was in on this fix, and he has been trying every trick in the book to assert plausible deniability, but it just does not wash. In relation to the fact that the former minister was involved in those initial conversations, his only defence now is, 'I was in the room, at the table. There were five people there, but I just didn't happen to hear the suggestion that this thing might go out to public consultation and we might use that as a basis for not authorising it'. It just does not wash.

The public of Victoria has already reached that conclusion, but collectively the opposition is in a state of denial. That is what this motion is about, because it brings the issue back to the house. It confronts the opposition with the need to face up to its responsibilities. It is perhaps one thing for a minister to have individually engaged in this course of deceit, deception and manipulation, but it is another thing for that course of conduct to be condoned and perpetuated by the opposition, because it goes to the credibility of everything that the opposition might say and it goes to the standards of public office that the opposition is prepared to uphold.

That is why it is up to the Leader of the Opposition, if the member for Essendon will not resign from the

frontbench, to demonstrate the standards of behaviour he expects from his frontbench. He has got to say either he condones and endorses what the former minister has done or else he disassociates himself from what the former minister has done and that in future he will repent of what took place under the previous government, will draw a line in the sand and going forward he will establish different standards for the opposition under his leadership.

This is the opportunity the Leader of the Opposition has if he wants to make a break with the past. If he wants to disassociate himself from the members for Essendon and Lyndhurst and the other failed former ministers, then he can require the member for Essendon to resign from the frontbench or he can remove him from the frontbench and declare the new standards of the new opposition. He had 30 minutes to do that earlier, but we have not heard a word from him addressing that point, not a word to show that he and his colleagues have learnt the lessons from the past. It is most regrettable that the opposition is not taking this opportunity. It seems that it is determined to perpetuate the standards of spin, manipulation and dishonesty that were the hallmark of the previous government and that led to its dismissal by the people of Victoria.

Mr Wynne interjected.

The SPEAKER — Order! The member for Richmond is on a second warning.

Mr MERLINO (Monbulk) — The Attorney-General should be ashamed of himself for that contribution. This is nothing more than a political witch-hunt against the member for Essendon. We are debating this sham of a censure motion today because the government did not get what it wanted out of the Ombudsman's report. Rather than getting on with the job of governing the state of Victoria, it is behaving like an opposition in exile. Where is the legislation in the Council? Where are those acts of Parliament? We are almost 100 days into the new government, but when will the absent Minister for Community Services start doing her job, because it is clear that to date she has not been doing her job?

Today we are debating an Ombudsman's report, and the Minister for Corrections spent much of his 20 minutes commenting on a particular Ombudsman's report.

The censure motion that we are debating today talks about a sham, gross misconduct, misleading statements, acceptable standards and untenable positions, and in reference to that and the comments from the

Attorney-General, who said probity in public life is a very serious matter — and I agree with the Attorney-General on that comment; probity in public life is a very serious matter — I put it to this house that there is a person who has been linked to the Brotherhood and who has boasted around town that when he was a member of Victoria Police he inappropriately accessed the law enforcement assistance program, known as LEAP, database to gather information on potential neighbourhoods when he was house hunting. I put it to the house that that person is none other than the Minister for Employment and Industrial Relations in the other house, Richard Dalla-Riva. In the minister's own — —

Mr O'Brien — On a point of order, Speaker, what the member has just said is an unparliamentary reflection on a member of this Parliament. He should be made to withdraw it. If he wishes to proceed with making those sorts of allegations, he should do so through a substantive motion, which is the form of the house, or he could take the 10 steps to courage and walk outside that door and say it outside towards castle.

Ms Allan — On the point of order, Speaker, the point of order should be ruled out of order. This motion has been described as a serious matter. It goes to a matter of alleged gross misconduct by members of Parliament. I suggest that the member for Monbulk has been absolutely relevant to the matter before the house. It is a great shame to see the crocodile tears of those opposite when they do not want to put the same level of scrutiny on their ministers as they wish to apply to the opposition. It is the ministers of this government who do not like scrutiny being applied. The member for Monbulk should be ruled in order.

Ms Asher — On the point of order, Speaker, I refer you in support of the minister's point of order to standing order 118, which deals with imputations and personal reflections. What the member for Monbulk has done is make an imputation and a personal reflection, and that requires under this standing order that he be ruled disorderly.

An honourable member interjected.

Ms Asher — Refer to the standing orders. That can only be done by way of substantive motion — not the substantive motion before the Chair now, as the opposition is trying to argue. If the opposition wishes to make a comment on the Minister for Manufacturing, Exports and Trade, it is required under standing order 118 to do so by substantive motion.

The SPEAKER — Order! I have heard enough on the point of order. I uphold the point of order. In fact I was getting ready to say something. A member of this house cannot impugn a member of the upper house. I ask the member to desist from doing so.

Mr MERLINO — I thank you, Speaker, for that, but I would say this: in the minister's own bizarre version of location, location, location, before he bought his house he 'LEAPed' the entire street.

Honourable members interjecting.

Mr MERLINO — And the Minister for Gaming is defending Minister Dalla-Riva.

The SPEAKER — Order! I ask the member for Monbulk to desist from that sort of accusation. I say to him now to stop it or I will have him named and taken from the chamber.

Mr MERLINO — I take this opportunity to move an amendment. I move:

That all the words after 'That' be omitted and replaced with the following words: 'this house condemns the Minister for Manufacturing, Exports and Trade boasting about accessing the LEAP database when he was a member of Victoria Police'.

Mr Clark — On a point of order, Speaker, I make the same point that I did in relation to the reasoned amendment moved by the Leader of the Opposition earlier. The reasoned amendment the member for Monbulk has moved has no connection whatsoever with the motion before the house. He is perfectly at liberty to give notice of a motion on the subject, if he wishes to, for debate on a future day, just as the government did yesterday with the motion that is currently being debated. He is not entitled to seek to move what purports to be a reasoned amendment that totally changes the motion that is currently before the house.

Ms Allan — On the point of order, Speaker, the member's amendment is relevant to the motion that is before the house, which refers to gross misconduct and is about ministerial standards. We have heard repeatedly how probity in public office is a very serious matter. We have been lectured for the last hour or so by those opposite about standards and how members should behave. It is clear, though, that they are not willing to have those very same standards applied to their own members. When the opposition moves to insert words into the reasoned amendment that is before the house the government wants to rule it out of order. The amendment moved by the member for Monbulk is absolutely relevant. It must be considered as part of this

debate. To do otherwise would demonstrate gross hypocrisy by those opposite and would merely expose this stunt as a complete sham.

The SPEAKER — Order! I uphold the point of order. The amendment is not relevant to the motion before the house.

Mr MERLINO — I move that the following be put on the notice paper:

That this house condemns the Minister for Manufacturing, Exports and Trade boasting about accessing the LEAP database when he was a member of Victoria Police.

The SPEAKER — Order! The member has to give notice for the next day of sitting.

Mr MERLINO — I will do that, Speaker.

What absolute hypocrisy we have just heard! The government came in here and moved a censure motion against the member for Essendon following an Ombudsman's report which found that the member had no involvement. Government members come in demanding answers, but those on the other side have some very serious questions to answer themselves. No wonder Minister Dalla-Riva is Minister for Nothing. The Premier knew what a risk Minister Dalla-Riva was, and he did not want to give him any portfolio responsibilities.

Mr O'Brien — On a point of order, Speaker, the member for Monbulk is defying your rulings. I ask you to bring him back to the motion before the house.

Mr Andrews — On the point of order, Speaker, the Minister for Gaming is somehow concerned or thinks it is unparliamentary to refer to Minister Dalla-Riva as the Minister for Nothing, but how is that anything other than respectful to your ruling? This matter is relevant, and the member for Monbulk is simply speaking to the core of this issue, which is about integrity and probity, not just when it suits the government but in all matters and in all things for all people — for every minister, former and current. That is what this motion is about. That is what censure motions have been about for a very long time until today.

Mr O'Brien (Minister for Gaming) — It is important in the context of this debate to go back to what is at the heart of it and what led to this whole chain of investigation that has exposed the way the previous Labor government did business and the disrespect it had for planning processes and for the people of Victoria.

Ms Allan — On a point of order, Speaker, during the Leader of the Opposition's contribution you were clear about the scope of this debate. The scope of this debate is not the entire breadth of the previous 11 years of the Labor administration. You directed that it is a very narrow debate. The minister is probably already wanting to canvass each and every one of the days over the last 11 years. I ask you to draw him back to the substance of the motion.

The SPEAKER — Order! I ask the minister to speak on the motion before the house.

Mr O'Brien — This is about how the previous Labor government did business in relation to planning. Apparently members opposite believe that a censure motion against the member for Essendon — —

Ms Duncan — On a point of order, Speaker, the minister is defying your order. He is moving far away from the motion before the house. I ask you to bring him back to the motion.

Mr Clark — On the point of order, Speaker, the minister was barely able to utter half a sentence before the member for Macedon took this point of order. It is clearly a vexatious attempt to stop the minister from speaking, and I ask you to rule it out of order.

Mr Hulls — On the point of order, Speaker, what is good for the goose is good for the gander, and it is absolutely crucial that your rulings are consistent in the way they are applied to members of the government and members of the opposition.

The SPEAKER — Order! I do not uphold the point of order. The minister at the table was referring to planning, and it was in regard to a former Minister for Planning.

Mr O'Brien — I will return to quoting the motion, which perhaps even the Leader of the Opposition might understand is relevant to the motion. The motion provides for the member for Essendon to be censured for his gross misconduct in public office as Minister for Planning. What that member did as the Minister for Planning is fairly and squarely on the table in relation to this censure motion before the house. This just emphasises how the former Minister for Planning and the previous government treated the Victorian community with absolute disrespect and contempt when it came to the planning process. It was not about getting the best planning outcomes for Victorians; it was about the Labor government looking after its mates — spin, spin, spin.

Ms Allan — On a point of order, Speaker, there is absolutely no evidence to support the claims that the minister is making. Those claims were not made or substantiated in the Ombudsman's report that was tabled in this Parliament earlier this year. He is simply in fairyland. He is making stuff up on the run, and I ask that you, once again, bring him back to the substance of the debate that is before the house.

The SPEAKER — Order! I uphold the point of order, and I ask the minister to return to the debate before the house.

Mr O'BRIEN — I refer to key paragraph 421 of the Ombudsman's report. It relates to Mr Jarvis's comment at the meeting of 17 February and describes the Peta Duke media plan — sorry, the then Minister for Planning's media plan that was apparently ordered by Peta Duke.

Windsor Ad C'tee — report due first week of Feb report is expected to recommend that development go ahead. Strategy at this stage is to release it for public comment as this affects the entire community and then use those responses as reason to halt it as we have listened to community views.

That shows there was no intent to actually consult the public; no intent to actually listen to what Victorians had to say about the Windsor Hotel redevelopment. This was all about using a pretend consultation as an excuse to try to knock back something the government thought might have been politically difficult. Let us look at what happened. On 17 February — —

Ms Allan — On a point of order, Speaker, it is very important that members do not mislead the house, and I fear the minister is going down the path of misleading the house, because what he is now claiming has not been substantiated in the very report he is reading from. If he is going to quote from and refer to the report, he might at least be accurate in those references. The report did not make any of those findings that he is now referring to. He is merely trying to use this as a cover for the smear and fear campaign he is running against the opposition.

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

Mr O'BRIEN — The chronology of this is very important. On 17 February 2010 there was a meeting between the former Minister for Planning, his chief of staff, Justin Jarvis, and departmental officers to discuss the Windsor Hotel redevelopment. There were a number of public servants at this meeting, and I would hope that we would listen to the views of public servants taken under oath to hear what they had to say.

Ms Allan — On a point of order, Speaker, I ask that the minister refer to the page numbers when he is quoting from the document so we can be confident that he is not misleading the house and is, indeed, referring to reports from the Ombudsman.

The SPEAKER — Order! I ask the minister, when quoting from the report, to refer to the page numbers.

Mr O'BRIEN — I have not got to quoting from the report yet, but I will do so. It is on page 81. It states:

During my investigation, two senior departmental officers gave evidence that at a meeting on 17 February 2010 with Mr Madden, Mr Justin Jarvis, Mr Madden's chief of staff, raised the idea of releasing the advisory committee's report for public comment and if community views were against the proposal, the project could then be refused.

Mr Holding interjected.

The SPEAKER — Order! The member for Lyndhurst is warned.

Mr O'BRIEN — So we see at paragraphs 412, 413, 414, 415 and 416 of this report where independent public servants have given evidence to the Ombudsman under oath about this issue being put forward by the former minister's chief of staff. We know this has been out there. We know they have been screening this little idea that they can engage in fake consultation, sham consultation, and use that as an excuse. But what has happened? The infamous media plan was leaked on 24 February. The former minister was at this meeting, along with his chief of staff and senior public servants, and this little idea was concocted, hatched and floated to try and rip off the Victorian public by engaging in sham consultation.

Ms Allan — On a point of order, Speaker, once again I refer the minister to the document he is reading from, and I ask that he withdraw the comment about the concocting of little ideas and scams. It is not what is found in the report, and if he is going to quote from the report, if he is going to use it at length for his measly contribution, he might at least do so accurately and not make those sort of imputations about certain public servants.

The SPEAKER — Order! That is not a point of order; I overrule it. The member was speaking as part of the debate, and there has been reasonably free and open debate today. The minister was debating the motion.

Mr O'BRIEN — It is fascinating that members opposite are arguing that this did not happen because paragraph 427 — —

Ms Allan — On a point of order, Speaker, I asked in my contribution earlier that the minister withdraw that imputation against the persons he mentioned, both members of Parliament's former staff and public servants. I am sure those public servants who are now serving this government will be very interested to read the attack by the Minister for Gaming. However, I ask him, as I did previously, to withdraw those comments he made to the house.

The SPEAKER — Order! He made them to the house. The people he made comments about are not here, so he does not have to withdraw.

Mr O'BRIEN — Having concluded that Mr Jarvis did propose such an approach I considered it was inappropriate.

Mr Andrews — On a point of order, Speaker, the member for Bendigo East has sought a withdrawal for comments made that directly reflect upon a member of this house, as well as on others. There is no basis for the allegation the Minister for Gaming has made. He has been asked to withdraw, and I respectfully put it to you that he ought to be required to withdraw; that is longstanding practice. If they are the new rules, so be it.

The SPEAKER — Order! It is not longstanding practice to get a member to ask for a withdrawal on behalf of another member. If the member in the house wishes to have the issue withdrawn, he can get to his feet and ask for a withdrawal.

Mr Madden — On a point of order, I ask that the Speaker ask the member to withdraw.

The SPEAKER — Order! I ask the member to withdraw.

Mr O'BRIEN — Speaker, in deference to you, I withdraw.

Honourable members interjecting.

The SPEAKER — Order! I understand what is in the standing orders. What I am saying is that it should be an unconditional withdrawal. The minister should just withdraw.

Mr O'BRIEN — I withdraw.

Honourable members interjecting.

The SPEAKER — Order! The member for Richmond is on his second warning.

Mr HULLS (Niddrie) — This is a sad day for the Victorian Parliament. We have had three speakers on

the other side contributing to the debate. I know that they are all lawyers for the government and I have to say that as lawyers they are as handy as prior convictions. That is how bad they are; they are shockers. The fact is that the waffle coming from members on the government side is as coherent as the statements of Charlie Sheen! That is how coherent they are. To be hearing from them about morals, for goodness sake, about standards in public life, is like hearing from the Reverend Jim Bakker about celibacy and monogamy. That is how bad these people are. How dare they get up here and talk about standards in public life.

The fact is that it has taken less than 100 days for the mob on the other side to morph into repeating the Kennett government's abuse of the Parliament. What they are basically saying is, 'We have the numbers and we will use those numbers as we like. We will use those numbers to beat up on the opposition'. And is it any wonder; guess who is advising them? They have Kennett advising them, they have Stockers advising them, they have Maclellan advising them, they have Robbie Knowles and Markie Birrell advising them. We saw them all walk into the place after the government won the election — the old cronies are back. The first thing those cronies have said to this mob is, 'Abuse the Parliament. Do not give the opposition a fair go in the Parliament. Ensure you abuse the parliamentary processes. Shut it down; use every opportunity you can to play political games but don't govern. Like us, don't govern'.

Guess what? As we have heard, not one piece of legislation has passed through both houses of Parliament in almost 100 days — not one law. This is a lawless government. Not one law has passed in this place during that time. Why is that? Government members have been too busy celebrating, too busy stuffing their cakeholes with cucumber sandwiches, too busy with their snouts in the trough — in fact they actually dive into the trough. They wallow in it.

Mr McIntosh — On a point of order, Speaker, I ask you to ask the Deputy Leader of the Opposition to come back to the motion before the house.

The SPEAKER — Order! I uphold the point of order, and I ask the Deputy Leader of the Opposition to return to the business before the house — the notice of motion.

Mr HULLS — I certainly will. I just make the passing comment that if the honourable member for Kew does not eat cakes, I will go he. In any event, this is quite an extraordinary motion because what it really

says is, 'We in government have no faith in the Ombudsman'. The Ombudsman has made his report public. He has made his recommendations and he does not make any adverse findings in relation to the member for Essendon. In fact the Ombudsman made a very thorough investigation in relation to this matter and made no adverse findings. If you have a look at the Ombudsman's recommendations, none of them relate to the honourable member for Essendon.

The fact is that, as the Leader of the Opposition has said, the government has indeed sent something off to the Ombudsman. It pre-empted the Ombudsman's report in another place all over the state. Government members got the Ombudsman's report and they read it — some of them could not read it because it was not in crayon. The fact is that they either read the report and have come into this place saying they have no faith in the Ombudsman, or, alternatively, they have not read the report. Either way, this is an absolutely fraudulent agenda of those opposite. It is a fraudulent motion that is being used.

The fact is, as the Leader of the Opposition said, if this is the most important item on the agenda of a new government, what sort of standard is this mob setting? The fact is they are here to govern. Governing means assisting the people. In fact I will tell you what 'governing' means. The definition of governing is:

To make and administer public policy — —

Mr McIntosh — On a point of order, the Deputy Leader of the Opposition is again straying from the narrow debate that is before the Chair. I ask that he be brought back to the question before the Chair.

The SPEAKER — Order! I uphold the point of order and ask the member for Niddrie to get back to the debate.

Mr HULLS — The point I am trying to make is that the reason for this motion is that the government is not prepared to govern. We all remember that great, famous Hawthorn Football Club coach, John Kennedy.

Mr McIntosh — On a further point of order, the Deputy Leader of the Opposition obviously does not understand the word 'relevance'. He has not been relevant for a long time and certainly, in opposition, he is not relevant now. I would ask him to be brought back to the question before the Chair.

The SPEAKER — Order! I am prepared to continue to listen to the Deputy Leader of the Opposition at this stage.

Mr HULLS — We all remember that famous Hawthorn coach and great individual, John Kennedy. His advice was, and we all remember it, 'Don't just sit there. Don't think. Just do!' The fact is that he would be very upset because one out of three is not good enough.

Honourable members interjecting.

The SPEAKER — Order! The Minister for Gaming is on a warning.

Mr HULLS — They are not thinking. The fact is that — —

The SPEAKER — Order! The member for Gembrook, you are on a warning, and the member for Caulfield.

Mr HULLS — Don't just sit there. Don't think. Just do! Because the people of Victoria want a government that is prepared to govern and not come into this place and move these rubbish motions that have no substance to them whatsoever. It is not just me saying that.

You may sit there, Speaker, and you might think, 'Oh, Hulls; you'd expect him to say that'. Well, it is not just me saying that; it is the Ombudsman saying it. The Ombudsman has made it quite clear in his report that this motion being moved by the government is nothing less than a complete farce. It is a farce coming from a government that is atrophied. That is what this government is: the members of this government are just too scared. They are too scared to act, and when they are about to make a decision you can see the shakes coming. The fact is that it is a gutless government that comes into this place and moves this sort of motion, because its members are not prepared to make any decisions on behalf of the people of Victoria.

But not just that — —

Honourable members interjecting.

The SPEAKER — Order! The member for Prahran is on a warning.

Mr HULLS — Not only are they afraid of work, but they actually want to cut down things that do work.

Mr McIntosh — The member has had plenty of time, but he is still not being relevant. I ask that he be brought back to the question before the Chair.

The SPEAKER — Order! I uphold the point of order this time and ask the Deputy Leader of the Opposition to debate the notice of motion before the house.

Mr HULLS — I urge all members of this place to take the time to read the Ombudsman's report and to compare it with the motion that has been moved by the government. Members will find that this motion is a fraud, it is a lie, it is a farce and it is a joke. Why has the government moved this motion? Government members are saying there is no pressing need to do anything else in this state. This is a disgrace.

The biggest disgrace, however, is the gutlessness of the Premier in not coming into the house. You quite rightly said, Speaker, that these types of motions are very serious motions being moved by the government, and I agree with you. The fact that the Premier does not have the guts to come in here and speak to this motion shows absolutely how pathetic this is.

I give some credit to the Leader of The Nationals, Peter Ryan, because I am sure he would not want to associate himself with this rubbish. So the Ryan-Baillieu government appears to be divided, because Peter Ryan, a man of some common sense, knows that this is a farce, and Ted Baillieu has scuttled off to his room hiding. He is too gutless to come into this place.

Mr McIntosh — On a point of order, the Deputy Leader of the Opposition is still not being relevant. I ask that he be brought back to the question before the Chair.

Ms Allan — On the point of order, the Deputy Leader of the Opposition was absolutely being relevant. Once again we have seen the preciousness of government members in not wanting to have applied to them the same standards as they are applying to the opposition. It is about time they did the job of government rather than the job of opposition.

The SPEAKER — Order! I have heard enough on the point of order. The member's time had expired.

Ms ASHER (Minister for Innovation, Services and Small Business) — The old bovver boy is back in his natural habitat of opposition. He has not changed one bit since when he was last in opposition. We put up with him in 1999, witch-hunt after witch-hunt — —

The SPEAKER — Order! I ask the minister to look at and refer to the notice of motion.

Ms ASHER — I wish to participate in the debate on this notice of motion about the sham consultation process, and in passing I wish to rebut an argument put forward by the member for Niddrie — that is, he said we were not embarking on the business of governing. I urge him to look at a whole range of activities and election promises on which we have already delivered.

In so doing, I remind him of the behaviour of members of the Labor Party when they were elected to government in 1999. They embarked on a whole series of royal commissions and inquiries — a waste of public money — whereas we are simply noting an Ombudsman's report and noting the conduct of the member for Essendon.

Ms Allan — On a point of order, Speaker, I would hate for the minister to mislead the house, but she is saying that members of the government are merely wanting the house to note the Ombudsman's report. If we were noting the Ombudsman's report and its recommendations, we would not be debating this motion today, because this motion today bears absolutely no relation to what the findings were in the Ombudsman's report. I ask you, Speaker, to bring the minister back to debating the motion instead of going down the path of seriously misleading the house.

Honourable members interjecting.

Debate interrupted.

SUSPENSION OF MEMBER

Member for Richmond

The SPEAKER — Order! The member for Richmond is on his third warning. Under standing order 124 I ask him to remove himself from the house for 1 hour.

Honourable member for Richmond withdrew from chamber.

FORMER MINISTER FOR PLANNING: CONDUCT

Debate resumed.

The SPEAKER — Order! It appears to me that the issues raised in the motion come from the Ombudsman's report. Members should not take what I say as meaning I support one view or another, but I ask that the minister ensure that she sticks to the motion before the house.

Ms ASHER (Minister for Innovation, Services and Small Business) — Certainly, Speaker. In referring to this matter before the house one critical question remains: why has the member for Essendon not stood up to defend himself? That is a pivotal issue. The answer to that question is in the Ombudsman's report, because the member for Essendon is such a weak

individual that he has hidden behind a young woman's skirts in this whole matter and allowed her to take the hit for him. I refer to the Ombudsman's report.

Ms Allan — On a point of order, Speaker, I appreciate the minister is in a froth and lather about this issue, but I point out to her that the claim she has just made is quite outrageous. The claim the minister has just made has not been substantiated by the Ombudsman's report. It is an outrageous allegation to make. The minister is going down a path that is very serious, and I ask that she desist from going down that path and come back to debating the motion she drafted. This has come out of her own office.

Ms ASHER — On the point of order, Speaker — and given that the member for Bendigo East likes to debate points of order — I will quote from pages 9 and 10 of the Ombudsman's report to let her know exactly what it says. Paragraph 17 of the executive summary of the Ombudsman's report states:

My investigation revealed:

...

Ms Duke sent an email to Mr Svigos at his ministerial email address on Saturday, 27 February 2010, referring to her having 'taken the hit' for what had occurred with the media plan and the resulting media attention.

On the point of order, sham as it was, like the consultation process that the member for Bendigo has raised — —

The SPEAKER — Order! Is the minister still speaking on the point of order?

