

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

LEGISLATIVE ASSEMBLY

FIFTY-SIXTH PARLIAMENT

FIRST SESSION

Thursday, 12 June 2008

(Extract from book 8)

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By authority of the Victorian Government Printer

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Standing Orders Committee — The Speaker, Ms Barker, Mr Kotsiras, Mr Langdon, Mr McIntosh, Mr Nardella and Mrs Powell.

Joint committees

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Drugs and Crime Prevention Committee — (*Assembly*): Ms Beattie, Mr Delahunty, Mrs Maddigan and Mr Morris. (*Council*): Mrs Coote, Mr Leane and Ms Mikakos.

Economic Development and Infrastructure Committee — (*Assembly*): Ms Campbell, Mr Crisp and Ms Thomson. (*Council*): Mr Atkinson, Mr D. Davis, Mr Tee and Mr Thornley.

Education and Training Committee — (*Assembly*): Mr Dixon, Dr Harkness, Mr Herbert, Mr Howard and Mr Kotsiras. (*Council*): Mr Elasmarr and Mr Hall.

Electoral Matters Committee — (*Assembly*): Ms Campbell, Mr O'Brien, Mr Scott and Mr Thompson. (*Council*): Ms Broad, Mr P. Davis and Mr Somyurek.

Environment and Natural Resources Committee — (*Assembly*): Ms Duncan, Mrs Fyffe, Mr Ingram, Ms Lobato, Mr Pandazopoulos and Mr Walsh. (*Council*): Mrs Petrovich and Mr Viney.

Family and Community Development Committee — (*Assembly*): Mr Noonan, Mr Perera, Mrs Powell and Ms Wooldridge. (*Council*): Mr Finn, Mr Scheffer and Mr Somyurek.

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Public Accounts and Estimates Committee — (*Assembly*): Ms Munt, Mr Noonan, Mr Scott, Mr Stensholt, Dr Sykes and Mr Wells. (*Council*): Mr Barber, Mr Dalla-Riva, Mr Pakula and Mr Rich-Phillips.

Road Safety Committee — (*Assembly*): Mr Eren, Mr Langdon, Mr Mulder, Mr Trezise and Mr Weller. (*Council*): Mr Koch and Mr Leane.

Rural and Regional Committee — (*Assembly*): Ms Marshall and Mr Northe. (*Council*): Ms Darveniza, Mr Drum, Ms Lovell, Ms Tierney and Mr Vogels.

Scrutiny of Acts and Regulations Committee — (*Assembly*): Mr Brooks, Mr Carli, Mr Jasper, Mr Languiller and Mr R. Smith. (*Council*): Mr Eideh, Mr O'Donohue, Mrs Peulich and Ms Pulford.

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

Parliamentary Services — Secretary: Dr S. O'Kane

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FIFTY-SIXTH PARLIAMENT — FIRST SESSION

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Deputy Speaker: Ms A. P. BARKER

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The Hon. S. P. BRACKS (to 30 July 2007)

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The Hon. R. J. HULLS (from 30 July 2007)

The Hon. J. W. THWAITES (to 30 July 2007)

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Leader of The Nationals:

Mr P. J. RYAN

Deputy Leader of The Nationals:

Mr P. L. WALSH

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Languiller, Mr Telmo Ramon	Derrimut	ALP	Wooldridge, Ms Mary Louise Newling	Doncaster	LP
Lim, Mr Muy Hong	Clayton	ALP	Wynne, Mr Richard William	Richmond	ALP

¹ Resigned 6 August 2007

² Elected 15 September 2007

³ Resigned 2 June 2008

⁴ Elected 15 September 2007

⁵ Resigned 6 August 2007

CONTENTS

THURSDAY, 12 JUNE 2008

DRUGS AND CRIME PREVENTION COMMITTEE	
<i>Membership</i>	2293
NOTICES OF MOTION.....	2293
BUSINESS OF THE HOUSE	
<i>Notices of motion: removal</i>	2293
<i>Adjournment</i>	2293
PETITIONS	
<i>Teachers: salaries</i>	2293
<i>Werribee Open Range Zoo: theme park</i>	2293
PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE	
<i>Budget estimates 2008–09 (part 2)</i>	2293
MEMBERS STATEMENTS	
<i>Lieutenant Colonel Ian Campbell</i>	2293
<i>Hospitals: Kororoit electorate</i>	2294
<i>National Celtic Festival</i>	2294
<i>Police: Mooroopna station</i>	2295
<i>Wellington Reserve Community Centre,</i> <i>Mulgrave</i>	2295
<i>Criminal justice enhancement program: report</i>	2295
<i>Boroondara: planning powers</i>	2296
<i>Australian Labor Party: Kororoit candidate</i>	2296
<i>Whitten Oval: elite learning centre</i>	2296
<i>Aboriginals: heritage legislation</i>	2297
<i>Geelong: World Environment Day awards</i>	2297
<i>Crime: Kororoit electorate</i>	2297
<i>Leslie Brudenell</i>	2297
<i>Local government: performance reporting</i> <i>standards</i>	2298
<i>Graeme Jackman</i>	2298
<i>Carol Richardson</i>	2298
<i>Horticulture: Merbein research facility</i>	2299
<i>Science: government initiatives</i>	2299
<i>Hasting electorate: sustainability school awards</i>	2299
<i>Crib Point Stony Point Foreshore Committee of</i> <i>Management</i>	2299
<i>Parkside Amateur Football Club: 75th</i> <i>anniversary</i>	2300
<i>Heidelberg United Football Club</i>	2300
<i>John Lloyd</i>	2300
<i>Bulleen Road, Bulleen: freeway link</i>	2300
NATIONAL PARKS AND CROWN LAND (RESERVES) ACTS AMENDMENT BILL	
<i>Statement of compatibility</i>	2300
<i>Second reading</i>	2302
LAND (REVOCATION OF RESERVATIONS) (CONVENTION CENTRE LAND) BILL	
<i>Statement of compatibility</i>	2304
<i>Second reading</i>	2305
LOCAL GOVERNMENT AMENDMENT (ELECTIONS) BILL	
<i>Statement of compatibility</i>	2306
<i>Second reading</i>	2309
SUPERANNUATION LEGISLATION AMENDMENT BILL	
<i>Statement of compatibility</i>	2310
<i>Second reading</i>	2312
SUMMARY OFFENCES AMENDMENT (TATTOOING AND BODY PIERCING) BILL	
<i>Statement of compatibility</i>	2314
<i>Second reading</i>	2316
PERSONAL EXPLANATION.....	2317
GAMBLING REGULATION AMENDMENT (LICENSING) BILL	
<i>Second reading</i>	2317
<i>Consideration in detail</i>	2321
<i>Third reading</i>	2331
APPROPRIATION (2008/2009) BILL	
<i>Second reading</i>	2332, 2347
<i>Third reading</i>	2352
ABSENCE OF MINISTER.....	2338
QUESTIONS WITHOUT NOTICE	
<i>Water: savings</i>	2338
<i>Western suburbs: government initiatives</i>	2339
<i>Crime: western suburbs</i>	2341
<i>Health: western suburbs</i>	2342
<i>Dental services: Kororoit electorate</i>	2342
<i>Schools: western suburbs</i>	2343
<i>Crime: Kororoit electorate</i>	2344
<i>Legal services: western suburbs</i>	2344
<i>Australian Labor Party: Kororoit candidate</i>	2345, 2346
<i>Roads: western suburbs</i>	2346
SUSPENSION OF MEMBERS.....	2346
CANCER AMENDMENT (HPV) BILL	
<i>Second reading</i>	2352
ADJOURNMENT	
<i>Melbourne Water: freedom of information</i>	2357
<i>St Andrew's Sunbury Kindergarten: funding</i>	2358
<i>Water: Alberton region</i>	2358
<i>Australian Railway Historical Society: North</i> <i>Williamstown museum</i>	2359
<i>Rosebud Hospital: obstetric services</i>	2359
<i>Emergency services: community education</i>	2360
<i>Ambulance services: Paynesville</i>	2360
<i>Consumer affairs: store gift cards</i>	2361
<i>Road safety: Sandringham</i>	2361
<i>Preschools: Rockbank and Cambrian</i>	2362
<i>Responses</i>	2362

Thursday, 12 June 2008

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

DRUGS AND CRIME PREVENTION COMMITTEE

Membership

The SPEAKER — Order! I have to announce that I have received the resignation of Mr McIntosh from the Drugs and Crime Prevention Committee, effective from Wednesday, 11 June 2008.

NOTICES OF MOTION

Notices of motion given.

Mr HODGETT having given notice of motion:

The SPEAKER — Order! I express some concern about the similar nature of all those notices of motion. They could well have been put into one notice of motion. I will take some advice from the clerks, and I may refer it to the Standing Orders Committee for that committee to look once again at the form of notices.

BUSINESS OF THE HOUSE

Notices of motion: removal

The SPEAKER — Order! I wish to advise the house that under standing order 144 notices of motion 46 to 51 and 175 to 178 will be removed from the notice paper on the next sitting day. A member who requires the notice standing in his or her name to be continued must advise the Clerk in writing before 2.00 p.m. today.

PETITIONS

Following petitions presented to house:

Teachers: salaries

To the Legislative Assembly of Victoria:

We, the undersigned, urge our Victorian state government to increase the pay of teachers in Victoria. They are currently the lowest paid teachers compared to their interstate colleagues. They deserve and should receive fair and equitable pay that is similar to the teachers in New South Wales. Our teachers are not worth less than those in New South Wales. They are dedicated and hardworking. As a community we wish to

justly recompense them. We wish to encourage teachers to stay in teaching as well as to encourage more strongly qualified applicants to the profession. If we want Victoria to be a successful state we need our children to be taught by the best teachers. Thus, we need to pay them as such.

By Ms CAMPBELL (Pascoe Vale) (23 signatures)

Werribee Open Range Zoo: theme park

To the Legislative Assembly of Victoria:

The petition of concerned residents of Victoria points out to the house that we, the undersigned, support the campaign of the Friends of the Zoos and call on the government of Victoria to protect the conservation, educational and zoological values of Werribee Open Range Zoo and abandon the present proposal from Village Roadshow.

By Mr NOONAN (Williamstown) (30 signatures)

Tabled.

PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE

Budget estimates 2008–09 (part 2)

Mr STENSHOLT (Burwood) presented report, together with appendices and transcripts of evidence.

Tabled.

Ordered to be printed.

BUSINESS OF THE HOUSE

Adjournment

Ms NEVILLE (Minister for Mental Health) — I move:

That the house, at its rising, adjourn until Tuesday, 24 June.

Motion agreed to.

MEMBERS STATEMENTS

Lieutenant Colonel Ian Campbell

Mr ROBINSON (Minister for Gaming) — I want to pay tribute to the life of the late Lieutenant Colonel Ian Campbell, MC, OAM. Ian Campbell was born in Stawell in 1932. He commenced his military career as a national serviceman in 1951 and was attached to the 14th National Service Training Battalion of the Royal Regiment of Australian Artillery. He commenced

training as an officer cadet in January 1952. Following his completion of training, he was posted to the Royal Australian Infantry Corps.

During his military service Ian served in the Malayan Emergency with the 2nd battalion, Royal Australian Regiment, and undertook two tours of duty to Papua New Guinea, including one as the commanding officer of the Goldie River Training Depot.

Following that he served in the Vietnam conflict, including at the Battle of Coral/Balmoral. He was awarded the Military Cross for outstanding leadership and composure.

Following his service Ian served as a member of the Administrative Appeals Tribunal and as a member of the Rosebud Hospital board. He also served as a trustee of the RSL War Veterans Homes and was chairman of that organisation. He was a member of Peninsula Legacy, a life member of the Victorian RSL and awarded the Medal of the Order of Australia in June 2005 for service to the welfare of veterans and their families.

Ian passed away last month aged 75 years. Ian Campbell made an outstanding contribution, not just to the Australian military, but also to the welfare of veterans, and he will be greatly missed.

Hospitals: Kororoit electorate

Mrs SHARDEY (Caulfield) — Western Hospital and Sunshine Hospital are two of the hospitals which are supposed to provide acute health care to the people of Kororoit. Yet between these two hospitals there are officially 2646 people waiting for elective surgery, and between them these hospitals failed to meet the government's own targets set for: ambulance hospital bypass; category 3 patients seen in the ED (emergency department) within 30 minutes; patients to be admitted to a bed from the ED within 8 hours; patients to be treated and discharged from the ED within 4 hours; semi-urgent patients to receive elective surgery within 90 days; and non-urgent patients to receive their elective surgery within 12 months.

At Sunshine Hospital, the closest acute facility to Kororoit, some 315 patients, for example, who are deemed to be semi-urgent are waiting for colonoscopies, which is the common test to determine if someone has bowel cancer. Of these, 46 patients have been waiting for between 404 and 546 days; 123 have been waiting between 202 and 400 days; and some 68 patients have been waiting between 92 and 200 days — hardly timely treatment for patients

worried about their health. This is just a small example of what the Brumby government offers the people of Kororoit.

Add to this the fiasco of the finances of Western Health, which saw the health service record a \$10.7 million deficit last year, after a \$5 million surplus the year before, and on top of this the more than \$2 million loss on dodgy investments on the US sub-prime market. We still do not know the full extent of the loss.

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

National Celtic Festival

Ms NEVILLE (Minister for Mental Health) — It was a great pleasure to once again participate as a volunteer at the National Celtic Festival last weekend. The festival, held annually in Portarlinton on the Bellarine Peninsula, has grown in popularity since it began in 2003. The festival program includes music, dance, film, theatre, song and language, and diverse workshops, all providing an insight into Celtic cultures and traditions. The festival continues to attract an increasing number of both performers and audiences to Portarlinton for this weekend-long event.

This year performers came from overseas and interstate, as well as from across Victoria. It was an exciting and impressive line-up. As in previous years, local residents were joined by visitors from throughout the Bellarine Peninsula and enthusiasts from all over Australia.

The National Celtic Festival has certainly become an important event on the Bellarine calendar. The festival relies on sponsors, some of whom have been supportive from the beginning, including the Victorian government, local councils and community businesses. Many people have given generously of their time, energy and skills throughout the year to plan and bring together the performers and the program. In particular, congratulations to the festival director, Una McAlinden, the festival executive committee, the support team and the general committee.

I would also like to acknowledge Gary Irving, the chief warden Sandy Bartholomeusz, and the team at Bellarine Bayside, led by Tim Page-Walker. Congratulations also to the enthusiastic volunteers for their hard work and commitment to the smooth running of the festival. The 2008 festival has certainly been another very successful event, and we look forward to the 2009 National Celtic Festival.

Police: Mooroopna station

Mrs POWELL (Shepparton) — Recently I received a letter from Youngs real estate agents of Shepparton and Mooroopna about the possibility of building a new police station in Mooroopna. They have been approached by a national organisation which would like to purchase the current Mooroopna police station freehold. They also have an investor who owns land immediately west along the Midland Highway, which they consider would make an excellent site for a new police station. The investor would be interested in constructing a building on a lease-back arrangement.

The Mooroopna police station is about 50 years old, is outdated and does not meet the needs of a growing community. In 2006 I had meetings with a number of service clubs, including one with the Mooroopna Rotary Club and Superintendent Rod Johns to discuss concerns about police numbers and the need for a new police station in Mooroopna. The Kiwanis Club of Mooroopna also wrote and advised me of the urgent need for a new police station in Mooroopna. The reasons were that there is an increase in population and housing; a planned major logistics centre south of Mooroopna, which will increase traffic congestion; a proposed bypass around Shepparton west of Mooroopna; and a large retirement village. Shepparton and Mooroopna are joined by the Peter Ross-Edwards Causeway, and if an accident occurs, or if there is a flood and the road is blocked, it is important to have a police presence in Mooroopna.

With investors wanting to purchase the police station land and a number of parcels of suitable land available in Mooroopna, I urge the government to investigate all options to allow for a new police station to be built in Mooroopna. I hope it can be built as soon as possible.

Wellington Reserve Community Centre, Mulgrave

Mr ANDREWS (Minister for Health) — On 21 May I was very pleased and proud to participate in the official opening of the new \$1.9 million Wellington Reserve Community Centre in Mackie Road, Mulgrave. This centre incorporates the Mulgrave neighbourhood house and facilities for Mulgrave girl guides and the 3rd scout group.

This is a wonderful new state-of-the-art facility, a centre that really is a great boost for Mulgrave families. The project was made possible through a partnership between the Monash City Council and the state government, with a \$400 000 contribution from the Community Support Fund. The centre will include

community meeting space, neighbourhood house classrooms, occasional child-care facilities, an e-café and internet hub for the local community, as well as a modern home and a multipurpose home for the guides and scouts.

This is a very important project. It was an important opportunity also to acknowledge the other partners in the new project, including NEC, which has its headquarters in Springvale Road in Mulgrave and which supported the Mulgrave neighbourhood house with the donation of 19 new computers for its IT lab. General manager of NEC, Mr Wataru Takeuchi, was on hand to celebrate that important donation. This is a great project, one that has come from much hard work over many years. I want to congratulate all involved: the council; the builders, Bell Projects; the architects, Williams Ross; and the steering committee, with representatives from scouts, guides and the Mulgrave neighbourhood house. It was a great day for our community.

Criminal justice enhancement program: report

Mr CLARK (Box Hill) — Yesterday's Auditor-General's report on the criminal justice enhancement program (CJEP) explains why the Attorney-General has been engaging in an extraordinary attack on the legal profession, trying to shift blame for the growing cost and delays in Victoria's legal system. The Auditor-General's report shows where the real responsibility lies, which is squarely with the Attorney-General and the government.

If the CJEP had been properly implemented, it would have meant less time required for preparing cases, fewer court adjournments, less waiting time for court users and earlier court hearings. The program was originally due for completion in November 2000. That date was then revised to March 2004, but the program is still not fully operational. Meanwhile its cost has more than doubled from a revised budget of \$35 million to a total of \$72.3 million. At the same time the Attorney-General has walked away from the legal precinct master plan, tried to subvert judicial independence through the unnecessary appointment of acting judges and been responsible for Dickensian delays in bringing long-awaited legislation to this house.

Victoria's courts have some of the longest waiting lists and waiting times in the nation, and they continue to grow. Victoria's Magistrates Court has the largest backlog of cases of any jurisdiction in Australia, and as of June last year there were 2467 non-appeal County

Court cases waiting to be heard, compared with 1722 in 2003. Instead of trying to blame the lawyers, the Attorney-General must accept much of the responsibility for the bungling of the CJEP and for Victoria's long and growing waiting lists. He needs to make sure Victoria's courts are given the effective administrative support and modern systems and facilities they need so that victims, their families, witnesses, accused persons and all other litigants can have their cases heard without unreasonable delay.

Boroondara: planning powers

Mr STENSHOLT (Burwood) — I rise to commend the Boroondara City Council for its efforts in developing a constructive and cooperative approach to planning with the state government and the Minister for Planning. Recently the Boroondara council voted to support the initiative of the state government in its response to the department's paper on the new residential zones. It raised a number of issues, some of which I note were similar to those covered in a submission prepared by a number of Labor MPs, including myself, which I have circulated to the councillors. It covered issues such as the preservation of third-party rights.

I note also that Boroondara council had an extremely productive and amicable meeting with the minister last week. The chief executive officer of the City of Boroondara, Catherine Dale, and the mayor, Coral Ross, and I think Cr Heinz Kreutz, the chair of the planning subcommittee, were also there to discuss the new arrangement for the principal activity centres and the development assessment committees.

I am advised by all parties at that meeting — I am afraid I was not able to be there because I had a prior commitment — that it was a very constructive discussion. I agree with the council that we all need to work together to respond better to the challenge of a growing Melbourne and look at the best options locally and city wide. I agree with the council and local resident Rob Moodie, who chaired the panel for the 2030 audit, that it is sensible action that is needed whilst enhancing livability in our city.