Ms ASHER — I have referred directly to page 10 of the Ombudsman's report.

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

Ms Allan — On a point of order, Speaker, the minister made a claim regarding a former minister, who is now a member of this house, allowing someone else to 'take a hit', and she then attempted to refer to the Ombudsman's report for some flimsy cover for that unsubstantiated claim. The minister is very excited today about the motion that she has drafted. She never thought she would have to come in here and debate it, but she is in here anyway.

The SPEAKER — Order! What is the point of order?

Ms Allan — Once again the claim the minister has made is not substantiated by the findings and the

recommendations in the Ombudsman's report, and I ask that she come back to the motion in light of your very clear ruling at the outset of this debate, Speaker, that this is a debate confined to the motion that is before the house.

The SPEAKER — Order! What I said earlier in the day goes for all people in this house in this debate — that is, we will talk about the motion before the house.

Ms ASHER — As I was saying earlier, I refer to page 10 of the Ombudsman's report, and my question was: where is the member for Essendon in this debate? Where is he? He is too gutless to stand up for himself now, as he did when he hid behind a woman.

Honourable members interjecting.

The SPEAKER — Order! I cannot hear what the minister is saying, and I do not think anybody else in the house can with all the yelling and screaming that is going on. I ask that the minister be heard in silence.

Ms ASHER — We are here today debating a motion that goes to the heart of the conduct of the member for Essendon. He embarked on a sham consultation process and then, in my view, hid behind the skirts of a young woman and allowed her to take the hit for the minister in the same way that, when he was a ruckman, he hid behind rovers.

Ms Allan — On the point of order, Speaker, it is clear now that the minister is completely defying your rulings about debating the motion. The report did not find anyone hiding behind anyone's skirts. The only skirt hiding that is happening today is being done by the Premier, who is hiding behind the skirts of someone in his office and is not prepared to come in to debate it.

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

Ms ASHER — As I said, we are debating a motion today which goes to the heart of the standards the opposition has now. We have said, and we will make the point again, that the member for Essendon, when he was a minister, conducted himself improperly in having a sham consultation process over the Windsor.

Mr Hulls — On a point of order, Speaker, there is absolutely nothing in the Ombudsman's report to back up the assertion that has just been made by the honourable member. I can understand that she is excited. I do not know what she had for breakfast, but I will have what she is having.

The SPEAKER — Order! This is not a point of order; it is a point of debate. The member is debating the issue.

Mr Hulls — The point of order is that the minister has made an assertion for which there is no material to back it up whatsoever, and that includes the Ombudsman's report. The minister has no evidence at all to back up what she has just asserted, and I ask you to ask her to withdraw.

Ms ASHER — I refer members opposite to the Ombudsman's investigation and to the revelations contained on pages 9 and 10. Again I make the point that if the member for Essendon had done nothing wrong, then why does he not have the guts to come to the microphone and defend himself? I remember him when he played for Essendon. He used to hide behind the rovers. He hid behind the rovers at Essendon, and he is hiding behind the skirts of Peta Duke, who has had to take the hit for him. He is hiding behind his colleagues who are defending him here today. He is a weak, gutless member of Parliament.

Ms Allan — On a point of order, Speaker — —

Honourable members interjecting.

Ms Allan — My point of order is not going to be ruled upon because thankfully the minister has finished.

Mr HOLDING (Lyndhurst) — What an embarrassment to members of the government this has been. I have no doubt that they concocted the strategy in the office of the Premier, sitting around imagining that this would have been a brilliant strategy to bring in here the idea of having a debate about ministerial standards and bringing on a discussion about what the appropriate standards should be for ministers in any government. As with any plan, it is all in the execution, so over the course of the debate, as we have heard the various contributions of government members, other government members have disappeared back to their offices.

First we heard from Inspector Clouseau, who came in here and decided that it was Professor Plum in the library with the candlestick. He was going to do what the Ombudsman was not doing; he was going to make findings based on his absurd and grotesque readings of the Ombudsman's report. He was going to make findings against the member for Essendon and the Leader of the Opposition that the Ombudsman himself was not willing to make. He was willing to make findings against the member for Essendon that are not substantiated by any reasonable reading of the Ombudsman's report. The Ombudsman was not willing

to make those findings, but Inspector Clouseau was willing to come in here and play a game of Cluedo — more like Clueless — trying to disparage the member for Essendon.

Then we heard from Lionel Hutz, attorney-at-law. From the few seconds of his contribution that he was actually able to get out and that was relevant to the Ombudsman's report, what we were able to conclude was that he too can only cast aspersions against the member for Essendon when he distorts the Ombudsman's findings, selectively quotes from them, tries to twist them and tries to put into them a meaning which the Ombudsman made very clear in his report that he was not willing to do.

What does the government's case boil down to? Not much at all when you compare what it wants this Parliament and this house to conclude compared to what the Ombudsman was willing to conclude in his report. Government members have been racing off and briefing journalists. We saw a report in today's *Australian Financial Review* that referred to 'evidence' in inverted commas — that shows what the journalist thought of the 'evidence' — about the Hotel Windsor. Government members are holding out hope, showing a little bit of leg. The report in the *Australian Financial Review* states:

The Victorian government says it has evidence that shows a report on the Hotel Windsor redevelopment ...

And off it goes. But when the government actually arrived in the Parliament today we saw absolutely nothing. It was like being slapped with a wet lettuce. Those opposite are completely unable to prosecute the case.

Let us talk about ministerial standards as they relate to the Ombudsman's report. It has been almost 100 days since this government took office, so we can now draw conclusions about how the Ombudsman's report stacks up against the ministerial standards of those opposite. For example, recommendation 2 of the Ombudsman's report states that it is very important that training be provided to staff on 'record keeping and file management'. When we heard from the Minister for Community Services yesterday we discovered that she was unable to account for correspondence that has been received by her office. She wanted to claim that this was the opposition's fault.

Ms Asher — On a point of order, Speaker, you have ruled on numerous occasions today that this is a narrow debate on the motion before the house. What happened in question time yesterday is not part of the debate, and

you should ask the member for Lyndhurst to come back to the debate.

Mr HOLDING — On the point of order, Speaker, I am quoting from a recommendation contained in the report from the Ombudsman and testing whether in fact the implementation of that recommendation would pass muster with current ministerial standards.

The SPEAKER — Order! I do not uphold the point of order. The member was quoting from the Ombudsman's report.

Mr HOLDING — We have heard from the Minister for Community Services that her inadequate record keeping and file management practices are in fact the fault of the former government. She made the grotesque claim that her inability to answer a piece of important ministerial correspondence was actually our fault.

At no. 16 the Ombudsman's report recommends that:

Ministerial advisers and the minister's chief of staff are made accountable for checking the accuracy of information contained within media plans.

It is going to be very hard for those ministers opposite who have been unable to appoint chiefs of staff because they have been vetoed by the Star Chamber. I can see the Minister for Gaming chuckling, because he has had five vetoes.

The SPEAKER — Order! I ask the member for Lyndhurst to get back to debating the issue before the house.

Mr Gidley — On a point of order, Speaker, it is clear from what we are hearing from the opposition that its members have no intention of engaging in relevant debate. You have been generous in providing latitude to them, but I must say that I think the time has come for members of the opposition — even if they do not want to do so — to return to the censure motion, even if they are embarrassed and ashamed of the member for Essendon.

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

Mr HOLDING — Going to recommendation 16 of the Ombudsman's report, ministers' chiefs of staff are to be accountable. I would question the government about this issue following the contribution we heard earlier from the Minister for Gaming, who desperately needs a chief of staff. He has made the most compelling case possible to Michael Coppel and the Star Chamber for his kind of chief of staff.

The SPEAKER — Order! I ask the member to return to the debate.

Mr HOLDING — Recommendation 9 of the Ombudsman's report is that:

The Victorian government establish a comprehensive gifts policy ...

This will be very important for the Minister for Tourism and Major Events, from whom we have just heard. She loves to tell everyone just how hard she is working. In fact everyone knows that we have got as our Minister for Tourism and Major Events nothing more than a Lady Lunchalot. You cannot get in to see her. Recommendation 9 refers to a comprehensive gifts policy.

Debate interrupted.

SUSPENSION OF MEMBER

Member for Forest Hill

The SPEAKER — Order! I remind the member for Forest Hill that we do not take photographs in this chamber. Under standing order 124 I ask the honourable member for Forest Hill to remove himself from the chamber for 1 hour.

Honourable member for Forest Hill withdrew from chamber.

FORMER MINISTER FOR PLANNING: CONDUCT

Debate resumed.

Mr HOLDING (Lyndhurst) — It was not even my good side!

The SPEAKER — Order! I am not quite sure which side would be the good side!

Mr HOLDING — We have the gifts policy, as recommended in the Ombudsman's report, to look after the Minister for Innovation, Services and Small Business, and we have the importance, at recommendation 16, of making chiefs of staff accountable. That is very important for the Minister for Gaming. We have heard from Lionel Hutz; we have heard from Inspector Clouseau, but at the end of the day this motion refers to a sham consultation process. What we have here in Victoria is sham ministers. We have the Minister for Nothing in another place, whose file has been stamped 'Never to be promoted' by the Star Chamber. All his responsibilities have been — —

The SPEAKER — Order! I ask the member for Lyndhurst to get back to debating the motion before the house. This is not a time for slagging off at everyone.

Mr HOLDING — I am touched by your ruling, Speaker. The motion that has been brought in here bears no resemblance to the actual findings in the Ombudsman's report. We have a government that will not govern — that has not made the transition from opposition to government. We have ministers with no responsibilities; we have ministers who will need to work their way through the gifts policy. This is a sham, Speaker, and has been exposed as such.

The SPEAKER — Order! The member's time has expired.

Mr WAKELING (Ferntree Gully) — I move:

That the question be now put.

Honourable members interjecting.

The SPEAKER — Order! If members read standing order 155 on closure motions, they will see that the question that has now been put to me — that is, that the question now be put — can be moved at any time during the debate, whether or not a member is addressing the Chair at the time, and the Chair must then immediately put the question without amendment or debate. The question is:

That the motion be now put.

Ms Allan — On a point of order, Speaker — —

The SPEAKER — Order! It is not about raising issues; I am to put the motion immediately.

Honourable members interjecting.

The SPEAKER — Order! I ask the member for Bendigo East to refer to standing order 155(3), which states:

No other motion or point of order may be put or raised until that motion has been disposed of.

Honourable members interjecting.

The SPEAKER — Order! I ask the member for Essendon to sit down.

Honourable members interjecting.

The SPEAKER — Order! I am going to put the question. The question is:

That the question be now put.

All in favour say aye.

Government members — Aye.

The SPEAKER — Order! To the contrary, no.

Opposition members — No.

The SPEAKER — Order! I think the ayes have it.

Opposition members — The noes have it

The SPEAKER — Order! A division is required. I ask the Clerk to ring the bells.

Bells rung.

Mr Madden — On a point of order, Speaker — —

The SPEAKER — Order! No point of order is to be taken during a division.

Honourable members interjecting.

The SPEAKER — Order! The question has been put, and I do not take points of order during a division.

House divided on Mr Wakeling's 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, 43

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

Hulls, Mr
Hutchins, Ms
Kairouz, Ms
Knight, Ms
Languiller, Mr
Lim, Mr
McGuire, Mr
Madden, Mr
Merlino, Mr
Nardella, Mr
Neville, Ms
Noonan, Mr
Pallas, Mr
Pandazopoulos, Mr
Perera, Mr

Green, Ms
Halfpenny, Ms
Helper, Mr
Hennessy, Ms
Herbert, Mr
Holding, Mr
Howard, Mr

Pike, Ms
Richardson, Ms
Scott, Mr
Thomson, Ms
Trezise, Mr
Wynne, Mr

Motion agreed to.

The SPEAKER — Order! The question is:

That the motion be agreed to.

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
Woodridge, Ms
Wreford, Ms

Noes, 43

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
McGuire, 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

Motion agreed to.

Mr Madden — On a point of order regarding standing order 155, Speaker, I was attempting to rise to speak, and the government has closed down its own business — —

Honourable members interjecting.

The SPEAKER — Order! Members of the house should be aware that I have asked members to be silent at any time a point of order is raised.

Mr Madden — On the point of order, Speaker, it is an outrageous breach not to allow me to speak on a motion against me. To close down business — —

The SPEAKER — Order! I am sorry — —

Mr Madden — I have not finished my point of order.

The SPEAKER — Order! There is no point of order.

Mr Madden — With due deference, I have not had the opportunity to finish the point which I was making — —

Honourable members interjecting.

The SPEAKER — Order! The member for Essendon should be made aware there is no point of order.

Ms Allan — On a point of order, Speaker, we said on a number of occasions during the course of the debate that this was a very serious matter. Indeed, a censure motion is probably one of the most serious sanctions a house can bring against one of its own. It is therefore reasonable, I believe — and any reasonable person would agree — that the debate should continue until all members who wish to speak have had the opportunity to speak. Given that this is a motion that attacked without substantiation — —

The SPEAKER — Order! In regard to the issue the member raises, the house has voted and made a decision. I am not going back to that decision.

Mr Andrews — On a further point of order, Speaker, I refer you to standing order 155(2), which indicates — and I am not immediately challenging your ruling, Speaker, I am simply pointing out — —

Honourable members interjecting.

Mr Andrews — As I am entitled to do in making a point of order. I think that is your ruling, Speaker, that I

am entitled to do that and to be heard. Standing order 155(2) states:

The Chair must put the question immediately without amendment or debate unless he or she believes that:

...

(b) it is a denial of the rights of the minority ...

I put it to you, Speaker, and I am not challenging your ruling, that there has never been a clearer example of a denial of the rights of the minority than this shameful gag of debate on the government's own motion. The record will forever reflect that the government did not allow the member for Essendon to defend himself against this shameful political attack. That is what the record will show forever.

Mr McIntosh — On the point of order, Speaker, there is no point of order. The fact is that we have had eight speakers in 2 hours of the time of the house. We have a number of important matters that also have to be debated. There has been ample time, and there is no point of order.

Mr Hulls — Further on the point of order, Speaker, and in relation to the point made by the Leader of the Opposition, not only do I support him but you will recall, Speaker, that in his contribution he made it quite clear that the member for Essendon would be speaking in this debate. Everybody heard that, yet the government has now gagged debate.

Mr Kotsiras interjected.

The SPEAKER — Order! The Minister for Multicultural Affairs and Citizenship is on his second warning.

Mr Hulls — Again it shows that the government wants to run a show trial and be judge, jury and executioner without giving the member for Essendon an opportunity to speak. It confirms absolutely where the government is getting its instructions from. This was flagged by the Leader of the Opposition. The fact is that the minority in this place are being abused by those who see the Parliament as their fiefdom.

The SPEAKER — Order! I have heard enough on the point of order. The decision that has been made by the house is in favour of the motion listed as notice of motion 1 on the notice paper. I will now move on to government business.

Mr Pandazopoulos — On a point of order, Speaker, I raise with you the long-established precedent in this house where lists of speakers in debates are made

available to the Speaker. They are available publicly to each side of the house so members can walk by and identify those speakers. I ask you, Speaker, about this long-established precedent where we know who is next due to speak from each side and your responsibility associated with that around procedural fairness. Every member of this house knows that the member for Essendon was the next speaker on the list, because under the procedures for debate, if there is a proposed censure on a member, the member involved is traditionally the last person on the speakers list. Government members know that —

The SPEAKER — Order!

Mr Pandazopoulos — and you, Speaker, have a clear responsibility to provide that procedural fairness —

The SPEAKER — Order! Sit down!

Mr Pandazopoulos — otherwise — —

The SPEAKER — Order! The member for Dandenong is defying the Chair.

Business interrupted.

NAMING AND SUSPENSION OF MEMBER

Member for Dandenong

The SPEAKER — Order! Under standing order 124, I ask the honourable member for Dandenong to remove himself from the chamber for 1 hour.

Mr Pandazopoulos interjected.

The SPEAKER — Order! I name the member for Dandenong.

Mr McINTOSH (Minister for Corrections) — I move:

That the honourable member for Dandenong be suspended from the service of the house for the remainder of the day.

House divided on motion:

Ayes, 44

Angus, Mr
Asher, Ms
Baillieu, Mr
Battin, Mr
Bauer, Mrs
Blackwood, Mr
Bull, Mr
Burgess, Mr
Clark, Mr

Mulder, Mr
Naphine, Dr
Newton-Brown, Mr
Northe, Mr
O'Brien, Mr
Powell, Mrs
Ryall, Ms
Ryan, Mr
Shaw, 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

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
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Hodgett, Mr
Katos, Mr
Kotsiras, Mr
McCurdy, Mr
McIntosh, Mr
McLeish, Ms
Miller, Ms
Morris, 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, 43

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

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
McGuire, Mr
Madden, Mr
Merlino, Mr
Nardella, Mr
Neville, Ms
Noonan, Mr
Pallas, Mr
Perera, Mr
Pike, Ms
Richardson, Ms
Scott, Mr
Thomson, Ms
Trezise, Mr
Wynne, Mr

Motion agreed to.

Honourable member for Dandenong withdrew from chamber.

BUSINESS OF THE HOUSE**Orders of the day**

Mr McINTOSH (Minister for Corrections) — I move:

That consideration of government business, order of the day 1, be postponed until later this day.

House divided on motion:*Ayes, 44*

Angus, Mr
Asher, Ms
Baillieu, Mr
Battin, Mr
Bauer, Mrs
Blackwood, Mr
Bull, Mr
Burgess, Mr

Mulder, Mr
Naphine, Dr
Newton-Brown, Mr
Northe, Mr
O'Brien, Mr
Powell, Mrs
Ryall, Ms
Ryan, Mr

Motion agreed to.

Ms Allan — On a point of order, Speaker, I refer to your earlier ruling whereby the member for Forest Hill was ejected from the chamber for taking a photograph whilst he was in the chamber. In earlier Speakers' rulings there is an established precedent that members are not to take photos, and obviously your ruling was quite appropriate in that regard. However, I would ask that you seek some confirmation and confidence from the member for Forest Hill. This is quite a serious matter. Laws have been passed by previous governments about people having their photographs taken without their permission. There were laws regarding upskirting. I ask that you seek confirmation and verification that the —

The SPEAKER — Order! I will see the member for Forest Hill in my chambers later.

Ms Allan — Speaker, I ask that you seek verification that the member has indeed deleted the image or images he took whilst in the chamber and not published them on the internet or via other forums. I

ask that the opposition be provided with that confirmation.

The SPEAKER — Order! I have heard enough. I have asked the member to see me in chambers. I will look at what is there and see that it is deleted.

EDUCATION AND TRAINING REFORM AMENDMENT (SCHOOL SAFETY) BILL 2010

Second reading

**Debate resumed from 2 March; motion of
Mr DIXON (Minister for Education).**

Ms RYALL (Mitcham) — I rise to speak in support of the Education and Training Reform Amendment (School Safety) Bill 2010. We have been heading down a dangerous path, one that has ignored the problems in the hope that they would just disappear or fix themselves. For too long we have watched the deterioration in our city, at our train stations, on our streets and now in our schools. No longer will we stand idly by and watch while our society deteriorates. No longer will we sit back and say, ‘If we ignore it, it will go away’. We will not allow our valued teachers and students to be put in harm’s way.

The time has come for a government with the courage to act, a government that is committed to dealing with antisocial and violent behaviour, a government that puts the interests of all above the interests of a few. It is time for action, time to do away with the inaction of the last 11 years. That is why we were elected, why the coalition was voted in: to fix the problems.

We currently have nothing in place — no powers in the Education and Training Reform Act 2006 — for principals to ban, search for and seize items that a student intends to use to physically harm others. School principals have been left powerless in this regard.

Under this bill principals, assistant principals and authorised teachers will be able to seize any harmful items they find on school premises and on premises where students are involved in teacher-supervised activities away from the school. There will be regulations for principals to advise them how to use these new powers. We are talking about items that are either prohibited by law or intended to be used to harm somebody — to cause physical harm. Principals will contact the police and will surrender items to them if they are directed to do so. If the police direct that an item does not need to be surrendered to them, the principal can retain possession of it until they are

satisfied that the risk no longer exists. In less serious cases the principal may return the item to the student’s parents or guardians. This gives the principals discretion, within guidelines, to determine what is appropriate in their local settings.

Principals have a duty of care to protect students from risk or injury. They need clarity so that their rights are no longer implied but are clear, so they can have certainty about how they can fulfil their obligations to the students under their care. The bill takes the first step towards fixing the problem of the escalation in inappropriate behaviour in government schools. It is a normal expectation that teachers and students not be hurt in their schools. No-one expects to attend a school and come away hurt, or worse.

Inappropriate behaviour escalated under the former government, and principals were left powerless to do anything about it. In 2009 there were 19 such knife incidents, 17 of which involved threats to use a knife. That is an increase on the 11 incidents in 2008. In the first three months of 2010 there were 12 reported knife incidents in government schools. There were 19 reported knife incidents in 2009, and in the first three months of 2010 there were 12 such incidents.

What should we do about this escalating inappropriate behaviour in government schools? We should put in some boundaries. Students should know that if they step over the line there will be consequences. Boundaries tell us where the lines are drawn. They tell us what is acceptable and what is not, what will be tolerated and what will not be.

We all know children are strong willed. They will push the limits, and they will keep pushing. It is a normal part of growing up for children to test how far they can go. It starts with small things, then it moves up the scale. For example, it might start with throwing litter in the schoolyard and then, if there are no consequences, move to something bigger like drawing on a desk, and then if there are still no consequences, something bigger again, like challenging the authority of teachers and principals. So it goes up the scale. This is not a recipe for healthy individuals or healthy communities. Escalation is not the answer.

Children put themselves or others in danger because no-one says no, no-one says it is not acceptable and no-one shows them that there are consequences for their actions. Kids need structure; they need limits to learn acceptable and appropriate behaviour. This bill provides sensible boundaries for principals and authorised teachers. It is not about taking from children; it is about helping them grow into adults who know

where the lines are drawn — adults who make good decisions, who understand what consequences are and what they mean and who understand that great word ‘respect’.

Those opposite know the word ‘respect’. They realised just recently that that word is actually important, and not so long ago they created a portfolio for respect. The former Minister for the Respect Agenda now sits in this chamber. We on this side of the house know the word ‘respect’ is worth nothing without the actions that go with it. Learning respect starts in childhood. You cannot just create a minister for respect and expect that everyone will start showing it. You cannot mandate respect; you learn it and earn it. It starts in our homes and schools. Boundaries teach respect. Boundaries are about learning what is acceptable and what is not.

This bill adds to the toolbox available to school principals. It enables them to set the boundaries in their schools and help our children learn what is and is not acceptable. The scaremongering about parents’ cars being searched willy-nilly is absurd. Those opposite slur the credibility and intelligence of principals, who will now be given clearer guidance regarding their responsibilities. With the backup of police, they will know how to use their powers responsibly.

The bill gives effect to the government’s commitment to lower the risk of violence in government schools and make sure they remain safe for the purpose for which they were intended — learning. It is for these reasons that I support the bill.

Mr HOWARD (Ballarat East) — I am pleased to speak on this bill and reinforce my view and the view of all on this side of the house that education is a very important issue. In our time of government it was our no. 1 priority. We committed significant funding throughout the term of the Bracks and Brumby governments — in fact we committed record funding — not only to improve school infrastructure, although our school building program was a significant one, but also to increase staffing levels.

We built up the number of teachers, which sadly had dropped over the Kennett years, and ensured that class sizes came down again so that we could improve teaching and learning procedures and practices, a significant focus of our government’s education policies. In every way possible we supported teachers and school communities to ensure that they could all provide quality education for every student across the state. That remains a strong commitment for all of us on this side of the house.

It is somewhat sad to see that after the election of the new Baillieu government the first bill on education to come forward is one that I have not heard called for from the education community across my electorate. This is a bill that tries to present some concept that we are going to get tough, we are going to increase law and order issues even in the schools, and we will legislate for even more search powers than already exist. We have yet to understand why this bill is necessary, because principals already have powers to search and to call in police when they have reason to believe there is an issue involved.

The views of the editor of the Ballarat *Courier* are very balanced and certainly did not show great favouritism towards our side of politics when we were in government, but even in her editorial of 10 February the editor says that the idea of teachers searching parents of students is taking it too far. The editor of the Ballarat *Courier* is not a silly person, she is somebody very sound in the Ballarat community, but even she believes the information coming out in regard to this bill suggests that the issue of search powers was not sufficiently clarified. It was her view that a number of people understood that parents could be searched and there would be an ability to search cars and so on.

Whichever way this is practised, I hope it will be practised sensibly, but the detail of the bill does not show this. It is a rushed bill; it tries to show that the government is doing something on education but it does not provide the detail to show how this will happen. More significantly, it focuses on the wrong issues in education. Discipline is a very important component in school education, and the safety of all students is very important. We need to support that in every way. There was never any doubt about that, but to focus on search powers in the first education bill that this government has brought before the Parliament is absurd.

Before the election there was a significant contrast between the views of the opposing parties that people in my electorate understood. The Liberal-Nationals coalition members were talking about law and order issues and these sorts of search powers in schools, but we were talking about the way you deal with issues of discipline and so on that are challenging young people who go through schools. As a former teacher I know that in the secondary system as young people go through those years of puberty and on into years 8 and 9, particularly, there are all sorts of challenges. We see it not just in those years but in other parts of the system. Discipline is an important component, but it needs to be supported strongly with good, positive teaching strategies that help young people to find the right path and to stay on the right path through their

education and not to be cast out. I do not know whether the government intends next to bring in a bill related to the other promise it made, that principals will have the right to throw out any student they do not want to have in their schools.

At the same time as the Liberal-Nationals coalition was saying that it wanted to give more powers to principals to cast out students, we were saying that we wanted to introduce a year 9 experience. We thought it was a crucial part of the strategy of looking at where the biggest challenges are in education, and that perhaps if we could get young people to undertake a camp or participate in a range of experiences relating to their connection with others, with society, with the broader school community, we would have a better chance of keeping them all on a positive path.

That is the direction I would very much like to see us taking so that we focus on the positives. We need to recognise that there have to be rules and a disciplinary network backing them up, but when I go around the schools in my electorate I have never heard anyone say that knives are an ongoing problem. Occasionally there is an issue, but search powers would never have assisted in resolving any of the issues I have heard of in any of my schools. I do not believe it will be a problem in the foreseeable future unless the government starts having young people cast out of schools because of their behavioural problems. What path will we be putting them on if they are simply cast out of the schools? If we did that we would be sending more children into the corrections system; there would be more young people who are on the wrong side of the fence and do not have any chance to get back. In that case we might have more reason to have legislation like this.

We have heard from principals across the system, and the legal advice we have had is that the powers principals require to confiscate any potential weapon are already there. It is not a big issue: the powers are there already, and we did not need to focus on that. I hope this government will see that there is an important need to commit funding to education, especially to many schools across my electorate that are still looking for stage 2 developments on their plans for upgrading infrastructure. I certainly hope the government will commit to ensuring that our teachers are thoroughly supported in terms of numbers and all the other necessary resourcing and that we support programs that will see young people staying connected to the system and connected to our society.

This bill is a very disappointing start to the direction of this government. While I will not vote against it, I do

not think it gives me any confidence that the government understands issues associated with education.

Mr McCURDY (Murray Valley) — I am also delighted to speak on the Education and Training Reform Amendment (School Safety) Bill 2011. One of the main issues of the recent election was public safety. We have talked about safety on trains and in the streets, but more specifically we are talking about safety within our schools. It is one of the areas about which our government is proactive. Our commitment is to a safer community. Our commitment begins in the schools.

A safe learning environment is as important for our students as it is for teachers, and it flows on to everybody else who comes to the schools, including parents. Antisocial and violent behaviour should not be tolerated in our communities and least of all in our schools. Sadly, changes in community standards have seen the bar lowered in relation to student behaviour and the manners that should be displayed. It greatly concerns me that our expectations may have dropped. Under this government we are saying that enough is enough. We cannot and will not allow the antisocial and violent behaviour to continue.

In trying to work or learn in a threatening environment, whether it is at school, the workplace or community events, none of us can achieve the results we are looking for or perform at our best if we are not comfortable about expressing ourselves for fear of personal safety or abuse. Teachers and principals across Victoria are cohesive in their approach to reforms within the education system. Teachers are crying out for assistance in dealing with this unruly behaviour. Teachers need support to stamp it out now.

During the lead-up to the state election the Baillieu-Ryan platform was unwavering in its resolve to stamp out this behaviour throughout the community and, more specifically, throughout the school and education system. I, like many of the principals around the state of Victoria, am thrilled to see the introduction of this bill, which will allow principals and teachers to regain control of the classroom. These are the first steps in the classroom towards clawing back the power that has been lost to the students who primarily want to exercise antisocial and violent behaviour. It is also the first step towards creating a better learning environment.

This power will also include the power to confiscate items that are considered harmful or dangerous. This commitment is only the beginning. I have spoken with teachers throughout the Murray Valley electorate — the

principals of Wangaratta, Yarrawonga and Cobram secondary colleges. They are concerned that if things continue the way they have been going unchecked, it will drive more teachers away from our classrooms, simply because they cannot perform their day-to-day tasks. Teachers are telling me they cannot perform at the level they have been trained to perform at whilst this disorderly and sometimes uncontrollable behaviour exists. I am concerned that our university students, instead of aspiring to a career in teaching, will avoid the teaching profession because of fears for their own safety. It is a dark day for Victoria when teachers feel threatened in the schoolyard and feel powerless to deal with it. It affects not only the teachers but also the fellow students who want to learn but are restricted in their opportunities to grow and develop in the classroom because of the fear that clouds that classroom. There are no winners from antisocial behaviour.

This bill sends a message loud and clear that the principals are back in charge of the schools and that unruly behaviour does not need to be tolerated and will not be tolerated. Clause 1 of the bill sets out the main purpose, which is to amend the Education and Training Reform Act 2006 to provide powers to government school principals in relation to weapons and other items in possession of students and to make related amendments to the act. The second clause sets out that the provisions of the act will come into effect by 1 January 2012. The intention of this government is to bring this legislation into effect as soon as possible, with the commencement in the early half of 2011.

Currently it is illegal for persons to possess weapons in a public place, including schools. This bill is not intended to override those laws but to operate alongside them. The third clause is in relation to the power for the principals to ban, search and seize harmful items. Principals will have the ability to exercise common sense when dealing with students, particularly when they are suspected of being in possession of a weapon. Additional powers for the principals will allow them to declare that they believe specific items are reasonably suspect and likely to be used in a threatening, violent or harmful manner. They can prevent items, including everyday items, from being taken from the school premises. Principals will be empowered to ban items when they see fit. In some instances an item at one particular school may be seen as a harmful item whereas another school may be comfortable with it. Giving power to the principals is the first step along the journey, and each principal will decide the best fit for their school. The principal will need to carry out these measures in accordance with the wishes of the greater school community, including the school council.

Searching for items that are suspected of being in a school premises is another area covered by the bill, and reasonable suspicion needs to govern the principal's actions. The searching provisions will also apply if the students are away from the school — for example, at a school camp. If the principal or assistant principal is concerned that there may be harmful items, then they have the power to conduct a search of lockers, rooms or bags. Teachers can be empowered, either in writing or verbally, if the required action needs to be quick. Let us be clear about this: the principals in the Murray Valley electorate I have spoken to are not in favour of carrying out the searches themselves, but they need power to authorise a search if necessary. Invariably schools conduct programs away from the school grounds — for example, primary schools actively attend places like summer camp and secondary colleges conduct excursions away from the school grounds. Teachers are faced with greater demands and are under greater pressure to make sure that the students are well looked after and safe. This will help the parents to feel that their children are safe both in the classroom and away from the school.

One of the safety nets in this process is that the power is not extended to a personal search of a student. In the event that that is necessary, a member of the police force is required to carry out the personal search. These searches are conducted in accordance with current laws. Further development within the Department of Education and Early Childhood Development will need to be undertaken to manage the exercise of these powers, but the bill will allow principals to develop policy for searching powers in relation to school activities in and away from school.

The ability for our children to learn has been severely restricted as the principals, school councils and teachers have lost authority within the school and on school grounds, and certainly within the classroom. The time has come to hand back the power to the teachers and principals, firstly, to make schools safe places to be, and secondly, for the learning process to take place without fear of threatening or violent behaviour. Principals have a duty of care to their staff and to their students. I have no doubt that the principals will use these powers sparingly, but at the same time they will understand the balance between solid leadership in safety and understanding their occupational health and safety and duty of care responsibilities.

Clearly in some instances the schoolyard bordered on being unsafe and teachers have felt out of their depth with a lack of tools to combat poor behaviour. If we want to continue as the progressive, forward-thinking state that we are, then the time is right to ensure that the

power is given to those who desperately need it. This bill will long be regarded as the bill that handed back the power to the principals, the bill that allowed students to learn without fear and the bill that gave teachers the power they need to ensure that the schools are run by them and not by a minority of the students. These learning facilities are the custodians of our children's futures. We are providing many and varied opportunities around the community, but we need the power to ensure law and order to be with those who need the authority, the principals. If the school is not equipped with the right tools to provide education in a safe, secure and social manner, then we are making it difficult for our teachers to turn out well-mannered, well-resourced and well-educated students.

The stress teachers and principals are currently experiencing is reflected in the high level of stress leave being taken by some teachers. This bill is a giant step forward towards regaining or keeping control of our schools. The number of incidents involving knives in schools is growing, and that is clearly unacceptable. We have over 500 000 students in Victoria schools, and we are responsible for their safety. The number of assaults in schools is on the rise. Youth worker Les Twentymen said that many teenagers say that carrying a knife is as common as carrying a mobile phone; it is just something you pack as you leave home. He said knife possession is getting out of control.

This bill is a responsible one that signals to our community that we are serious about cleaning up antisocial and violent behaviour. Let us get the power back to the principals, and let us do it now.

Mr SCOTT (Preston) — I rise to speak on the Education and Training Reform Amendment (School Safety) Bill 2010. Let me say at the outset that the opposition does not oppose this bill. The explanatory memorandum to the bill states:

The bill will authorise principals of government schools to ban, search for and seize harmful items that are on the school grounds or in the possession of students at school or when engaged in teacher-supervised student activities. It will also permit assistant principals and authorised teachers to search for and seize such items.

Mr Watt — Eyes up!

Mr SCOTT — I am reading the introduction part of the bill. I am quite happy to give a speech without notes, if the honourable member wishes.

Safety in school is important, and it is an important responsibility that is shared by all members of this house. It is important to note the good work that was done in the preparation of this bill by the parliamentary

library's research service, which provided the evidence base on violence in schools and the research undertaken in this area. School safety is not just about weapons in schools, it is also about the context in which such a thing occurs. I do not oppose the bill. Action to prevent violence and knife possession within schools is worthwhile.

However, research also suggests there are a number of other factors involved. Research conducted in New South Wales schools by Grunseit, Weatherburn and Donnelly looked at factors related to violence between students and found that there was increased probability a student would self-report physically attacking another student in the school if the student spent a lot of time in class copying from the board or from textbooks, if the student felt more class time was spent controlling students than teaching or if the student felt fellow students were racist, and it occurred more often among students who had teachers with less than five years experience.

Violence between students is an important issue, but I also feel it is important to deal with how schools function. Unfortunately the immediate breaking of the promise to make Victorian teachers the best paid in the country, particularly in the context of the announced pay policy, will not further this action. Also affected will be the retention rate of good students and the number of experienced teachers in difficult schools. I think it is important to understand that these things exist within a sociological and teaching context.

Another issue that was raised was research in the United States which indicated an association between demographic factors, including poverty and neighbourhood crime, and violence within schools. In the authors' views the analysis showed there was a link between violent crime disruption and demographic issues related to schools and their communities. This and other studies have shown that schools are affected by communities, not just direct school communities but those surrounding them, which raises the issue of equality. No-one should pretend that equality is not important. In any society there is a need for equality to ensure that every student is able to excel, learn and achieve their best within schools that provide a safe and appropriate environment.

While I do not oppose this bill, I hope there are other policies which address some of the more fundamental issues that face students and address the sociological and demographic issues related to school violence. It is all very well to take action, and I do not oppose that action when it deals with knives, but we need to look beyond a purely punitive approach to addressing

fundamental issues within our society. Within my own electorate programs such as neighbourhood renewal in the significantly disadvantaged area of East Reservoir provide a good model, which was established by the previous administration, of addressing deeply entrenched disadvantage. I hope all members in this house take such issues seriously. I hope all members, in dealing with issues around school violence and other interrelated problems of violence and crime, do not just take punitive measures to prevent knives in schools, as worthy as that goal might be, but address the underlying sociological issues that can underpin violence within schools and violence more broadly in the community.

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

The SPEAKER — Order! At the request of the member for Bendigo East before the lunch break I asked the member for Forest Hill to come to my office. I also asked the member for Melton to come with me to verify what occurred. We looked at the phone camera, and everything had been cleared from the phone. I am assured by the member for Forest Hill that he regrets his actions. Like a lot of us, he does not always understand how new technology works.

DISTINGUISHED VISITOR

The SPEAKER — Order! I acknowledge the presence in the gallery of the Honourable John Dawkins, MLC, shadow cabinet secretary and Opposition Whip in the Legislative Council of the Parliament of South Australia. I welcome him to the Parliament of Victoria.

QUESTIONS WITHOUT NOTICE

Police: database security

Mr ANDREWS (Leader of the Opposition) — My question is to the Premier, and I ask: does the Premier believe allegations of inappropriate access to the Victoria Police LEAP (law enforcement assistance program) database should be investigated?

Mr BAILLIEU (Premier) — If the Leader of the Opposition has some allegations to make, then I suggest he make them.

Mr Andrews — No, that they be investigated.

Mr BAILLIEU — I suggest he make them, and then they can be investigated.

Mr Andrews — I have a point of order.

The SPEAKER — Order! In regard to that matter the Premier had sat down.

Mr Andrews — On a point of order, Speaker, it was a very simple question. I did not refer to any individual issue. As a matter of principle, does the Premier believe allegations of this sort should be investigated?

The SPEAKER — Order! Points of order are not a time for a member to repeat a question.

Mr Andrews — He has refused to answer.

Floods: disease management

Mr TILLEY (Benambra) — My question is to the Premier. Can the Premier update the house on the response to the detection of Murray Valley encephalitis in northern Victoria following the floods?

Mr BAILLIEU (Premier) — I thank the member for his question. I know all members from northern Victoria have been dealing with the issue of floods and their consequences for some time — and indeed floods in other locations as well.

One of the impacts of the floods in northern Victoria has been the prospect of further disease. Large pools and large tracts of water remain in many areas. Much of that water remains stagnant and has become a breeding ground for mosquitoes and therefore mosquito-borne diseases. The risk of disease includes the risk of contracting Ross River virus, Barmah forest virus and Murray Valley encephalitis.

Members may recall the last outbreak of Murray Valley encephalitis in the 1970s and that some 27 people were affected at that time. The number of people infected who go on to develop the symptoms of Murray Valley encephalitis is 1 in 800. This is a dangerous disease with a 20 to 25 per cent fatality rate amongst those who are infected to the extent of developing symptoms. I, like other members, recall the concerns that obviously arose in the 1970s.

The last detected case of Murray Valley encephalitis was in around 2008. There is no specific treatment for the disease, only a supportive treatment. From 1 January to about 23 February the incidence of Ross River fever reached more than 340 cases, up from 64 cases over the same period last year, while there were more than 90 cases of Barmah forest virus, up from 7 last year.

Following the 1974 experience it has been the case that the departments of Human Services and Health have ensured that there have been flocks of chickens distributed down the Murray River in some 10 locations as sentinel chickens. Over the summer months they have been bled on a weekly basis, and in recent weeks Murray Valley encephalitis has been detected in those chickens. Obviously that raises significant concerns, and those concerns are now being raised publicly as well. The use of additional stocks of chickens and surveillance are being undertaken, and the floods task force has established a task force in itself to deal with the incidence of Murray Valley encephalitis in the sentinel chickens.

The government takes this very seriously. The task force is looking at control strategies to support local government in a range of areas. Twelve municipal councils will be supported with additional funds to provide control strategies for those floodwaters and for treatment. In addition, advice will be given to communities to help them protect themselves from mosquitoes, which obviously are prevalent around dawn and dusk. The chief health officer and director of health protection, Dr John Carnie, has already made many public statements about this issue. There will also be a communications strategy.

The government remains very concerned about the prospect of Murray Valley encephalitis. We take this opportunity to urge members of the community to take all warnings seriously and to take whatever steps are possible to protect themselves. These floods have had an enormous impact. The impact continues in many areas, and the prospect of disease and fever remains a serious issue.

Minister for Manufacturing, Exports and Trade: police database access

Mr MERLINO (Monbulk) — My question is to the Premier. Given that the minister representing the Minister for Police and Emergency Services in the other place was twice asked and twice refused to deny inappropriate access of the law enforcement assistance program (LEAP) database, I ask: can the Premier assure the house that no member of his cabinet has ever inappropriately accessed the Victoria Police LEAP database?

Mr BAILLIEU (Premier) — In answer to the member's question, and his reference to the minister in particular, I understand the minister is making a full personal explanation to the upper house very shortly.

Ms Allan — On a point of order, Speaker, given that the minister in question is not a member of this house and will not make that personal explanation to this chamber, the Premier has not answered in line with the sessional order which states that answers to questions must be relevant. The question was about the Premier assuring this house about confidence in his cabinet members using their powers appropriately. I ask that the Premier be directed to answer the question he was asked.

The SPEAKER — Order! I do not uphold the point of order. I believe the answer was relevant to the question asked.

Sunraysia: government initiatives

Mr CRISP (Mildura) — My question is to the Deputy Premier and Minister for Regional and Rural Development. What action is the government already taking to deliver on its election commitments for the communities of Sunraysia?

Mr RYAN (Minister for Regional and Rural Development) — I thank the hardworking member for Mildura for his excellent question. As the house knows, the coalition government is fiercely committed to the economic development of the Sunraysia region, which is why we are implementing the \$14.5 million Mildura master plan. Members of the house also will know that I visited the area late last year in terms of this particular issue to confirm that we were kicking off this great investment. I did so, of course, in company with the member for Mildura.

In the Mildura region, tourism is an essential aspect of what makes the region one of the great parts of the state. It is a key to encouraging new growth and investment in the region. A key part of the overall Mildura master plan is the Mildura riverfront and marina project. In the course of our election campaign we said we would have this declared as a project of state significance. I can tell the house today that the Minister for Planning has advised this week that he has declared this project as one of state significance under the Planning and Environment Act 1987. As members will know, this will further enhance the prospect of the development of this great project. The gazettal will occur imminently.

As part of the project we have already committed \$500 000 for the development of the Mildura Riverfront Authority, and we are having discussions at the moment with the Mildura Rural City Council about appropriate structures for that entity. We have provided funding of up to \$10 million for the purposes of

opening up Langtree Avenue down to the magnificence of the beautiful Murray River. In time to come I have no doubt we will see that whole region flourish. We will see the development of more parklands, jetties and cafes right along this part of the river. The government has also committed to providing assistance to the extent of \$1 million for the docklands conference centre, which is being developed further along the riverfront from where those other initiatives to which I have referred are being established.

On top of all of this we have committed \$3 million for Mildura Airport and its redevelopment. It is one of the busiest airports in regional Victoria. I can also announce to the house today that the government will establish a position for a strategic programs manager who will be based in the office of Regional Development Victoria in Mildura. Whoever that person is, he or she will be as busy as a beaver in times to come, because there are many projects that we will be driving right through the Sunraysia region, across the northern Loddon-Mallee region and right across the whole of Victoria, right across this great state. This government will be doing those things that are important to enhance the future of our great state.

We recognise that this whole area has been subject to terrible floods of recent times, and that is why it makes it all the more important to be able to make these announcements today. I know the local member has been flat out assisting his community in being able to recover from this nightmare. I visited there only a few days ago. I took with me a senior team of the emergency management experts, who have been doing great work up there to assist local communities with the floods. I am pleased to say the situation has eased somewhat, but there are many challenges for the communities, and we recognise ongoing support will be necessary.

Next week I will be visiting north-eastern Victoria, because many of the councils there are also in need of help; this has been going on for six months in their case. We will continue to support all regional areas right across our great state.

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

Ministers: police database access

Mr MERLINO (Monbulk) — My question is to the Premier. Irrespective of the content of any personal explanation in another place, can the Premier assure this house that no member of his cabinet has ever

inappropriately accessed the Victorian Police LEAP (law enforcement assistance program) database?

Mr BAILLIEU (Premier) — I thank the member for his question. We have in our house a proud record of a number of members of Parliament who have served in Victoria Police, and I have every confidence that they have undertaken their duties in Victoria Police in a responsible and appropriate manner.

Ms Allan — On a point of order, Speaker, I refer again to the changes to the standing orders with the new sessional orders which provide that answers to questions must be relevant. The Premier was asked about giving assurances to this house. He was not asked about the occupations or the previous occupations of his ministers or his cabinet colleagues but about their conduct and giving assurances to this house about the conduct of those of the whole cabinet. I ask that you have the Premier answer the question he was asked, as the Premier gave the people of Victoria his personal assurance that he would answer questions appropriately during question time —

The SPEAKER — Order! Points of order are not opportunities for members to go over the same question again. In fact I thought the Premier was relevant to the question that was asked.

Floods: government assistance

Ms RYALL (Mitcham) — My question is to the Minister for Innovation, Services and Small Business. Can the minister update the house on what assistance has been provided to small businesses in flood-affected areas?

Ms ASHER (Minister for Innovation, Services and Small Business) — I thank the member for Mitcham for her question; she is a genuine supporter of small business. As the house would be aware, we have seen a flooding event right across various areas of regional Victoria, and in response to the member's question I would like to advise the house of what action the government has been taking.

In terms of the clean-up and restoration grants, as of this week 76 have been approved and 109 are in the process of having analysis of them done. A total of over \$800 000 has been distributed to small business in clean-up and restoration grants. In terms of Small Business Victoria, a free service to flood-affected small businesses has been announced, and that is going to be delivered by, and is being delivered by, the Small Business Mentoring Service and the Victorian Employers Chamber of Commerce and Industry. I wish

to thank both the Small Business Mentoring Service and VECCI for providing this assistance to small businesses that have been flood affected. Some \$500 000 has been allocated to that process, and as a result of this program businesses will receive advice in planning and assistance in dealing with insurance claims and insurance policies and so on. So far 228 businesses have been assisted and 55 primary producers have been getting services from the Rural Financial Counselling Service. Most of the businesses assisted are in regional Victoria. Business advisers will visit Mildura, Kerang and Rochester next week, and we are dealing with between seven and eight requests a day.

On the tourism front, the Premier announced a \$1 million tourism package in January. I am delighted to advise the house that that promotion of regional cities and regional towns will commence tomorrow. The government will be advising Victorians and people interstate that country Victoria is open for the business of tourism, and obviously we will be aiming to get visitation into country areas on the Labor Day long weekend and over Easter, where at least they will be able to shop on Easter Sunday.

We will have a series of campaigns in newspapers and on TV shows and so on. Some examples of events that we are going to be promoting as part of this very important campaign are the Mildura Wentworth Arts Festival, the Swan Hill Region Food and Wine Festival, the Port Fairy Folk Festival and the Echuca Moama Celtic Festival. We will also be giving a range of grants to regional tourism boards to send the message out that we — the government, the state — need people to travel to country Victoria to ensure the economy continues to be boosted by the small business sector and by the tourism sector.

As I said, small business is pivotal to the economy, and we on this side of the house recognise that. I wish to advise the house that, according to the Sensis SME survey, between 1999 and 2010 when the Labor Party was in government only on two occasions was the response from small business to that government positive. On every other occasion in 11 years the small business survey indicated a negative response to the Labor Party. That is what small business thinks of the Labor Party — that is, over 11 years only twice was the previous government in positive territory on small business. That is what small business thinks of the previous government. We are helping small business.

Minister for Manufacturing, Exports and Trade: police database access

Mr MERLINO (Monbulk) — My question is to the Premier. Has the Premier discussed the serious allegations of inappropriate access to the Victoria Police LEAP (law enforcement assistance program) database with Minister Richard Dalla-Riva? If he has done so, what did the minister say?

Mr BAILLIEU (Premier) — As I indicated in an answer to an earlier question, I understand the minister is making a full personal explanation.

Honourable members interjecting.

The SPEAKER — Order! The Leader of the Opposition.

Mr BAILLIEU — As I indicated earlier, the minister — as I understand it — is making a full personal explanation to the upper house.

Honourable members interjecting.

The SPEAKER — Order! I will not warn the Leader of the Opposition again.

Mr BAILLIEU — I suggest that members on the other side wait until they have read the personal explanation.

Mr Hulls — On a point of order, Speaker, as you would well be aware, this house is not beholden to the upper house.

The SPEAKER — Order! What is your point of order?

Mr Hulls — The point of order is: the question was quite specific to the Premier about what he knew — what conversations he has had — with the Minister for Manufacturing, Exports and Trade about serious allegations of inappropriate access to a police database. The fact that he simply says we have to wait is an abuse of process, and I ask you to ask him to answer the question.

The SPEAKER — Order! The Premier has responded and was relevant.

Floods: government assistance

Mr MORRIS (Mornington) — My question is to the Minister for Local Government. Can the minister update the house on what action the coalition government is taking to help local councils recover from floods?