Australian Labor Party: Kororoit candidate

Mr K. SMITH (Bass) — In Kororoit, the cesspool of Labor factionalism, it happened last night — Natalie hit the brick wall and George won the day. Congratulations to George. In the war that broke out in Kororoit, which rates up there with the branch wars of history like when the ALP factions fought out the federal preselection and Bob Sercombe got the flick

and Bill Shorten was put in his place, we now find Natalie Suleyman out of a job. She will have to go back to that other Labor cesspool, the Brimbank City Council, and make up with some of the factional enemies that she has undermined.

I understand her last job involved writing letters to ALP branch members on behalf of her boss, the former member for Kororoit, André Haermeyer, in which he was very critical of George Seitz's candidate, Marlene Kairouz, and promoted the loser Natalie. What concerns me is that the letter was sent out after his resignation, which raises the question of who paid for the letter and the postage in this very public factional brawl. Was it the taxpayer? If so, I believe the Premier should demand that any public expenditure in the distribution of this letter should be repaid by the former member. Of course in this letter, as expected, he was critical of the Liberal Party, but he forgot to mention that he was dropped into the same electorate by the power brokers of the ALP with no local input from the members. Haermeyer was an outsider himself, and I have been advised by local people out there that he knew nothing about the electorate when he arrived or when he left!

Whitten Oval: elite learning centre

Ms THOMSON (Footscray) — Last week I had the pleasure with a number of local MPs and the Minister for Sport, Recreation and Youth Affairs to attend the opening of the elite learning centre at Whitten Oval. It is a great development at Whitten Oval. The state government has contributed \$4 million to the \$20 million development at the football club, the Western Bulldogs, which is doing extremely well. I send my congratulations to the chief executive officer of the Western Bulldogs, Campbell Rose, to the president, David Smorgon, to the board and to everyone who was involved in the development of Whitten Oval and the development of the elite learning centre.

I had a chance to tour the centre and have a look at the facilities that are now available to the footballers, which include massage and treatment rooms, a 30-metre running track, an indoor facility for the footballers to use all through the season to improve their kicking styles, up-to-date technology and the ability for Victoria University sports scientists to access those ancillary services for their research into sport and training. The facilities are also available to the Maribyrnong Secondary College, which is a sport excellence school. They are now using those facilities in conjunction with the Bulldogs. I understand that the Victorian Football League is using them as well.

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

Aboriginals: heritage legislation

Mr INGRAM (Gippsland East) — I rise again in the Parliament to speak on the Aboriginal Heritage Act and the impact of this piece of legislation on developments in my area. I raised this issue back in November 2007, and I note that in his budget address the Minister for Aboriginal Affairs said the first year of the act's implementation had recently been celebrated. This issue has only got worse in my area, and the cost on residential and industrial developments in my area and other areas of Gippsland has been quite profound.

Archaeological assessments and approvals are costing hundreds of thousands of dollars and significantly delaying the delivery of very important lots for residential developments. The implementation of some residential areas and planning processes have been delayed. I do not think anyone in this place would disagree with the importance of protecting Aboriginal cultural heritage, but the implementation of this legislation is having a very serious impact on the availability of residential land and on the cost of subdivisions and other developments, and the issue needs to be addressed.

I have had meetings with some of my constituents and with the minister, and unfortunately those issues have not been addressed since that time.

Geelong: World Environment Day awards

Mr TREZISE (Geelong) — As you, Speaker, and other members of this place would be aware, last Thursday, 5 June, was World Environment Day. On that day I had the pleasure of attending the City of Greater Geelong awards day, which recognised local individuals, community organisations, schools and businesses that have contributed significantly to a better environment. The awards were ably hosted by Cr Tom O'Connor and Cr John Mitchell, with Peter Reeve as the master of ceremonies.

Six awards were presented. The schools category was won by Surfside Primary School, Ocean Grove; the Minister for Mental Health, who is at the table, would be well aware that it is a great school. The business award was won by Geelong Indigenous Nursery. Terry Hedt of Little River won the rural category award, and the Batesford-Fyansford-Stonehaven Landcare group won the organisation category. Bev Wood of Barwon Heads was the recipient of the individual award; and,

finally, Anne Miller of the City of Greater Geelong won the green achiever award.

In addition, the Geelong Healthy Waterways program business awards were presented to Affordable Tyres and Servicing, Greater City Car Care and DTM Automatic Transmissions.

I take this opportunity to congratulate the City of Greater Geelong and councillors Tom O'Connor and John Mitchell for their job on the day and their initiative in recognising local environment achievers, and I also congratulate the recipients of the awards.

Crime: Kororoit electorate

Mr TILLEY (Benambra) — With 17 days until the Kororoit electoral district by-election the Brumby Labor government is continuing to misrepresent the crime figures and front-line police numbers. For the next 17 days the people of Kororoit will be subjected to Labor's misinformation. Kororoit is a great place to live, work and raise a family, but not if you live in Deer Park or Caroline Springs, where the incidence of violent crime has increased by 88 per cent since 2001. Reported incidents of assault alone have increased by 105 per cent.

People cannot believe they are safe in their own homes, because the incidence of aggravated burglary has risen threefold since 2001 by a massive 242 per cent. Police stations in the Kororoit area are currently running with a massive deficit of over 70 police due to secondments, unfilled vacancies and other contingencies. The Brumby Labor government is lacking commitment to community safety.

This Labor government arrogantly makes claims of ownership of Kororoit as a safe Labor seat and takes the local community for granted. In one of Melbourne's fastest growing areas it is little wonder that the community continues to be forgotten. If it is community safety that the residents of Kororoit want, then they should make an informed decision when considering who will fight for law and order after 28 June 2008.

Leslie Brudenell

Ms MARSHALL (Forest Hill) — I am pleased to take this opportunity to acknowledge the 100th birthday of a remarkable resident of Inala Village in Blackburn South, Mr Leslie Brudenell. Leslie turned 100 yesterday. Reaching one's 100th birthday is a remarkable achievement, and one that very few of us will achieve. This sort of milestone presents an

opportunity to acknowledge Leslie's life and rich personal history.

He grew up in Gippsland before moving to the western suburbs of Melbourne at the tender age of 15 to work at the Newport rail yards. At 19 years of age Leslie married Amelia — or Mellie, as he affectionately called her — and they had three children: Joan, Gwenda and Doug. Unfortunately Doug passed away two years ago, while Leslie lost Amelia many years ago. Leslie's hard work of years gone by lives on in the plumbing company he set up 60 years ago, which is still a successful family business and is a wonderful legacy of Leslie's ingenuity. Interestingly the company did lots of work to help create and shoot the film *Kenny*.

Over the years Leslie has had an involvement with the Salvation Army and is a very keen Western Bulldogs supporter. I am sure he is very happy with how they are going currently, and perhaps he will see their second-ever premiership this year. I would like to wish Leslie Brudenell a very happy 100th birthday, and I hope that he has a wonderful celebration with his family and friends this Saturday.

Local government: performance reporting standards

Mr MORRIS (Mornington) — As honourable members would be aware, an Auditor-General's report entitled *Performance Reporting in Local Government* was tabled yesterday morning. The report focuses on the performance statements required under section 132 of the Local Government Act, which was inserted in the act in 2003. Every council must produce a performance statement annually. The report found that much of the data on performance standards was of limited relevance to ratepayers and residents. But has the government indicated for a moment the sort of data it wants councils to report? Of course not. The Auditor-General quite rightly makes the point that in contrast to financial reporting there are no accepted independent and authoritative standards for performance reporting. There is even, according to the Auditor-General, 'no generally accepted conceptual framework that identifies essential characteristics of performance reporting'. That being the case, would you not think that such a framework would be established by regulation? Indeed provision was made in section 132(4) of the act for this to be done.

I remember well the thousands and thousands of hours that were consumed in moving councils to the new financial reporting standards over a decade ago. There was a clear public policy benefit in the introduction of that standard, AAS27, but it took a huge amount of

work. In this case the government has asked councils to take on a similarly complicated task: to commit to a journey on the road to higher standards. But did it provide transport or a road map? Of course not. It even expected each council to reinvent the wheel. The Auditor-General has recommended that regulations be issued to establish standards. I urge the minister to — —

The ACTING SPEAKER (Mrs Fyffe) — Order! The member's time has expired.

Graeme Jackman

Mr CRUTCHFIELD (South Barwon) — I congratulate two local constituents on their recent Queen's Birthday awards. Graeme Jackman of Grovedale has been saving lives for 40 years. He is a foundation member of the Torquay State Emergency Service and a deserving recipient of the national emergency services medal. From the age of 23 he served with the Grovedale and Torquay fire brigades, before moving to the SES to do something different. Mr Jackman led the service for an extended period of time as a controller, deputy controller and team leader. Mainly concerned with road accidents, storm damage, flood and rescue, Mr Jackman also performed mentoring and confidant roles throughout the years of his involvement. He said he has a couple of years of active service left in him and plans to fulfil a less physically demanding role from now on.

Carol Richardson

Mr CRUTCHFIELD — Barwon Heads grandmother Carol Richardson's involvement with the Red Cross spans back to the 1960s when she formed a youth group to give children in Omeo something constructive to do outside of school hours. Mrs Richardson has not stopped her hard work since then, and her efforts have been recognised with an Order of Australia medal. Since arriving in Barwon Heads a decade ago, her roles with the organisation have included serving as a board member of the executive committee from 1997 to 2002, as chair of the community services advisory committee from 1997 to 1999, and as regional chair for Geelong for seven years. Her current role is regional chair of Red Cross Calling. Mrs Richardson said that her interest in the Red Cross was sparked because she saw it as a way of showing children how they could help in the community. On behalf of the people of South Barwon I again congratulate both of these community-minded people.

Horticulture: Merbein research facility

Mr CRISP (Mildura) — Country people are noting the Toyota deal that has been much talked about in this house. In the media coverage the Toyota chief really did not appear to have ‘the feeling’ about the \$35 million the federal government was offering, while country people are not jumping for joy over the proposed closure of the Commonwealth Scientific and Industrial Research Organisation horticultural research facility at Merbein. With talk about research and development (R and D), innovation and job security, the horticultural industry is infused at the apparent hypocrisy of the federal government and the silence of the state government over the closure of that research facility.

If the federal government and, as is now rumoured, the state government are going to give money away, then why not give it to an area that really needs it? Solving the future of horticultural problems will need R and D, and thus the CSIRO’s involvement. Without future horticultural R and D there will be a future risk to Victoria’s food security. With so much money being available for green car plans and other programs, a continuing \$2 million investment at Merbein in the future of horticulture is very little to ask. I call upon the federal government’s fan club opposite to ensure that the CSIRO continues its valuable work in the Murray Valley at Merbein.

Science: government initiatives

Mr SCOTT (Preston) — I rise to put on the record my support for the government’s commitment to science. It is interesting that the previous speaker touched on science. This government has shown a deep commitment to scientific progress. I note that the Minister for Energy and Resources is at the table. The government has shown a great commitment to carbon storage and research, which is critical to facing the problems of tomorrow. At the heart of science is an understanding of truth, based on the application of human reason and evidence to the problems which face our society. This is in contrast to postmodernism, which is a theory I completely reject because it ultimately leads down the road to sophistry, where relativism reduces all arguments to equal and rejects as irrelevant any judgements made about different arguments. That is a pointless exercise if you wish to solve the problems our society faces. Thankfully I belong to a government which backs science. I note that the Presiding Officers are sponsoring a briefing on science education today.

I hope that all members in this house are committed to the application of reason, science, thought and evidence

to the problems of today and will not avoid the hard choices that need to be made when judging arguments rather than, as post-modernists do, avoiding those judgements and seeking to see all as equal, which is relativist nonsense.

Hasting electorate: sustainability school awards

Mr BURGESS (Hastings) — Several schools in my electorate have received awards in the 2008 mayoral sustainability awards program. I congratulate Somers Primary School, the winner of the whole school community award, for raising community awareness of sustainability in its area. The principal, Wayne Whitworth, his staff and all 147 students have done a fantastic job in scooping the pool and receiving the award. Heather Goddard of Balnarring Primary School received an award for mentoring students on sustainable practices. Balnarring Primary School also achieved a 92 per cent reduction in water usage, a fantastic effort. Tyabb Primary School won an award for raising awareness of sustainable strategies, and I congratulate Greg Lacey and the school’s staff and students. Moorooduc Primary School also won an award for its fantastic work on its interactive indigenous plant garden. The principal, Elaine Preston, and volunteers have involved students from all year levels in the school’s biodiversity garden project, and future developments are planned. It is fantastic to see so many local schools embracing the concepts of sustainability and implementing positive change. Well done to all participants.

Crib Point Stony Point Foreshore Committee of Management

Mr BURGESS — I wish to congratulate the Crib Point Stony Point Foreshore Committee of Management for winning the Keep Australia Beautiful Victoria annual protection of the environment award for its work at Woolleys Beach. The award is part of the 2008 Clean Beach Challenge. Local volunteers maintain this unspoilt area of beach at Crib Point, and the efforts of Cecelia Witton, Lesley Hammond, Bill Dickinson, David Pope and other volunteers should be applauded. In making its decision, the Keep Australia Beautiful judges stated that Woolleys Beach was often described as an oasis in the Western Port area. It is ironic that Woolleys Beach should be the subject of such an award, because this particular area of beach is the state government’s intended site for the Boral bitumen storage facility. It is hoped that recognition of this wonderful area will convince the state government once and for all that there should never again be industrial development in the Crib Point area. I urge the minister to listen.

Parkside Amateur Football Club: 75th anniversary

Ms RICHARDSON (Northcote) — This year marks the 75th year of the mighty Parkside Amateur Football Club, the Devils. Based at Pitcher Park, Alphington, this club distinguishes itself as being not only passionate about its sport but also deeply committed to the surrounding community. On 1 June I joined hundreds of supporters who came together to celebrate the meeting on 19 January 1934 of 13 locals who thought it was about time to form a footy club in the area. The club's highs and lows were detailed, but above all else what shone through was the club's commitment to its players on and off the field. It was great to meet two of the original founding fathers, Willis Stuchbery and Maurice Isaacs, who joined in the celebrations of the club's past and plans for the future. Also honoured was local resident Murray Taylor from Fuzion, a significant club sponsor, who when the club faced closure — its darkest hour — stepped in to save the day.

Warm congratulations and thanks were also extended to club president, Tom Gard, and his family — his wife Deirdre and children, Emily and Nathan. This family's support of the club over the years has been truly magnificent. I would also like to acknowledge Frank Catena, Clive Vickers, Kevin Clarke and Mark Brown, who have given countless hours to ensure the success of the club. The club has great plans for the future and has a growing membership, particularly in the juniors. I look forward to working with the club to help it achieve its aims. Go the mighty Devils, and congratulations on all you have achieved.

Heidelberg United Football Club

Mr LANGDON (Ivanhoe) — Today I would like to continue my congratulations to the Heidelberg United soccer club, which is also known as Alexander the Great. Over the years the club managed to sign up various sponsors, and by 1987 its fixed assets totalled more than half a million dollars. In 2001 the Alexander the Great team was crowned Victorian champions for the fourth time in the club's history. Alexander the Great was the first national league club in Victoria to form a women's team, which it did in 1992. Since its inception the team has competed in the premier league, and it managed to finally win the club's first championship in 2007. I hereby congratulate the Heidelberg United Football Club on 50 years as a successful club and on its contribution to sport in Victoria. I wish it every success in the years to come.

John Lloyd

Mr LANGDON — I also take this opportunity to pay tribute to John Llewellyn Lloyd, who was born on 26 September 1909 and passed away on 23 May 2008 aged 98. John Lloyd was Ivanhoe's longest-standing artist and was married to his wife, Joyce, for 64 years. He had two children, Kay and Mark. I know all three of them will miss him sincerely.

John Lloyd was born in Wales and moved to Australia as a 15-year-old in 1925. He was quick to pick up many skills. He was until recently one of the few people still alive who helped build the Sydney Harbour Bridge. John Lloyd had a very colourful life, and he will be missed by all his family. He was the long-serving president of the Heidelberg Artists, who regularly sold work at exhibitions in Melbourne.

Bulleen Road, Bulleen: freeway link

Mr KOTSIRAS (Bulleen) — I rise to condemn the member for Ivanhoe for proposing a road link along Bulleen Road from the Eastern Freeway. Just prior to the 2002 election the member for Ivanhoe said that if the Labor government were to build a road link, he would resign from the Australian Labor Party; now he is actually proposing the same project. I tell the member for Ivanhoe that all the residents along Bulleen Road object and are opposed to a freeway link along Bulleen Road. He knows it — I have advised him that the residents are opposed to it — and I am disappointed that he has come out in support of it. I would have thought a better public transport system would be preferable to a road link — —

The ACTING SPEAKER (Mrs Fyffe) — Order! The time for members statements has expired.

NATIONAL PARKS AND CROWN LAND (RESERVES) ACTS AMENDMENT BILL

Statement of compatibility

Mr BATCHELOR (Minister for Community 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 National Parks and Crown Land (Reserves) Acts Amendment Bill 2008.

In my opinion, the National Parks and Crown Land (Reserves) Acts Amendment Bill 2008, 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:

creates Cobboboonee National Park and Cobboboonee Forest Park in far south-west Victoria;

adds approximately 300 hectares to seven existing national, state and other parks and makes some minor excisions from existing parks;

specifies Cobboboonee and Otway forest parks as 'restricted Crown land' under the Mineral Resources (Sustainable Development) Act 1990;

provides for the control and management of water-related infrastructure in two natural features reserves by Melbourne Water Corporation; and

repeals several spent provisions and makes some consequential and other amendments to the National Parks Act 1975, Crown Land (Reserves) Act 1978 and the Forests Act 1958.

Human rights issues

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

Section 12 — freedom of movement

Section 12 of the charter provides for the right for every person to move freely within Victoria and to enter and leave it and to have the freedom to choose where to live. It includes the freedom from physical barriers and procedural impediments.

It may be perceived that the creation of new park areas may limit the ability of a person to move freely within those areas. However, the bill does not create any restrictions on a person moving freely within the parks or within Victoria.

It may also be perceived that, because new section 75 of the National Parks Act 1975 (inserted by clause 8) and new section 66(e) of the Crown Land (Reserves) Act 1978 (inserted by clause 19) cease several roads, those provisions may limit access and the ability to move freely. However, those provisions simply change the status of the Crown land when it is included in particular parks. They do not create any restriction on persons moving freely in those areas of public land.

Therefore, the bill does not interfere with the right.

Section 19 — cultural rights

Section 19 provides for the right for Aboriginal persons to maintain their distinctive spiritual, material and economic relationship with the land and waters and other resources with which they have a connection under traditional laws and customs.

The proposed Cobboboonee National Park and Cobboboonee Forest Park are subject to a Federal Court determination that non-exclusive native title rights and interests exist. The area is also subject to an indigenous land use agreement ('ILUA')

made between the state of Victoria and the Gunditjmarra people under the Native Title Act 1993 (cth).

The bill does not deprive any Aboriginal person of a relationship with the subject land and does not affect existing native title rights and interests nor the ILUA. Therefore, there is no limitation on the cultural rights of Aboriginal persons.

Section 20 — property rights

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

New section 66(c) of the Crown Land (Reserves) Act 1978 (inserted by clause 19) provides, in relation to Cobboboonee Forest Park, that when the park is created, the land forming the park is deemed to be unalienated land of the Crown, freed and discharged from all trusts, limitations, reservations, restrictions, encumbrances, estates and interests.

However, there are no proprietary interests in the affected land and therefore this clause does not deprive any person of property. To the extent (if any) that licences, permits and other authorities constitute some form of property right, new section 66(d) of the Crown Land (Reserves) Act 1978 (inserted by clause 19) provides for all licences, permits and other authorities to be continued.

Similarly, in relation to Cobboboonee National Park, to the extent (if any) that a drainage licence, firewood licence, apiary licence or tour operator licence constitutes some form of property right, the bill provides for these to be saved. In particular, new section 32R of the National Parks Act 1975 (inserted by clause 6) continues an existing agreement in relation to a drain in the park until its expiry; new section 71 of the National Parks Act 1975 (inserted by clause 8) continues firewood licences pre-existing the park until their expiry; new section 72 of the National Parks Act 1975 (inserted by clause 8) continues any tour operator licence pre-existing the park until its expiry; and new section 73 of the National Parks Act 1975 (inserted by clause 8) continues apiary rights pre-existing the park until their expiry.