Mrs POWELL (Minister for Local Government) — I thank the member for Mornington for his question and for his very strong support for local councils as the Parliamentary Secretary for Local Government. He and other members in this place and also federal members have been lobbying very strongly for their councils, particularly those rural municipalities that are doing it really tough around country Victoria; and I know that many members have been working with their local councils.

As I have reported before, to date the 16 worst affected councils have received \$100 000 in emergency relief funding from the Local Government Clean Up Fund and 10 other councils were identified earlier this year as potentially needing assistance. Following substantial rain in February, two other councils, Casey and Cardinia, were added to the list of those potentially eligible for funding.

In line with our commitment to get funds to these councils without delay, yesterday I approved the release of a further \$2.2 million from the fund. This saw the 16 worst affected councils receive a further \$100 000 each. The councils that will shortly be receiving these funds are Ararat, Buloke, Campaspe, Central Goldfields, Corangamite, Gannawarra, Hepburn, Hindmarsh, Horsham, Loddon, Northern Grampians, Pyrenees, Swan Hill, Yarriambiack, Mount Alexander and Mildura. In addition I have approved the release of \$50 000 to each of the 12 less affected councils. Councils that will shortly be receiving those funds are Ballarat, Glenelg, Golden Plains, Greater Bendigo, Greater Shepparton, Macedon Ranges, Moyne, Murrindindi, Warrnambool, West Wimmera, Casey and Cardinia.

After the allocation of the \$5 million in funds there will be \$1.2 million remaining. This money will be used to further assist those councils worst hit to allow them to top up their funding and to give them greater relief in an emergency, which is what they are needing at the moment to supplement their cash flow. My department will assist councils in ensuring that they will be able to meet their reporting obligations against these grants. As a government we have worked hard to set the balance between ensuring that the funds are released as quickly as possible to assist those councils that need the cash flow and maintaining due diligence on the accounting for public moneys.

The provision of money from the Local Government Clean Up Fund is but one area of assistance to those flood-affected towns. The other major areas of funding include the natural disaster relief and recovery arrangements. I touched on those arrangements briefly

last night in response to an adjournment matter raised by the member for Murray Valley. However, it is important to note that between the commonwealth and Victorian government partnership on providing natural disaster funds and the efforts of the Victorian Grants Commission, all claimable expenses relating to funds incurred by the councils will be reimbursed.

Councils very much appreciate the effect the floods have had on their ratepayers, and many have offered rate relief, allowing longer periods for ratepayers to pay their rates. The problem now for councils is that if they give their communities rate relief, they will not have the funds to assist them with this emergency. Councils have a need for that funding to come forward so they can assist their communities in the clean-up and recovery process and make sure their communities recover and revive.

There are a number of other ways in which the Baillieu-Ryan government is supporting flood-affected areas. I will continue to keep the house informed of progress in this area, and I will provide further updates. I will be visiting the worst affected councils in the next few weeks to make sure they have received the support they have needed and to understand their needs. I would like to thank the Municipal Association of Victoria for its support in working to the funds in the flood-affected areas.

Eleven years of the previous government not supporting councils is the reason those councils are having the financial problem they have now. If the former government had helped these councils, they would have cash flow at the moment.

Minister for Manufacturing, Exports and Trade: police database access

Mr ANDREWS (Leader of the Opposition) — My question is to the Premier. I ask very simply: did the Minister for Manufacturing, Exports and Trade, representing the Minister for Police and Emergency Services, no less, in the other place, inappropriately access the Victoria Police LEAP (law enforcement assistance program) database — yes or no?

Mr BAILLIEU (Premier) — I thank the Leader of the Opposition for his question. I repeat the answer I provided earlier: I understand the minister will be making a full personal explanation in the other place.

Racing: unclaimed dividends

Ms McLEISH (Seymour) — My question is to the Minister for Racing. I ask: can the minister advise of

benefits to Victorian racing, to jobs and to regional Victoria of reinvesting unclaimed wagering dividends in the three racing codes?

Dr NAPHTHINE (Minister for Racing) — I thank the member for Seymour for her question and for her interest in racing. I enjoyed visiting Yarra Valley Racing with her only last week. Victorian racing is an exciting sport, whether you are attending the Flemington autumn carnival, the Australian Cup at the Meadows this coming Saturday night, the Boort Pacing Cup, which is in March, or of course the Pakenham Cup, which will be held this Sunday and promises to be an excellent and well-attended event. Racing is worth \$2.1 billion and over 50 000 jobs to the Victorian economy. It is not just a great sport and recreation, it is an enormous part of the Victorian economy — and 27 000 of those jobs are in regional and rural Victoria.

The question goes to the issue of unclaimed dividends. Members will be interested to know that when people who have winning TAB tickets do not claim their winnings within six months the money goes to consolidated revenue. That is what happened under 11 years of Labor government — that money went into consolidated revenue in the Treasury. The unclaimed dividends are worth between \$12 million and \$14 million each year. That is racing money; it is punters' money and it should not be going into the Treasury.

The coalition went to the election with a clear plan to return unclaimed dividends to the racing industry and the three racing codes. That includes \$7.5 million per year to improve facilities at racetracks and \$250 000 a year for the greyhound adoption program in the member for Seymour's electorate, which is a great program to rehouse retired greyhounds. They are excellent pets, and the greyhound adoption program is fantastic. The government will provide \$250 000 a year to Living Legends, which is an absolutely fantastic place in Sunbury near the Tullamarine airport. It provides a home for retired champion racehorses. It is a great place to visit and a terrific day out.

We will also be providing \$2.5 million per year to boost breeding schemes, which are really important in the three codes across regional and rural Victoria. That is \$2.5 million a year to the Victorian owners and breeders incentive scheme in the thoroughbred industry, to the greyhound owners and breeders incentive scheme in the greyhound racing industry and to the Vicbred scheme in the standardbred industry. We want to boost breeding in the three racing codes to create jobs and opportunities in regional and rural Victoria.

On Monday I was at the Inglis yearling sales at Oaklands, and it was great to see that horses bred in Victoria were topping the sales time after time — horses like Black Caviar that were bred in Victoria, were sold in Victoria and race in Victoria. I urge people to go to Flemington Racecourse on Newmarket day on Saturday week to watch this champion racehorse.

We will also be providing out of unclaimed dividends \$1 million a year to boost drug testing and research to improve the integrity of racing across all three codes. This is the difference between the coalition on this side of the house and those on the other side of the house. Over 11 years of government they cut the number of country race meetings and closed country racetracks and country training centres. In contrast to that cutting, closing and reducing the number of racing meetings across regional and rural Victoria, the coalition stands firmly with the three racing codes. We stand firmly behind rural and regional Victoria. We want to boost jobs and boost opportunities in the racing industry through returning unclaimed dividends to the racing industry.

The SPEAKER — Order! The time for questions has expired.

Honourable members interjecting.

An honourable member — One minute!

The SPEAKER — Order! Under standing order 55 question time will last for 30 minutes or until 10 questions have been answered.

An honourable member — Whichever is the longer!

The SPEAKER — Order! Stop the clock.

Minister for Manufacturing, Exports and Trade: police database access

Mr ANDREWS (Leader of the Opposition) — My question is to the Minister for Police and Emergency Services — —

Honourable members interjecting.

Mr ANDREWS — I've got the call.

Mr Hodgett — On a point of order, Speaker, I believe I had the call. I understand the opposition is slow: in 2 hours of debate today it could not get the member for Essendon onto his feet. I was up before the Leader of the Opposition, and I believe I have the call.

The SPEAKER — Order! The Leader of the Opposition. Is it on the point of order?

Mr ANDREWS — No, I am seeking to ask the question.

The SPEAKER — Order! Ask the question.

Mr ANDREWS — My question is to the Minister for Police and Emergency Services, and I again ask him very simply: did the Minister for Manufacturing, Exports and Trade, who represents the Minister for Police and Emergency Services in the other place, inappropriately access the Victoria Police LEAP (law enforcement assistance program) database, yes or no?

Mr RYAN (Minister for Police and Emergency Services) — I thank the Leader of the Opposition for his question. It is a question best directed to the minister in the other place.

The SPEAKER — Order! The time for questions has concluded.

Ms Allan — On a point of order, Speaker, I would ask that there be some guidance from the government. Does this mean that it will no longer be following the conventions where ministers answer for ministers in the other place? On six occasions this government has had the opportunity to refute the allegations of the behaviour of the Minister for Manufacturing, Exports and Trade.

The SPEAKER — Order! That is not a point of order.

EDUCATION AND TRAINING REFORM AMENDMENT (SCHOOL SAFETY) BILL 2010

Debate resumed.

Mr SCOTT (Preston) — Before lunch I was speaking on the Education and Training Reform Amendment (School Safety) Bill 2010. As I stated earlier, the opposition is not opposing this bill. I will keep my comments brief as a large number of bills are still on the program and a number of people want to speak, but I will make the point about the important role that teachers have and that the disgraceful betrayal of the promise to make Victorian teachers the highest paid in Australia has already occurred.

Mrs BAUER (Carrum) — I rise in support of the Education and Training Reform Amendment (School Safety) Bill 2010. This bill aims to reduce antisocial

and violent behaviour in schools. It represents a common-sense approach, adding to the safety of students in our schools. Our schools are great educational facilities. This bill will only improve the environment of them. The bill implements the government's pledge to create clear legislative powers for principals to ban or confiscate items discovered that are considered dangerous or harmful. Every child deserves the right to feel safe at school. Principals, teachers and parents I have spoken to in my electorate of Carrum welcome this legislation. Even kids I have spoken to believe this is a step in the right direction, and I should know: I have four boys at high school and primary school.

The opposition has been saying this bill goes too far; it has been fearmongering, trying to scare the community and saying principals are going to search children at any opportunity. Clause 3 provides principals with the power to ban, search or seize harmful items. Principals must exercise common sense when students are suspected of being in possession of a weapon. This power does not extend to a personal search of a student. If a personal search is warranted and necessary, it will be carried out by a member of the police force in accordance with established laws and protocols. The bill merely addresses the uncertainty that currently exists surrounding the rights of principals. Principals and teachers the world over have had implied rights to search students in the same circumstances for years. This bill places boundaries on the extent of these implied rights and provides certainty not only for principals but for teaching staff, parents and students.

I reinforce that the bill restricts the searching party to performing searches of students' bags and their contents, performing searches of lockers and pocket turnouts. It does not extend to personal searches and states clearly that the searching party first needs to be reasonably of the belief a student is carrying an item considered to be harmful or dangerous. I reinforce that every child has the right to feel safe and secure at school. Schools must have in place appropriate safety measures to protect their children and staff.

Statistics for Melbourne schools are concerning. The most recent Victorian crime statistics reveal there were 631 assaults on educational premises in 2009–10. This is a significant increase in the number of assaults relative to those in 2005–06, when the number was 454. We cannot ignore these figures. Students should not feel threatened. This bill is fair and reasonable and in line with existing community expectations. The Education and Training Reform Amendment (School Safety) Bill 2010 is in line with existing implied powers

and laws in place in comparable western societies. For these reasons I commend the bill to the house.

Mr PERERA (Cranbourne) — I wish to make a few brief comments on this short piece of legislation, the Education and Training Reform Amendment (School Safety) Bill 2010. I start by stating that the opposition does not oppose this bill. I congratulate members of the opposition for pushing to get this bill introduced in December 2010, even though, unfortunately, we are debating the bill three months later, which says a lot about this government.

As the previous speaker said, violence in any form should not be tolerated in any school. No matter what, all schools must have in place appropriate safety measures to minimise risks to all students and staff. In the last several decades we have seen many horrific shootings in schools all over the world. School safety is a problem in Canada, the US, Finland, Yemen, India and Australia as well as other countries. Apparently no public or private schools or communities are immune to this violence.

In Australia and Victoria various sorts of violent or bullying behaviour have been recorded in both public and private schools. It is very interesting to note, however, that this legislation would only apply to public schools. This is another example of the coalition government looking down on kids from not-so-wealthy or working-class families who attend public schools. Whether it is the Easter Sunday trading bill or the Civil Procedure and Legal Profession Amendment Bill 2011, the government's intention is very clear: the law of this state should favour the toffs, not the battlers.

The bill before the house provides school principals with the power to ban from school premises specific items they reasonably suspect are likely to be used in a threatening, violent or harmful manner. Such items could be butter knives, very sharp knives or any other objects the principal deems harmful or liable to be used in a threatening or violent manner. However, under the *Victorian Government Schools Reference Guide* teachers already have the authority to search students' lockers and desks at any time. Teachers have the power to request students to open any personal containers, such as bags, and empty their pockets if the teachers have cause for concern.

Teachers also have the power to instruct students to surrender items in their possession, such as cigarettes or weapons or items that may be used to disrupt lessons or distract students. If a student refuses, the relevant disciplinary provision within the student code of conduct should be implemented.

The reference guide also specifies that if there is a reasonable suspicion that a student is concealing a weapon or dangerous item on their person or in their bag, desk or locker, and if it is unlikely that they will imminently use the weapon or substance, the student will be separated from others, police will be called and the student's parents notified. If the belief is formed that people are in imminent danger, then the teacher has the power to take immediate action until police arrive at the scene. Therefore most parts of the bill are not very effective, and it does not make a lot of systematic changes to the current legislation. It does not introduce anything new, which indicates either that the government and the Minister for Education have no idea about the existing legislation or that they have not done enough homework.

What is new in the bill is detail about searching a vehicle that is being used to transport a student to a school, playground or any other place of school activity. That is really the duty of the police force. It can be quite intimidating for a principal or their representative to ask a parent, guardian or third party who might be transporting a student to a school or school premises for activities to search their motor vehicle because the teacher or their representative suspect there are weapons in the vehicle which could be used in a threatening manner. The health and wellbeing of a principal or staffer may be at risk. At the end of the day you simply do not know what could happen. There may be an altercation of some sort, and there may be an avenue for legal proceedings to be taken against the principal or their representative or even against the Department of Education and Early Childhood Development.

On the other hand a particular teacher could be prejudiced against a student or group of students based on a variety of factors such as their home location, ethnicity or family background. This teacher might deliberately or inadvertently give a student a hard time by continually carrying out searches. It is very demeaning for a student and his or her family if a third party is involved — for example, a next-door neighbour or a friend who might be transporting a student to school or to another place for school activities. In my view, principals and teachers should not be carrying out duties such as searching vehicles; that is the duty of police officers.

We hope the government is mindful of what could arise in situations where a principal or their representative confronts the driver of a motor vehicle who is driving a student to school. A student may have been transported by a parent with whom the student lives or by a parent whom the student does not live with but who is

exercising their visitation rights at the time, or by a friend or neighbour who might have their personal and private things in the vehicles that they do not want to reveal to a third party — to a teacher or a principal. In such a situation there could be an altercation, and it could give rise to an embarrassing situation for both the person who is doing the search and the driver of the vehicle at the time.

The government says these laws will allow principals to take a proactive and common-sense approach to making their schools safer. However, what about the safety of principals and teachers? Has the government considered the safety of staff? What about the health and wellbeing of the principals or teachers who encounter the people who transport children to school or to other school premises?

However, overall if the bill is going to increase the safety of a school student and a school community, it is a positive move. Therefore, I support the bill.

Mr NEWTON-BROWN (Pahran) — In commending the bill to the house I start by saying that I am all for individual freedoms. It is something that we on this side of the house hold very dear. One of the central tenets of Liberal philosophy is that people have the right to go about their business without being harassed by others or by the government, but this philosophy has to be tempered on some occasions, and this is an occasion when it is right and appropriate for those individual freedoms to be tempered for two reasons. The first is that we are dealing with schools and the second is that we are dealing with kids.

The government runs our schools, and it has a duty of care to the kids who attend those schools to make them places where they are safe. When parents send their kids to school what do they want? They want their kids to learn and to have a productive and happy social life, and they also want and expect them to be safe. Indeed, it is something that most parents do not even turn their minds to until things happen at school with weapons and violence. At that point it becomes clear to most parents that one of the fundamental responsibilities of the state is to keep children safe when they attend a state-run school.

We want kids to have responsibility. We do not want to wrap them up in cotton wool; we want them to make mistakes and to get on with their lives. But we also have to set some parameters — some boundaries — so they have an environment where they can make some mistakes but that those mistakes do not become tragic or fatal.

As a community we impose restrictions on our kids to save them from themselves. For example, kids love to play around water. Toddlers love jumping into pools, so we put up pool fences. We see that as a responsibility to keep them safe. We give kids mouthguards when they play sport at school. It is all about providing parameters and some safety for them as they go about the business of being kids. But we all know that kids, and particularly teenagers, lack judgement. They do not have the wiring in their brains connected sufficiently well to think about the consequences of things.

The SPEAKER — Order! Members should be aware that telephones are not meant to be used in the chamber. If members bring phones in, they should have them switched to silent; otherwise I suggest they leave them in their office. Members are not so important that they cannot be contacted later. That goes for everyone.

Mr NEWTON-BROWN — I am sure there are some kids who carry knives in the misguided belief that it provides them with some protection. I am sure those kids never expect to plunge the blade into the body of another child, but things can get out of control and escalate and that is what we are trying to protect children from. It is to protect them from themselves and from the consequences of using a weapon, which the vast majority of them would not want to see occur. Things can go horribly wrong and lives can be wrecked, including, obviously, those of the victim as well as their family, and indeed of the attackers, who in the misguided belief that they are protecting themselves may make a mistake and use a weapon they are carrying. If by the passing of this bill we can prevent them from being in that position, we will be able to protect them from any consequences that may occur.

As far as the practical working of the bill goes, there will not be situations where kids are shaken down and searched when they go to school. It is really about providing a deterrent so kids know there is a chance their principal may search them and they will not bring a weapon to school, and if they do not bring a weapon to school they are not going to get themselves into trouble.

As far as existing laws go, let us not get too excited about there being some esoteric breach of a human right here. There are already existing laws that prevent people carrying weapons in public places, including schools. With this legislation, all that we are doing is giving principals the right to ensure that they can enforce those laws on schoolgrounds.

The ALP may want to invoke its charter of human rights; it may want to refer to sections 13 and 20, which

concern the rights to privacy and property rights, and say, ‘We cannot trample on the rights of our children’, but I, for one, am happy to trample on these rights when it comes to young kids who carry weapons and may get into situations which are beyond the consequences they anticipate. I am happy to do this for their own protection and for the protection of their classmates, teachers and the wider community.

Ms RICHARDSON (Northcote) — I rise to speak about the Education and Training Reform Amendment (School Safety) Bill 2010. Here we are, nearly 100 days into the term of this new Liberal government, and I guess this is a time for us to take stock and look at what has been brought forward in that time. The government has waited 11 years to hold the reins of power in this state, but if this bill is the kind of thing it comes up with, it is pretty disappointing. It is very thin — granted, we are used to very thin bills coming before the house — and from all the research I have done on this bill what I can tell is that all it does is codify what is already in place in our schools. This great standard-bearer that has been brought before the house and this great opportunity to reform safety in schools is nothing more than a codification of what is already in practice in our schools across the state.

For example, the bill talks about giving principals the right to ban dangerous items from schoolgrounds. Guess what? They already have that right. The bill also gives school leaders the right to search students and seize harmful or prohibited items from them. Again, guess what? They already have that right. Members opposite say that somehow there are going to be complaints from this side of the house about rights being trampled on, but I do not know what they are talking about, because these rights that school leaders have are already there, and all the government is doing is codifying them.

The Parliament’s time is being taken up by a bill which does nothing but allow members on the government benches to feel somewhat hairy chested about coming into this place. We know that if the minister had spent just 5 minutes having a look at what goes on in our schools and checking this out, he would have known that this bill is entirely unnecessary and completely lame. Surely the minister is not completely and utterly daft. He spent those 5 minutes checking this out, so what is really going on with this bill being brought before the house?

The Liberals truly love a good fear campaign. They run them out at every election campaign and in the lead-up to campaigns, and they like nothing more than an opportunity to scare parents and kiddies; they just dive

into that with absolute relish. This is their lame attempt to respond to a fear campaign they had in fact generated themselves, and it is their attempt to demonstrate that they are tough on crime. This bill is their tough on crime stance being brought before the house. What a complete and utter sham. We are nearly at the 100-day mark for this new government, and just like those 100 days, the bill does absolutely nothing. No doubt the record will reflect this. No doubt when people are considering what has been happening in this house and beyond since the coalition seized power here in Victoria, they will see that the government has done absolutely nothing.

This bill is a symbol of the mood of this government and its inability to govern and bring about any change. In conclusion, I sincerely hope this Parliament will get an opportunity to debate something substantive from this government, and I hope we are not kept waiting too long.

Debate adjourned on motion of Mr McINTOSH (Minister for Corrections).

Debate adjourned until later this day.

CONDOLENCES

Natural disasters: Australia

Debate resumed from 10 February; motion of Mr BAILLIEU (Premier):

That this house:

- (1) notes the extraordinary series of recent devastating weather events and natural disasters that have impacted so heavily upon so many Australians, particularly in Queensland, in Western Australia and multiple events in Victoria;
- (2) expresses its sympathy to the families and friends of those whose lives have been lost and to those who have lost property, income and businesses, in particular in our farming communities — many of whom still remain isolated;
- (3) notes the huge damage done in Victoria to homes, community facilities, roads, bridges, infrastructure, town and rural levees, businesses and particularly to the agricultural sector;
- (4) notes the ready response of the Australian Defence Force and federal government agencies to the Victorian government’s requests for emergency assistance;
- (5) sincerely thanks all those emergency services personnel including Victoria Police, volunteers in the State Emergency Service, Country Fire Authority, Red Cross, Salvation Army, Rotary, Lions and other community and service groups, the Victorian Farmers Federation,

Victorian Employers Chamber of Commerce and Industry and other industry groups, and the many local government councillors, officers and council workers and businesses that have fought so hard to protect communities and to assist those who have been affected;

- (6) commits to do whatever is possible within the capacity of government to provide relief and recovery services, and assistance to see these communities rebuilt, with maximum input from local resources; and
- (7) undertakes to ensure the preparation and response to the Victorian events are appropriately reviewed, and that affected communities are given the opportunity to make submissions with a view to mitigating such events in future.

Ms MILLER (Bentleigh) — I rise to speak on the natural disasters motion. These past months have seen the effects of flooding hit us as a country, in Queensland, as a state in places, such as Cohuna, and as communities, as I have seen in the McKinnon and Ormond areas in my electorate.

While the sound of rain can so often provide comfort and calm, we have witnessed its destructive powers. While it can symbolise renewal, for so many it has become a symbol of loss. Across our state we have seen the ravages of flood, the livelihoods of many washed away by the unrelenting waters. It has been a tough summer that has brought with it many challenges for our country, our state and our local communities.

There are few parts of Victoria there were not touched by the floods. I joined my coalition colleagues in visiting Cohuna and witnessing firsthand what happened to that township. We sandbagged homes and tried to provide support and sympathy. I hope that we were able to help as the people there began the hard task of rebuilding their community. As well as at Cohuna we saw flooding across Victoria in places such as the Loddon Valley, Charlton and Skipton. Regional Victorians were hit hard by these terrible floods, and for them I have only the deepest sympathy. These places are centres of tourism and of agriculture, and it is vital not only for the local communities but for our state's economy that we ensure the people of these areas are back on their feet soon. My electorate of Bentleigh also experienced hardship during the floods. Residents saw their houses flooded and their streets under water.

As we as a community work together to rebuild I have been struck by the stories of community spirit and bravery I have heard. On Tuesday I spoke of Cadby Avenue in McKinnon and the heroes who cleared a storm drain, saving many homes in the process. I have also heard stories about a man who donned a fluoro vest and diverted traffic on Jasper Road and about a

local who assisted displaced neighbours by offering cups of tea and coffee and a sympathetic ear.

Over the last month we have been glued to our television screens watching the crisis unfold in Queensland. Tropical cyclone Yasi hit northern Queensland and devastated the towns of Innisfail, Cardwell and others as well as the cities of Cairns and Townsville. The extreme weather events impacted the whole state of Queensland, with Brisbane being devastated by floodwaters that swelled the river, broke its banks and cut off entire suburbs, displacing thousands. Watching horrified, I was struck not only by the damage and the devastation but by the tenacity and resolve of the people of Queensland. I am reminded of the words of Mark Twain:

Courage is resistance to fear, mastery of fear — not absence of fear.

Facing adversity, the people of Queensland have resisted and mastered their fear and are getting on with the job of rebuilding their state. I applaud their tenacity.

It is a unique Australian experience to see half your country be so affected by floods and rain while Perth is devastated by fire. As Victorians we know the destruction that fire brings and the long-term effects it will have on communities. The people of Perth and Western Australia have a long road ahead of them, and I know all members of the house sympathise with them because of the terrible damage caused by the fires. This summer tested Australians right across the continent. As we look at the damage extreme acts of weather can wreak we know that the human spirit endures and that we will rebuild.

Mr HOWARD (Ballarat East) — I am pleased to add my words to this condolence motion in regard to the floods. As we saw on television, floods affected Queensland in January, but as we saw in February, it is not just Queensland that has been affected by dreadful flooding. In my electorate of Ballarat East we have again seen heavy flooding in the Creswick area. In September last year there was significant flooding, with the inundation of many homes, businesses and sporting facilities such as the Creswick Bowling Club. Club members had just been pleased to have had a new synthetic bowling green installed, but it was totally ruined by the floods. They needed to clean off the club's remaining synthetic green, which they were then able to use. However, just as the club was recovering, that bowling green was seriously damaged in the January floods, and the club suffered from further flooding in February.

It has been challenging in so many ways for the people of Creswick to deal with the flooding that has now occurred on three occasions, with this year's floods affecting homes and businesses that had been recovering from the previous flood. At the time it was great to see so many people involved, whether they be volunteers from the State Emergency Service or other emergency services, workers from other agencies or members of the community coming in to provide support by sandbagging as best they could. From now on affected businesses in Creswick and other parts of my electorate, as well as farmers, will need support.

As I said, there was flooding in Creswick in January and February. The floods affected the Creswick seed bank. Initially my understanding was that the seed bank, as an incorporated not-for-profit organisation, would be entitled to assistance with clean-up funding, but I have since learnt that it has been advised by Rural Finance that it will not be able to access that funding. That concerns me. While the recognition of flooding has been extended from January to recognise the February floods, the advice I have to date is that that applies to only three municipalities across the state — Mildura, Casey and Cardinia. I hope that will be reviewed to help organisations such as the Creswick seed bank. The seed bank operates on the Parks Victoria site at the old Creswick nursery, a historic site. A great bunch of volunteers do the important work of providing seed for revegetation works across the west of the state. The seed bank has been severely devastated by floods on three occasions now and seeks some support so that the organisation can rebuild and clean up after the flood.

There has been lots of volunteer support. One inspirational aspect to these floods is that so many people have been prepared to hop in to try to support flood victims, as seems to be the Australian and Victorian way. I hope we can get support for the Creswick seed bank so it can re-establish itself. Residents and businesses across my electorate and across the whole state also need support. We also look forward to seeing the recovery work continue in Queensland.

I add my condolences to all those who have been affected by these serious natural disasters. I hope we will get the appropriate level of support for them to continue and know that they are well supported and have a great future.

Mr ANGUS (Forest Hill) — I rise to also express my condolences to the Victorian residents who have been so adversely affected by the recent floods in Victoria. As we all know, the floods have had a

devastating effect on many Victorians, and particularly those in rural areas within our great state. Many people have been significantly affected in a wide range of areas. Earlier this year I had the opportunity to travel to some of those affected areas. I was greatly impacted by what I saw personally and what has been widely reported in the media.

Some of the instances I came across included extensive loss of crops, loss of stock and inundation of land and buildings of all descriptions, including community buildings, government and other organisations' buildings. I was dismayed as we went along some of the country highways to see, sitting in flooded paddocks, the enormous round bales of hay that were obviously destroyed and rendered useless by the inundation they had received.

The consequences of that for many of the victims of these adverse events have been loss of income as well as loss of livelihood in general. That brings me to the stress that comes with having to rebuild financially and the challenges that many families and other residents in country and metropolitan Victoria are facing at this time.

There has been infrastructure damage, with roads washed away, bridges damaged, public and other buildings significantly affected, community and private assets affected. The impact on the affected area of the community is enormous and cannot be underestimated. That goes through to the dislocation being experienced by residents and families. I had the pleasure of speaking to some of the people during my journey up through the northern parts of our great state of Victoria. In chatting to some of those people one could sense their distress and the impact it was having on the families involved. I am thankful that many services have been provided to assist those people and particularly the younger members and children of the communities.

On the other side of the equation, if we can find anything positive at all in this event, it was to see firsthand the community working strongly together. It was terrific to see volunteers come out from their usual specific sphere of work and put their shoulders to the wheel, so to speak, get in with other local residents and undertake the necessary work during the course of these adverse events.

One of the things that leaps immediately to my mind is the whole issue of sandbagging. We were able to see people unrelated in their ordinary everyday life coming together to work in a very focused manner to fill sandbags and distribute them in an effort to protect other properties that were yet to be inundated.

We saw volunteers from a whole range of community organisations, and I noticed particularly the significant work done by many of the volunteers from the Red Cross, the Salvation Army, local churches, community groups, school communities and others such as members of the Country Fire Authority, the State Emergency Service and Victoria Police and local government employees and councillors from all around the state. We saw those people focusing on the task at hand, putting aside any other differences while trying to resolve the situation for the betterment of their local communities. That was a great positive in the midst of this adverse and distressing situation.

I was also able to see firsthand, and many times second hand, the terrific work being done by the political leaders of our state. I think particularly of the Premier and a number of senior ministers and other members who travelled extensively in the earlier part of this year. They spent hundreds of hours out at the coalface, helping and giving input during the devastating events that have occurred in our state. They were able to not just theorise but see firsthand what had transpired in these communities that had been so badly impacted. As a result of that they were able to generate the leadership and response that was necessary.

A few moments ago in this place we heard from the Deputy Premier about some of the small business initiatives. I commend the work of the ministers. They have been proactive; they got involved and have made money available in a very short time frame to help some of these dislocated families and businesses and to help local councils, residents, workers and other people who have been affected by assisting with restoration and clean-up services. It was a great encouragement to me to be here to hear the latest update on what the Baillieu-Ryan coalition government is doing for the people of Victoria and the fact that it focuses on very practical outputs and outcomes rather than hypothesising and theorising. The government is actually getting money delivered where it needs to go. It was also very positive to hear about the work happening with local rural and regional councils.

On other matters: to hear about other people, in particular farmers in the state and from other places, donating fodder and all sorts of support to their rural colleagues here in Victoria who have been so adversely affected was very heartening for all of us here in Victoria. To see the donations of money that people have so readily contributed was also a great encouragement, knowing that we stand together as Victorians, shoulder to shoulder with our adversely affected fellow Victorians, especially those in the rural areas. I wish the victims and residents who have been

affected in both rural Victoria and closer to home in metropolitan Melbourne well as they work through the situation and recover together.

In addition I want to comment briefly on the Queensland flood situation. I also express my condolences and sympathy for the affected residents there. There has been much tragedy in terms of loss of life, loss of livelihoods and property, and damage to infrastructure has been widely reported. I know of some of that second-hand through my relatives living in some areas of Queensland who have been affected by the adverse events there. I want to take this opportunity to also wish them well in their ongoing recovery.

Mr SOUTHWICK (Caulfield) — I rise to speak on the motion on the natural disasters, including the terrible flooding which we have experienced around Australia and more particularly at home in Victoria. This has been a terrible time, a tough time, for us in Australia. It is a start to the year that in many instances we would sooner forget. No-one would have expected that we would have started the year this way.

Firstly we experienced the flooding in Queensland, where all of a sudden on 11 January we were hit really hard: the Brisbane River broke its banks and floods started to occur. We heard and read terrible stories, and we were all affected. Everyone had a story to tell of people they knew who were affected by these floods. As it continued over the weeks we soon found out that not only was it a terrible disaster that had affected our friends and neighbours in Queensland but also that these floods would hit us right here at home in Victoria.

Secondly what a terrible time it was for all of us as Victorians when we experienced the floods and read about and understood the terrible times that our fellow Victorians had faced on this occasion. The extreme weather conditions continued, and the volatility of the natural climate affected many people. It was a defining moment, a difficult and uncertain time, that kicked off this year. As we have looked at the flooding around the country, which has been followed by cyclones and even fires, it has been difficult for all. We are often reminded of great people who have said interesting things, such as Dorothea Mackellar, who famously wrote ‘Her beauty and her terror’ in reference to aspects of Australia’s climate. This is certainly a time for reflection on the natural disasters that have occurred.

With thousands of lives in question, towns being devastated throughout the world and more importantly with disasters starting to hit us at home, we can be comforted by the fact that we have a great Australian spirit, which has meant that in times such as this people

pull together. It makes me as an Australian feel very proud that at these difficult and sad times we can all come together, put in and help our mates. We have seen time and again people putting everything aside and doing what they do for their friends, colleagues and fellow Australians.

We have seen these natural disasters time and again. Their effects do not continue for a short time; they have long-term implications. Once the floods have gone, just as we saw during the Black Saturday natural disaster, peoples' lives will be affected in the long term. People will continue to need counselling, as do people who are still being counselled about the Black Saturday fires. We need to be very mindful of this, because after the cameras have gone away and we have stopped talking in the house about the floods, people will still be affected. The floods will have a long-term effect, and people will need assistance and support. It is important for this house to recognise that and be right alongside our friends who have been through this natural disaster.

I would also like to bring home some of the effects of the flooding that happened only a few weeks ago in our own backyard. I was sitting down to a meal on a Friday when the rains hit the suburb of Caulfield, and many of my colleagues in the house experienced similar flooding. Who was to know the effect of that flooding would be so severe? I had two phone calls on that particular night. I went out to have a look at what was happening, only to find that the water in my neighbouring streets was up to my knees. It is at these times that you have to stretch the job description and start to put in. It showed me that the people of Victoria often look for leadership from their parliamentarians and for them to do a little bit more than just be in this house and speak for them. That is why we have to get out, put in and show some leadership.

On that night I was out unplugging drains and helping to move cars to the side of the road. The car of one family in Caulfield was immobilised because of the floods. We had to help an elderly lady who was suffering at the time by taking her to the hospital and moving the car to ensure that the family was safe. That really brought it home. We members of Parliament representing metropolitan Melbourne never thought we would have to experience such extreme events. We know our colleagues in rural and regional Victoria have to deal with this sort of thing every single day, but it really hits home when we have these sorts of events happening in our own backyard.

I want to draw to Parliament's attention that 10 new members representing inner city seats went to rural and regional Victoria during the extreme flooding to visit

the town of Cohuna and help out, understand what it was all about and do our best during that difficult time. It was very confronting for a member of Parliament representing a metropolitan Melbourne seat to see what our colleagues have to go through in rural and regional Victoria. We got some initial counselling from Red Cross as to what we would experience, and then we went out to the front-line to serve food, provide counselling and help with sandbagging. It was absolutely horrific.

One of the people who will stick in my mind for a long time was a gentleman who sat next to me and reflected on all the things that he had to put up with: the fact that his crops were destroyed from locusts only recently, he had a lot of family issues and now he had to deal with flooding. This gentleman had to put up with one thing after another.

At that time we also had a visit from the Premier. Later I was talking to someone from the Red Cross who said he had never in his time seen — and he has had to deal with many natural disasters, including fires, as he has been in the job for a number of years — a Premier who was so committed and diligent in his desire to help the people as our Premier. Interestingly enough, the Premier's time lines when it came to visiting all these areas were always blown out. He never arrived on time. At first he would say, 'Why can't I be on time?'. The reason was that he sat down next to the people and talked to them one by one. He listened to their stories. That for me is a sign of a Premier with leadership skills, who cares. I feel proud to be part of this coalition team and to have a Premier who cares, understands and is for the people. He listens to the people and has their interests at heart.

Ms Duncan — Who are these people?

Mr SOUTHWICK — The people are the people of Victoria: our friends. I hear members of the opposition ridiculing during this important time when we are reaching out to the people of Victoria who have gone through hell and back. It is shameful and disappointing that the opposition should use the time when we are reaching out to our fellow Victorians in need to try to make a political point. That is not what this is about. This is about people. This is about Victorians who only want what all of us want, a fair go. I feel proud that we as Victorians will put in, help out and do our best as proud Australians. My condolences go out to everybody who has been affected by the floods, fires and cyclones we have had in recent times.

Mr WATT (Burwood) — I rise to speak in support of the motion moved by the Premier dealing with recent

natural disasters in Australia. I would like to thank the three members of the opposition who have bothered to come in to listen to this debate. I also want to acknowledge the work of those who have looked after people affected by the disasters.

I was fortunate and honoured to head up to Cohuna with some of my colleagues in the class of 2010. We went to Cohuna with people from the Red Cross to see the work it does. I commend the Red Cross for this work; what it does in these types of situations is fantastic. In Cohuna we were serving food, but there was no pomp or ceremony about it. Nobody ran around saying, 'Look at me! I am up here!'. It was about helping those in need, and the Red Cross does a fantastic job.

It is interesting to see the community pull together in times of need. I was sitting with an elderly gentleman, and his neighbour from Kerang came over every so often just to make sure that he was feeling all right, that he had food and had been eating and drinking. It is great to see communities pull together in times of need.

Some of us were also lucky enough to be able to go out to Mead and help sandbag a house. I want to make special mention of a senior constable based in Kerang — probably he was never going to be looking for credit — whose name is Andrew. He and his brother transported sandbags out to a house, and four members of Parliament helped to sandbag this house to make sure it was protected from the water that was coming. Everybody knew the water was coming. This particular senior constable had come back from holidays in South Australia just so that he could help out the area. He has been in the area for over 20 years, and we should pay tribute to Andrew and his brother who were there helping the community. Indeed, we should pay tribute to all citizens of Victoria who have been putting in.

I would also like to mention the fires in Western Australia. Many members in this house would know that I was born in Western Australia. The city of Armadale is one of the areas deeply affected by the bushfires in Western Australia, and my heart was in my mouth when I heard about these fires. I was able to ring my family and make sure everybody was fine. But my condolences go to the people of Western Australia in Roleystone and Kelmscott who have lost their houses. I extend my condolences also to the Victorians who have been affected by the floods. I commend this motion to the house.

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

Earthquakes: New Zealand

Debate resumed from 1 March; motion of Mr BAILLIEU (Premier):

That we, the Legislative Assembly of Victoria:

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

Mrs BAUER (Carrum) — I wish to express my condolences to our New Zealand neighbours after the devastating Canterbury earthquake that hit New Zealand on 22 February 2011.

We have watched from across the Tasman, with great admiration, the work of local municipal officers, councils, emergency service workers and local residents volunteering in any way they can to aid rescue and recovery efforts. The earthquake struck at 12.51 p.m., New Zealand time, and the epicentre was at Lyttleton, south of Christchurch. New Zealanders were still recovering after the September earthquake which resulted in billions of dollars worth of destruction throughout Canterbury. Fortunately that earthquake struck during the night while most people were asleep in their homes. It was unimaginable to hear that the 22 February earthquake struck during the day with no warning signs whatsoever. Children were on school excursions, parents were shopping with toddlers in their prams, locals and visitors were attending the flower show in the cathedral that is always well patronised, office workers were going about their daily routines, commuting to or from work, and international students were on study tours or placements.

We watched in horror as television footage streamed into our homes and offices as buildings collapsed,

landslides slipped onto cars, concrete slabs and walls collapsed on pedestrians and multistorey buildings concertinaed like decks of cards. It is hard to comprehend the suffering that our New Zealand neighbours are dealing with at this time. The region continues to experience aftershocks in excess of magnitude 4. Disaster specialists remain in rescue mode with police insisting that survivors could still be found in the rubble. The death toll stands at 161 after another body was recovered overnight. With the toll continuing to rise the final death toll is expected to stand at 240.

No-one has been recovered alive from the wreckage since Wednesday of last week, but police are saying there is a chance that survivors can still be found. The world continues to be optimistic and pray for miracles.

I am proud that our Victorian police are in Christchurch to help with the relief effort. One hundred and sixteen officers are enforcing exclusion zones and Christchurch curfews along with Victorian paramedics and urban search and rescue workers. When Victorians were experiencing bushfires during Black Saturday, New Zealanders sent their firefighters to assist us. In times of need the Anzac spirit certainly comes to the fore.

I am confident that the charming and beautiful city of Christchurch and surrounding Canterbury district will be rebuilt. The Victorian government offers its unconditional support. In his condolence message the Premier advised that the Victorian government will donate \$2 million to support earthquake recovery and relief efforts in the Canterbury region.

I would like to mention briefly that I have empathy with New Zealanders and I also have strong ties with family in Christchurch and its surrounds. I would also like to mention my great-great-grandfather, William Wyse Smith, was a master builder in Christchurch and Lyttleton from the late 1880s to the early 1900s. He was instrumental in the construction of over 30 significant public buildings, including the Christchurch chamber of commerce building, the early Christchurch hospital, and additions to the Christchurch post office in Cathedral Square and Lyttleton's municipal buildings. These buildings are today still an important component of the historical fabric of the region. Hopefully, the devastating earthquake has not taken too harsh a toll on these iconic buildings, although clearly the huge loss of life makes the loss of bricks and mortar pale into insignificance.

My thoughts and prayers are with our neighbours, and I wish all New Zealanders strength in the challenging times ahead as they rebuild their lives and recover from the widespread destruction.

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

SHRINE OF REMEMBRANCE AMENDMENT BILL 2011

Second reading

Debate resumed from 2 March; motion of Mr DELAHUNTY (Minister for Veterans' Affairs).

Ms McLEISH (Seymour) — I am pleased to speak in support of the Shrine of Remembrance Amendment Bill 2011. This bill essentially shores up the future for the shrine in terms of its ongoing management and continued relevance for our society. The shrine needs to be preserved as a site of cultural significance, a place for ceremonial occasions and an educational facility. At the same time, the trustees of the shrine need to be adequately equipped to carry out the functions required to uphold the shrine as a site of significance.

There are many types of war memorials throughout Victoria and indeed Australia. Most towns will have a small memorial monument; many may have a memorial hall and a memorial swimming pool. You could even argue that the front bar at the local RSL is also a type of memorial. The Shrine of Remembrance, however, is Victoria's largest war memorial. It was established some 77 years ago after World War I to provide recognition and an ongoing memorial to our soldiers.

Over the years the shrine became a place to educate people about Australian war history. This education role can be linked to increased awareness and understanding of our history. More and more children and young people are becoming involved. It was not long ago — 20 years, perhaps — that war service and memorials were not always given the respect they deserved. I can remember very few people turning up to Anzac services, Legacy struggling to sell poppies, et cetera. Because Australia had not been actively involved in any type of war service for some time people tended to forget about it; the Vietnam vets had been ignored, excluded and not treated well by society. I am pleased to say that situation has really started to turn around. The educational role taken on in places such as the shrine and our schools has helped rebuild this respect.

A little more than seven years ago a visitor centre was established at the shrine, and five years ago an education centre was established. Many people visit

this facility. I worked in St Kilda Road for a number of years and I was always impressed by the busloads of tourists and schoolchildren who came and spent time at the shrine. There was a constant stream of people walking up and down the path, wandering through the gardens and the memorial itself. It was pleasing to see that regardless of the weather there were tourists coming to Melbourne and to our shrine which recognises Australia's war history.

I am also pleased to say that the number of war memorials in this state will be expanded. Most members would know that in Seymour the Vietnam vets group which is part of the Mitchell sub-branch of the RSL has been actively involved in developing a pathway of remembrance where not only will the fallen be acknowledged but everybody who served in Vietnam will be acknowledged on a wall. They will only be separated by the type of service they gave. The pathway is going to be done up with particular plants that will resemble those in Vietnam, and we imagine that many people will come to this facility to see those they know who participated in that war in Vietnam, not just the fallen but everyone. I think these days everyone knows perhaps an uncle, a parent, a grandparent or a friend who went to Vietnam, and it is great that their names will now be enshrined on the walls at that memorial in Seymour.

In support of the bill it is also important to realise that there is a recommendation that the legislation be made more contemporary and provide an expanded role for the shrine trustees. I support the change to the breadth and depth of the skills required; having new skill sets but maintaining links with the grassroots, the RSLs and the Legacies, and the links with the Melbourne City Council. The new and broader skill set allows for people who have skills in governance, education and asset management to be involved as part of the shrine. That blend is important, because many times I have seen boards dominated by one or the other, and they are not as effective as they perhaps could be. I think this will benefit the shrine and its management into the future.

As a result, with the changing scope of the management of the facility, the number of trustees needs to be increased, which is something I fully support. We need to be constantly reminded that the freedoms we experience today are because of those who have gone before us, those who fought for their country in the First World War and the Second World War because that is what they believed in at the time. I am most proud to be the daughter of an ex-serviceman. In World War II my father fought at Borneo. Thankfully he was

able to come home safely. It is my pleasure to support the Shrine of Remembrance Amendment Bill 2011.

Ms DUNCAN (Macedon) — I rise in support of the Shrine of Remembrance Amendment Bill 2011. This bill arises as a result of a review that the former Premier asked the State Services Authority to conduct of the adequacy of the existing governance and institutional arrangements for the shrine, an exposure draft and extensive consultations with the RSL and veterans groups. As a result of this, the bill is supported by the RSL, Melbourne Legacy, the Victorian Veterans Council and Melbourne City Council.

The State Services Authority consulted extensively and found that the current act did not clearly set out a number of things, including the core role and functions of the shrine; nor did it give adequate recognition of the shrine's cultural significance, not just for Melbourne, not just for Victoria but for all of Australia. As a result of that review there are now three key roles that trustees will be responsible for. They are: stewardship of the facility as a memorial and a site of state, national and cultural significance; delivery of ceremonial and commemorative activities; and delivery of public programs that inform, educate and promote understanding about the history, experience and services of Victorians and Australians in war, conflict and peacekeeping. The act also makes changes to the skill set of trustees and increases the number of trustees for the shrine.

This bill is an accumulation under the previous government of a range of changes that were made to recognise the veteran community and help all of us appreciate further the role that our servicemen and servicewomen have played in representing this country for many years. It was under the Bracks government that, for the first time, a state government had given specific recognition to veterans affairs, with the establishment of the veterans affairs portfolio in 2004. This was in response to the Scrutiny of Acts and Regulations Committee report into Anzac Day laws. As a result of this report there were a number of achievements under the previous government, and I would like to speak briefly about the Spirit of Anzac prize, which the previous government introduced. I was very pleased to learn yesterday that the new government does not intend to abolish that Premier's prize.

For those who do not know, the Spirit of Anzac prize allows secondary school students to compete in a competition across Victorian schools and, if successful, to then take part in a 10-day overseas trip to commemorate and visit prominent battlefields around

the world. I was very pleased and privileged to be part of last year's delegation when we visited Thailand and walked along the Thailand-Burma Railway. It was an extremely moving experience. We then went on to France and Belgium where we looked at a number of sites on the Western Front.

I am very pleased that the current government is not going to abolish that, because last year I saw firsthand the impact it has on students, and I have no doubt that those students will be touched by that for the rest of their lives. As previous speakers have commented, we are seeing increasing numbers of students and people of all ages attending Anzac Day and Remembrance Day services. Something like the Spirit of Anzac Prize helps to promote that and helps to ensure that future generations have the same appreciation of the sacrifices that have been made.

As the representative for the seat of Macedon I know significant improvements were made to the Mount Macedon Memorial Cross, which now allows much easier access for older and frailer veterans and their families to attend Anzac Day dawn services.

I would encourage anyone who has not been to a dawn service on Mount Macedon to attend one. It is a very moving but also a very beautiful service that takes place very early on the morning of Anzac Day. I have outlined a number of initiatives which the previous government introduced and which I think will stand the test of time as we move forward.

I turn to some of the changes made at the Shrine of Remembrance, including the expansion of the education centre and the improvements made to the shrine some years ago. Those changes will hold us in good stead as increasing numbers of students and people of all ages are visiting the shrine. This bill will continue that work to ensure that the shrine remains relevant and that the governance issues surrounding it also remain relevant. It is important that trustees have broad skill bases, which will mean that we can have confidence that the shrine will be well managed and cared for and will continue to be an icon in Melbourne and an important monument for Victoria and more broadly for Australia. I commend the bill to the house.

Ms RYALL (Mitcham) — I rise to support the Shrine of Remembrance Amendment Bill 2011. This bill sets out the role of the shrine as a memorial to honour our great servicemen and women. The bill will establish the trustees' three key functions: the stewardship of the shrine building and facilities; the management of ceremonial activities; and the delivery of programs to inform and educate the public about the

service and sacrifice of our men and women. I am very grateful that this bill has the support of the key stakeholders, being the shrine trustees, the Returned and Services League, Legacy and the Melbourne City Council.

The shrine is a great cultural asset, and this legislation will strengthen the powers of the trustees by increasing their numbers from 8 to 10. The bill clarifies the relationship between Melbourne City Council and the shrine, and it applies the good governance framework in the Public Administration Act 2004 to the shrine. The bill also amends out of date provisions relating to the gas supply to the eternal flame.

The role and functions of the trustees need to be clearly articulated, and it needs to be recognised in law that their core role is to maintain a memorial to honour veterans' service and sacrifice. The three key responsibilities of the trustees are stewardship, commemoration and education.