It is noted that new section 71(1) provides that any existing firewood licences are to continue in force until the earlier of their expiry or 30 June 2010. There are no existing licences which expire after 30 June 2010. Accordingly, this section will not result in the early termination of any existing firewood licences.

Therefore, there is no limitation on the right protected under section 20.

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

Because the bill does not limit human rights, it is not necessary to consider section 7(2) of the charter.

Conclusion

I consider the bill is compatible with the Charter of Human Rights and Responsibilities because it does not limit any rights under this charter.

PETER BATCHELOR, MP
Minister for Energy and Resources

Second reading

Mr BATCHELOR (Minister for Community Development) — I move:

That this bill be now read a second time.

Victoria's parks and reserves system is one of the state's great assets. It is the cornerstone of biodiversity conservation as well as the source of significant enjoyment for many people.

The National Parks and Crown Land (Reserves) Acts Amendment Bill 2008 enhances the parks and reserves system. Of particular note, it creates Cobbobooinin —

An honourable member — Cobboboonee.

Mr BATCHELOR — Cobboboonee, sorry.

Dr Napthine — You don't even know where it is.

Mr BATCHELOR — I know where it is. I have been on the Great South West Walk; I'll bet you haven't done it.

Dr Napthine — Yes, I have — the whole 250 kilometres.

Mr BATCHELOR — It would have taken you five weeks, I bet.

The ACTING SPEAKER (Mrs Fyffe) — Order! I ask the minister to ignore interjections; I ask the member for South-West Coast to cease interjecting.

Mr BATCHELOR — It creates the Cobboboonee National Park and Cobboboonee Forest Park to protect the valuable Cobboboonee forest in far south-west Victoria.

The bill also alters the boundaries of several existing parks, designates two forest parks as restricted Crown land, provides for Melbourne Water's control and management of certain structures in two natural features reserves and makes some minor, miscellaneous amendments to several acts.

Cobboboonee parks

I wish to acknowledge the Gunditjmara people as the traditional owners and native title holders of the Cobboboonee forest and the strong attachment and commitment they have to the area. The government looks forward to their involvement as partners in the future management of the forest.

The Cobboboonee forest is a significant area of lowland forest near Portland and Heywood in far south-west

Victoria. It includes the headwaters of the Fitzroy and Surry rivers and several tributaries of the Glenelg River. It also contains endangered and vulnerable vegetation types, including many wetlands, together with threatened plant and animal species, several of which are endangered.

The forest is popular for various recreation activities, including walking part of the Great South West Walk, horseriding (including on long-distance trails), camping, picnicking, vehicle touring, car rallies and motorcycling. It also supplies some minor forest produce, including firewood, posts and poles, and honey.

The new Cobboboonee National Park and Cobboboonee Forest Park will, together, give increased and permanent protection to the forest. The parks will ensure that the forest is managed for the best mix of conservation and recreational uses, and also to protect cultural values. Activities currently permitted will continue to be permitted in either or both of the new parks.

The boundaries of the parks were determined after a comprehensive process of community consultation. This included establishing a community reference group, holding workshops locally and in Melbourne, considering many public submissions and reporting back to the community. On behalf of the government, I would like to thank all those who participated in that process and to acknowledge their long-term commitment to the future of the forest.

Cobboboonee National Park, with its primary emphasis on nature conservation, will be established under the National Parks Act 1975. It will abut Lower Glenelg National Park and cover about 18 500 hectares, including the majority of the Surry River corridor and the headwaters of the Fitzroy River. The national park, with its high conservation values, will give additional protection to endangered and vulnerable vegetation types as well as threatened species, including large forest owls, small marsupials and a skink. It will also provide for a range of recreation activities.

Cobboboonee Forest Park will cover about 8700 hectares. In addition to protecting natural and catchment values and offering diverse recreation opportunities, the park will provide for the sustainable harvesting of minor forest produce, such as firewood and some posts and poles.

Similar to Otway Forest Park, Cobboboonee Forest Park will be permanently reserved under the Crown Land (Reserves) Act 1978 but will be managed under

specified provisions of the Forests Act 1958. This approach emphasises the permanent protection of the area for public purposes, ensures that the granting of sawlog and pulpwood licences over the area is prohibited but allows for the granting of licences for the harvesting of minor forest produce by the community.

The bill, as necessary, saves existing licences and permits and other authorities in the two parks and inserts a new power in the National Parks Act 1975 to enable the granting of a licence in respect of an existing drain in the national park at the expiry of the current agreement. The ability to obtain permission under the Water Act 1989 for works on existing drains in the national park is not affected.

As a transitional measure, the bill enables firewood to be harvested, until 30 June 2010, from existing logging residue within designated areas of the national park. No new felling of trees will be permitted. Firewood will continue to be able to be collected under permit in the forest park. More broadly, a firewood strategy will be developed, taking into account the needs of the local community.

Amendments to existing parks

The bill adds approximately 300 hectares to Great Otway, Kinglake and Lower Glenelg national parks, Holey Plains, Langi Ghiran and Warrandyte state parks and Castlemaine Diggings National Heritage Park. The additions are mostly areas that have been purchased or otherwise acquired for their inclusion in those parks, as well as some unused or redundant roads.

In more detail, the additions include:

to Great Otway National Park — a small area at the Johanna camping ground west of Cape Otway;

to Kinglake National Park — undisturbed bushland generously donated by the late Mrs Edna Yarwood through the Trust for Nature, and an area purchased with the assistance of a generous donation by Ms Karma Hastwell;

to Lower Glenelg National Park — three small areas of residual Crown land abutting the park;

to Holey Plains State Park — Ben Winch Swamp, a significant wetland containing a nationally endangered plant species;

to Langi Ghiran State Park — an area containing threatened woodland and forest vegetation types;

to Warrandyte State Park — several small blocks at Pound Bend, which will help consolidate that part of the park;

to Castlemaine Diggings National Heritage Park — part of the historically significant Welsh Village, one of the state's most outstanding examples of a late 19th century quartz gold mine and its associated village, and some small allotments.

The bill also excises two roads and an access track from Great Otway and Yarra Ranges national parks and makes some corrections to the plans of Great Otway, Kinglake and Yarra Ranges national parks. The excisions are minor and have minimal, if any, impact on the parks. The National Parks Advisory Council was consulted under section 11 of the National Parks Act 1975 and it has provided advice for tabling in Parliament that it supports the excisions and plan corrections. The bill also excises an area from the Otway Forest Park as part of establishing a cycling trail along the Old Beechy railway line, and deems that an area of freehold land was never part of the park.

Restricted Crown land

The bill amends the Mineral Resources (Sustainable Development) Act 1990 to specify both the Otway and Cobboboonee forest parks as 'restricted Crown land'. This recognises the status of those areas and means that any mineral, petroleum or geothermal exploration operations, and any subsequent operations, require the consent of the minister responsible for the land.

Other amendments

The bill also amends the Crown Land (Reserves) Act 1978 to provide a clear statutory basis for the control and management by Melbourne Water Corporation of existing water-related structures and installations (such as dam walls) in Devilbend and Frankston natural features reserves.

Finally, the bill repeals several spent provisions in the National Parks Act 1975 and the Crown Land (Reserves) Act 1978 and makes some other, miscellaneous amendments.

Conclusion

In conclusion, the bill will enhance Victoria's magnificent parks and reserves system. Permanently protected, the two Cobboboonee parks and the additions to several existing parks will contribute to the long-term conservation of our natural and cultural heritage, as well as to the public's enjoyment of those special areas.

I commend the bill to the house.

Debate adjourned on motion of Dr NAPTHINE (South-West Coast).

Mr BATCHELOR (Minister for Community Development) — I move:

That the debate be adjourned for two weeks.

Dr NAPTHINE (South-West Coast) — On the matter of time, Acting Speaker, given the number of changes being made to national parks in this legislation — and many of them very detailed changes, particularly to a number of the minor parks — I seek assurance from the minister that maps of the appropriate areas for all the parks, including the proposed Cobboboonee National Park and Cobboboonee state park and the minor changes being made to a range of other parks, will be made available for members to observe in the parliamentary library.

I also urge the minister to give an assurance that detailed maps will be made available on the internet so that stakeholders and people with interests in this area, particularly people in south-west Victoria who might find it difficult to travel to the parliamentary library to see the maps, will be able to access on the internet detailed maps of the proposed Cobboboonee National Park and Cobboboonee state park, and those people who have interests in the many other areas that are referred to in terms of the changes to the Great Otway National Park, Kinglake National Park, Lower Glenelg National Park, Holey Plains State Park, Langi Ghiran State Park, Warrandyte State Park, Castlemaine Diggings National Heritage Park and the Otway Forest Park with respect to the Old Beechy railway line. If the minister could advise us of the site, either in the house now or by email, at which the information will be available, members will be able to advise their constituents where members and interested people across Victoria can see detailed maps of the proposed changes.

As members would be aware, a number of the changes would probably attract significant support, but it is important that people see the details and be able to study the exact areas under discussion when we are talking about changing the nature of land from freehold to national park or making some significant changes to the future potential use of that land. It is important that every person who is involved has the ability to access that information readily and easily. I seek an assurance from the minister that the maps for all of these proposed changes will be available in the library to members, but also more importantly available on the internet in some detail for interested people across the community to

study the proposals so they will be able to voice their concerns to their local members. Those concerns can then be reflected in the debate that takes place in this house in several weeks time.

Mr BATCHELOR (Minister for Community Development) — I will pass on the request of the member for South-West Coast to the minister responsible for this bill, Mr Jennings, Minister for Environment and Climate Change in the other place. I do not know what arrangements have already been put in place and what is possible. Essentially the member has requested information, including maps, to be made available to members of Parliament via the parliamentary library, and to the public on the internet. I will pass that request on to the minister. I point out though that it is the policy of this government to seek to maximise information to both the public and members of this Parliament, and I am sure the minister will do what he can to provide information, which would include maps. The minister will respond as to the extent of that information, where it will be located and whether it will be in our library or on the internet in the virtual library.

Motion agreed to and debate adjourned until Thursday, 26 June.

LAND (REVOCAION OF RESERVATIONS) (CONVENTION CENTRE LAND) BILL

Statement of compatibility

Mr BATCHELOR (Minister for Community 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 Land (Revocation of Reservations) (Convention Centre Land) Bill 2008.

In my opinion, the Land (Revocation of Reservations) (Convention Centre Land) Bill 2008, 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

This bill revokes the permanent reservations of land in the Yarra River Wharf and Polly Woodside areas.

Human rights issues

Section 20 of the charter, which protects against deprivation of property other than according to law, may appear to be

relevant to this bill. This is because clause 6 provides that, on removal of reservations, land is deemed to be unalienated land of the Crown, freed and discharged from all trusts, limitations, reservations, restrictions, encumbrances, estates and interests. However, no individuals have any proprietary interest in the affected land.

As this bill will not deprive any person of property rights, I consider that it does not limit the right protected under section 20.

I consider that section 12 of the charter, which protects the right to freedom of movement, is not limited by the bill. This is because public access to the land affected by the revocation of reservations will not be restricted any more than it is currently. Part of the land has been closed to public access since 2006 while the area is being developed and it is expected that access will improve in future as these developments are completed.

Conclusion

I consider that the bill is compatible with the Charter of Human Rights and Responsibilities because it does not limit any rights protected under the charter.

Peter Batchelor, MP
Minister for Energy and Resources

Second reading

Mr BATCHELOR (Minister for Community Development) — I move:

That this bill be now read a second time.

The purpose of this bill is to change the status of two portions of land which are permanently reserved under the Crown Land (Reserves) Act 1978.

Bills of this nature are often needed to provide changes in land status to support government or community projects. The status of Crown land that is permanently reserved under the Crown Land (Reserves) Act 1978 can in most cases only be changed by legislation. The Minister for Environment and Climate Change in the other place is responsible for that act and regularly brings these revocation bills to Parliament.

The land included in this bill is located at the Polly Woodside and Yarra River Wharf areas, which are near the site for the new Melbourne Convention Centre that is currently being constructed.

Removing the permanent reservations over this land will contribute to the successful completion of the Melbourne Convention Centre Development Project, which includes creating a lively maritime precinct on the banks of the Yarra River.

The land in the Yarra River Wharf area is currently reserved for public purposes — specifically, wharf and associated tourist facilities. The other portion of land

included in this bill is in the maritime precinct and, most notably, is the home of the historic Polly Woodside. This area is appropriately reserved for the ‘conservation of an area of historic interest’.

The improvements planned for both areas of land are consistent with these purposes. However, the permanent reservations under the Crown Land (Reserves) Act 1978 need to be removed before leases can be executed to allow the new public facilities to become fully operational.

The public interest in these two parcels of land will be protected by temporary reservations which will be placed over these parcels of land in approximately the same locations, once the commercial leases have been executed. Drafting for these temporary reservations is already in hand.

The riverfront promenade and the maritime precinct will be accessible to the public at all times once the developments are complete and will form part of the wider public realm of the Melbourne Convention Centre precinct. The area will be completely revitalised by maintenance works to the wharves and docks, improved amenities and additional public attractions.

The maritime precinct, which houses the Polly Woodside, will undergo significant improvements as part of the development project. This will provide much needed maintenance facilities for the Polly Woodside. It will also create suitable historical significance of the area for the public to experience. In particular, works to the Pump House and new informative displays will promote public understanding of its historical significance. The National Trust is the current committee of management for this land and naturally supports the proposed improvements.

The works to the precinct will improve public access through upgrades to the wharves and docks and provide a much-needed link between Docklands and Southbank through the construction of a new bridge across the Yarra River.

Additionally, the works will revitalise previously underutilised parcels of land on the banks of the Yarra River, enhance public amenities, rejuvenate the maritime precinct and help preserve an area of historical significance. Generally the extensive landscaping works proposed will improve the public realm.

The Melbourne Convention Centre is a project focused on driving Victorian tourism. It has demonstrated benefits for the state as can be seen by the 23 international conventions already booked for the

centre delivering an estimated \$327 million to the Victorian economy.

The works facilitated by this bill are a part of making Melbourne a better tourist destination by improving our already popular riverfront promenade and making it easier for people to get around and enjoy our great city.

The Melbourne Convention Centre development is an important and exciting project for Melbourne and Victoria. This bill makes a small, but necessary, contribution to its successful completion so the public can start enjoying the revitalised wharf area as soon as it is completed.

I commend the bill to the house.

Debate adjourned on motion of Dr NAPHTHINE (South-West Coast).

Debate adjourned until Thursday, 26 June.

LOCAL GOVERNMENT AMENDMENT (ELECTIONS) BILL

Statement of compatibility

Mr WYNNE (Minister for Local Government) 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 Local Government Amendment (Elections) Bill 2008.

In my opinion, the Local Government Amendment (Elections) Bill 2008, 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 Local Government (Elections) Bill 2008 ('the bill') is to amend the Local Government Act 1989 ('the LG act') and the City of Melbourne 2001 ('the Melbourne act') to improve a number of electoral processes for local government.

Specifically, the bill proposes to:

- make changes to electoral dates and times for councils;
- alter candidate nomination processes;
- clarify enrolment requirements for corporations, rate payers and absentee voters;
- amend procedures for council countback process;
- create offences for making false declarations; and

make other technical amendments to clarify or correct minor legislative anomalies.

Human rights issues

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

The bill engages three of the human rights provided for in the Charter of Human Rights and Responsibilities ('the charter').

Section 13: privacy and reputation

Section 13 establishes a right for an individual not to have his or her privacy, family, home or correspondence unlawfully or arbitrarily interfered with and not to have his or her reputation unlawfully attacked.

The right to privacy concerns a person's 'private sphere', which should be free from government intervention or excessive unsolicited intervention by other individuals. An interference with privacy will not be unlawful provided it is permitted by law, is certain, and is appropriately circumscribed. An interference will not be arbitrary provided that the restrictions on privacy are reasonable in the particular circumstances and are in accordance with the provisions, aims and objectives of the charter.

In the bill, there are certain provisions which engage the right to privacy. However, in each instance, the interference with privacy is neither unlawful or arbitrary for the reasons set out below:

Clause 9 of the bill provides that under the LG act, the chief executive officer ('the CEO') of a council may request any person to provide information either orally or in writing, to determine the eligibility of the person to be enrolled in a council election.

The type of information that can be requested by the CEO is limited to information that can help determine whether a person is entitled to be enrolled on a voters' roll in accordance with the LG act. Further, the interference with privacy is lawful and not arbitrary, because the power to request information from a person is confined to information necessary to determine the eligibility of a person to be enrolled.

Clause 27 of the bill restates a requirement for a person wishing to nominate as a candidate, who is a ratepayer that has been omitted from the voters' roll, to submit together with their nomination form, a statutory declaration stating that they are entitled to be enrolled and including an additional requirement that it specify the grounds on which entitlement to be enrolled is claimed.

The information required in the statutory declaration is similar to the information that would be required if the person was applying for enrolment and is only required if the person has been omitted from the voters' roll in error. Entitlement to be on the voters' roll is a key eligibility requirement to be a candidate under the LG act. The interference with privacy is reasonable and circumscribed.

In addition, clause 11 and clause 43 of the bill provide that under the LG act and under the Melbourne act, persons entitled to be enrolled on the voters' roll for a council election

by virtue of being enrolled on the state electoral roll, cannot lodge a request with the CEO that their address not be shown on the voters' roll. Persons enrolled on the state electoral roll can already apply to the Victorian Electoral Commissioner requesting that their personal details not be shown on the state electoral roll, and as such, there is no limitation of the privacy right.

Accordingly, the bill does not provide for the unlawful or arbitrary interference with privacy and therefore there is no limitation on the right to privacy. Therefore, this right is not discussed further in this statement.

Section 15: freedom of expression

Clause 16 and clause 19 of the bill limit the right to freedom of expression and are discussed in part 2 of this statement.

Section 18: taking part in public life

Section 18 establishes a right for an individual to participate in the conduct of public affairs, to vote and be elected at state and municipal elections, and to have access to the Victorian public service and public office, without discrimination.

The right to participate in public affairs is a broad concept, which embraces the exercise of governmental power by all arms of government at all levels. The right to vote must be established by law and is confined to 'eligible persons'. The right to be elected ensures that eligible voters have a free choice of candidates in an election, and as with the right to vote, the right to be elected is limited to 'eligible persons' as determined by legislation.

Numerous provisions of the bill engage but do not limit the right to take part in public life, for the reasons set out below:

In clause 5 and clause 6 of the bill, which relate to entitlements to enrol on the voters' roll for a council election, the reference to 'a ward' is substituted with reference to 'the municipal district'.

This is a technical amendment and clarifies that eligibility to vote in a council election in the case of ratepayers, is determined according to whether a person owns or occupies a rateable property within the whole municipal district, rather than a single ward of the council. It does not alter actual voting entitlements in any way.

Clause 5 also amends the process of preparing the voters rolls to specify that the CEO should not include on the list of property owners, any person who lives in the municipality, unless that person applies to be on the roll. This extends the existing limitation that applies if the person lives in the property they own.

The purpose of this amendment is to avoid duplicating people on the council voters' roll, as residents who are on the state electoral roll are already automatically included on the council roll. The amendment relates to the roll preparation process and does not alter any person's right to apply for enrolment.

Clause 9 of the bill provides that on receiving an application from a person for enrolment on the voters' roll for the municipality, the CEO of the council may refuse to enrol the person.

The power to refuse to enrol a person can only be exercised by the CEO where he or she believes the person, based on the information submitted in their application, is not eligible under the LG act to be enrolled. The bill further provides that the CEO must advise the person of the reasons of the refusal and may allow the person the opportunity to provide further information in support of their enrolment application. In addition, under the Local Government (Electoral) Regulations 2005, a person who is not enrolled and who believes they are entitled to vote may apply to vote as an unenrolled voter.