There are two RSL clubs in my electorate — at Blackburn and at Mitcham — which provide a great service to our community and great opportunities for our RSL men and women to congregate and share stories and history. More broadly, the Shrine of Remembrance is a sacred place of significance to each and every person who has ever served or who currently serves this country.

The current provisions are out of date, and this bill will ensure that the shrine is maintained. Obviously maintenance is important, as is the provision of education to the community, which will help younger people gain an understanding of the true history of this country and the sacrifices made by our servicemen and women. Ultimately education is very important, and it is great to see younger people participating in Anzac Day parades, in some cases walking with those who have served and participating in the ceremony. Some younger people have relatives and friends who are or formerly were servicemen and women.

This bill will refine the operation of the shrine, which has changed over the years, particularly since the passing of many veterans. It is timely that we articulate exactly the role and functions of the shrine's trustees.

We also need to ensure that such an important place is maintained properly. The arrangements have not been clear in the past, and I am pleased to see that these arrangements will be improved over time so that we can ensure that the shrine and the respect it deserves as a major cultural asset of this state will be maintained

and preserved. It is for these reasons that I stand in support of this bill.

Mr McINTOSH (Minister for Corrections) — It is a great pleasure to join the debate on the Shrine of Remembrance Amendment Bill 2011. I have had a conversation with the federal Minister for Veterans' Affairs, who has been consulting with the wider community in relation to this important bill. I am also aware that credit should be given to the former minister in the former government in relation to the consultation process that led up to the preparation of this legislation.

The Shrine of Remembrance certainly is an icon. I went to school very close to the shrine. I used to travel down Swanston Street and St Kilda Road to school every day by tram, and I have a strong memory of passing the shrine on a daily basis. The shrine's history really is the history of this city. In particular I will mention the involvement of Sir John Monash. In his memoirs Robert Gordon Menzies attributes John Monash singularly with changing a cabinet decision to put a mere cenotaph outside Parliament House here on the corner of Spring and Bourke streets. Sir John Monash was not prepared to accept that and insisted on a much more substantial memorial to the fallen of the First World War.

Since its dedication in 1934 the shrine has become a significant memorial to all Australians who have fallen in all wars, from the Boer War on. The shrine is indeed an icon of this city and represents the way in which we honour the people who have fallen in war fighting for their country.

Business interrupted pursuant to standing orders.

The SPEAKER — Order! The time set down for consideration of items on the government business program has arrived, and I am required to interrupt business.

Motion agreed to.

Read second time.

Third reading

Motion agreed to.

Read third time.

SHOP TRADING REFORM AMENDMENT (EASTER SUNDAY) BILL 2011

Second reading

Debate resumed from 2 March; motion of Ms ASHER (Minister for Innovation, Services and Small Business).

The SPEAKER — Order! The question is:

That this bill be now read a second time and a third time.

House divided on question:

Ayes, 44

Angus, Mr	Mulder, Mr
Asher, Ms	Naphthine, 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	Weller, Mr
McLeish, Ms	Wells, Mr
Miller, Ms	Wooldridge, Ms
Morris, Mr	Wreford, Ms

Noes, 42

Allan, Ms	Howard, Mr
Andrews, Mr	Hulls, Mr
Barker, Ms	Hutchins, Ms
Beattie, Ms	Kairouz, Ms
Brooks, Mr	Knight, Ms
Campbell, Ms	Languiller, Mr
Carbines, Mr	Lim, Mr
D'Ambrosio, Ms	McGuire, Mr
Donnellan, Mr	Madden, Mr
Duncan, Ms	Merlino, Mr
Edwards, Ms	Nardella, Mr
Eren, Mr	Neville, Ms
Foley, Mr	Noonan, Mr
Garrett, Ms	Pallas, Mr
Graley, Ms	Perera, Mr
Green, Ms	Pike, Ms
Halfpenny, Ms	Richardson, Ms
Helper, Mr	Scott, Mr
Hennessy, Ms	Thomson, Ms
Herbert, Mr	Trezise, Mr
Holding, Mr	Wynne, Mr

Question agreed to.

Read second time.

*Third reading***Motion agreed to.****Read third time.****CIVIL PROCEDURE AND LEGAL
PROFESSION AMENDMENT BILL 2011***Second reading***Debate resumed from 2 March; motion of
Mr CLARK (Attorney-General).****The SPEAKER** — Order! The question is:

That this bill be now read a second time and a third time.

House divided on question:*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
 Edwards, Ms
 Eren, Mr
 Foley, Mr
 Garrett, Ms
 Graley, Ms
 Green, Ms
 Halfpenny, Ms
 Helper, Mr
 Hennessy, Ms

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

Herbert, Mr
 Holding, MrTrezise, Mr
 Wynne, Mr**Question agreed to.****Read second time.***Third reading***Motion agreed to.****Read third time.****EDUCATION AND TRAINING REFORM
AMENDMENT (SCHOOL SAFETY) BILL
2010***Second reading***Debate resumed from earlier this day; motion of
Mr DIXON (Minister for Education).****The SPEAKER** — Order! The question is:

That this bill be now read a second time and a third time.

Question agreed to.**Read second time.***Third reading***Motion agreed to.****Read third time.****COUNTRY FIRE AUTHORITY
AMENDMENT (VOLUNTEER CHARTER)
BILL 2011***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 Country Fire Authority Amendment (Volunteer Charter) Bill 2011.

In my opinion, the Country Fire Authority Amendment (Volunteer Charter) Bill 2011, 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 the Country Fire Authority Act 1958 to:

- recognise the CFA as a volunteer-based organisation;
- recognise the volunteer charter;
- recognise that the volunteer charter requires the CFA to recognise, value, respect and promote the contribution of volunteers to the wellbeing and safety of the community;
- recognise that the volunteer charter requires the government and CFA consult with Volunteer Fire Brigades Victoria on behalf of CFA volunteers on any matter that might reasonably be expected to affect them;
- require the CFA, in performing its functions, have regard to the commitment and principles set out in the volunteer charter; and
- recognise that the CFA has a responsibility to develop policy and organisational arrangements that maintain and strengthen the capacity of volunteers.

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
Minister for Police and Emergency Services

Second reading

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

That this bill be now read a second time

The Country Fire Authority (CFA) is one of the world's largest volunteer-based fire and emergency service and community safety organisations and is responsible for the prevention and suppression of fires in outer suburban Melbourne and the country areas of Victoria.

Ninety-seven and a half per cent of the CFA membership is made up of volunteers. The CFA therefore gains its strength from the commitment, selflessness, professionalism, bravery and tenacity of these volunteers, who are ably supported by paid staff in a fully integrated manner.

The volunteer charter, first signed on 22 December 2001, is a statement of the commitment and principles that apply to the relationship between the government of Victoria, the CFA and CFA's volunteers.

Over 58 000 operational and non-operational CFA volunteers from all walks of life make a significant contribution to the wellbeing and safety of the people of Victoria. The volunteer charter is one means of ensuring that these volunteers are recognised, valued and respected for the sacrifices they make in protecting others.

The state has reaffirmed its commitment to volunteers by signing the volunteer charter on 27 February 2011. The Country Fire Authority Amendment (Volunteer Charter) Bill 2011 acknowledges the importance of the contribution of CFA volunteers by recognising the volunteer charter in the Country Fire Authority Act 1958.

The charter requires that the government of Victoria and the CFA consult with Volunteer Fire Brigades Victoria on behalf of CFA volunteers, in accordance with the charter, prior to making a decision on any matter that might reasonably be expected to affect them. The individual and collective interests and needs of volunteers must always be considered and protected if they are to deliver CFA services safely and effectively.

The volunteer charter also recognises and acknowledges that a primary responsibility of the CFA and people employed by the CFA is to nurture and encourage volunteers and to facilitate and develop their skills and competencies. CFA volunteers are core partners to CFA paid staff, performing similar duties, and serve at all levels of the CFA. The CFA is responsible for developing policy and organisational arrangements to ensure that the capacity of volunteers is encouraged, maintained and strengthened, such as through access to training opportunities, so that they can continue to contribute to all facets of CFA's operations, from front-line firefighting to senior incident management roles, and deliver its services now and into the future.

As outlined in the volunteer charter, it is also important that the CFA provide administrative, operational and infrastructure support to enable volunteers to perform their roles safely and effectively within available resources. As the 2009 Victorian Bushfires Royal Commission recognised, policy development and change in the CFA should always be considered in terms of their potential to facilitate and support volunteer contribution.

The charter provides the framework for the three-way relationship between the parties. Its proactive application will strengthen the essential services that the CFA provides to the Victorian community.

In the development of the bill, I am pleased to note that the government, the CFA and the VFBV have worked together in the spirit of mutual respect and goodwill, which sits at the heart of the charter, to achieve this very important milestone in the history of the CFA.

I commend the bill to the house.

Debate adjourned on motion of Ms GREEN (Yan Yean).

Debate adjourned until Thursday, 17 March.

REGIONAL GROWTH FUND BILL 2011

Statement of compatibility

Mr RYAN (Minister for Regional and Rural Development) 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 Regional Growth Fund Bill 2011.

In my opinion, the Regional Growth Fund Bill 2011, 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 create a new act called the Regional Growth Fund Act. The bill will establish an account as part of the trust fund in the public account called the Regional Growth Fund.

The RGF is being established to fund major strategic infrastructure and to promote a grassroots approach to identification of community projects and to provide flexible funding to meet the needs of rural communities.

The RGF will be used to:

provide better infrastructure, facilities and services in regional Victoria;

strengthen the economic, social and environmental base of communities in regional Victoria;

facilitate the creation of jobs and the improvement of career opportunities in regional Victoria;

support the planning for and the development of projects in regional Victoria; and

support any other project that will benefit regional Victoria as determined by the minister.

A Regional Policy Advisory Committee will be established to advise the minister in relation to the RGF and associated policy matters.

Funding will be flexible so that it can support projects and initiatives that meet the strategic priorities and needs of regional cities and country communities.

Human rights issues

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

The bill does not raise any human rights issues.

2. Consideration of reasonable limitations — section 7(2)

As the bill does not raise any human rights issues, it does not limit any human right and therefore it is not necessary to consider section 7(2) of the charter.

Conclusion

I consider that the bill is compatible with the Charter of Human Rights and Responsibilities because it does not raise any human rights issues.

Peter Ryan, MLA

Minister for Regional and Rural Development

Second reading

Mr RYAN (Minister for Regional and Rural Development) — I move:

That this bill be now read a second time.

I am pleased to introduce the Regional Growth Fund Bill 2011 into the house.

What is the bill?

This bill will establish the Regional Growth Fund.

Through this fund we will support regional communities to create new prosperity, more opportunities and a better quality of life for all regional Victorians.

We will also ensure that regional Victoria is well placed to benefit from Victoria's continued prosperity and equipped to accommodate an increased share of the state's population growth.

This bill will establish a trust fund in the public account called the Regional Growth Fund. We will invest \$1 billion into the Regional Growth Fund over the next eight years.

The Regional Growth Fund will be used to fund major strategic infrastructure necessary to improve the competitiveness and livability of regional Victoria, as well as supporting a grass-roots approach to the identification and development of community-led projects.

The fund will be used to address a broad range of issues including:

providing better infrastructure, facilities and services;

strengthening the economic, social and environmental base of regional communities; and

creating jobs and improving career opportunities for regional Victorians.

Importantly, the government will ensure that regional Victorians themselves play a greater role in guiding state investment in their communities. State government support will be provided in a flexible way that recognises the diversity of issues that confront regional communities and the need for tailored solutions that respond to local circumstances.

Why government is establishing the Regional Growth Fund

The government has a strong focus on regional Victoria and securing the long-term future of Victoria's regional and rural communities.

We recognise the significant contribution that regional cities and country communities make to the state's development and economic performance. But we also recognise the many challenges that regional Victorians face in competing in the global economy, responding to environmental changes and confronting life-threatening emergencies such as the 2009 bushfires and the recent floods.

All Victorians should be proud of the way in which regional communities have dealt with these challenges. However, these events highlight the need both to address the aftermath and provide for ongoing investment and support to ensure a sustainable and prosperous future for all regional Victorians.

Strengthening Victoria's economy

Through the Regional Growth Fund the government will further strengthen the contribution that regional cities and country communities make to the future growth and prosperity of Victoria.

This legislation is not just about regional Victoria. Melbourne will not reach its full potential as one of the world's great capital cities unless regional Victoria is also growing and prosperous. The government's objective in creating the Regional Growth Fund is to ensure balanced growth across the state for the benefit

of all Victorians whether they choose to live in our great capital city or in the regions.

Regional Victoria now accounts for around a quarter of the state's people, jobs and economic activity. Regional Victoria's diverse industry base contributes more than \$75 billion a year to Victoria's economy.

Regional Victoria is the primary source of the state's agricultural output, food production and processing, energy and mineral resources. It is where a significant proportion of our secondary goods and services are produced. All Victorians have benefited from strong regions and prosperous regional communities.

However, unprecedented challenges such as climate change, global economic competitiveness bringing changes to industry and structural ageing of the population and workforce all threaten the future growth and prosperity of regional Victoria.

The Regional Growth Fund will support the continued economic development of regional Victoria by investing in the infrastructure and services that regional industries need to compete effectively in national and global markets. The fund will form an important element of an integrated approach to the economic development of the whole state, linking the growth of Melbourne and regional areas in a sustainable manner.

This approach is supported by independent studies into the costs and benefits of regional economic development. These studies show that appropriately targeted support in regional areas enhances the economic performance of regional communities through new business investment opportunities, an expanded skills base and industry diversification.

Accommodating future growth

Regional Victoria is currently experiencing strong population growth, with regional Victoria's population projected to grow from the current 1.4 million to 2 million in 2048.

Our regional cities and centres are making a contribution to accommodating this growth and in doing so are helping alleviate metropolitan growth pressures. They provide affordable and attractive living options for new residents seeking to establish themselves in Victoria.

Through the Regional Growth Fund the government will ensure that areas within regional Victoria experiencing population growth are equipped with the infrastructure and services needed to attract and accommodate new residents while maintaining the

economic and lifestyle benefits associated with living in regional Victoria.

Addressing the needs of smaller communities

The government also takes very seriously the issues and challenges facing smaller regional and rural communities.

A report from the rural and regional joint investigatory committee of the Victorian Parliament into the extent and nature of disadvantage and inequity in rural and regional Victoria (2010) found that rural and regional Victorians face disadvantage and inequity in both access to services and in many indicators of health and wellbeing.

This is happening in the context of an ageing population and the difficulty faced by many smaller country communities in retaining young people and attracting skilled workers.

There is also evidence that rising costs of infrastructure provision and services are having an impact on the ability of some local councils to meet the needs of their communities. A report commissioned by a group of 18 rural councils in early 2010 (the 'Whelan report') found that Victoria's smaller rural councils are the most 'financially challenged' in the state and 'do not have the capacity to adequately service their communities'.

Through the Regional Growth Fund, the government will deliver the additional infrastructure and support needed to deal with these challenges and better position them to attract investment and population growth.

Structure of the Regional Growth Fund

The Regional Growth Fund is based around two primary funding streams: strategic projects with broad benefits for regional Victoria, and locally driven projects, identified and developed by local communities and councils.

The fund provides an appropriate balance between targeted strategic interventions and flexible local approaches. Our intention is to invest around 60 per cent of the fund on strategic projects and 40 per cent on locally based projects.

The Regional Growth Fund will be open to local councils, regional infrastructure providers, community organisations, business groups, educational institutions and the private sector located in regional Victoria.

The fund will have two broad streams:

Strategic projects funding stream

Through the strategic projects stream, the Regional Growth Fund will support projects that provide enabling infrastructure to facilitate investment, industry development, job creation, and to support the government's commitment to extend reticulated natural gas across regional Victoria.

This stream will also strengthen and diversify regional economies by supporting projects that redevelop or create new tourism and cultural assets.

Support for feasibility studies will be available through this stream, helping small towns and small industries to make well-argued business cases for funding for strategic projects.

Local initiatives funding stream

The local initiatives stream of the fund will provide flexible funding for communities and councils to address locally identified priorities and needs.

Over the first four years of the Regional Growth Fund's operation, this stream will include:

- the local government infrastructure program to provide councils access to funds for new infrastructure or asset renewal; and

- the putting locals first program which will be available to a wider range of regional organisations, individual councils and community groups to fund projects that benefit local communities. These may include initiatives such as: improving local services; supporting local community groups and volunteers and upgrading community facilities.

Importantly, the Regional Growth Fund will provide support over and above existing funding available through government departments.

Governance of the fund

The government will ensure the accountability and transparency of the fund, which will be subject to the Financial Management Act 1994 and that act's reporting arrangements.

In administering the fund I will consult closely with the Treasurer and my ministerial colleagues. This fund will have positive implications for all portfolios. It will assist, for example, the Minister for Tourism and Major Events in developing first-class tourism infrastructure and events to attract more visitors to regional Victoria.

It will also assist the Minister for Local Government in addressing the need for community infrastructure in country towns and the Minister for Regional Cities. It will assist the Minister for Agriculture and Food Security in the important task of supporting primary production in Victoria.

These are just some of the areas where I will work with my ministerial colleagues to implement the fund.

Detailed guidelines and an assessment process are being prepared for each of the fund's components and will be in place when the fund becomes operational on 1 July 2011.

The bill repeals the Regional Infrastructure Development Fund Act 1999 and amends the current provisions in the Regional Development Victoria Act 2002 to establish a regional policy advisory committee and this will include provisions that enable the Minister for Regional and Rural Development to appoint up to eight members and a chair.

The bill sets out functions of the regional policy advisory committee. These are to provide advice to the Minister for Regional and Rural Development on the allocation of funds from the strategic projects stream of the Regional Growth Fund and advise the minister generally on matters relating to the economic and community development of regional and rural Victoria. The regional policy advisory committee will also provide advice on the regional and rural implications of relevant legislation and on other matters referred to the committee by the minister.

Five regional development committees (RDCs) will be established in each of the non-metropolitan administrative regions. These committees will provide advice to the minister on local priority projects, identified needs and investment opportunities for government investment from the local initiatives stream of the fund.

At the present time I intend to use the membership of the existing Regional Development Australia committees to undertake the roles of RDCs. Following my discussion with stakeholders it is clear that using existing regional consultative mechanisms rather than establishing new structures is the most appropriate way to achieve the objectives of the RGF. The operation of these five committees will see a strong local voice at the forefront in regional decision making.

The bill enables the Governor in Council, on the recommendation of the minister, to appoint up to eight members to the regional policy advisory committee, and to also appoint a chair. It is my intention that the chairs of the five Regional Development Australia committees will form the core of the early membership

of this committee. Other members will be required to have skills relevant to regional economic and community development.

Geographical coverage

The bill defines regional Victoria as those 48 municipal districts that lie outside the metropolitan and interface councils, plus the alpine resorts as defined in the Alpine Resorts Act 1983. The 48 councils are listed in schedule 1 of the bill.

However there may be other areas that should be able to access the RGF. For example, we have already announced that we will examine the issue of councils in interface areas — that is, those councils that lie on the boundary between metropolitan Melbourne and the surrounding countryside — accessing state government regional development funding.

To give this effect to the RGF the bill includes a regulation-making power which will enable the minister to make regulations which add municipal districts or parts of municipal districts and also remove them in relation to either general or specific purposes of the fund.

The bill contains transitional provisions to allow existing contractual arrangements and funding obligations to be met in relation to funds allocated under the Regional Infrastructure Development Fund Act 1999.

Conclusion

This bill, one of this government's first legislative actions, provides the foundation and strong support and commitment to regional Victoria that regional Victorians deserve.

I commend the bill to the house.

Debate adjourned on motion of Ms GREEN (Yan Yean).

Debate adjourned until Thursday, 17 March.

JUSTICE LEGISLATION AMENDMENT BILL 2011

Statement of compatibility

**Mr O'BRIEN (Minister for Consumer Affairs)
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 Justice Legislation Amendment Bill 2011 (the bill).

In my opinion, the Justice Legislation Amendment Bill 2011, 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 purpose of the bill is to:

amend the Liquor Control Reform Act 1998 (the LCRA) to increase the penalty for an offence of failure to obey direction to leave premises;

enable persons to be barred from licensed premises and their vicinity in certain circumstances; and

amend the Summary Offences Act 1996 to increase the penalties for being drunk and disorderly.

Human rights issues

The new power that enables persons to be barred from licensed premises and their vicinity engages the rights to freedom of movement and privacy.

Barring orders and new offences — freedom of movement

Section 12 of the Charter of Human Rights and Responsibilities Act 2006 (charter act) provides that every person lawfully within Victoria has the right to move freely within Victoria. Clause 4 engages this right by inserting new section 106D into the LCRA that provides that a licensee, permittee, responsible person or member of the police force may issue a person with a 'barring order', which prohibits a person from entering or remaining on licensed premises and the vicinity for a specified period. New section 106J makes it an offence to contravene a barring order and attaches a liability of 20 penalty units. Clause 7 creates similar offences for a person who re-enters or remains in the vicinity of licensed premises after being refused entry or being requested to leave the premises.

As these clauses compel a person to leave a public place and create offences for failing to comply, the right to freedom of movement is limited. However, I consider this limitation to be reasonable and justifiable under section 7(2) of the charter act for the following reasons.

Limitation analysis

The purpose of the barring orders and new offences is to reduce alcohol-related violence and disorder. The orders provide members of the police and the management of licensed premises with a new tool to pre-emptively defuse dangerous situations that involve individuals who may be drunk, violent or quarrelsome in licensed premises or who pose a substantial or immediate risk to public safety as a result of the consumption of alcohol. The orders and new offences allow for such individuals to be removed from the premises and prevented from re-entering for a specified period of time, as well as from remaining outside the venue. These barring orders and accompanying offences are important in reducing violent incidents outside licensed premises and protecting the safety of patrons within the vicinity. The limitation is directly aimed at protecting public order, as well as the rights and freedom of others, including

the right to life in section 9 and the right to liberty and security of person in section 21 of the charter act.

The nature and extent of the limitation is confined by a number of safeguards provided for in the bill. Clause 3 defines the vicinity of licensed premises to mean a public place that is within 20 metres of the licensed premises. New section 106D prescribes the circumstances under which barring orders can be served on a person and new section 106G limits the duration that a person may be barred under these provisions. New section 106F regulates the content of the order and new section 106K requires licensees and permittees to keep records of any barring orders and to keep such records confidential. The regulated form of the notices and record keeping requirements limit the potential for the power to be misused, and allow for evidence that may be used in proceedings against a licensee in the event that such orders are issued unlawfully or in breach of the Equal Opportunity Act 2010.

The offence provisions for contravening a barring order or failing to comply with a request to leave licensed premises include a defence of reasonable excuse. This confines the extent to which this limitation on the freedom of movement will impact on legitimate purposes for being within the vicinity of licensed premises, such as the need to travel through the vicinity of licensed premises for residential, educational or work purposes, or to access essential services that may be located within the vicinity of licensed premises. Finally, new section 106I allows for various persons to amend or revoke a barring order, including the director of liquor licensing upon the director's own motion or upon request. This provides an opportunity for barring orders to be varied or revoked if the particular circumstances warrant it.

For these reasons, I consider that the limitation imposed on freedom of movement by these new provisions is demonstrably justifiable in a free and democratic society.

Information gathering — right to privacy, right to freedom of expression

Section 13(a) of the charter act protects a person's right not to have his or her privacy, family, home or correspondence interfered with in a manner that is unlawful or arbitrary. The protection of privacy is not absolute, and information gathering that is authorised by law and is not arbitrary is permissible under the charter act. Section 15 of the charter act protects a person's right to freedom of expression, which has been interpreted to include a right not to impart information.

New section 106H requires a person to provide their name and address to a police member who intends to serve a barring order and provides for an offence of failing to comply with such a request.

While the gathering of personal information engages the right to privacy, such information is necessary to give effect to the order and allow for any breach of an order to be prosecuted. The circumstances for when such information can be obtained are set out and confined in the bill and therefore, in my opinion, the power to require information is neither arbitrary nor unlawful. The right to privacy of barred individuals is enhanced through the secrecy provisions in new section 106K which provide offences for any unlawful disclosure of the records of barring orders. Additionally, new section 106H grants a person, subject to a police direction to give their name, a right to request the police member's name, rank and

place of duty, ensuring that any use of this power will be accountable.

To the extent that the requirement for a person to provide their correct name and identification imposes a restriction on freedom of expression, I consider that this comes within the special limitations outlined in section 15(3) of the charter act, as it is a necessary component to giving effect to barring orders, and so is reasonably necessary to protect public order and public morality.

Accordingly, I consider that the information gathering provisions inserted by clause 4 are compatible with the right to privacy in section 13 and the right to freedom of expression in section 15 of the charter act.

Conclusion

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

Hon. Michael O'Brien, MP
Minister for Consumer Affairs

Second reading

Mr O'BRIEN (Minister for Consumer Affairs) — I move:

That this bill be now read a second time.

This bill amends the Liquor Control Reform Act 1998 and the Summary Offences Act 1966, representing the next step in fulfilling the Baillieu government's election commitment to combat public drunkenness and maintain public order in response to increasing incidences of violence and antisocial behaviour in Victoria's streets. Although this government is committed to preserving the vibrant, cosmopolitan lifestyle that Melbourne and Victoria have to offer, alcohol-fuelled violence necessitates a strong response.

This bill enhances the Liquor Control Reform Act 1998 by providing members of the police force, licensees, permittees and responsible persons with additional powers to respond to persons who engage in antisocial behaviour on and around licensed premises. The amendments include the power to issue barring orders and new offences relating to refusal of entry and ejection from licensed premises.

The bill also increases the maximum penalty for failing to leave a licensed premises when drunk, violent or quarrelsome and for drunk and disorderly behaviour. The aim of these amendments is to encourage a culture of personal responsibility concerning alcohol consumption and to demonstrate that these behaviours are unacceptable.

Barring orders

One of the major changes brought about by this bill is the introduction of barring orders into the Liquor Control Reform Act 1998. Although licensees and permittees have the power to ban patrons from their licensed premises at common law, this new power serves to enhance those existing rights in circumstances where a patron becomes a danger to themselves or those around them. These new provisions will have no effect on a licensee and permittee's rights at common law to exclude persons from their premises.

Under a barring order, a licensee, permittee, responsible person or member of the police force may prohibit a person from remaining on, or in the vicinity of, a licensed premises. This right may be exercised in two specific circumstances.

The first is where a person is drunk, violent or quarrelsome on the licensed premises. This provides licensees, permittees, responsible persons and members of the police with a tool to directly counteract antisocial behaviour on licensed premises.

The second circumstance in which a barring order may be issued is more pre-emptive than the first. Where a licensee, permittee, responsible person or member of the police force holds a reasonable belief that the person, or any other person in the licensed premises, is at substantial or immediate risk as a result of the consumption of alcohol by that person, a barring order may be issued. Under this approach, a person can be barred from a licensed premises to prevent violent, abusive and any other undesirable behaviour from arising.

At first instance, a barring order will have a maximum duration of one month, unless it is revoked beforehand. In the event that a person is served with a second barring order from the same licensed premises, the order may be imposed for three months, and with a third order able to be extended up to six months. However, in the interests of fairness, the cumulative effect of previous barring orders has been given a limit. Licensees and other persons serving barring orders are only permitted to have regard to barring orders issued in the previous three years when determining the duration of a new barring order.

The authority to vary or revoke barring orders will rest with the person who served the order. For example, a member of the police will not be authorised to vary or revoke a barring order served by a licensee. However, given that the employees of licensed premises may move to different employment before a barring order

expires, licensees and permittees are authorised to vary or revoke those barring orders issued by responsible persons.

The director of liquor licensing will play an important role in the barring order process. The director will have the authority to vary or revoke any barring order. This power may be exercised at the director's own motion or upon request from a licensee, permittee or responsible person, a member of the police force or the person subject to the barring order.

It is not the intention of this power to allow for a quasi-appeals mechanism that allows the director to consider and vary barring orders issued by the police, licensees, permittees or responsible persons. Rather, we acknowledge that the police, licensees and permittees have the requisite knowledge of management issues experienced by the licensed premises, and are therefore better placed to decide whether a barring order is warranted in the circumstances, as well as the maximum duration of the one, three or six-month barring order. It is anticipated that this power will be used sparingly by the director, to expeditiously effect minor changes, such as revoking an order that was served incorrectly on a person due to mistaken identity or to vary a barring order that contains incorrect details. Any variation by the director is binding and not subject to further variations by the person who issued the order.

In order to manage the barring order regime, and to ensure that it is fair, licensees and permittees are required to keep records of all barring orders, including all variations and revocations, issued in relation to their licensed premises. These records are required to be produced for inspection at the request of a member of the police force or compliance inspector, enforced by offences for incomplete records or a failure to produce the records.

In order to protect the personal information of barred persons, licensees and permittees are prohibited from disclosing their records, or information contained in those records, otherwise than for inspection. However, this prohibition on disclosure does not extend to providing employees of the licensed premises with information about the barred person to ensure the barring order is adhered to.

To ensure that the record-keeping obligation does not require licensees and permittees to keep records indefinitely, any barring order which has expired more than three years previously must be destroyed.

Although this power enhances the rights of licensees and the police force to combat antisocial behaviour, the

rights and interests of the barred person have also been considered. The requirements not to disclose information in the records and to destroy records after three years will protect the interests of the barred persons, placing a time limit on the existence, and potential disclosure, of the order and the person's personal information.

Responsible person

One of the changes brought in by this bill is to insert the new definition of 'responsible person'. This term covers any person who is responsible for the management or control of licensed premises as a whole. Under the bill, the term is used in relation to barring orders to reflect the practical realities of the industry. In certain circumstances, the licensee or permittee will not be present at the licensed premises when a barring order needs to be issued, such as where a licensee operates more than one licensed premises. As a result, the bill authorises 'responsible persons' to serve barring orders on drunk or violent patrons.

The types of roles captured within the scope of the term 'responsible person' include general managers, managing directors, managers, and bar managers. The term is specifically not intended to extend to crowd controllers, security staff, bartenders, servers or other employees not engaged in the management or control of the licensed premises as a whole.

New offences

The bill introduces two new offences into the Liquor Control Reform Act 1998 relating to the refusal of entry to, or expulsion from, a licensed premises.

The first offence, remaining in the vicinity of a licensed premises from which the person has been refused entry or asked to leave, has been included in the bill to provide members of the police force with a tool to assist in diffusing tensions outside nightspots. Refusal of entry or ejection from a licensed premises can result in a threatening or violent response from the person refused or ejected. This offence will authorise police to issue infringement notices to any person denied entry or asked to leave the licensed premises who refuses to leave the vicinity of the licensed premises — being any public place within 20 metres of the premises.

However, this offence will not be enforced against persons with a reasonable excuse to remain in the vicinity of the licensed premises, such as waiting at train or tram stops, queuing at a taxi rank, or using an ATM within the 20-metre radius.

The second new offence created by this bill is the offence of entering licensed premises from which the person has been refused entry or asked to leave. This offence is targeted at those persons who have been removed from a licensed premises or refused entry and proceed to enter the premises through a different door or later in the evening.

The offence prohibits the person from entering the licensed premises for a period of 24 hours without reasonable excuse, for which an infringement notice can be issued. An example of a reasonable excuse would include returning to retrieve personal property, though the range of reasonable excuses would likely be more limited than those available to persons remaining in the vicinity of the licensed premises.

The bill also provides further clarification on the meaning of 'licensed premises', which includes areas adjacent to the licensed premises that are owned or occupied by the licensee or permittee. This extension of the licensed premises ensures that police will be able to enforce these offences in areas owned or occupied by the licensee or permittee that fall outside the red-line plan of a licensed premises. For example, in some circumstances, the red-line plan area may not cover the entire premises owned by the licensee or permittee. Under the extended definition, the person will also be excluded from non-licensed areas adjacent to the licensed areas which are owned or occupied by the licensee or permittee.

Tougher penalties

In addition to the new offences, this bill will increase the penalties for a number of existing offences to enhance their effectiveness. Under the Liquor Control Reform Act 1998, those persons failing to obey instructions to leave licensed premises on account of being drunk, violent, or quarrelsome will now face an increased penalty of 50 penalty units.

Similarly, the bill amends the maximum penalty under the Summary Offences Act 1966 for the offence of drunk and disorderly behaviour to 20 penalty units. The infringement penalty for drunk and disorderly behaviour has also increased from 4 to 5 penalty units for a first offence, and to 10 penalty units where a person has previously been served with an infringement notice for drunk and disorderly conduct in the previous three years or has been convicted of that offence. To give effect to the graduated offence in relation to previous infringement notices, the operation of sections 32 and 33 of the Infringements Act 2006 are deemed not to apply to the extent necessary.

Technical changes

The bill will also make minor technical changes to the Liquor Control Reform Act 1998 by repealing section 141(2)(ea) to correct a previous drafting error. In connection with the new barring order offences, section 3(1) now includes a definition of 'barring order'. Finally, a new definition of 'responsible person' has been included in the bill. References to the responsible person arise in the new barring order provisions and also replace references to 'person responsible for the management or control of the licensed premises' in sections 108AA, 108AD and 141.

I commend the bill to the house.

Debate adjourned on motion of Ms GREEN (Yan Yean).

Debate adjourned until Thursday, 17 March.

PARLIAMENTARY COMMITTEES AMENDMENT BILL 2011

Statement of compatibility

Mr McINTOSH (Minister for Corrections) 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 Act 2006 (charter act), I make this statement of compatibility with respect to the Parliamentary Committees Amendment Bill 2011.

In my opinion, the Parliamentary Committees Amendment Bill 2011, as introduced to the Legislative Assembly, is compatible with the human rights protected by the charter act. I base my opinion on the reasons outlined in this statement.

Overview of bill

The bill amends the Parliamentary Committees Act 2003 to modify the membership and quorum requirements of joint investigatory committees.

Human rights issues

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

This bill does not engage any of the rights under the charter act.

2. *Consideration of reasonable limitations — section 7(2)*

As the bill does not engage any of the rights under the charter act, it is not necessary to consider section 7(2) of the charter act.

Conclusion

I consider that the bill is compatible with the charter act because it does not engage any human rights issues.

The Hon. Andrew McIntosh, MLA

Second reading

Mr McINTOSH (Minister for Corrections) — I move:

That this bill be now read a second time.

The Parliamentary Committees Amendment Bill 2011 will amend the Parliamentary Committees Act 2003 to alter the membership and quorum requirements for joint investigatory committees established under that act. To allow the membership of joint investigatory committees of the current Parliament to be finalised as soon as possible, the bill will commence on the day after it receives royal assent.

The bill is intended to improve the functioning and effectiveness of the parliamentary committees system by increasing the minimum size of all committees and providing the Parliament with greater flexibility to determine the membership of committees.

Since 2003, two important changes have occurred which have had a significant impact on the functioning of the parliamentary committees system.

First, the membership requirements for joint investigatory committees have not been altered to reflect the reduced size of the Legislative Council. As part of the constitutional amendments in 2003, the size of the Legislative Council was reduced from 44 members to 40 members. This reduction became effective following the 2006 Victorian general election.

Secondly, since 2003 the number of joint investigatory committees has increased from 8 committees to 12 committees.

As a result of these changes, the government considers that the workload of committee members has increased significantly. The impact of this has been felt most strongly by members of the Legislative Council, many of whom are members of multiple committees. This has, in turn, made it more difficult to fill positions on joint investigatory committees and has placed a greater burden on a small number of Members of Parliament to fill the positions on the various committees.

The bill will address these issues in three ways.

First, the bill will increase the minimum size of all joint investigatory committees from four members to five members. This will assist to improve the functioning of the committees system, by ensuring that committees have the benefit of the views and expertise of a greater number of members of Parliament. It will also allow for a more manageable distribution of work between committee members.

Secondly, the bill will provide the Parliament with increased flexibility to determine the membership of joint investigatory committees. Presently, all joint investigatory committees must include at least two members from each house of Parliament. The bill will amend this requirement to provide that committees must include at least one member from each house. This will allow a greater number of committee members to be sourced from the Legislative Assembly, thereby reducing the burden currently placed on members of the Legislative Council.

Thirdly, and finally, the bill will amend the quorum requirements for joint investigatory committees to remove the requirement that a quorum must not comprise only members of either the Legislative Assembly or the Legislative Council. The government considers that all committee members, having been appointed to a particular committee by resolution of the house of which they are a member, have a personal responsibility to participate in the work of the committee. This includes attending private and public meetings of the committee and contributing to deliberations, decisions and reports of the committee. It would be wrong if the absence of a single committee member had the effect of preventing the committee from functioning. The proposed amendments to the quorum requirements also reflect the changes I have previously mentioned in relation to the size of the Council and the growth in the number of joint investigatory committees.

The current requirement that a quorum for a joint investigatory committee is a majority of the members of the committee will be retained. This will continue to ensure that an appropriate number of members of Parliament are involved in any hearings, deliberations or decisions of a committee.

I commend the bill to the house.

Debate adjourned on motion of Ms GREEN (Yan Yean).

Debate adjourned until Thursday, 17 March.

Remaining business postponed on motion of Mr McINTOSH (Minister for Corrections).

ADJOURNMENT

The DEPUTY SPEAKER — Order! The question is:

That the house do now adjourn.

Schools: Torquay

Mr HULLS (Niddrie) — I raise a matter for the attention of the Minister for Education. The action I seek is for him to ensure that the educational needs of families in Torquay are appropriately met. Last week I visited Torquay P-9 college, a state-of-the-art prep-year 9 facility. I met with the principal, teachers, parents, students and local council members about the school's future and the general educational requirements of the Torquay area.

It is undeniably clear that the Torquay community want to retain Torquay College, using the neighbouring council buildings that will be vacated at the end of the year to extend the college to year 12. The community also wants and desperately needs a new primary school in Torquay North to accommodate the emerging population and ease the pressure on Torquay College, which is beginning to burst at the seams.

This plan was well under way last year; however, we now have a new government proposing to force its plans on the community for a stand-alone secondary college to be built sometime in the future and to convert Torquay College to a primary school. The government justifies this approach by saying this is a policy it announced in 2006. Guess what? It is now 2011, and despite the indisputable evidence about which plan is right for Torquay and despite enormous community condemnation of the Liberal plan, the Minister for Education is being bloody minded and sticking to his 2006 proposal. It is a bloody disgrace. One parent said in an email to the Premier, 'I feel that your education minister, Martin Dixon, is trying to bully our children and our school into accepting a plan for schooling that does not even begin to meet the needs of our community'.

Unlike the minister, I talked to the community, and I can tell the minister and the member for South Barwon that it is no good rocking up to a school at 4.30 p.m. after the bell. The most compelling views about the educational future of Torquay come from looking into the faces of the young people who rely on it. The member for South Barwon might be able to run — I said 'might' — but he cannot hide from this issue.

I spoke to Amber Grayer, a current year 9 student at Torquay College. I asked her where she would be going to school next year. Wistfully she looked into my face

and said, 'I actually do not know'. It was heartbreaking to hear firsthand that she and her friends are uncertain about where they will go to school for years 10, 11 and 12. Some students are talking about dropping out of school because of the debacle. We cannot allow this to happen. I will stand shoulder to shoulder with the Torquay community on this issue and help them fight for their kids' future.

Education should be beyond politics, but here we have a minister who is too stubborn to admit he is wrong and too pig headed to let common sense prevail. On behalf of the Torquay community I call on the minister and the member for South Barwon to abandon the dictatorial plan that is really stealing adequate education from students in Torquay. They should listen to the community and act.

Racing: Towong Turf Club

Mr TILLEY (Benambra) — I have a matter for the attention of the Minister for Racing, and it concerns the Towong Turf Club. The action I seek from the minister is to inform the local Towong community about his pre-election commitment to return an additional race fixture to Towong Turf Club.

It is great for the racing industry in this state finally to have a minister who demonstrates daily a real commitment to all forms of racing, including the great jumps racing industry, rather than his predecessor, who used the racing industry participants as pawns in his power plays and racing as a tool to ensure jobs for the boys.

An honourable member interjected.

Mr TILLEY — Stick around and listen to this. Towong Turf Club is affectionately known locally as the Flemington of the bush and was established in 1871. Since that time it has become an integral part of the economic and social wellbeing of the Upper Murray community. Local legend has it that notorious Melbourne gangster Squizzy Taylor was a fan of Towong Turf Club and early last century he and his gang once stole the cup day takings. As the club is aware of what it is like to have things stolen, it came with a hint of history repeating itself early this century when the former Labor government stole Towong Turf Club's second race meeting away from it.

Labor's track record of scrapping race meetings, particularly in rural and regional Victoria, including at Towong Turf Club, will not soon be forgotten in north-eastern Victoria. To its eternal credit Towong Turf Club, not diminished by this act of treachery, held

a magnificent Towong Cup meeting last year, which I was proud to attend, and that clearly demonstrated to me just how popular a second race meeting would be.

As I have mentioned many times in this place, tourism is a major economic driver in north-eastern Victoria, and the races at Towong have played an important part in boosting tourism in the district. I understand Towong Turf Club has forecast a boost of the order of \$600 000 to the local economy if an extra race meeting were to be held. Importantly this event will attract people from not only the local area but outside Corryong, Towong and the Upper Murray reaches and encourage them to spend their tourist dollars at local businesses — not just at the races.

I was extremely proud to be joined by the then shadow Minister for Racing, who was kind enough to help launch my campaign for Benambra late last year with a commitment to return a second race meeting to Towong Turf Club. I ask the minister to update the community as to the status of the case for a second race meeting at Towong Turf Club.

Chandler Highway bridge: traffic management

Ms RICHARDSON (Northcote) — The matter I raise is for the Minister for Public Transport, and it concerns the state of the Chandler Highway bridge, half of which lies in my electorate and half of which lies in the electorate of the member for Kew. I am pleased to see him at the table today, because no doubt he will be champing at the bit, just as I am, to get it fixed, although sadly we have seen no activity from him to date on this issue. But I am ever the optimist.

The Chandler Highway bridge is a well-known bottleneck. The RACV red spot survey of Melbourne's most congested roads last year rated Chandler Highway bridge as the second most troublesome road in Melbourne. A survey responded to by nearly 3000 households in my electorate showed that over 97 per cent of residents supported the duplication of the bridge on the Chandler Highway.

To address this problem the former Labor government directed VicRoads to conduct a comprehensive traffic survey and draft options for the duplication of the bridge for the community to consider. This was completed late last year. I also sought community feedback on the options drafted by VicRoads. Now the ball is well and truly in the minister's court. I call on him to take action on behalf of Melbourne's road users to continue the work of the former Labor government and get this problem fixed.

Just to be clear, I know the minister is rather partial to reviews and more reviews, but resolving this problem was well under way. We do not need him to sit on his hands, hide behind a bureaucrat or play the blame game. We just need him to get on with the job of fixing this notorious stretch of road.

The minister has this opportunity now, not only because of the preparatory work that has been done for him but because later this year Amcor is closing down and moving from its site on Chandler Highway next to the Yarra River, and large numbers of residents will no doubt be moving there one day, adding to the congestion on the Chandler Highway bridge.

Thanks again to the former Labor government, there is legislation in place to require the developer of this site to contribute to the cost of building such vitally needed infrastructure, so long as the government is not planning to rescind that piece of legislation in a bid to further the interests of large developers in this state.

I would also like to take this opportunity to highlight to the minister that action on this problem will enable more bus services across the bridge to be provided. I am ever the optimist, and I hope he sees the value in this. As I said, there is overwhelming support for action to fix this problem. I would like to take this opportunity to congratulate the president of the Alphington Paper Mill Action Group, Peter Jacob, and its many members in my electorate for the work they have done in representing the views of residents on these important issues.

The minister and the member for Kew — who is sitting at the table and of course is ignoring this important issue, as he has for the last four years and longer — may rest assured that I will continue the campaign to fix this problem. Today I invite the member for Kew to step up and — —

The DEPUTY SPEAKER — Order! The member's time has expired.

Lake Narracan: Moomba Masters training

Mr BLACKWOOD (Narracan) — I wish to raise a matter for the attention of the Minister for Water. The action I seek is for the minister to approve the release of up to 2000 megalitres of unallocated water from Blue Rock Lake to allow the Latrobe Valley Water Ski Club to prepare for the annual Moomba Masters waterski event on Lake Narracan from 7 March to 10 March 2011.

At the moment Lake Narracan is full, holding about 6000 megalitres. This level causes unstable conditions

which are unsuitable for local and international waterskiers preparing for the Moomba Masters competition. If the level is lowered to 5000 megalitres, it will provide near-perfect conditions on the lake for waterski training. However, this will also create a potential risk to the power companies if river flow recedes over the four-day period. Approving the release of 2000 megalitres if required will ensure that any entitlement lost by the power-generating companies as a result of changed operating rules in Lake Narracan can be replaced.

I make this approach to the minister on behalf of the Latrobe Valley Water Ski Club. This club has been based at Lake Narracan for many years and has hosted international waterski titles as well as local competition for many years.

The quantity of water held in Lake Narracan in recent years has at times been insufficient to maintain a water level that is safe for waterskiing. The Latrobe Valley Water Ski Club accepts that the power generators require access to the water in Lake Narracan to back up their power generation requirements.

The Gippsland sustainable water strategy suggests that the unallocated water in Blue Rock Dam be held in reserve to supplement environmental flows. The report of the independent panel on the Gippsland sustainable water strategy discussion paper of November 2009 also suggests that:

The unallocated water in Blue Rock be retained by government as a drought reserve to meet the needs of power generators and other users and that a methodology be developed for the annual allocation of that water.

If some of this unallocated water reserve could be used to maintain the levels of Lake Narracan, it would allow the Latrobe Valley Water Ski Club to continue its recreational activities whilst at the same time providing supplementary environmental flows if needed.

The Latrobe Shire Council is also keen to see the water levels maintained in Lake Narracan to support future development in the vicinity of the lake and encourage increased participation in recreational water activities. This will require a longer term plan for maintaining water levels in Lake Narracan, and the member for Morwell and I have already had discussions with the minister and will continue to work with him on a long-term solution. I urge the minister to consider urgently this request by the Latrobe Valley Water Ski Club so that this year's training for the Moomba Masters event can proceed.

School buses: Berwick–Narre Warren service

Mr DONNELLAN (Narre Warren North) — I wish to raise a matter today for the Minister for Public Transport. The action I seek is the provision of an extra school bus service in the afternoon for children who attend Berwick Secondary College and live in the Oatlands estate.

This is a vital bus service for families with students at Berwick Secondary College who reside in the Oatlands estate. Currently two buses run each morning between the estate and Berwick Secondary College, allowing around 140 students to travel to the school. However, only one bus runs each afternoon from the school area back to Oatlands, leaving around 70 students stranded on a daily basis.

Local families have asked the school to fix the problem, but unfortunately it is unable to do so. The school has approached the Cardinia bus company asking for the addition of an extra service in the afternoon. The bus company would like to provide that service, but the Department of Transport is not willing to fund it at this stage.

Due to the demand pressures, Berwick Secondary College made a ruling early in February that the students who live in the Oatlands estate in Narre Warren would no longer be able to catch the bus home. Instead they and their families are forced to make other arrangements for transport. For many families this is just not possible. Many families have both parents working or other commitments or lack an extra vehicle to pick up the children from school.

This bus service provides a necessary transport option for many students in the area. I have been advised that there are a number of options that could remedy this dire situation, including a totally new bus service, the diversion of an existing nearby route in Beaconsfield or an extended bus service.

I ask the minister to consider this very important bus service in the afternoons so students can get home from Berwick Secondary College. This situation has been going on for about 12 months. The school has looked at various options and has talked to people from the Cardinia bus service. It has also talked to the Department of Transport and approached the Department of Education and Early Childhood Development. At this stage there is no solution in sight, but I urge the minister to consider finding one.

Latrobe Valley Racing Club: meetings

Mr NORTHE (Morwell) — I seek action from the Minister for Racing. The action I seek is for the minister to confirm whether the coalition government will deliver on its election commitment to ensure that Latrobe Valley Racing Club is provided with an additional race meeting to be hosted on Caulfield Cup day.

The Latrobe Valley Racing Club has faced many challenges over the years, including the state of the track and the facilities, which have been a real challenge for the committee. In the late 1990s and early 2000s we saw patron numbers declining. To hit the Latrobe Valley Racing Club between the eyes was the fact that under the watch of the previous government the club had the number of its meetings reduced from three to two with the abolition of the dual code race meeting, which was well supported by the community and racing patrons. It was an extreme disappointment that the previous government abolished that race meeting.

Over the last few years we have seen a renaissance of racing in the Latrobe Valley. Those three events hosted by the Latrobe Valley Racing Club have been well attended by the community and have enjoyed support from racing patrons from all over Victoria. We saw the visitor numbers rise dramatically over that period of time. The quality of the race meetings improved out of sight. It is a tribute to the committee of the Latrobe Valley Racing Club, including current chairman Brian Quigley, vice-chairman Greg Knee and committee members Peter Walkley and a number of others, who made a supreme sacrifice to improve racing in the Latrobe Valley.

On Caulfield Cup day there was no race meeting east of Melbourne. This provides an enormous opportunity for the Latrobe Valley Racing Club to host such an event. I know the Minister for Racing is acutely aware of the challenges facing the Latrobe Racing Club because he has shown a personal interest in the club, which was illustrated by the member for Benambra. I know the committee has very much enjoyed the support that the minister provided to our region. He has been there on a number of occasions.