Clause 13 of the bill provides that in the case of a by-election, a person does not have a right of entitlement to be enrolled on the voters' roll for a ward of the municipality, if the same person was enrolled for another ward at the time of the last general election.

This amendment simply ensures that persons are excluded from voting in respect of more than one ward within the municipality within a single term of office of the council. The bill does provide exemptions so that persons are entitled to be enrolled for a different ward if the person's primary place of residence has changed, or the person has ceased to have a right of entitlement to be enrolled in respect of the previous ward.

Clause 15 of the bill provides that in the case of a by-election to fill an extraordinary vacancy, if the minister considers the holding of the election within 100 days after the extraordinary vacancy, as required under the LG act, would be adversely affected by the Christmas and New Year holiday period, the minister may fix the date of the election to no later than 150 days after the extraordinary vacancy.

This enhances the right to vote as it ensures elections are not conducted at times when voters are likely to be absent and limited in their ability to cast a vote.

Clause 17 of the bill provides that voting at a general election or by-election must be conducted by the same means, whether attendance or postal voting, as the previous election was conducted, unless the council resolves to change the voting system at least eight months before a general election or within seven days of a vacancy for a by-election.

This does not limit the right to vote since voters will be informed about the system of voting through public notices and provided appropriate voting materials by the returning officer if the voting is to be by means of postal voting. Under the proposed amendment, the default system for any council election will be the system used at the previous general election, which is appropriate to minimise voter confusion.

Clause 27 of the bill restates a provision requiring a returning officer to reject as being void a nomination as a candidate for a council election from a person who is not enrolled or entitled to be enrolled on the voters' roll for the municipality.

There is no limitation on the right because the right to be elected only applies to 'eligible persons' which is limited to persons enrolled on the voters' roll who have

a direct interest in the affairs and governance of the municipality.

Clause 16 of schedule 3 to the LG act, which sets out a mechanism to request a poll of voters by a council, is repealed under clause 31 of the bill.

This is a technical amendment and ensures consistency with other legislation. Provisions enabling voters to request a poll of voters in relation to specific matters under the LG act have been repealed under previous amending acts. The proposed amendments retain provisions required for the conduct of polls of voters at the request of the minister, under section 193(7) under the LG act or if required by a council under section 18 of the Liquor Control Reform Act 1998. This amendment, therefore, does not interfere with the ability to undertake a poll of voters and does not limit the right.

Clauses 3 and 39, and clause 23 of the bill limit the right to take part in public life and are discussed in part 2 of this statement.

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

Section 15: freedom of expression

(a) *the nature of the right being limited*

The right to freedom of expression protects a person's right to hold an opinion without interference, and includes the freedom to seek, receive and impart information and ideas, whether orally, in writing, in print by way of art, or other medium. However, the right is not absolute and may be subject to reasonable limitations necessary to respect the rights and reputations of other persons, or for the protection of national security, public order, public health or public morality.

(b) *the importance of the purpose of the limitation*

Clause 16: Compelling a person enrolled on the state electoral roll to exercise their right to vote at a council election ensures the person meets their civic obligation as a member of that municipality, providing for more democratic representation in local government.

Clause 19: Prohibiting the distribution of information that is likely to deceive a voter in relation to the casting of his or her vote improves the voting system in local government by ensuring candidates are elected fairly and honestly. It also prohibits action that may lead to another person's vote being invalidated because of misinformation.

(c) *the nature and extent of the limitation*

Clause 16 clarifies an existing requirement under the LG act that makes it compulsory for an enrolled person to vote if they live in the ward where the election is being held. The amendment specifies that compulsory voting only applies to people who are enrolled for that ward on the State electoral roll. The amendment therefore confines the extent of the limitation on the right.

Clause 19 prohibits a person, at any time, to cause, permit or authorise someone to print, publish or distribute any matter or thing likely to mislead or deceive a voter in relation to the casting of their vote. It also prohibits the printing, publishing or distribution of an electoral advertisement, handbill,

pamphlet or notice that contains a representation or purported representation of a ballot paper for use in that election likely to induce a voter to mark their vote otherwise than in accordance with the directions on the ballot paper.

(d) *the relationship between the limitation and its purpose*

There is a direct relationship between the limitation and the purpose of maintaining a fair and democratic voting system in local government.

(e) *any less restrictive means reasonably available to achieve its purpose*

There are no less restrictive means reasonably available to achieve the intended purposes.

(f) *any other relevant factors*

There are no other relevant factors to be considered.

Section 18: taking part in public life

(a) *the nature of the right being limited*

The right to take part in public life protects the right to participate in public affairs, the right to vote in genuine, periodic and free elections and right to have access to the public service and office. However, the right to take part in public life is not absolute and may be subject to reasonable limitations.

(b) *the importance of the purpose of the limitation*

Clause 3 and clause 39: Owners or occupiers of a rateable property in a municipality have specific interests in local issues, and as eligible voters, have a free choice of candidates who can represent those interests on council. The franchise for local government elections includes residents and ratepayers in each municipality on the basis that these people have a significant interest in the way that a council is governed. It is proposed to exclude from the franchise, people whose only interest is in relation to a single vehicle car park or a single boat mooring because the extent of their direct interests in council governance is substantially less than that of residents and owners or occupiers of more substantial properties and does not warrant the same voting rights.

Clause 23: The right to stand for council election ensures that eligible voters have a free choice of candidates in an election, and that candidates elected can in turn best represent local communities' interests. The proposal to prevent a person from nominating for a council if they have been removed from office at that council because of a specific failure on their part recognises that there are standards that are required of people who hold public office and that the community is entitled to be represented by people who will properly perform their duties as councillor.

(c) *the nature and extent of the limitation*

Clause 3 and clause 39 of the bill prevent a person from being enrolled on the voters' roll as a ratepayer for a council election, if their only entitlement is as an owner or occupier of a single vehicle car park or a single boat mooring. A person who owns or occupies such a property will continue to be entitled to be enrolled if they are also a resident of the municipality or if they own or occupy other rateable property in the municipality.

Clause 23 of the bill limits the right to nominate as a candidate for a council election for persons whose position on the council became vacant in the previous four years because they failed to take the oath of office, were absent from four consecutive ordinary meetings of the council without obtaining leave, or the minister has ordered that the person is incapable of remaining a councillor on the grounds that the councillor failed to attend or remain at a call of a council without a reasonable excuse. This limitation will apply to persons who cease to be councillors because of one of these grounds after the commencement of clause 23.

(d) the relationship between the limitation and its purpose

There is a direct relationship between the limitation and the purpose of ensuring that elected councillors properly undertake the duties of office and act in a manner appropriate to a community leader.

There is a direct relationship between the limitation and the purpose of ensuring that voters have a substantive interest in the way a municipality is governed.

(e) any less restrictive means reasonably available to achieve its purpose

There are no less restrictive means reasonably available to achieve the intended purposes.

(f) any other relevant factors

There are no other relevant factors to be considered.

Conclusion

I consider that the bill is compatible with the Charter of Human Rights and Responsibilities because, although it does limit two human rights, the limitations are reasonable and proportionate. The limitations strike the correct balance by providing persons the right to take part in public life and serving the interests of the local council.

Richard Wynne, MP
Minister for Local Government

Second reading

Mr WYNNE (Minister for Local Government) — I move:

That this bill be now read a second time.

For the first time, in November 2008, elections will be held concurrently for all councillor positions in all Victorian councils.

In some ways these elections will comprise the biggest electoral event ever held in this state. They will involve elections for 79 councils where more than 2000 candidates are expected to contest 600 positions.

This bill will amend the Local Government Act 1989 and the City of Melbourne Act 2001. It includes a number of reforms to electoral processes for local government. Many of these changes will apply in the forthcoming elections. The bill also includes

amendments to clarify or correct minor legislative anomalies.

The 'election period' for local government elections is proposed to be amended to specify that it commences on the last day of nominations.

This will mean that 'caretaker' provisions for councils will apply for a period of 32 days before the election day, rather than 57 days as is currently required. This will more closely resemble the caretaker period that applies during parliamentary elections.

Councils in caretaker mode may not enter into major contracts or entrepreneurial ventures or make decisions about the employment or remuneration of a permanent chief executive officer. Nor may they publish electoral matters unless it is only information about the election process.

The bill includes changes to electoral dates and times for councils:

The date for the close of nominations will be changed to 32 days before the election for all council elections, replacing the current arrangement where nominations close on different days for postal and attendance elections.

The time for the close of nominations will change from 4.00 p.m. to 12 noon, which will bring it into line with the practice in state elections.

The setting of dates for by-elections will be clarified in some circumstances where the act is currently unclear, such as when a by-election is required after a failed countback.

Provisions will be made to allow a by-election date to be delayed by up to 50 days when necessary to ensure that election processes do not occur during the Christmas and summer holiday period.

The bill amends some candidate nomination processes, including a requirement that each candidate must sign their nomination declaration in the presence of the returning officer or provide an appropriate statutory declaration explaining why they cannot do so. This effectively requires candidates to nominate in person.

The purpose of this change to nominations is to ensure the legitimacy of each candidate's nomination. It will also enable returning officers to directly advise each candidate about what is required during the election period.

A person whose position as councillor on a council becomes vacant as a result of a particular failure in office will not be eligible to nominate as a candidate for election to that council for a period of four years.

This will include anyone whose position on council becomes vacant after the commencement of this bill because they:

fail to take the oath of office,

are absent from four consecutive meetings of the council without leave, or

fail to attend and remain at a call of the council without a reasonable excuse.

A number of minor amendments to voters' rolls are included in this bill, with the purpose of clarifying processes and addressing anomalies:

Councils will no longer be required to automatically enrol absentee owners who live within the municipality because, as residents, they should be already enrolled as state roll voters. The change will enhance the accuracy of voters' rolls by reducing the potential for duplications.

People who are owners or occupiers of single-vehicle car parks or single-boat moorings will no longer be entitled to enrol to vote unless they have another entitlement as a resident or ratepayer.

A corporation that jointly owns a property with another corporation will be able to appoint an office bearer to be its voting representative. The current provision is inconsistent in only allowing corporations that are sole owners or joint owners with persons to appoint a voter.

Statutory corporations will no longer be entitled to appoint an office bearer to be on the voters roll. Office bearers in statutory corporations are accountable to other levels of government and should not be voters in council elections.

Enrolments for corporations that own rateable property will be limited to a single term of the council, which will ensure consistency with other corporation enrolments and assist with the accuracy of the voters' rolls. Councils will be required to notify a corporation affected by this change before its previous appointment lapses.

When a vacancy occurs in a ward or district where the councillors were elected by proportional representation, it is filled by a countback process using the votes cast in

the original election. The bill amends the procedures for a countback to ensure consistency between the processes for electronic and manual counts.

The bill will insert a new offence in the Local Government Act for people who make false declarations as candidates, scrutineers or voters. The act and the regulations require people to sign declarations in various instances to attest to the accuracy of the information they provide or to state that they meet certain criteria.

This bill continues the government's process of democratic reform for the local government sector. A number of the changes in this bill have been the subject of prior consultation with the sector.

I commend the bill to the house.

Debate adjourned on motion of Mrs POWELL (Shepparton).

Debate adjourned until Thursday, 26 June.

SUPERANNUATION LEGISLATION AMENDMENT BILL

Statement of compatibility

Mr HOLDING (Minister for Finance, WorkCover and the Transport Accident Commission) 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 Superannuation Legislation Amendment Bill 2008.

In my opinion, the Superannuation Legislation Amendment Bill 2008, 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

A primary purpose of the bill is to amend the Emergency Services Superannuation Act 1986 and related legislation in order to provide members of the former State Superannuation Fund and their spouses with access to ESSSuper's accumulation products.

The State Superannuation Fund and the Emergency Services Superannuation Scheme were integrated in December 2005. The new integrated entity is known as ESSSuper.

To date, former State Superannuation Fund members have not been able to access ESSSuper's range of accumulation products which include allocated pensions, a lump-sum rollover product (called the beneficiary account), spouse accounts and the top-up account.

This bill will allow all members of the former State Superannuation Fund, including active members, deferred beneficiaries, and pension recipients to access the ESSSuper accumulation products. Spouses of members of the former State Superannuation Fund will also be permitted to access these products.

The bill will put members of the former State Superannuation Fund and their spouses on an equal footing with other members of ESSSuper. In particular, it will allow them to make additional pre-tax and post-tax contributions to an accumulation scheme and will allow them to roll over or transfer amounts from other superannuation funds into ESSSuper accumulation products.

Human rights issues

Section 8(3) of the charter provides for the right to equal protection of the law without discrimination and to equal and effective protection against discrimination. Section 8(3) operates to prohibit discrimination in law or in fact in any field regulated by public authorities and requires that the content of any legislation enacted by Parliament not be directly or indirectly discriminatory. Discrimination under the charter means direct or indirect discrimination as defined in the Equal Opportunity Act 1995 (Vic) on the basis of an attribute set out in section 6 of that act, which includes the discrimination on the basis of 'sexual orientation'.

The bill amends the Emergency Services Superannuation Act 1986 (Vic) by adopting a definition of 'eligible spouse' from the Superannuation Industry (Supervision) Act 1993 (cth) ('the commonwealth act'). This definition is currently restricted to married or heterosexual partners who live together on a genuine domestic basis as husband or wife, and therefore does not include same-sex partners. This will directly discriminate against same-sex partners of former State Superannuation Fund members who live with an ESSSuper member on a genuine domestic basis, on the attribute of sexual orientation. This discrimination currently occurs for those ESSSuper members who are already eligible to access ESSSuper's accumulation products. The effect of the bill is that access to ESSSuper's accumulation products, which the bill will extend to heterosexual spouses of members of the former State Superannuation Fund, will be denied to the same-sex partners of members of the former State Superannuation Fund.

A similar issue of discrimination against same-sex couples arose in relation to the Superannuation Legislation Amendment (Contribution Splitting and Other Matters Bill) 2007. In relation to the statement of compatibility for that bill, I characterised the critical importance of achieving consistency with the commonwealth as a reasonable limitation on the equality right, in accordance with section 7(2) of the charter.

At the same time, I wrote to the former federal Treasurer (and in January 2008 to the current federal Treasurer) urging the commonwealth to recognise same-sex couples in relation to superannuation arrangements because the Victorian government regarded its position as discriminatory.

The Scrutiny of Acts and Regulations Committee and the Victorian Equal Opportunity and Human Rights Commission were of the view that the limitation should have been characterised as incompatible with section 8(3) of the charter. The commission nonetheless acknowledged that it was

impossible to extend access to contribution splitting to same-sex couples (given the federal framework in Australia).

I remain of the view that the limitation on the equality right is reasonable in order to achieve consistency with the commonwealth, for the reasons explained below. However, I note that the Victorian government has deliberately tied the definition of 'spouse' in the bill to a definition of 'spouse' in a particular commonwealth act which the federal government is seeking to amend (to include same-sex partners) in a commonwealth bill which is currently before federal Parliament, as part of the federal government's reforms to end same-sex discrimination in a wide range of commonwealth laws.

(a) the nature of the right

The right to equality is a fundamental human right.

(b) the importance of the purpose of the limitation

The purpose of adopting the definition of spouse in commonwealth legislation is to ensure that the ESSSuper is a 'complying superannuation fund' under the commonwealth act which allows members of the scheme to enjoy various concessional tax benefits. Pursuant to a heads of government agreement with the commonwealth government signed in 1996, state and territory governments undertook to ensure conformity to the commonwealth's retirement incomes policy. In return, public sector superannuation schemes are exempt from the commonwealth act but are nevertheless considered complying superannuation funds and enjoy concessional tax treatment. If the bill were to adopt a definition of 'spouse' which did not conform with the definition in the commonwealth act, this could result in dire financial consequences for both the scheme and its members through the loss of valuable tax concessions.

Further, non-compliance with the definition of spouse in the commonwealth act would create significant uncertainty. This bill aims to provide members of the former State Superannuation Fund and their spouses with access to ESSSuper's range of accumulation products, including spouse accounts. These benefits are already available to pre-existing members of ESSSuper and their heterosexual spouses. If the bill adopted a definition of 'spouse' which included same-sex partners in relation to former State Superannuation Fund members, this would mean that former State Superannuation Fund members would be provided with access to products not available to existing ESSSuper member's same-sex partners.

(c) the nature and extent of the limitation

The federal government has recently introduced the Same-Sex Relationship (Equal Treatment in Commonwealth Laws-Superannuation) Bill 2008 which amends the definition of spouse in the commonwealth act from 1 July 2008 to include same-sex partners. Therefore, once the commonwealth changes take effect, the definition of spouse which is relied upon in the Emergency Services Superannuation Act 1986 (Vic) will cease to discriminate against same-sex partners. The extent of the limitation in the bill is therefore confined because the discriminatory effect of the bill will be short-lived.

(d) the relationship between the limitation and its purpose

There is a rational and proportionate relationship between the limitation on the right to equality and avoiding the consequences of non-compliance with the commonwealth act.

(e) any less restrictive means reasonably available to achieve its purpose

There is no less restrictive means reasonably available to achieve the purpose of conforming with the commonwealth act.

Accordingly, in my opinion, the Superannuation Legislation Amendment Bill 2008, as introduced to the Legislative Assembly is compatible with section 8(3) of the charter.

TIM HOLDING, MP
Minister for Finance, WorkCover and the Transport Accident Commission

Second reading

Mr HOLDING (Minister for Finance, WorkCover and the Transport Accident Commission) — I move:

That this bill be now read a second time.

The primary purposes of the bill are to amend the Emergency Services Superannuation Act 1986 and related legislation in order to:

provide members of the former State Superannuation Fund and their spouses with access to ESSSuper's accumulation products;

empower the Emergency Services Superannuation Board to enter into a contract with an external party to provide financial advice to members;

permit the Emergency Services Superannuation Board to provide members of its accumulation products with the ability to make a binding death nomination; and

facilitate the new flexible work practices which were introduced in the Victoria Police Workplace Agreement 2007.

The State Superannuation Fund and the Emergency Services Superannuation Scheme were integrated in December 2005. The new integrated entity is known as ESSSuper.

To date, members of the former State Superannuation Fund have not been able to access ESSSuper's range of accumulation products which include allocated pensions, a lump-sum rollover product (called the beneficiary account), spouse accounts and a top-up account.

This bill will allow all members of the former State Superannuation Fund, including active members, deferred beneficiaries and pensioners, to access the ESSSuper accumulation products. Spouses of members of the former State Superannuation Fund will also be permitted to access these products.

It is important to note that the bill adopts a definition of 'spouse' that is linked to the definition contained in the commonwealth's Superannuation Industry (Supervision) Act 1993. At present, that definition is restricted to heterosexual couples who live together on a genuine domestic basis. However, the Same-Sex Relationships (Equal Treatment in Commonwealth Laws-Superannuation) Bill 2008 which is currently before federal parliament will amend the definition of 'spouse' to include same-sex partners. Once the commonwealth's bill comes into operation, the expanded definition of 'spouse' will also apply in respect of ESSSuper members. It is intended that the commonwealth amendments will come into operation from 1 July 2008.

Honourable members may recall that this issue arose last year in relation to the Superannuation Legislation (Contribution Splitting and Other Matters) Act 2007.

The Victorian government strongly believes that current commonwealth superannuation laws are unfair and discriminatory. The Victorian government has previously written to the federal Treasurer, the Honourable Wayne Swan, MP, and his predecessor, urging the federal government to amend its superannuation law to remove legislative provisions which discriminate against those in same-sex relationships. On that basis, the Victorian government supports the commonwealth bill to amend discriminatory provisions. However, until the commonwealth bill is approved the Victorian government is constrained from extending equal treatment to same-sex couples in its public sector superannuation schemes due to its obligations under the 1996 heads of government agreement. That agreement requires states to conform with the commonwealth's retirement incomes policy as well as prevailing commonwealth legislation. In return for that commitment, state public sector schemes, and their members, receive extremely valuable concessional tax treatment.