These events in our region are vitally important. As I have said in debate this week, the Latrobe Valley is not known as a tourism destination by many people, so it is important that we have events such as this. It is imperative that these events are supported. It is vital that the coalition government support the desire of the Latrobe Valley Racing Club to have a third race

meeting hosted on Caulfield Cup day. It will do much to improve racing in our region and also add to not only the event but also the economic benefits to our community.

Planning: major hazard facilities

Mr NOONAN (Williamstown) — I wish to raise a matter for the attention of the Minister for Planning in the other place. The action I seek from the minister is that he conduct a review of the state's planning policies and guidelines as they relate to major hazard facilities.

I seek this review at a time of growing uncertainty about whether there is a need to preserve safe buffer distances between these facilities and new residential developments. This issue is particularly pertinent to my local community as 5 of the state's 41 registered major hazard facilities are located in the Williamstown electorate. Mobil operates three of these sites at Williamstown, Yarraville and Altona whilst Caltex has one facility in Newport, as does Shell.

These major hazard facilities are industrial sites that store, handle or process large quantities of hazardous chemicals and dangerous goods, including petroleum products. They also provide valuable places of employment for local workers and help generate wealth in our local economies. In many ways they are part of the fabric of Melbourne's west.

Unfortunately planning decisions over previous decades have not always respected the need to preserve appropriate buffers between these major hazard facilities and residential areas. In recent times WorkSafe Victoria has been developing a series of maps to provide better information to local councils and planners to help guide decision making in relation to land rezoning applications near Victoria's major hazard facilities. Whilst this work is valuable, as far as I am aware there is no standard methodology or criteria used to inform planning proposals on land surrounding major hazard facilities; there is simply a risk-based assessment to finding an inner and outer planning advisory area.

Last year the Victorian Civil and Administrative Tribunal rejected an appeal by a developer to construct 66 new dwellings in Stephen Street, Yarraville, on the basis of the site's proximity to Mobil's Yarraville terminal. The development site was identified as being approximately 180 metres to the east of the major hazard facility. Conversely there has been approval for a residential rezoning of the old Port Phillip Woollen Mill site in Williamstown, which has part of the subject site falling within a 300-metre recommended buffer

distance of Mobil's Point Gellibrand facility. There is also a current application before Hobsons Bay City Council to rezone land at a disused flour mill site in Newport, which has been delayed due to its proximity to Shell's major hazard facility, and it has had a strong objection from WorkSafe.

Each of these matters is understandably complex and, as such, questions have been raised about whether our current planning guidelines are adequate to deal with them. This uncertainty could be resolved through a planning advisory committee investigation similar to that of the Ports and Environs Advisory Committee. A new committee could review the major hazard facilities and provide an opportunity for local government, facility operators, residents and developers to each have input and make recommendations about future planning guidelines. Either way, something needs to be done.

Children: protection

Mr SOUTHWICK (Caulfield) — I wish to raise a matter regarding the important issue of child protection in this state. I ask the Minister for Community Services to meet urgently with the Australian Childhood Foundation (ACF) to discuss its great work in safeguarding children. I have met with people from the foundation, who have briefed me on their proposed Safeguarding Children accreditation program. It is a voluntary accreditation program for community groups that work with children and young people. I would like particularly to recognise that this group is self-funded and does not rely on government funding. Philanthropic organisations that have supported this group include the Jack and Robert Smorgon Foundation, the Pratt Foundation, the R. E. Ross Trust, The Myer Foundation and the Colonial Foundation. These are all great organisations that have supported this group.

There can be no doubt that child protection and child safety are so important. Crimes against children rank as some of the worst in our society, and those who seek to harm children must be stopped from getting anywhere near them. This program I am talking about seeks to strengthen and reinforce child protection in comparison to what we have at the moment. The shortfall in current child safety regulations is dangerous and must be fixed. Abuse of children and young people by employees is preventable, and these sorts of programs go a long way towards doing that. The current working-with-children checks that were put in place by the opposition when it was in government certainly have lots of holes and need to be looked at as well.

I call on the minister to meet with this organisation to see some of the great work it does. The reason I

consider this to be urgent is that in 11 long years this organisation was not responded to by the former government. Under the Bracks and Brumby governments there was no funding and no response from ministers and their departments, including the current member for Essendon as the minister responsible for youth, Sherryl Garbutt as the minister responsible for community services and the member for Niddrie as Attorney-General. It is about time this organisation, like many others, was responded to.

I know the minister is very busy repairing the damage left by the Labor government, but I am sure she will be impressed with the great work of the ACF and the Australian Council for Children and Youth Organisations in safeguarding children. If she is able to meet with them, I am sure she will be really impressed. I call on the minister to make some time to visit and see some of the great work this organisation does.

Australian Pensioners Voice: ministerial meeting

Ms GARRETT (Brunswick) — I wish to raise a matter for the attention of the Minister for Community Services. The action I seek is that she meet with a newly formed and significant advocacy group, Australian Pensioners Voice. I was pleased to attend the launch of this organisation on 16 February at Coburg in my electorate. Australian Pensioners Voice has evolved from a local pensioners advocacy group, Moreland Seniors Action Group, which has been very active locally in regard to issues around the cost of living pressures that pensioners on fixed income experience. The group has evolved as a result of numerous expressions of interest in joining from pensioners across Victoria.

While the majority of members of the group are from Italian or other migrant backgrounds, it is rapidly expanding its cultural and geographic base. There were well over 120 people in attendance at the launch, and they heard from a range of local representatives. The group is extremely well organised and is committed to advancing the interests of pensioners at every level of government. I met with the organisation's president and secretary prior to the launch, and they expressed a concern that I am sure is common to many pensioner groups across the state — that being the backdown of the Baillieu government on the commencement date of energy concessions. They made it clear they intend to ensure that the views of pensioners are heard in a meaningful way by this government.

If the minister is to exercise her duties in the interests of all members of the community, regardless of their age

or where they live, she must engage in a serious, comprehensive and ongoing dialogue with groups such as Australian Pensioners Voice. These groups can provide her with much-needed intelligence and the resources she needs, and clearly we need to seek meetings in case the letters receive no response. Therefore the action I seek is that the minister commence this dialogue as soon as possible by organising a meeting with representatives from Australian Pensioners Voice in the near future.

Mount Erin College: ministerial visit

Mr SHAW (Frankston) — The matter I raise is for the Minister for Education. The action I seek is for the minister to join with me and the school community at Mount Erin College to discuss the progress of our pre-election commitment to the college and to see the exciting progressive learning programs being run by the college.

Army and air force cadets share parts of Mount Erin College. This will soon be untenable as the school of 830 students grows and redevelopment plans start under the leadership of principal Allen McAuliffe and associate principals Karen Lee and Murray Sydenham. We will be working closely with the cadets to find them a new home in the near future.

Mount Erin has eight feeder primary schools. Kingsley Park Primary School and Frankston Heights Primary School are two that are in my electorate. Under the former government Mount Erin College was neglected. No major works occurred for 14 years, after which time a small library was built.

Mount Erin College has a facility for the deaf in which 12 students are educated. It also has a select entry accelerated learning program, the only one in Frankston.

Mount Erin has improved the median equivalent national tertiary entrance rank score, which is currently known as the Australian tertiary admission rank score, by 3 in the last two years — a sterling result. The school's national assessment program — literacy and numeracy, or NAPLAN, scores for reading and numeracy at matched cohort are above or at state average.

In 2009 the school received an Order of Australia award for its Supportive Friends program that deals with school bullying. The school has accreditation to receive international school students. It is also involved with Hands On Learning. Being involved in the school sports programs under Sports Education and

Development Australia, the college has links with 157 students from around the peninsula.

Mount Erin College is very proactive in the development of its students. The excellent teachers and staff help the students to be their best by setting high standards and testing each student's capabilities. I invite the minister to join me at Mount Erin College.

Responses

Dr NAPHTHINE (Minister for Racing) — The Baillieu government is determined to deliver on all of its commitments, particularly its commitments to racing in regional and rural Victoria. The racing industry in country Victoria is worth nearly \$750 million and provides 27 000 jobs for country Victorians. Recently I announced upgrades to facilities for harness racing at Bendigo and Ballarat.

The issue the member for Benambra raised relates to race meetings at Towong. The government made a commitment in the lead-up to the 2010 election to provide an additional race meeting at Towong. As the member for Benambra said in his contribution to the adjournment debate, under the previous government Towong Turf Club, which used to have two race meetings each year, lost one of those race meetings; it had a race meeting taken away under the previous government. But Towong is a great club which has a resilient community that is well represented by the member for Benambra. Towong is known as the 'Flemington of the bush'. It earned that title when some parts of the film *Phar Lap* were filmed at the Towong racecourse.

The Towong community is determined to expand racing in country Victoria and to provide opportunities for tourists to visit its great racetrack and participate in a great day's racing. I have visited the Towong course and attended the Towong Cup in recent years in company with the member for Benambra. It is a great day out which draws big crowds to this great spectacle in a magnificent part of Victoria.

Following the commitment made by the coalition in the lead-up to the last state election, further discussions I have held with Country Racing Victoria and Racing Victoria Ltd and strong representation from the member for Benambra, I am pleased to be able to advise the house that Racing Victoria today announced that Towong will have its second race meeting restored. The race was taken away under the Labor government and restored under the coalition within 100 days. Towong Turf Club is forecasting that as many as 4000 people will attend this event, which is now

scheduled to be held on 31 December, the day before the new year, when there are many tourists in the area. This event could deliver an economic benefit of over \$600 000 to the region. This is a great result for the Towong Turf Club as well as for the member for Benambra, and it shows the commitment of the coalition government to racing, particularly in country Victoria.

The member for Morwell raised with me another commitment the coalition made with regard to race meetings, a commitment to deliver to Latrobe Valley Racing Club in Traralgon a race meeting on Caulfield Cup day. As the member for Morwell said, the Latrobe Valley Racing Club is a terrific racing club. It is well led by president Brian Quigley and club manager Brendan Blackshaw and has a hardworking committee. The club had some difficulties in the past, but there has been a revitalisation of the committee and the club, which had really been kicking some goals in terms of the race meetings it held. It was therefore a bitter blow to the Latrobe Valley Racing Club that under the previous government a race meeting was taken away from the club, from country Victoria and from an area in the Latrobe Valley where there are significant population growth and great opportunities to develop interest in attending race meetings.

The member for Morwell, who has been a very active advocate in this area, invited me to the racing club in Traralgon to meet with local officials. I have been to the cup meeting there, and a very successful cup meeting it was too. It showed that the club can run a terrific meeting and attract great crowds and great support from the local community. I am pleased to say that through the work of the member for Morwell and the work I have done with Country Racing Victoria and Racing Victoria, at its board meeting today Racing Victoria confirmed that the Latrobe Valley Racing Club will have an additional race meeting in this coming season, and that that additional race meeting will be held on Caulfield Cup day. This is a great result for Latrobe Valley Racing Club and a great result for the community of Traralgon. It is also a terrific tribute to the member for Morwell, who has been a great advocate in this area.

Whilst speaking on these issues I am also pleased to advise the house that Racing Victoria has today agreed to restore the Hamilton Racing Club meeting on Melbourne Cup eve and to provide an additional race meeting at Avoca — a great area with a great racing club.

There are some terrific outcomes for racing because of the hard work done by local Liberal and Nationals

members and candidates. As Minister for Racing I have been pleased to work with Country Racing Victoria and Racing Victoria, and I pay tribute to the officials and representatives of those two organisations. This has meant that we have been able to deliver on the coalition's promises, we have been able to deliver on additional race meetings for country Victoria and we have been able to deliver a positive outcome for racing. This is in stark contrast to the previous Labor government, which cut country race meetings and closed country racetracks and training centres. In contrast to those cuts and closures under Labor, we now have additional race meetings, additional prize money and a new dawn for racing in Victoria and particularly country Victoria.

Mr WALSH (Minister for Water) — I would like to respond to the member for Narracan about his issue regarding the Latrobe Valley Water Ski Club and its use of Lake Narracan. The Latrobe Valley Water Ski Club uses Lake Narracan as its ski facility and will hold its annual Moomba Masters waterski event from 7 to 10 March.

For those who do not know, Lake Narracan is also a water storage for the power companies in the Latrobe Valley and is usually operated at full supply, which is 6000 megalitres full. However, to have the best waterskiing facilities it needs to be operating at about the 5000-megalitre level, so there is an issue about who bears the risk of not being able to harvest additional water if it is artificially lowered for the ski club to hold this particular event.

The Latrobe Valley Water Ski Club has approached me, as has the member for Narracan on the club's behalf, about putting in place an accommodation so that the lake level can be lowered and it can be used for the ski event from 7 to 10 March without risking the supply of water to the power companies if there is not some run of river water with which to top it back up after this weekend.

I can tell the member for Narracan that, as the Minister for Water, I will support the application from the Latrobe Valley Water Ski Club to allow Lake Narracan to be drawn down. In this case I will write to Southern Rural Water and ask it to grant a temporary licence to the Latrobe Valley Water Ski Club so that it can have the lake lowered, the ski event can take place and the lake will then be filled again to its full level, with no loss of water entitlement to the power companies.

The member for Narracan and the member for the adjacent electorate of Morwell have both made strong representations about the importance of the Latrobe

Valley Water Ski Club and its access to Lake Narracan, both as a resource for the local community to waterski but also, particularly in relation to these major events, because of the tourism it attracts to the local area and the income that is generated for the shops, motels and services provided for the people who come to these major events.

I will write to Clinton Rodda, managing director of Southern Rural Water, and to Phil Bechaz, president of the Latrobe Valley Water Ski Club, informing them of what I am now telling the member for Narracan.

The member for Narracan also went on to talk about the draft Gippsland sustainable water strategy and the fact that the draft strategy discusses how a more permanent solution could be found to the issue around how Lake Narracan is managed so that it can be a ski facility for the community and for these major events and can also be a resource for the power companies. I will work with Llew Vale and the committee that is devising the sustainable water strategy for Gippsland about how we may be able to find a more permanent solution, apart from having to have this temporary licence situation.

I thank the member for raising such an important issue on behalf of his community, and note my willingness as the Minister for Water to try to find local solutions to local problems.

Ms WOOLDRIDGE (Minister for Community Services) — I am very pleased to respond to the matter raised on the adjournment by the member for Caulfield. The member for Caulfield has a real interest in issues about vulnerable children. In fact I was very pleased to be able to participate with him at Christmas time in a generous gift giving to children involved with the Mirabel Foundation, another very valuable organisation doing important work for children in kinship care.

I will certainly be meeting with the Australian Childhood Foundation to discuss its Safeguarding Children accreditation program. It has been developed over the last 10 years and has been considered to be a very valuable program led by philanthropic support. I think it will be a very useful conversation to have in order to understand ways we can protect children further.

I also encourage the Australian Childhood Foundation to make a submission to our Protecting Victoria's Vulnerable Children inquiry. This inquiry was established by the Premier and has already held its first hearing. Submissions are now open. We have a topnotch panel led by former Supreme Court judge the Honourable Philip Cummins, with Dorothy Scott also

involved. As I said, it is a topnotch group, and I encourage the Australian Childhood Foundation, because the inquiry is such a comprehensive review looking at the failures under the previous government in the child protection system, to make a submission by 15 April to ensure that the inquiry will include this matter in its considerations.

I wanted to respond to the member tonight and to be here in the chamber to make that response because my policy has always been to respond promptly to urgent matters raised on child protection issues. I would like to give some context to the way I respond to urgent matters. An example is some correspondence I received on 11 February. As a result of that correspondence the correspondent was offered a meeting with my department on 15 February — that is, it took me four days to respond to that correspondent. Unfortunately the correspondent was unable to make that meeting. She was offered 21 February and was unable to make that meeting, but I am very pleased that the meeting did happen on 2 March at 11.30 a.m. We take very seriously the response to urgent child protection matters.

As luck would have it — —

The DEPUTY SPEAKER — Order! The member for Albert Park is out of his place and is disorderly.

Ms WOOLDRIDGE — As luck would have it the member for Narre Warren North asked me a question just yesterday about that very correspondent, Mrs Hughes, and accused me of not responding to urgent correspondence, to which I always seek to reply promptly. It is interesting that the meeting had already occurred prior to the member getting to his feet to mention the urgency in terms of response. It is just about getting one's facts right when one asks questions. Unfortunately, the fact is that we have a four-day response time for offering meetings for urgent matters.

As the member has raised another urgent matter tonight, I look forward to being able to address it in a very timely manner, as with everything that I deal with. I thank the member for Caulfield for raising his adjournment matter tonight. I thank him for his work in relation to vulnerable children, and I am very proud that it is a coalition government that is committed to solving the problems in the child protection system left by a legacy of 11 years of Labor neglect.

The member for Brunswick raised a matter about Australian Pensioners Voice, and I would be very pleased to meet with representatives from Australian Pensioners Voice. As I have said in this house a number

of times, we are very proud of energy concessions; however, I do need to correct the member. There is no backdown or any question of it in relation to the Premier. In fact our commitment was from 1 July, and we brought forward that commitment. We have delivered that commitment and brought it forward to 1 March.

The pressure of the cost of living is a very serious issue, and because of that the former government committed to a \$351 million policy for 815 000 households to have a year-round electricity concession. At that time commentators such as the Victorian Council of Social Services celebrated that announcement and called on the then government to match that, which did not happen. The former government denied that commitment to reduce the cost of living pressures in relation to vulnerable households. Now health-care card holders, pensioners and veterans will be able to access a year-round concession, saving them many hundreds of dollars each year.

Because the member talked about the starting date, it is important that we clarify that it is 1 March. The agreement has to be gazetted before the start date can be agreed with the retailers. That is the way the system works. The regulations need to be gazetted, then the minister writes to retailers and we agree on a start date, which is exactly what has occurred.

If members have read the regulations, they may have noticed that they amend both the year-round electricity concession and the medical cooling concession. The medical cooling concession was changed two-and-a-half years ago, but the fact is that the then minister did not change the regulations in relation to the medical cooling benefit. As minister I had to fix up the existing problems and make the positive changes this government has made on behalf of vulnerable households. Members of the opposition might have known how regulations get changed in relation to concessions if the former government's ministers had done the work they were supposed to have done. Unfortunately those ministers did not — they clearly did not know — and once again there were incorrect facts in relation to the delivery of those important services.

The concessions are part of a very proud policy of the coalition government. I am very happy to meet with representatives from Australian Pensioners Voice, and I look forward to being able to celebrate the important contribution that having extra dollars in the pocket will make not only to pensioners but to many right across the state of Victoria.

Mr DIXON (Minister for Education) — The member for Frankston raised a matter with me regarding programs at Mount Erin College. During our election campaign the member became very aware of the conditions at Mount Erin College after years of neglect of that school. That school has experienced a real turnaround. The school has a new leader, there is new enthusiasm and there are some great programs going on in that school. During our election campaign this government made a commitment to fund the first stage of building. It is very important that I visit the school again, and I look forward to visiting the school with the member for Frankston to talk to the principal and members of the school council and to see what is happening. I am aware of the new programs that have been running at the school in recent years, and it will be well worth the journey to see them at first hand. I will take up the member's offer and accede to that request, and I look forward to arranging a time that is mutually agreeable.

The Deputy Leader of the Opposition raised a matter regarding Torquay College and its future. For a number of years the coalition has had a policy to provide for the people of Torquay a stand-alone years 7 to 12 secondary college on a greenfield site. We went to the 2006 election with that commitment, and we went to the 2010 election with that commitment. Between 2006 and 2010 the overwhelming view and feedback we received from all sections of the community was that that was what was wanted. Our feedback came not just from the school but from the broader community. We had some incredible on the ground feedback, and we listened to the community.

Our policy contrasts with that of the former member for South Barwon — I have forgotten his name — who said only two years ago that Labor's policy was that there was no need for a secondary college in Torquay. Luckily we have a new member for South Barwon who is in touch with his local community and knows what is going on. He knew that Labor's policy of having no secondary college — that is, that no secondary education was required for Torquay — was wrong. He knew that his community was being split by busloads of secondary school students going to Geelong for their secondary education, leaving their community and no longer being a part of it. The former member for South Barwon has exited at stage left, but the new member is a good member who knows what is going on, and he has represented the views that were presented to him and to me.

This government's has been steadfast and consistent. When the former member for South Barwon realised that he was totally out of touch with his community, he

then said, 'We'll go up to year 9 on the current site'. When members of this government said, 'No, that is not good enough. All the secondary school students in Torquay deserve a stand-alone secondary college. They deserve to stay in Torquay for their secondary education and should not have to go to Geelong', the former member for South Barwon had to backflip again. He said, 'We'll have years prep to 12 on the one site'. This is a very crowded site. I have paid a number of visits to Torquay. I have walked through school with the principal, I have seen the classes in action and I have seen the school in action.

Some may ask what this government is doing. We are well down the track with delivering on our promise. This government will deliver on its election commitments. The negotiations to purchase the land are well advanced, and we will be making announcements about that soon. We will be appointing a principal for the new college during this year, and that principal will be in charge of the transition to the new school. This government will ensure that any government school student who wants to remain in Torquay for their secondary education will be able to do so. This year's year 9s will stay at the Torquay College site for year 10, and then in 2013 we hope to have a brand-new years 7 to 12 college up and running on that site. Students will remain in Torquay — unlike what would have happened under the policy of the previous government.

Mr Hulls — On a point of order, Deputy Speaker, I do not like interrupting the Minister for Education, but maybe he misconstrued what I had to say. On a bipartisan basis, if the minister backflips on his pigheadedness, I will support him. If he supports the community, I will support him.

The DEPUTY SPEAKER — Order! The Minister for Education, to continue.

Mr DIXON — This government has been consistent with its plan for Torquay and for education, unlike the former government and the former member for South Barwon, who said there was no need for a secondary college in Torquay. The former government has been playing catch-up ever since. Members of this government are going to deliver on our promise. In 2013 there will be a stand-alone years 7 to 12 secondary college on a greenfield site for Torquay.

Mr McINTOSH (Minister for Corrections) — The member for Williamstown raised a matter for the attention of the Minister for Planning. He asked that the minister conduct an urgent review of major hazard facilities in and around his electorate of Williamstown. I will pass that matter on to the Minister for Planning.

The Member for Narre Warren North raised a matter for the attention of the Minister for Public Transport. The member asked about the possibility of an extra bus service for Berwick Secondary College. I understand there are two morning services and only one in the afternoon. My understanding is that the member has called for an additional afternoon bus service.

Finally, the member for Northcote raised a very important matter for the Minister for Public Transport — that is, the need for an urgent upgrade of the Chandler Highway bridge. The member for Northcote is quite right; there are — and have been for a number of years — significant issues with the Chandler Highway bridge. I have been aware of this matter for my entire time as a resident of Kew and the member for Kew. In recent years it seems to have been getting worse.

It is a bridge that I have become familiar with, especially in recent months. Recently my dear old mum had to have urgent surgery and spent some five weeks in the Austin Hospital. As a result, I spent an enormous amount of time crossing the Chandler Highway bridge in both directions, particularly in peak-hour traffic. It was a significant burden and I incurred a significant impost in time and fuel in crossing that bridge. I am certainly aware of the difficulties there. As the member for Northcote would know, this is a matter that members have spoken about in this house. I raised the issue on a number of occasions. Curiously I got a phone call from the member for Northcote, who raised with me — —

Ms Richardson — You did not ring me back, did you?

Mr McINTOSH — No, I spoke to the member for Northcote. She actually telephoned me in my electorate office. She raised this matter with me, and the most important issue she raised was a review of the issues surrounding the Chandler Highway bridge and whether I had seen this review.

Ms Richardson — On a point of order, Speaker, I think it is important that we do not mislead the house. There has never been a conversation on the telephone between the minister and me.

The DEPUTY SPEAKER — Order! That is not a point of order. I ask the member for Northcote to resume her seat.

Mr McINTOSH — As I said, the discussion revolved around this review. However, the most important thing the member for Northcote talked about was this review, which was so critical that it was

published in the middle of an election campaign, after the 11 long, dark years of Labor government, and it was four pages in total.

Honourable members interjecting.

Mr McINTOSH — Yes, it was in colour. There were colour pictures, but it was hard to determine precisely where the four options were. But that was it — there were a number of options. There was no allocation of money. After 11 years the government produced a review in relation to the Chandler Highway bridge totalling some four pages. Now, after 11 years of Labor, we have a Labor member standing up here saying, ‘What are you doing about it in the first 100 days?’. The Labor government did nothing about it for 11 years — for 11 long, hard, dark years it did nothing in relation to the Chandler Highway bridge. Now Labor members want us to solve the problem. They want us to solve all the problems they ignored for 11 years in less than 100 days. However, I will in fact pass this matter on to the Minister for Roads, and I am sure he will respond in a similar way.

The DEPUTY SPEAKER — Order! The house stands adjourned.

**House adjourned 5.43 p.m. until Tuesday,
22 March.**