As noted earlier, it is intended that the commonwealth bill will commence on 1 July 2008 and the Victorian government sincerely trusts that there will be no undue delay in the passage of that bill.

In relation to Victoria's Charter of Human Rights, while this bill will limit the right to equal protection of the law without discrimination this limitation is reasonable in order to maintain consistency with commonwealth law. More importantly, this bill is being used as a vehicle to facilitate access for same-sex spouses pursuant to the aforementioned changes at the commonwealth level. A fuller examination of this issue is set out in the statement of compatibility that I have provided to the house in accordance with section 28 of the Charter of Human Rights and Responsibilities Act 2006.

The bill will put members of the former State Superannuation Fund and their spouses on an equal footing with other members of ESSSuper. In particular, it will allow them to make additional pre-tax and post-tax contributions to the accumulation scheme and will allow them to rollover or transfer amounts from other superannuation funds into ESSSuper accumulation products.

It is important to note that the ESSSuper accumulation products will not be available to all and sundry. ESSSuper will only be permitted to accept contributions in respect of members who have established a relationship with the scheme as employer-sponsored members, or members belonging to a prescribed class, who continue to be members of the scheme.

This means that once a person has become an employer-sponsored member of ESSSuper, or a person belongs to a prescribed class (usually a spouse or former spouse of an existing member), then that person can continue to make contributions even when they no longer have a relationship with an employer-sponsor.

The bill will also empower the Emergency Services Superannuation Board to enter into a contract with an external party for the provision of financial advice to members. Given the wide range of superannuation options that now confront an individual upon retirement, it is important that members have access to expert independent financial advice.

The financial advice will be provided by a third party, and will be available to new, existing and retiring members of the scheme. Members will pay for this service directly or from their ESSSuper accumulation accounts.

It is important to note that the board will not be responsible for any advice or enter into a contractual relationship with members regarding the provision of such advice. The board's role will be to identify an

appropriate provider, which members may choose to utilise at their discretion. The provider is free to recommend a range of products to a member, including those provided by ESSSuper or an alternative scheme.

The benefit of the arrangement is that the board has an opportunity to seek discounted advice for members and the provider will be able to develop a deep understanding of the scheme and its complexities.

The bill will also allow the board to provide accumulation scheme members with the ability to make a binding death benefit nomination.

Binding death nominations are sanctioned under the commonwealth superannuation industry supervision regulations. The board has advised that members of the scheme have shown a strong interest in such nominations as they provide more certainty for members. Only 'dependants' can be nominated and the nomination must be renewed every three years.

The board has advised that binding death benefit nominations are an important tool for estate planning purposes and are often recommended by legal advisers in the case of broken or blended families to reduce the potential for disputes. The bill provides that such nominations can be introduced at the board's discretion in respect of accumulation products.

The bill also addresses an existing oversight by codifying that, in carrying out its duties, the board must have regard to the interests of contributing employers as well as the interests of scheme members. While this might seem an obvious reality for the trustee of any defined benefit scheme, the current legislation does not explicitly require this.

The bill also contains amendments to facilitate new flexible work practices that were introduced in the 2007 Victoria Police enterprise agreement. In particular, the amendments cater for those officers who retire from the force and later return on a fixed-term contract. The amendments ensure that those returning in an operational capacity will be provided with the same level of death and disability cover as ongoing employees who remain in the defined benefit scheme. The bill also contains an amendment to allow members to continue making contributions beyond the age of 65.

Finally, the bill also includes a minor amendment to the Victorian Managed Insurance Authority Act 1996 to permit directions pursuant to section 25A of that act to be made for a period up to five years, as opposed to the current limit of one year. This amendment better reflects the insurance market cycle and the existence of specific project or event insurance arrangements which

are scheduled to proceed for set periods in excess of one year.

This amendment to the Victorian Managed Insurance Authority Act 1996 has been included in this bill due to portfolio alignment and as a related financial risk management matter.

I commend the bill to the house.

Debate adjourned on motion of Mr WELLS (Scoresby).

Debate adjourned until Thursday, 26 June.

SUMMARY OFFENCES AMENDMENT (TATTOOING AND BODY PIERCING) BILL

Statement of compatibility

Mr HULLS (Attorney-General) tabled following statement on 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 Summary Offences Amendment (Tattooing and Body Piercing) Bill 2008.

In my opinion, the Summary Offences Amendment (Tattooing and Body Piercing) Bill 2008 (the bill), 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 promote the health and wellbeing of young people by appropriately regulating the conduct of body piercing, tattooing and like processes. Specifically, the Bill will amend the Summary Offences Act 1966 by:

- (a) increasing the maximum penalty for the existing offence of tattooing or performing a 'like process' on a person aged under 18 years from 5 penalty units to 60 penalty units
- (b) defining 'like process' as including scarification, tongue splitting, branding and beading
- (c) making it an offence for a body piercer to perform a non-intimate body piercing on a person aged under 16 years unless consent is provided by a parent or guardian
- (d) making it an offence for a body piercer to perform an intimate body piercing on a person aged under 18 years
- (e) making it an offence for a body piercer to employ, direct or allow a person aged under 16 years to perform illegal piercings on young people (the body piercing offences only apply to persons aged 16 or more).

The new body piercing offences, like the existing offence of tattooing or performing a like process on a child, will not apply to health professionals acting in good faith. Furthermore, it will be a defence to a body piercing offence for the accused to prove that he or she had seen an evidence-of-age document indicating that the young person in question had attained the relevant age of consent.

Human rights issues

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

Section 8: recognition and equality before the law

Section 8(3) of the charter provides that every person is equal before the law and is entitled to equal protection of the law without discrimination within the meaning of, and on the basis of an attribute set out in, the Equal Opportunity Act 1995.

Clauses 3 and 4 of the bill engage and prima facie limit this right by restricting the availability of certain body piercing and other body modification procedures on the basis of age. Specifically, clause 4 restricts the availability of non-intimate body piercing of persons aged under 16 to situations where that person's parent or guardian has consented to the procedure, and provides that intimate body piercing cannot be performed on a person aged under 18 years. Clause 3 provides that scarification, tongue splitting, branding and beading cannot be performed on a person aged under 18 years.

However, this right is not absolute, but is subject to reasonable limitations pursuant to section 7 of the charter, as discussed in part 2 below.

Section 15: freedom of expression

Section 15(2) of the charter provides that every person has the right to freedom of expression, which includes the freedom to seek, receive and impart information and ideas of all kinds, including by way of art.

Section 15(3) provides that special duties and responsibilities attach to the right of freedom of expression and the right may be subject to lawful restrictions reasonably necessary, amongst other things, to respect the rights of other persons, or for the protection of public order, public health or public morality.

Clauses 3 and 4 of the bill interfere with young people's right to freedom of expression by restricting access, on the basis of age, to certain types of body art.

However, the interference is reasonably necessary to protect public health and public morality, and thus constitutes a lawful restriction within the ambit of section 15(3).

Section 17: protection of families and children

Section 17(2) of the charter provides that every child has the right, without discrimination, to such protection as is in his or her best interests and is needed by him or her by reason of being a child.

The bill engages, though does not limit, this right, because it seeks to protect children from risks to their health and wellbeing associated with body piercing.

Section 19: cultural rights

Section 19 of the charter provides that all persons with a particular cultural, religious, racial or linguistic background must not be denied the right, in community with persons of that background, to enjoy his or her culture.

Clauses 3 and 4 of the bill may interfere with cultural rights by restricting access, on the basis of age, to certain types of body art that may have cultural motivations (e.g., body piercing or scarification may have cultural significance in some cultures).

However, this right is not absolute, but is subject to reasonable limitations pursuant to section 7 of the charter, as discussed in part 2 below.

Section 25(1): right to be presumed innocent

Section 25(1) of the charter provides that a person charged with a criminal offence has the right to be presumed innocent until proved guilty according to law.

Clause 4 of the bill engages, and prima facie limits the right to be presumed innocent, because the two body piercing offences contained therein include a defence of the accused person proving that he or she has seen an evidence-of-age document indicating that the young person had attained the relevant age of consent.

However, this right is not absolute, but is subject to reasonable limitations pursuant to section 7 of the charter, as discussed in part 2 below.

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

Section 8 of the charter: recognition and equality before the law and clauses 3 and 4 of the bill; and

Section 19 of the charter: cultural rights and clauses 3 and 4 of the bill; and

Section 25(1) of the charter: right to be presumed innocent and clause 4 of the bill.

(a) the nature of the right being limited

The prohibition on discrimination is of fundamental importance to the protection of human rights, as reflected in the preamble to the charter.

The protection of cultural rights is also of great importance in a vibrant, multicultural community like Victoria.

The right to be presumed innocent is a well-recognised civil and political right and a fundamental principle of the common law.

However, none of these rights is absolute, but may be subject to reasonable limitations in accordance with section 7 of the charter.

(b) the importance of the purpose of the limitation

The limitation on the equality right, cultural rights and the right to be presumed innocent is for the same purpose, which is a purpose of great importance, being the protection of health and wellbeing of young people, the protection of young people from inappropriate contact by adults, and the

protection of the best interests of the child which is protected in section 17 of the charter.

(c) the nature and extent of the limitation

The nature of the limitation in clauses 3 and 4 of the bill is to restrict young people's access to certain body piercing and other body-modification procedures on the basis of age. This may also limit cultural rights where the procedure is a cultural practice.

Clause 4 limits the right of an accused person to be presumed innocent, in that a person charged with a body piercing offence bears the legal onus of establishing the defence that he or she had seen an evidence-of-age document at the time of the offence indicating that the young person had attained the relevant age of consent.

(d) the relationship between the limitation and its purpose

There is a close, rational and proportionate relationship between the limitation and its purpose.

The purpose of clauses 3 and 4 of the bill is to protect the health and wellbeing of young people.

Clause 4 deals with body piercing. Health risks associated with body piercing are well documented and include the transmission of blood-borne viruses (e.g. Hepatitis C), infection, scarring, nerve damage (e.g. eyebrow piercings) and interference with speaking or chewing and irritation or trauma to teeth and gums (e.g. tongue piercings).

Furthermore, these health risks materialise with some regularity. Between July 2007 and April 2008 approximately 40 people were admitted to Victorian hospitals suffering injuries or illnesses caused by body piercing. Research conducted in 2003 found that between July 2000 and July 2002, at least 100 mostly young people presented to Victorian hospital emergency departments with complaints associated with body piercing. Furthermore, South Australian research published in 2006 supports anecdotal evidence that a significant number of patients present to general practitioners with complaints associated with body piercing.

As such, the decision to undergo a non-intimate body piercing procedure may have significant, enduring consequences, and should not be undertaken lightly. Indeed sound, informed choices require the capacity to maturely, intelligently and responsibly identify, consider and manage health risks associated with body piercing. Generally speaking, 16-year-olds possess these capacities. However, persons aged under 16 years require, and will benefit from, the involvement of a parent or guardian in the decision-making process. Clause 4 of the bill will thereby encourage informed choices (including selecting the type of piercing and a reputable service provider), a reduction in impulse piercings, appropriate aftercare and prompt identification and treatment of complications, and thus improve the health and wellbeing of young people.

Clause 4 of the bill also prohibits intimate body piercing from being conducted on a person aged under 18 years. Victorian law places great importance on protecting children and young people from inappropriate, sexual contact from adults, and deterring indecent and obscene behaviour (e.g., sex offences in the Crimes Act 1958; obscene behaviour and other public order offences in the Summary Offences Act 1966). Clause 4 is in keeping with this general protection provided to children.

Clause 4 of the bill will also have a small and justifiable limitation on cultural practices. The bill was released as an exposure draft for public comment during January–March 2008. Consultation with multicultural groups confirmed that any impact would be minimal, given that persons aged under 16 years can continue to obtain non-intimate piercings with parental consent, which is likely to be forthcoming if the procedure has cultural resonance.

Finally, clause 4 of the bill will impose a justifiable limit on the right to be presumed innocent. The defendant bears the legal burden of establishing the defence of having sighted an evidence-of-age document indicating that the young person had attained the relevant age of consent at the time of the offence. This information is uniquely within the knowledge of the defendant, and could not be reasonably ascertained by the prosecution. As such, without this limitation, the body piercing offences would be unenforceable. This is also the approach taken in similar offences, such as those relating to the supply of alcohol and tobacco to young people.

Clause 3 of the bill prohibits scarification, tongue splitting, branding and beading on persons aged under 18 years.

Scarification, tongue splitting, branding and beading are more severe and more difficult to reverse than body piercing, and carry similar health risks. Given these potentially significant and enduring consequences, such procedures should only be available to adults, consistent with the existing approach to tattooing.

Whilst scarification may have a cultural basis in some communities, the consultation process on the exposure draft bill did not reveal evidence of this practice occurring in Victoria. Furthermore, the intrusive and permanent nature of scarification warrants a more restrictive approach to protect the health and wellbeing of young people. This accords with the current approach to tattooing.

(e) any less restrictive means reasonably available to achieve its purpose

Some submissions on the exposure draft bill noted that young people aged under 16 can consent to medical procedures if they have capacity, i.e., they possess the maturity and intelligence to fully understand what is proposed, and suggested that this approach be adopted in relation to body piercing.

However, a ‘capacity to consent’ approach would not achieve the purpose of the bill. This approach is appropriate for medical procedures, where practitioners can draw upon extensive training, experience and support services when assessing a young person’s capacity to consent. Furthermore, if consent is given, the resulting procedure takes place in a clinical environment, and practitioners are subject to strong accountability mechanisms. This is a vastly different environment to the body piercing industry, which cannot be expected to deliver this type of individualised, accountable assessments of capacity.

(f) any other relevant factors

The limitations in the bill accord with standard industry practice across reputable body piercing operators, and were supported by the majority of individuals and organisations that provided feedback to the government when the bill was released for comment as an exposure draft during

January–March 2008. This is further evidence that the limitations are rational, proportionate and reasonable.

The limitations in the bill also accord with other age-based restrictions on access to goods and services, such as tobacco, liquor, gaming, films and literature.

Conclusion

The bill protects the health and wellbeing of young people. To achieve its purpose, the bill interferes with rights to equality before the law, freedom of expression and culture and the presumption of innocence, which are protected by the charter. For the reasons outlined above, I consider that such interference is necessary, justifiable and proportionate, and that the bill is compatible with the charter.

Rob Hulls, MP
Attorney-General

Second reading

Mr HULLS (Attorney-General) — I move:

That this bill be now read a second time.

This bill delivers on the government’s commitment to reform the law relating to tattooing and body piercing to protect the health and wellbeing of young people.

Body piercing, tattooing and related forms of body art, whilst having ancient origins, have become increasingly popular in Victoria and other Western societies in recent years, particularly amongst young people. Eyebrows, tongue, navel, neck, nipple and genitals have joined the traditional earlobe as preferred piercing sites, whilst beading, branding and scarification are emerging forms of body decoration.

The health risks associated with body piercing, tattooing and like processes are well documented and include the transmission of blood-borne viruses (for example, Hepatitis C), infections, nerve damage and scarring. These risks materialise with some regularity. From July 2007 to April 2008 around 40 people were admitted to Victorian hospitals with complaints associated with body piercing. Furthermore, Victorian and interstate research indicates that significant numbers of patients present to hospital emergency departments and medical practitioners with complications from body piercing.

In this context the government is obliged to ensure that laws mitigate the risks associated with body piercing, tattooing and like processes, and protect the health and welfare of Victorians, particularly our young people. With this in mind, the government introduced new health regulations in 2004 requiring body piercers to provide information on health risks to prospective customers, and also produced guidelines to assist body piercers in complying with health standards.

The age of consent requirements included in this bill build upon those earlier reforms by promoting the health and welfare of young people. However, the government was also mindful that body art raises complex and often emotive civil liberty and cultural issues, and that community attitudes and expectations on this topic may change over time. Consequently, the government released an exposure draft bill and discussion paper and sought broad community input on the proposed reforms. Around 130 individuals and organisations took the opportunity to provide comments on the exposure draft bill. Whilst a range of views were expressed, the majority of submissions supported the key features of the exposure draft bill.

And it is to those key features that I shall now turn.

This bill makes it an offence for a body piercer to conduct a non-intimate body piercing on a person aged under 16 years without consent from a parent or guardian. Non-intimate body piercing is any piercing except of the genitalia, nipples, anal region or perineum, which are treated as 'intimate' piercings. The bill encourages young people to discuss body piercing with their parents or guardians. This will assist in the proper identification, consideration and management of health risks associated with body piercing, the selection of reputable body piercing operators, the administration of appropriate aftercare and the prompt identification of complications. The bill therefore equips young people to make informed choices and to manage the consequences of those choices. This will have a positive impact on the health and welfare of young people.

The bill also makes it an offence for a body piercer to perform an intimate body piercing on a person aged under 18 years. This more restrictive approach accords with the protection that the law generally affords young people from inappropriate, indecent or sexual contact by adults, and reflects community attitudes and expectations.

The bill also makes two sets of changes to the existing offence of performing a tattoo or like process on a person aged under 18 years.

Firstly, the bill increases the maximum penalty for that offence from 5 penalty units to 60 penalty units. The new maximum penalty better reflects the gravity of the offence, and provides a more realistic and effective deterrent.

Secondly, the bill defines 'like process' to include scarification, tongue splitting, branding and beading. These procedures are more severe, intrusive forms of

body art, and can be difficult to reverse. As such, they should only be available to adults, consistent with the current approach to tattooing.

The measures introduced by the bill improve the regulation of the body piercing industry by providing clear age-of-consent rules for various procedures. The bill represents an appropriate balance between the rights of parents and guardians, young people's freedom of expression, and the protection of their health and wellbeing.

I commend the bill to the house

Debate adjourned on motion of Mr CLARK (Box Hill).

Debate adjourned until Thursday, 26 June.

PERSONAL EXPLANATION

Mr TILLEY (Benambra) — Yesterday, 11 June 2008, during my contribution on the Appropriation (2008/2009) Bill I made reference to an answer given by the Minister for Public Transport to a question without notice relating to the rail relocation project at Wodonga. In her answer the minister informed the house that the project was announced by the Premier on 30 May 2008. *Daily Hansard*, the proof version of *Hansard*, of 10 June records that the Minister for Public Transport went on to make the following statement:

The members for Seymour, Murray Valley, Benambra and Benalla, who were also present ...

As I said, this statement by the minister appears in *Daily Hansard* of 10 June 2008. After checking *Daily Hansard* I purported to correct the record and refute the accuracy of the minister's statement. It has now been drawn to my attention that *Daily Hansard* incorrectly records the minister's statement. I accept now that the minister never made the statement I attributed to her. My error was inadvertent and based upon my reading of *Daily Hansard*.

GAMBLING REGULATION AMENDMENT (LICENSING) BILL

Second reading

Debate resumed from 11 June; motion of Mr ROBINSON (Minister for Gaming); and Mr O'BRIEN's amendment:

That all the words after 'That' be omitted with the view of inserting in their place the words 'this bill be withdrawn and

redrafted to ensure that the probity requirements of the licensing process are protected by prohibiting lobbying activities as recommended by the Gambling and Lotteries Licence Review Panel’.

Mr ROBINSON (Minister for Gaming) — As I was saying last night, this government believes very much in competition. This government believes that competition drives innovation. A great example of that is lotteries, which have been in real long-term decline. In these circumstances you can invite the lottery licence-holder into the back office, as governments have done over the years, and seek to work out what you think is a fair value for an extension of their licence. That way of course there is little disruption to business, and that might suit some people. However, the government takes the view that the real value of these licences to taxpayers can be best worked out by putting them up in a formal competitive process. We stand by our judgement in that regard.

One of the illuminating things in this debate has been the very deep-seated misunderstandings by members opposite in particular about the gambling licences review process. There has been a series of misunderstandings, and that was evident throughout that debate last night. This review process has been under way for four years. A number of bills have facilitated the process to this point in time, and there will be others. The bill before us is a facilitating bill. The lack of understanding of members opposite with regard to lotteries is apparent. About half of the opposition members cannot work out whether they actually support the lotteries industry or not. This bill does not deal with the lotteries industry as such, but we allowed lots of commentary on it. Some members opposite seem to think that any extension of lottery operations, including any new products, would be a terrible, evil thing. They say that in support of the lottery agents who have been talking to them. The fact is that many lottery agents in this state want, among other things, the government to make a quick determination on variations to the new licences, because both new licence-holders have submitted applications for variations to allow for new products.

As the minister with responsibility in this area I am committed to working through those obligations in accordance with the law to work out what determinations should be made. We should not have to put up with feigned concern for lottery agents from members opposite when there is no doubt that at the conclusion of that determination process we will hear from them — there will be a hue and cry that we have approved a new lottery product. You cannot have it both ways. You cannot say you support the lotteries industry and then not provide the opportunity for

licence-holders to make applications under the licences which are supported by legislation that would allow for new product. You simply cannot have it both ways.

It does concern me to hear comments. I think it was the member for Bayswater and the member for Evelyn in particular who decried the innovation in gaming products and the extent of products that are available and the potential of new products coming into the market. From at least some of the contributions opposite it would appear that there is only qualified support for agents and for the lottery business.

We heard quite a bit of concern about lobbyists, and during his contribution to the debate the member for Malvern spent most of his time talking about them. Let us go to the heart of this matter. The Liberal Party has had an obsession for more than a year that stemmed from a belief — an erroneous belief, as it turned out — that a deal had been done between this government and Tattersall’s.

Mr Ingram — There is a simple way of solving it.

Mr ROBINSON — That is what previous Liberal governments have done. You invite them into the back room and sign an extension of the licence. This was the allegation put around repeatedly — that is, that the government had done a deal with Tattersall’s — —

An honourable member — What did Merkel say about David White?

Mr ROBINSON — ‘What did Merkel say about White?’ — thank you very much; right on cue! Page 67 of his October report states:

The panel has no evidence that Mr White engaged in any prohibited contact or that Hawker Britton’s preferred access involved any unlawful or illicit conduct.

End of story; that is in the report. I was just asked what Merkel said. I repeat:

The panel has no evidence that Mr White engaged in any prohibited contact or that Hawker Britton’s preferred access involved any unlawful or illicit conduct.

That was not enough. The opposition then set up a select committee, and for 15 months — and at great expense to taxpayers — had loads of people going along for the cups of tea and the iced vo vos, and still could not prove anything. Of course if the allegation had any merit, it would have been proven by the outcome of that process, where of course Tattersall’s lost part of its licence operations and it was given to a new entrant. So this whole allegation about probity and

lobbyists in particular is built on sand. The sooner that the opposition wakes up to that — —

Mr O'Brien interjected.

The ACTING SPEAKER (Dr Harkness) — Order! The member for Malvern! The minister, without interruption.

Mr ROBINSON — When you put aside all the fizz and put away all the colour and the bubble and the froth, the argument that — —

Mr O'Brien — You think Merkel's report is froth, do you?

Mr ROBINSON — I actually regard Merkel's report as very serious, but I am surprised it took the shadow minister, the member for Malvern, six months after the October report to actually ask a question about it here in Parliament. It is extraordinary that it took him six months to ask a question in the Parliament about the Merkel report. I am not quite sure if it took him that long to read the report. I thought he, as a lawyer, would have got through it a bit more quickly. Nevertheless let us deal with what the Merkel report says, and at page 67 is a clear rebuttal of the allegations made.

The member for Malvern continues to pursue this obsession via his stunt of moving a reasoned amendment to this legislation, which illustrates a further lack of understanding of the bill.

Mr O'Brien interjected.

Mr ROBINSON — Hold on!

The ACTING SPEAKER (Dr Harkness) — Order! The member for Malvern will not interject in that manner.

Mr ROBINSON — The government has given a commitment that it will incorporate the recommendations of the IRP (independent review panel), and we have indicated that we will do this via the registration-of-interest (ROI) process. I do not think the member for Malvern has quite picked up on this. We have said that this would be the appropriate instrument to deal with this, because it would be a completely self-contained instrument that would give all the guidance needed to licence applicants at the time of applying, or ahead of applying, for those licences. We think that is appropriate.

The nexus between the bill and the ROI is at clause 9 of the bill, which inserts a new part 3A into chapter 4 of the principal act. Proposed section 4.3A.3 is headed

'Registration of interest', and goes into detail of what the registration of instrument will contain, including:

(2) A notice published under subsection (1) must specify —

...

(c) the matters concerning a registrant on which the Secretary will report to the Minister; and

(d) any other matters that the Minister considers relevant to the registration of interest.

It further provides:

(5) If a registrant fails to satisfy a requirement made by or specified under this section, the Minister may refuse to consider, or consider further, the registration of interest or to refer it to the Secretary.

Furthermore, it provides in proposed subsection 6(b) that the minister:

(b) may decide not to invite any of the registrants to apply for a wagering and betting licence.

So the nexus is quite clear when the bill is actually read and comprehended — not that that appears to be the case here. But it is important to allow the ROI to be the instrument, not just to contain those measures or recommendations of the independent review panel, but any other material which is relevant, including comments that are received as a consequence of the latest discussion papers to go out to those who have an interest in these matters — an advertisement for which has appeared in today's paper, and for which there is a month's opportunity for people to comment.

The government wants to give people the opportunity to comment on the next steps after the post-announcement phase. Advice may well be put to us from people, which would inform the further development of the ROI. As I said, the ROI will be published ahead of the applications being received for the licences. I apologise to those members who thought that the member for Malvern understood this, but it would appear from his contribution to the debate, that he does not.

In summing up I want to make some comments about the racing industry and the consultations that have been under way for some time. The consultations commenced on 11 April, the day after the government's announcement, and they were signalled many months ago. We said that we would have a dedicated consultation phase with the Victorian racing industry, which would provide the means for the industry to inform the government as to what its perception of what 'no less favourable funding' was.

That consultation is proceeding very satisfactorily. I went along with the Minister for Racing to the first meeting. We signalled the framework for those discussions and indicated that there would need to be some probity controls around that discussion, because the racing industry is dealing with the current licence-holder for wagering, who in all likelihood will be a bidder for the future wagering licence, and it is important that we do not get those two roles mixed up.

It has been a very useful opportunity for the racing industry to sit down and work through a number of issues with government officials as to their funding base now and their funding base into the future, so that they can meaningfully inform the government as to what their view is of their funding requirements going forward.

The member for South-West Coast does not appear to understand this. He says that we should announce today what the funding will be. Why would we previously commit — —

Dr Napthine — You have got legislation before the house. Why not tell the Parliament what is going on? Is it a secret?

Mr ROBINSON — It is not; it has been out in the public. The racing industry has known about this consultation for months.

Dr Napthine interjected.

The ACTING SPEAKER (Dr Harkness) — Order!

Mr ROBINSON — The contention of the member for South-West Coast is that, understanding the opportunity that has been provided to the racing industry to inform the government about what its funding needs would be, the government should go out and tell them, through the consultation, what their answer should be. That would be a bizarre state of affairs. You commit yourself to a consultation and allow the industry the opportunity to present its view to the government, and simultaneously you want to be telling them what their view should be. That is a heavy-handed and daft way of going about it. That is the equivalent of putting the cart in front of the horse, taking the wheels off, putting the horse in the cart and hoping that it will move somehow. That is a very daft way of doing business.

Those consultations are proceeding very well, and we hope that they will conclude in the next two or three weeks. I can say that at the time the ROI is published, the government's tax rate on wagering will be fully

advertised. Anyone bidding for the licence will understand what the government's position is on the tax rate, because we have signalled to the industry at the very commencement of those discussions that we are prepared to look at the tax rate as a means of replicating or of substituting the income that we acknowledge would be lost. We said we have acknowledged it many months ago. We have passed that onto the industry, and that is informing some of the discussions that people in the industry are having at the moment through that consultation phase.

We do not accept the criticisms that have been levelled at us by the member for South-West Coast.

Dr Napthine interjected.

Mr ROBINSON — I know the member for South-West Coast would love to be invited into those consultations. He is having a bit of relevance deprivation here and he would love to be running the racing industry, but he is not — and it is probably a good thing. We would not have the Cox Plate at Moonee Valley if the member for South-West Coast were the Minister for Racing. We all understand his views on this matter.

I want to close by congratulating Alan Clayton and his team, who are doing all of the heavy lifting throughout this process. This is an unprecedented process that is absorbing a huge amount of the time of a large group of people. It is being done because the government is committed to competition. The government believes that the real value of these licences to taxpayers is identified through a competitive process, and that is in contrast to the performance of governments in the past, on both sides, that have sought to simply avoid the problem any transition would create by simply inviting licence-holders in behind closed doors to negotiate an extension for, indisputably, a sum that would be less than if those licences were put out for public competition.

We stand by this process, and we reject the very lazy and short-sighted amendments proposed by the opposition. We urge parties to get behind this bill to allow this important process to continue.

The SPEAKER — Order! The house will divide on the question that the words proposed to be omitted stand part of the question. Those who support the honourable member's amendment should vote no.

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

Ayes, 45

Allan, Ms	Lim, Mr
Andrews, Mr	Lobato, Ms
Batchelor, Mr	Lupton, Mr
Beattie, Ms	Maddigan, Mrs
Brooks, Mr	Marshall, Ms
Campbell, Ms	Merlino, Mr
Carli, Mr	Morand, Ms
Crutchfield, Mr	Munt, Ms
D'Ambrosio, Ms	Nardella, Mr
Donnellan, Mr	Neville, Ms
Duncan, Ms	Noonan, Mr
Eren, Mr	Overington, Ms
Foley, Mr	Pallas, Mr
Green, Ms	Pandazopoulos, Mr
Hardman, Mr	Perera, Mr
Harkness, Dr	Richardson, Ms
Herbert, Mr	Robinson, Mr
Holding, Mr	Scott, Mr
Howard, Mr	Stensholt, Mr
Hudson, Mr	Thomson, Ms
Hulls, Mr	Treaise, Mr
Langdon, Mr	Wynne, Mr
Languiller, Mr	

Noes, 33

Asher, Ms	Northe, Mr
Baillieu, Mr	O'Brien, Mr
Blackwood, Mr	Powell, Mrs
Burgess, Mr	Ryan, Mr
Clark, Mr	Shardey, Mrs
Crisp, Mr	Smith, Mr K.
Delahunty, Mr	Smith, Mr R.
Dixon, Mr	Sykes, Dr
Fyffe, Mrs	Thompson, Mr
Hodgett, Mr	Tilley, Mr
Ingram, Mr	Victoria, Mrs
Jasper, Mr	Wakeling, Mr
Kotsiras, Mr	Walsh, Mr
McIntosh, Mr	Weller, Mr
Morris, Mr	Wells, Mr
Mulder, Mr	Wooldridge, Ms
Napthine, Dr	

Amendment defeated.

Motion agreed to.

Read second time.

Consideration in detail

Clauses 1 to 8 agreed to.

Clause 9

Mr ROBINSON (Minister for Gaming) — I move:

1. Clause 9, page 18, line 33, after “payment” insert “for the licence”.

2. Clause 9, page 19, line 2, after “payment” insert “for the wagering and betting licence”.
3. Clause 9, page 19, after line 8 insert—
“(3) If the Minister extends the wagering and betting licence under section 4.3A.11(3), the Minister may require the licensee to pay, as consideration for the extension of the licence, one or more amounts determined by the Minister as the premium payment for the extension of the licence.”.
4. Clause 9, page 19, line 9, omit “(3)” and insert “(4)”.
5. Clause 9, page 19, line 9, after “payment” insert “for the wagering and betting licence or the extension of the wagering and betting licence”.

These amendments are important to allow added clarity to the wagering licence process ahead of the registration-of-interests phase, as I explained in my contribution a few minutes ago. It is the government’s intention that it provide a two-year option in the licence at the end of the 12 years of wagering, should the government seek to exercise it. It would be exercisable only by the government. That would be a protection for the government of the day if the government of the day, either at that time or in the lead-up to that time, determined that an extension was needed. One is not able to outline with any accuracy the circumstances that a government of the day might be facing at that point. There may be an election due, and the government might decide it needs to extend the licence to give clarity to the current licence-holder and to the licensing process beyond that, or it could be otherwise.

It is also uncertain at this stage how the licence premium would be payable. Under gambling licences in this state sometimes premiums are paid up front and sometimes they are paid in association with or simultaneously with the tax that is forwarded to the government from the gambling activity. The amendment provides for added clarity, so that later this year any bidder — any licence applicant — will understand absolutely the government’s right to seek a premium for any extension of the wagering licence in any form that is acceptable to the government. It is simply for the sake of clarity.

Mr O'BRIEN (Malvern) — Clause 9 of the bill deals with the licensing procedure for the awarding of a new wagering and betting licence, and something that is notable by its absence is any provision in relation to a probity plan. The government has just seen fit to use its numbers to defeat the reasoned amendment I proposed to incorporate the recommendation of the Merkel panel that lobbyists should be banned from the process provided for in the bill. Clause 9 provides for the process of licensing, and the question that I have for the

minister is: why is he not going to provide as part of that process a probity plan? This question was raised in the briefing that opposition members were provided with, and my question was: will the probity plan for this process be made public? I anticipate that if it were going to be made public, it would be made public as part of the information to be published in the *Government Gazette*, which is provided for in this clause.

I received a note slipped under my door yesterday morning with the answer:

The probity plan will not be released during the course of the licence-awarding process. However the independent review panel is able to comment and report on all aspects of the probity plan.

That is not sufficient. We need to know exactly how the government proposes to protect the integrity of this process, given the government's abysmal failure to protect the probity of the lotteries process, as was indicated by Merkel. The Parliament and the Victorian community have every right to understand exactly what goals the government is setting for itself and how it intends to hold itself to those goals. Therefore I ask the minister to advise the house why he is refusing to make public the probity plan the government proposes to use as part of the wagering and betting licence procedure set out in clause 9.

Dr NAPHTHINE (South-West Coast) — I rise to speak on a couple of aspects of clause 9. I refer particularly to part 3A of the bill, which inserts proposed section 4.3A.2 into the act with regard to the single licence and the provisions to ensure this will end up in a situation which is 'no less favourable to Victorian racing and racing products'. I refer to a letter of 10 June sent to my colleague the shadow Minister for Gaming from Elmer Funke Kupper of Tabcorp. It states:

The bill in its current form does not contemplate how the government intends to secure exclusivity for the successful bidder. This needs to be addressed so that bidders can be confident in the regulatory environment they operate in. The failure to address this issue could prove costly in both the value of the licence and future tax revenues.

In the second-reading debate I quoted from what has been said by Harness Racing Victoria and other racing industry organisations that have expressed concern about the future funding of racing, and that is the issue that we seek that the minister address. It is simply not good enough for the minister to say, 'Trust us'. It is simply not good enough for the minister to say that conditions will be 'no less favourable', and it is simply not good enough for the Minister for Racing and the

Minister for Gaming to say, 'We are having discussions with the industry'. We are debating the legislation here and now, and we need to confirm how much money will be available for the industry and how that money will be provided, because the people bidding for the exclusive licence — the so-called exclusive licence — will be asked to operate under the following circumstances.

The operator will be asked to front up with the annualised cost of the premium payment; with the payments to the racing industry, whatever they are; with the payments to government of whatever taxation regime is put in place; and with the cost of the operation before determining what percentage can be returned to the punter. The operator will be in an increasingly competitive wagering environment with betting exchanges or corporate bookmakers which will have no such premium payments; which will face lower or zero state taxes — and many face very much lower state taxes; and which contribute little or nothing to the racing industry in Victoria and are therefore able to provide increased returns for punters.

In the second-reading debate a number of speakers from the government side said that exclusive licences have operated historically in Victoria and across other jurisdictions. That has been the case, but the environment has changed. We now have the internet, we now have betting exchanges operating around the world and we now have access to a much more open gambling situation. The traditional system of an exclusive licence needs greater surety and greater protection if people are going to bid for the licence. People need to have this information so they will know how the system is going to operate. We need to have a situation that provides a competitive environment for the operator of the exclusive licence that will attract punters and provide attractive odds for those punters, but there needs to be protection for the exclusive licence, and I express concern about the lack of protection.

I totally reject the comments of the Minister for Racing when he said this information cannot be disclosed because of probity. That is utter and absolute rubbish. There is no current bidding or tender process open. As the minister said in his response in the second-reading debate, the information will be available when the bidding opens, so there are no probity rules and no probity reasons why the information cannot be made available now to the wide variety of stakeholders that are involved in the racing industry.

The people at the Swan Hill racing club, where I was on Sunday, do not know anything about what is going

on. The people at the Sale racing club, the people at the Sale greyhounds, the people running the greyhound club at Warrnambool, the people running the greyhound club at Horsham and the people running harness racing are being kept in the dark by the minister and the government. We need to know what the rules of the game are in terms of how the racing industry will be funded, how much money there will be, where the money will come from, how that will impact on the ability to provide an exclusive licence, what protection there will be for the exclusive licence to make sure it is in a protected situation and will be a truly exclusive licence in an increasingly competitive world betting environment, and how we can ensure that the racing industry has secure and growing revenues into the future. If you have too much tax — too much revenue coming out of the so-called exclusive licence — then you will not have the returns to the punters and the exclusive licence will fail. These are the questions that need to be answered as we debate the legislation.

Mr ROBINSON (Minister for Gaming) — If there is one thing that the member for South-West Coast and I would agree on, it is the importance of the return to punters — although we might also agree that, as punters, we do not get a return often enough.

The misapprehension is clear: the opposition seems to be of the belief that the passage of the bill sees the bids start when all the information that ought to be available to bidders is not yet available. This presumption — that the bidding starts tomorrow or the day after the legislation is passed — is clearly wrong. There is a lot of work in train to inform the registration of interests process — and I outlined to members opposite the connection between the bill and the ROI —

Dr Napthine interjected.

Mr ROBINSON — Hold on! Any licence applicant will be guided by the registration of interest. The registration of interest is intended to be the repository of all the information licence applicants need to guide them through the process by which the government will be determining the successful licence applicant.

I indicated in my earlier contribution that this is an evolving process. A series of bills have facilitated the processes we have set out and the objectives we have, and this is one of them, but the bids do not start immediately upon the passage of the bill. We have, for example, the issue of consultation with the racing industry. I indicated just a few minutes ago that that consultation is the opportunity to the industry to signal to the government what it believes its funding needs are going to be well beyond 2012.

Dr Napthine interjected.

Mr ROBINSON — We are indicating how we will deal with the licence application process and reach a determination.

Dr Napthine interjected.

Mr ROBINSON — The member for South-West Coast is under the misapprehension that it all needs to be put into the bill. We have said clearly that the registration of interest process or document — the instrument we will create, which will be published and which everyone will know about — will be the means by which licence applicants will be informed about what is required of their bids, the procedures for that application and what steps happen beyond their bid.

One of the things the applicants for the wagering licence will have to do is indicate a willingness to reach a partnership agreement with the Victorian racing industry. There is a lot more work to be done on that. It is a very important component of what we are trying to achieve here. The interests of punters, and indeed the racing industry, will be well served by a licence applicant who wishes to work in tandem with them, because their joint interest will be served by promoting racing, not so much aggressively as progressively — and that is what we want.

That has been a problem in the past when a licence-holder has had gaming and wagering interests. The member for South-West Coast would understand that an entity with a foot in both camps tends to favour the gaming side rather than the wagering side. Criticisms have been manifest over the years that Tabcorp, as the incumbent, has preferred to concentrate on its gaming activities at the expense of racing — it is a very common criticism. One of the underpinnings of the government's view is that a business which has the wagering licence without any connection to gaming will focus on that wagering licence; it will not put it second to something else connected to that licence. We think that is important.

There has been some discussion in the debate and through the member for South-West Coast about what exclusivity means. Exclusivity means what a state government in a modern national economy can make it mean. In the aftermath of High Court cases we do not have the power to say that exclusivity means no other state has the right to host a betting exchange. We have just had the High Court case. The member for South-West Coast attempted to give us a dissertation on the High Court last night. It was an interesting effort; I will give him a B minus for at least attempting a legal

dissertation, but he should not give up his day job to become a legal commentator!

The High Court has said that states cannot slap down or prohibit the operation of betting exchanges in other states. It said the modern economy and the internet do not respect state boundaries. We have to live with that.

Dr Napthine — That is what I said.

Mr ROBINSON — I said it a lot more simply — it took me about 40 seconds rather than 10 minutes.

Honourable members interjecting.

Mr ROBINSON — He said there were a lot of other things, and that Victoria's position was well respected by the High Court. What 'exclusive' can mean today is very different from what it could mean 30, 40 or 50 years ago. What the government is doing is saying in respect of the High Court judgement and the evolution of the law, 'This is what we want to do. We want to have an exclusive wagering licence in the same sense it was understood 10 years ago'. To the extent that it is physically possible to provide for that, that is what we will do.

We said that that was a better choice than having a number of wagering operators in place — and that option was available to the government. In our opinion — and I think the other side would agree — the racing industry is best served by having one wagering operator because of economies of scale. If you invite more than one to come in, you end up replicating back-office costs and you get smaller pools. This is exactly where I agree with the member for South-West Coast: the interests of punters are not served by having a multitude of wagering providers within a state; they are better served by having one. That is the government's reckoning, and increasingly both here and elsewhere we have seen an evolution towards having fewer and fewer tote operations so that benefits can be passed on to punters. That is just a reflection on the nature of the wagering industry.

The member for Malvern has asked questions about probity. He is drawing a very long bow on this clause. We have indicated that we do not intend to release the probity plan through the live bidding process. We are very confident that the independent review panel has all the powers required to ensure that the probity requirements we have laid down are fully observed. No-one would dispute that the chair of the independent review panel is doing an excellent job. He has produced frank and fearless reports, and they have been of a very high quality. I can assure members that the independent

review panel (IRP) will continue to release reports as it sees fit.

Mr O'Brien interjected.

Mr ROBINSON — The shadow minister is again struggling under the misapprehension that there will be nothing between this bill and the bids starting, when in fact we have said we will implement the recommendations of the IRP and we will put other matters into the registration of interest. The ability to use the registration of interest as a way of removing parties or applicants who did not comply with those requirements is laid out in the act.

Mr O'Brien interjected.

Mr ROBINSON — Under the proposition advanced by the member for Malvern we would be advising applicants that some of the rules about the licence renewal process and their applications would be in the act, some would be in the ROI, and presumably some would be elsewhere. Applicants are entitled to go to one instrument to find the rules — —

Mr O'Brien interjected.

Mr ROBINSON — No. Applicants are entitled to go to one instrument to see the rules they must follow for the purpose of the licence application and the determination by the government. They are entitled to go to one location to find that rather than having to hunt around through bits and pieces of probity requirements in an act, bits and pieces in a registration of interest, and bits and pieces wherever else the opposition thinks is important.

The government stands by these amendments. Getting back to the amendments, they are to deal with clarification in the event that a wagering licence-holder has that licence extended by the government, and that would be something that would emerge in 2022 or 2023 or thereabouts. We stand by those amendments. We think that for the sake of clarity the licence applicants are entitled to know exactly what would be required of them should that contingency arise.

Mr O'BRIEN (Malvern) — In the minister's response to my queries as to why he is keeping secret, and why he is covering up the probity plan for this process, he has not been able to explain why it is that something as fundamental as keeping lobbyists out of the process for the awarding of licences, which is recommended by Merkel, should not be put in the act, and why this should not be a provision which is clearly stated in the act, potentially with penalties applying for breaches of it, I would have thought.

If the minister were serious about keeping lobbyists out of the process of the awarding of gaming licences, wagering licences and keno licences, he needs to back it up with penalties. You cannot have civil or criminal penalties in something that is promulgated by the minister in the *Government Gazette*. If you are going to keep lobbyists out of the process, given how much money is involved in these licences, you have to have teeth in that provision. It must involve the creation of offences, and that can only be done through legislation.

The minister is already signalling that if he is going to do anything on lobbyists, he is going to go soft because he is not going to put anything in the act, and no offences will be created. He is going to be quite happy to allow people to basically ignore any provisions he would put in place without any sense of there being a penalty involved, because he cannot create a penalty other than through a piece of legislation.

On the question of probity I also ask the minister what he has to hide, and why he is not making the probity plan public? Will his mate and fellow racehorse owner, Geoff Walsh, get the job again? I refer the minister to the comments in the Merkel report. In particular I refer the minister to paragraph 151 of the Merkel report where the panel notes:

... it is important for probity auditors in their assurance role to be proactive, rather than just reactive. Even then some of the reactions were inadequate.

It is a bit like the minister's process. It is a bit like his handling of the lotteries licensing process. At paragraph 152 the panel goes on to criticise Pitcher Partners. It says:

The panel also observes that the level of detail contained in Deloitte's report permitted a much better understanding of the bases of its conclusions than did the reports of Pitcher Partners.

The gaming inquiry conducted in the other place criticised Geoff Walsh and Pitcher Partners for not responding to its questions; for agreeing to provide information but not providing it. Is the minister, who had a pecuniary interest in a racehorse with the probity auditor for the lottery licensing process, and who has been criticised in the Merkel report for being reactive and being inadequate, and compared very unfavourably with Deloitte, going to take action to ensure that we have a proper probity auditor on the job? Or is the minister going to say that it is okay to ignore parliamentary inquiries and their request for documents, and it is okay to be reactive, and it is okay not to do a good job?

I refer to government amendments 1 to 5. It is just extraordinary that having completely cocked up the process on the lotteries licence, the government was about to fall into the same trap again. We all remember that in the shadow of Christmas, as most Victorians were having their winding-down Christmas lunches and people were gathered in offices all over the state celebrating the Yuletide spirit, there was the then Minister for Gaming, who is now the Minister for Health, sliding out an announcement that the government was extending the Tattersall's lottery licence by 12 months.

Was there a premium payment available to taxpayers for this 12-month extension on a lucrative lotteries licence? No, there was not, because the government cocked it up once again. Taxpayers paid the price for this government's incompetence. Taxpayers paid the price for this government's inability to keep the lotteries licensing process on time.

Like everything else this government touches, it cannot deliver anything on time, and it cannot deliver anything on budget. The government was going to make the same mistake again. It is only because questions were raised through the briefing that the government has now come in here to try to fix this mess. You would have thought it would have learned its lesson from the lottery licensing process, but as we have seen when it comes to questions of probity, this government has learned nothing from the debacle of the lotteries licence process, and it is planning to make the same mistakes all over again.

Amendments agreed to.

Dr NAPHTHINE (South-West Coast) — I wish to seek assurances from the minister about the comments made by the Minister for Racing in the second-reading debate when he said the government would consider lowering current wagering taxes to sustain the revenue-raising. I ask him to expand on what that means in terms of how much the government is prepared to forego in terms of wagering taxes.

I note that in budget paper 4, racing taxes are expected to be \$130 million in 2008–09, rising to \$152 million in 2011–12. In 2012 the racing industry will be missing \$100 million with regard to revenue that came from electronic gaming machines through Tabcorp to the racing industry, and of course post-2012 we will also be looking to make up the \$220 million wagering payments from the current wagering licence-holder Tabcorp, so a total of more than \$300 million in 2012 and beyond, plus growth, will be required to sustain the racing industries.

I want to seek an assurance from the minister with respect to the quantum of money the government is talking about, and by how much it is prepared to reduce government taxation to make sure we have a competitive exclusive licence that provides a fair go for punters, and provides the exclusive licence-holder with a competitive environment in which they can compete with Northern Territory corporate bookmakers and with betting exchanges; also, that the government is able to provide the finances required to fund racing.

This goes to the heart of what the government meant by 'no less favourable'. In the particular clause in the bill that refers to 'no less favourable' it refers specifically to a no-less-favourable arrangement with regard to current licence arrangements. Perhaps the minister could explain whether the bill refers to the current licence arrangements with regard to wagering and betting, or whether it includes wagering and betting plus electronic gaming machines. Does the bill refer to both, or are there no-less-favourable arrangements only with regard to the wagering and betting licence held under the current act?

I would like his comments on whether the total of the \$152 million in taxation that currently is taken for racing is prepared to be handed over. This must be seen in the context where under this legislation the new licence-holder is expected to pay a premium payment. If the licence-holder is paying a premium payment, there is interest, annualised cost or amortisation of that premium payment that will have to be included in the costs of operation for the exclusive licence-holder. There are additional costs in relation to the premium payment which reduce the capacity for the licence-holder to make payments to the racing industry, yet the racing industry is very dependent on those. The racing industry deserves to know, before the legislation is passed in this house, exactly what the government intends in terms of the meaning of 'no less favourable' and the minister's comments that the government will consider lowering current wagering tax rates. We need to know how much will they be lowered and what amount of money will be available to the racing industry because that will secure the future of the racing industry and the 75 000 people the industry employs across Victoria.

Mr ROBINSON (Minister for Gaming) — I will deal with the matters raised by the member for South-West Coast first. The licence review process has involved the lotteries first and then keno, wagering and gaming. The process has been dealt with in that way because those latter three are all meshed together. I have gone around the state — to Morwell, Sale, Geelong, Hamilton, Ballarat, Bendigo, Warrnambool,

Greensborough, Frankston and numerous other places — spoken to people and explained that since the 1950s the elements of our gambling industry have been lotteries, keno, wagering and gaming and that they have evolved at different stages over the past 50 years. The wagering, keno and gaming operations are all meshed together and that is why the government had to make an announcement that affected all three, because you cannot consider one without the other.

Race funding is currently derived from a licence arrangement where the wagering company, Tabcorp, also holds a gaming licence. The government's determination was that that ought to be separated, and the wagering licence should be a stand-alone facility because it believes that is in the best interests of the racing industry going forward. Our expectation is that in the next 10 years or more wagering will show greater growth opportunities than will gaming machines, and for that and other reasons we have decided we ought to separate them.

In recognition of the fact that there is a cross-subsidy of sorts between gaming and racing, the government has signalled the fact that it is prepared to look at adjusting the tax rate in order to deliver on its commitment that things will be no less favourable at the commencement of the new licence period. However, it would be inappropriate at a stage where the consultations with the industry have not concluded — and the industry has not had the opportunity of finalising its view to government about tax rate and other components of its revenue stream — for the government to prescribe what precisely the tax rate should be. Again, this is about putting the cart behind the horse not in front of the horse.

The position is that the racing industry's revenue is made up of a series of revenue components — product fees, licence fees and other components — and we are giving the racing industry the opportunity at the moment and for the next few weeks to clearly signal to the government what its preferred arrangements are in terms of revenue streams beyond 2012. Beyond indicating to the industry that the government has a commitment to adjust the tax rate to help deliver the outcome the industry requires, it would be inappropriate to specify precisely what, because that presumes the government knows before the consultation is finished what the racing industry ought to be telling us. Indeed that is the wrong way about. The racing industry has been given the opportunity to consult with the government and indicate what its preferred position is, and that process needs to be allowed to run its course.

At a point ahead of the bids being called for, and of applications being received for the wagering licence, the government's tax rate on wagering post-2012 will be understood. That will be clearly advised to the racing industry and to potential applicants, as will the requirement that any applicant will form a partnership with the Victorian racing industry and that the applicant will be able to put the interests of the Victorian racing industry ahead of anything else; that is an important ingredient. It is the ingredient that has been missing over the last few years where, as I have said before, there have been criticisms that the position of Tabcorp, as both a gaming operator and a wagering operator, has put the wagering industry and via that the racing industry second in its concerns because there were greater growth opportunities in gaming. That was most evident in the way the fixtures were worked out by the entity that Tabcorp and the racing industry had involvement with. We are not able to specify what the tax rate would be, because it would be inappropriate to do that ahead of the finalisation of the racing industry's consultations.

Moving now to the comments of the member for Malvern on deterrence for lobbyists, I explained earlier that we had a provision in the bill, proposed section 4.3A.3, which deals with the registration of interest. The greatest deterrent that can be put in the way of any applicant who does not wish to comply with the strict conditions of the application and the licensing or renewal process is to be removed from that process. That is the greatest deterrent of anyone seeking to acquire the wagering licence. It is clearly signalled in the bill itself. The registration of interest prescribes the way in which applicants or their agents or representatives are to conduct themselves and the registration of interest conditions are breached; the bill gives provision for those applicants to be removed from the process. That is the clear mechanical link here, and I am sorry it is not understood.

Let us go over proposed section 4.3A.3 again. The greatest deterrent is to be removed from the process. That is what a licensed applicant would understand to be the deterrent — it is the fact that the submission they make will not be considered further. That is contained at proposed section 4.3A.3(5):

- (5) If a registrant fails to satisfy a requirement made by or specified under this section, the Minister may refuse to consider, or consider further, the registration of interest ...

Further on, it goes to:

- (6) After consideration of the Secretary's report ... the Minister—

...

- (b) may decide not to invite any of the registrants to apply for a wagering and betting licence.

That is the best way of dealing with this process. If the company itself, its agents or representatives breach the prescribed processes under the ROI, which would be the starting point of the licence applications, then they run the risk of being removed from the process.

An honourable member interjected.

Mr ROBINSON — I think the member is struggling to understand what would actually work as the most effective deterrent. The most effective deterrent is to be removed and not considered further for the wagering or keno licence. That is the greatest deterrent that can be put in place.

I will finish on this point because I am interested in the member for Malvern's continued reference to pecuniary interests of members of this place. I thought it was interesting. He has been having a dip at me for a number of months now, that I somehow kept a secret the fact that I had interests in horses. Of course the register of interests will show clearly that on a number of occasions over a number of years I have declared to this house that I have various thoroughbred interests. I think he is confusing me with the member for South-West Coast, because the member for South-West Coast actually had a share in a horse called Cut the Wind. He went into that lease on 10 September 1999 but if you look at the member for South-West Coast's pecuniary interests — —

An honourable member interjected.

Mr ROBINSON — There was no reference whatsoever to any shareholding interest in horses. I do not blame the member for South-West Coast for having an interest in a horse. I think having an interest in a horse is by and large a very good thing; I wish that more Victorians would have interests in horses. Where is the member for Eltham? Right on cue, the member for Eltham has come into the house. We long-suffering horse-owners are the backbone of the industry.

Mr Herbert — We are!

Mr ROBINSON — It is a very good thing. I think the member for Malvern needs to be a little careful when he talks about pecuniary interests. He might want to have a word to the member for South-West Coast, who made no reference in his pecuniary interests declaration of 2000 to the fact that he had had this share in the horse Cut the Wind. I think Cut the Wind had a few starts. How did it go? Did it win?

Dr Napthine interjected.

Mr ROBINSON — No good? We have that in common as well, as does the member for Eltham. He has had what we can call the traditional horse owner's experience.

The government stands by the processes that it is establishing.

Amended clause agreed to; clauses 10 and 11 agreed to.

Clause 12

Dr NAPHTHINE (South-West Coast) — I wish to make a brief comment in regard to clause 12 (3) with regard to fractions, which I am sure the minister is very familiar with. Under the current legislation and under the bill, what happens to the person who operates the exclusive license if the dividend ends up with a 1 cent to 4 cent margin is the dividend is required to pay the punter zero; and if it is a 6 cents to 9 cents rounding, they are required to round down to 5 cents.

Over a large number of bets and billions of dollars this can add up to a substantial amount of funding. Under the current legislation those fractions go straight to consolidated revenue — that is, straight to the government. These are actually punters' dollars and are substantial. In the current legislation before the house there is no comment as to where these fractions go. I seek the minister's advice about what the government's intention is under the new licensing arrangement with regard to these fractions.

Mr ROBINSON (Minister for Gaming) — My understanding is the government does not propose to change the arrangements with regard to fractions. I think that would stand to reason. If we are not planning to change the system, then the system will remain unchanged. Yes, I think the member for South-West Coast understands me correctly. I understand this has been a bone of contention for many years, and punters would like that money back, but the government has made a determination that the long-standing arrangements will continue. I know that will disappoint some punters.

In terms of where that money goes, 85 per cent of gambling-earned revenue in this state goes into health services. It has been the case in this state since the early 1960s when the TAB was established. I think the licence off-course wagering arrangement passed this Parliament by 1 vote, and the Premier at the time, Henry Bolte, set up the Hospitals and Charities Fund. That mechanism effectively still exists today.

Overwhelmingly those taxes raised from gambling activities, whether it is gaming, wagering or keno, go through to health services. In terms of advice to the member for South-West Coast on telling punters and others where those fractions go, my understanding is that they go overwhelming into our health system.

Clause agreed to; clause 13 agreed to.

Clause 14

Mr ROBINSON (Minister for Gaming) — I move:

6. Clause 14, line 25, after "payment" insert "for the wagering and betting licence or the extension of the wagering and betting licence".

Amendment agreed to; amended clause agreed to.

Clause 15

Mr ROBINSON (Minister for Gaming) — I move:

7. Clause 15, line 21, omit "20" and insert "60".
8. Clause 15, line 29, omit "20" and insert "120".

These are simply to give effect to the commitment by the government earlier this year that penalties for gambling with minors would be increased. The provisions or the amendments allow for that. I am pleased to say that gambling with minors is not an offence that is reported regularly in this state. There is a longstanding culture within the mainstream gambling industries that has ensured this practice does not or has not become prevalent. Nevertheless the government believes it is always obliged to send stronger messages to Victorians and to those involved in the gambling industry that no slackening of that effort will be tolerated. The provisions simply give effect to the undertaking of the government earlier this year that we would further strengthen those arrangements.

Mr O'BRIEN (Malvern) — I am intrigued as to the government's change of heart, because when this bill was originally introduced into this Parliament there were no provisions to alter the offence penalties for gambling by minors, and when I undertook the briefing by departmental officers I was assured that there would be no changes in this area because the government was awaiting a whole-of-act review. Having raised concerns in the briefing as to why the government was proposing to put through changes to offence provisions without updating them, I was advised that the minister was determined to wait until the whole-of-act review was completed. So I was quite surprised when I saw that the government was proposing these amendments.

Mr Robinson — Which you support?

Mr O'BRIEN — And the opposition will support the amendments. They are sensible amendments. We have no time for or truck with anyone who encourages minors to gamble, so from that perspective these amendments are certainly welcome. But in terms of the government's change of heart, I would hope the minister might be able to explain that and also when the government will be updating other offences relating to gambling by minors contained in the Gambling Regulation Act.

Another aspect that I raised in the second-reading debate yesterday, which the minister has not touched on in any of his responses, is the question of the different mental states provided for by this bill for the offences relating to allowing minors to gamble. Clause 15 seems to be a strict liability provision whereby any person who has the management or control of or is employed by a licensing or wagering operator and who accepts a bet from a minor has committed an offence. But clause 18, relating to the conduct of keno games, and particularly new section 6A.2.3(2), provides that:

A person must not knowingly sell a ticket in a keno game to a minor.

It seems not only quite odd but also inconsistent and very unhelpful to the authorities who have to try to regulate these matters to have two entirely different mental states constituting the offence provisions. I would hope the minister might be able to explain to the house why that is currently the case and why, given that it has now decided to update some aspects of the offence provisions relating to minors gambling, the government is not also taking the opportunity to address that matter, and when the minister proposes to bring legislation before the house which will deliver consistency?

From all the partisanship that goes on in this house and the back and forth discussions, I have no doubt that the government is just as committed as members of the opposition and indeed all other members of this Parliament to ensuring that gambling is a choice that adults make and that minors do not participate in it, and to there needing to be heavy penalties for those who allow minors to participate. The penalties in those offence provisions are undermined when there are inconsistent mental states required. I would seek the minister's clarification on that.

Mr ROBINSON (Minister for Gaming) — There is no change of heart by the government. What has happened here is that it is a matter of timing. At the time we made our announcement — it was a week later that we introduced the bill, on I think 17 April — we anticipated that the bill might be passed in the budget

week. We were looking forward to this bill being passed, and it was thought the government might pass it more quickly than has occurred. But in fairness to the opposition, the briefing was not able to be arranged until 15 May, so the passage of this bill was put back. That delay has allowed us to consider the timing of the amendments that would be required across a range of acts to give effect to the government's earlier decision about increasing penalties for allowing minors to gamble, which started with this bill. So it is not a matter of a change of heart; it is a matter of a change of timing.

The commitment could be given effect to in any number of ways. The government could have waited until later this year so that it could be done all in one go, or it could be done progressively. We have adopted a progressive response to this. We are updating it here, and we will look to complete the process of updating those offences later this year. That is the intention. We will have a series of other gambling reform acts coming through — for example, there will be one to give effect to the changes in the gaming industry. But there are, as the member may understand, regularly bills that come through and tidy up anomalies and modernise the law as it relates to a whole range of gambling and racing activities. My expectation is that in late 2008 we will commence the process of updating other offences that deal with minors.

The member has queried the different definitions. My understanding is that this reflects the history of these offences and that indeed the stricter language was used around wagering out of the stricter concerns that existed in the 1960s. I think the definition had some bearing back then. It is a complex matter when trying to deal with minors because some minors will clearly look to be under 18 and others will not look to be under 18. This is why different definitions have evolved. The government has given a commitment — and this was indicated to the member in the briefing — that this is an area that has needed to be looked at. That need has emerged and that will be done. Whether or not it would be ultimately desirable to have a consistent definition, or whether it would still be the case that the historic reasons apply and there need to be different definitions to deal with different circumstances, is something we are happy to let the Office of Gaming and Racing advise us on, and I would not want to draw any conclusions.

I am pleased, however, that in Victoria today the case is still very much that the incidence of these offences is very low, which shows that the law, as it has been worded — whether that is considered to be efficient or not — has been effective. We have a very low incidence of these complaints and reports of minors

gambling. That shows that the rules that have been put in place by successive governments have been heeded, and that is a good thing. But I do agree with the member that we need to continually assert that any weakening of that effort will not be tolerated. It is for that reason and others that we have agreed to increase the penalties.

Dr NAPHTHINE (South-West Coast) — I rise and also support the member for Malvern and the minister in these amendments. It is important that we take a strong stand against minors betting. An increase in penalties is a position that the Liberal Party and The Nationals support, and therefore we support these amendments.

The issue I wish to raise with the minister is that given that the penalties for accepting a bet from a minor are increasing from 20 to 60 penalty units for the people involved in the wagering and betting licence that is subject to this legislation, is it the intention of government or is it already the situation that on-course bookmakers in Victoria are subject to a penalty of that same amount for betting with minors? Or is the intention of the government to increase it to 60 penalty units when the long-awaited bookmaker reform legislation is before the house?

In passing, let me say that bookmakers in Victoria have been dealt a poor hand by this government. They were promised, years ago, major reforms to allow them to be more competitive with regard to corporate bookmakers in the Northern Territory, and they are sick and tired of waiting for these long-awaited reforms the Minister for Racing keeps talking about. The Minister for Racing had a working party, and the bookmakers participated in that working party. There were very strong recommendations, clear recommendations, from that working party on three key issues. They would significantly enhance the competitiveness of bookmakers in Victoria with regard to the loss of revenue from the Victorian racing industry, and indeed from the Victorian government, due to the massive growth of the corporate bookmakers in the Northern Territory who only three and four years ago had a turnover of about \$400 million and whose turnover is now closer to \$4 billion, with a massive take from the bookmakers who operate in this state and a massive take from the exclusive wagering licence operator, Tabcorp, in this state.

This has been to the detriment of racing in this state. What we need is for those bookmakers reforms to be introduced as quickly as possible. The bookmakers have been calling for this for some time. The minister said that the reforms will be introduced shortly, and the

government keeps saying they will be introduced shortly, but they are delayed and delayed and delayed. I am seeking from the minister an assurance that those reforms to the operation of legislation with regard to bookmakers will be introduced in the next sitting week and put through this Parliament with due process. In that context I am asking whether there will be an equal penalty unit for bookmakers who accept bets from minors as will be imposed on the wagering and betting licensee.

These are important issues. We have seen a continual drain of leading high-profile bookmakers from Victoria. They are taking their business and literally millions upon millions of dollars out of Victoria. They are taking jobs out of Victoria and money out of the Victorian racing industry by establishing their operations in the Northern Territory. Just recently Kathryn Read has joined the exodus of these prominent, high-profile bookmakers. Bookmakers in Victoria are sick and tired of being told to wait for the legislation that is pending. They have been waiting and waiting and waiting, and the government has failed to deliver that legislation. I think it is important that legislation be introduced to the house as soon as possible. It should have been introduced in February this year. It should have been introduced in the past, in the autumn session of Parliament, and it should have included provisions with regard to making sure that penalty units are equal between bookmakers and the wagering and betting licensees with regard to betting with minors.

I seek an assurance from the minister that there will be equal penalties for the offence of betting with minors between bookmakers and the wagering and betting licensees. I also seek an assurance from the minister that the next time this house sits, which will be late in June, we will finally see the long-awaited legislation delivering important reforms to the bookmaking industry to make it competitive in Victoria.

Mr ROBINSON (Minister for Gaming) — I am sure the member for South-West Coast would like things introduced in June, because then he could be guaranteed more talking time. We know how much he loves talking time and guaranteed talking spots, not that that is in proportion to the sense of those statements. This government has a very solid record of achievement with bookmakers.

Dr Naphtine interjected.

Mr ROBINSON — Let me just remind the member for South-West Coast, who, if I recall correctly, was a minister between 1996 and 1999, of the situation in 1999 in respect of minimum telephone bets. I recall —

because this is an interest that is dear to me; I have spent many hours on racecourses, probably too many hours if the truth be known — that the situation was that bookmakers in Victoria could not accept telephone bets under \$250. This had been a bone of contention with bookmakers, who had unsuccessfully lobbied the then government for a long time for reforms they said would put them on a more equal footing with the totaliser. I remember the frustration of Tom Reynolds, who was the sports minister at the time. I remember talking to Tom Reynolds and saying, ‘Do you understand, Tom? I think bookmakers are getting a raw deal. On our side we cannot understand why this is not being reformed, why you are not agreeable to lowering the minimum bet?’. I remember very clearly Tom Reynolds’s reply. He said, ‘Well Tony, some things you just cannot get through the cabinet’.

Who was in the cabinet at that stage? I think the member for South-West Coast was in the cabinet then, so he might be able to shed more light on why bookmakers reforms fell more to the government than succeeded his. The answer is clearly because the appetite for reform, to do the right thing by bookmakers, was not evident under the Kennett government. That of course was a government in which the racing minister would be sent out to talk to the industry and meanwhile would hear the then Premier say on the radio, ‘Why don’t we amalgamate race clubs?’. It was just a spur-of-the-moment comment by the then Premier in some other part of the state which left the sports minister, who was in charge of racing, hanging out to dry.

The bookmakers reform working party, which the member has alluded to, was not, I do not believe, established with the intention of examining offences by bookmakers. I might be wrong there, but I think it was designed to look at the opportunities which need to be provided for bookmakers going forward, and I think the member would acknowledge that. If the member aspires to have the minister release the reform group’s recommendations, or to sign off on those, with the aim of clarifying the relativity of penalties for the offence of betting with minors, then I think he will be disappointed, because I do not think that is part of its brief. I think he understands that. If he wants to ascertain what the Minister for Racing’s view is as to the timing of those announcements, I will give him a very simple piece of advice — he should talk to the Minister for Racing, because I think the Minister for Racing — —

Dr Napthine — The Minister for Racing should be here. Where is he?

Mr ROBINSON — Don’t talk about ministers and shadow ministers having to be present through the entirety of the debate, because you will embarrass someone. Do not mention that, do not go there, is all I am saying.

I am sure the further review the government will undertake, which I alluded to earlier, will examine the relativity of penalties for the offence of betting with minors between what will happen under this legislation and what happens under other legislation dealing with bookmakers. I can say that as a general principle the government would not be keen to see less relativity than there is today. I am not sure, however, that there has been a relativity principal at work in Victoria. I might be wrong on that, but I do not know that the two have borne a direct relationship. However, we are more than happy to provide further advice to the member for South-West Coast over the coming weeks. We would be keen to ensure though that as work on the penalties for allowing minors to bet progresses in respect of licence-holders who exercise a great responsibility in the provision of gambling services in areas such as wagering, gaming, keno and lotteries that will be reflected in the laws and regulations governing bookmakers. I am happy to take those concerns on board. However, as I say, if the member wants to seek the advice of the Minister for Racing on racing matters, he should talk directly to that minister.

Amendments agreed to; amended clause agreed to; clauses 16 and 17 agreed to.

Clause 18

Mr ROBINSON (Minister for Gaming) — I move:

9. Clause 18, page 61, line 21, omit “20” and insert “60”.

Amendment agreed to; amended clause agreed to; clauses 19 to 35 agreed to.

Bill agreed to with amendments.

Third reading

Motion agreed to.

Read third time.

APPROPRIATION (2008/2009) BILL*Second reading***Debate resumed from 11 June; motion of Mr BRUMBY (Premier).**

Ms NEVILLE (Minister for Mental Health) — I am very pleased today to rise in support of the Appropriation (2008/2009) Bill. This bill continues to invest in the services and the supports that we know Victorians need and Victorians want. We are investing in health, in education and in transport. It also continues our commitment to govern for the whole of Victoria by investing significantly in our regions and particularly continuing our significant investment in Geelong. Importantly this budget has again provided significant additional resources to support vulnerable members of our community. There is no doubt that Victoria is a fairer place now than it was 10 years ago. Our government's investment in A Fairer Victoria this year will contribute to making it even fairer.

I would like to touch briefly on some of the key initiatives in my portfolio areas. Firstly, in the area of disability, as I have said previously in this house, this budget is an historic one in terms of disability funding. It is the biggest-ever increase in funding for disability in Victoria's history — a total of over \$233 million has been committed in this budget, which represents over 105 per cent increase in funding since we came to government, taking our total contribution to \$1.17 billion.

I heard the member for Doncaster talking about this contribution the other night and suggesting that it was not quite good enough. I would like to remind the member for Doncaster what the opposition did in this area when last in government. As soon as it came to government, all the disability advocacy services were defunded and 10 per cent was taken straight off the top of funding for the human services portfolio area. That was its commitment to people with a disability in Victoria.

Our budget will deliver further supported accommodation for at least 75 more people; 690 extra people will receive individual support packages, providing opportunities for more choice in services and accommodation options; and a further 46 young people will also be assisted to move into alternative accommodation.

The budget will also assist 320 people with an acquired brain injury to get the support they need. Over 2000 extra people will have access to important aids and

equipment. There is also more money for respite and more money to create employment opportunities for young people with a disability and, importantly, money to start the process of shifting community attitudes about people with a disability. This is just a very brief overview of some of the key features contained in this budget.

On top of this we have also recently reached an agreement with the commonwealth government. The commonwealth's new money into Victoria combined with our new money will see an extra 8000 people with a disability in Victoria receive the services and supports we know are so essential to improve their life outcomes and opportunities. This will enable even greater access to supported accommodation, respite and aids, and equipment. These are important initiatives to ensure we continue to build an inclusive society where people with a disability are respected and, as far as possible, have the same opportunities as other citizens.

This budget also delivers one of the biggest funding boosts to mental health in Victoria. This year's budget provides \$128 million to continue to build capacity and to continue to implement changes to our mental health system. This represents a 95 per cent increase in funding since we came to government.

Following the budget I was also pleased to launch the mental health green paper *Because Mental Health Matters — A New Focus for Mental Health and Wellbeing in Victoria*, which will reform and reconfigure our mental health services over the next 10 years to ensure that it is more recovery focused and that it has services that are able to intervene early in life, early in illness and early in episode. This is extremely important to ensure that people can access the right services at the right time. We have engagement on this strategy from across the sector. We have non-government organisations, consumers and carers, professionals and health services all working with us to ensure that we have a mental health system that can take us into the future.

The budget invests in various significant initiatives that will seed reform in this area. It invests in redesigning our child and youth mental health services and provides further support for families. It establishes a 24-hour-a-day, 7-day-a-week phone information, advice and referral line to ensure that people get access to the right service at the right time. To support this budget initiative it also funds a trial of a new mental health triage service.

Of course the budget continues to build capacity, with capital investments in acute and prevention and

recovery care services, ensuring that Victoria continues to have the highest number of beds per capita in Australia. Funding has also been provided to do the planning necessary to expand the acute and secure beds at the Dandenong Hospital. There is no doubt that Victoria is a national leader in the treatment of mental illness, and this budget continues to ensure that we are able to provide the best possible services to those living with a mental illness.

I want to talk briefly about the continuation of the reform in the child protection and family services sector. With our new legislation, our new initiatives and record investment, we have created a service system with the capacity to address the complex issues and problems that impact upon vulnerable children. However, the very nature of supporting vulnerable families and protecting at-risk children requires a constant and enduring vigil. We can never be self-satisfied; we can never say the job is done. That is why this budget contains a further \$39.4 million over four years to improve the health and wellbeing of children in care. This means new funding to pilot new therapeutic models of care across selected residential care units to improve the supervision, care and nurturing provided to often very traumatised children. It means more investment in kinship care to support the placements and make them stable for children. It means more funding for caregiver reimbursements so that carers, whether foster carers or family members, are better able to meet the costs of looking after children. It also means additional funding for Aboriginal services to build their capacity to support Aboriginal children.

I move on to talk about the money that is being provided in this budget to further boost our drug and alcohol services. This budget contains money to support a comprehensive strategy and a set of actions that will tackle the misuse of alcohol in our community, especially amongst young people. The package supports new prevention, treatment, enforcement and law-and-order responses to try and ensure that we have a capacity to reduce the health and social harms that we know result from alcohol misuse. It will require a whole community response, and this package is the government's commitment to work with the Victorian community to tackle this important issue.

The government has also invested \$456 million in drug and alcohol services since 1999, and a further \$123.9 million will be provided in this budget for drug prevention and treatment programs. I would like to be clear that since we came to government we have almost doubled the number of drug treatment beds and have seen counselling and residential withdrawal waiting times cut significantly — they have more than halved.

We have closed no beds; we have opened them. That is our record.

Similarly, in the seniors area I listened with interest to the member for Doncaster, who complained that the government is not delivering on facilities for people who are ageing. It is quite an unbelievable claim from an opposition which, when in government, sought to privatise and close public sector aged-care facilities right across the state. In fact I remember that the Grace McKellar Centre, a fantastic aged and rehabilitation service in Geelong, was due to be privatised. It is this government that has invested over \$100 million to rebuild the centre and make it one of the best aged-care facilities in the state. In fact we have invested \$445 million since coming to government to upgrade 47 public sector aged-care facilities, providing 212 new beds and reactivating over 200 existing places. This budget continues to build on those commitments, with \$75 million for further capital improvements.

Acting Speaker, you would have been pleased to see a \$45-million investment to establish a 45-bed subacute ward at the Kingston Centre. There is also money to redevelop the Stella Anderson Nursing Home and the 15 high-care beds at Hepburn Health Service's Trentham campus. These are just some of the ongoing commitments that we have made in the area of aged care, on top of our incredible investment in home and community care.

In the area of concessions, the government continues to provide a robust concessions program. More than \$1 billion is provided to support low-income families in Victoria. This budget provides an additional \$82.3 million to improve water concessions and the medical cooling concession as well as a whole range of other supports to assist low-income families to reduce their water and electricity use. These initiatives will continue to ensure that Victoria is a fairer place for all Victorians.

Of course the budget also continues to invest in the community in which I live and work — that is, Geelong. We have a number of important investments in projects that are about ensuring that Geelong is a vibrant, growing and strong community. Whether it is in meeting our commitments about the ring-road, funding the duplication of the Princes Highway west or money for schools, public transport, road safety initiatives, community projects like the Courthouse Youth Arts Centre or the Geelong Performing Arts Centre, these are important new investments that will continue to ensure that Geelong is the leading regional town in Victoria. It shows an ongoing and strong commitment to regional Victoria from this government.

As I said at the beginning, this budget is about ensuring that we are delivering services and support to all Victorians, wherever they live. It is about ensuring that we continue to drive A Fairer Victoria. That is the Premier's commitment and is certainly the commitment that has been illustrated in this budget. I commend the budget.

Mr BATCHELOR (Minister for Community Development) — This budget is a true Labor budget. It is about fairness and about helping those who need assistance. This budget is the evidence of a central commitment of the Brumby government to making Victoria a fairer place. Over the last three years the A Fairer Victoria strategy has brought together actions which have been put in place across government to reduce disadvantage, and the 2008 budget continues that tradition.

A Fairer Victoria is not only about fairness, it is also about the economy. The Premier recently said at the Australian Council of Social Service conference in April:

... while economic growth may pay for social progress, social progress enables economic growth.

This year's budget sets out our further financial commitment to A Fairer Victoria. It includes new funding commitments of just over \$1 billion over the next four years. It takes the total investment in A Fairer Victoria to more than \$4 billion since it was first introduced by the Labor government in 2005.

To assist the understanding of the scope of A Fairer Victoria I seek leave to incorporate three graphs into *Hansard*. I have checked those with the opposition, with the Speaker and with Hansard, and I seek leave to have those incorporated.

Leave granted; see graphs pages 2364–2366.

Mr BATCHELOR — I thank the member for Lowan for granting leave. The first graph shows our investments in A Fairer Victoria since 2005. I said in the house last year that I would be reviewing A Fairer Victoria after the 2007 budget. That review took place. It involved a great deal of consultation with community groups, and the outcome of that review was that we decided to focus A Fairer Victoria in 2008 more strongly on four key areas.

Getting the best start, our first priority area, is to continue improving the early years support services for children and families, especially those most at risk. Intensive early support for children and families can make a profound difference to their lives, and Victoria

is acknowledged as a leader in providing these services; for example, the 57 new children's services we have already funded have now become a model for the commonwealth government, and we look forward to seeing this type of initiative rolled out across Australia. This year, we are announcing an extra \$163 million to improve those services. This will result in more access to maternal and child health services, more help for women to give up smoking and drinking during pregnancy, and better support services for families affected by domestic violence, which is a major threat to the development of children.

Our second priority area is to continue to increase educational opportunities and help more people get into work. The skills needed in a knowledge economy have to be built on solid vocational foundations. As Tony Keenan from Hanover said last year, education is one of the links between social inclusion and economic participation. In Victoria we are leading Australia in that 86 per cent of young Victorians now complete year 12, or its equivalent, which is the highest rate of any Australian state.

But we readily acknowledge that we need to do more, so this year we have announced more than \$218 million to extend these achievements, starting in our schools. As part of this investment under A Fairer Victoria we will create more than 60 new school improvement leader positions to help schools work with high-needs students. We will also expand the student support program that provides targeted support to high-needs students. We will extend and expand our literacy improvement teams. These teams work with students who are struggling, and their work has dramatically improved the literacy rates of students who are having difficulties in this area of their education. We are also going to fund specific support and homework programs for refugee students.

A third priority area is improving health and community wellbeing. There is a strong link between poor health and poverty. This year, improving health and wellbeing is the biggest single area of funding in A Fairer Victoria, with an extra \$400 million being provided in this year's budget. Disability is a major focus of this extra investment. Just as we have heard from the Minister for Mental Health in the preceding contribution, this government wants to take action to help people with disabilities. We will dramatically expand the range of individualised supports available to people with disabilities, and we will also expand individual support packages to help people stay in their homes or in community-based accommodation.

Our fourth priority area is to continue developing livable communities. Livability attracts people, and it attracts investment to Victoria. But some people are missing out on the benefits of community, particularly in relation to whether they feel safe, whether the services that are available to them are affordable, and whether work opportunities might be lacking. There are also issues around affordable housing. Our programs, like neighbourhood renewal and community renewal, have already made major contributions to creating these opportunities in areas of high need. This year we are announcing an extra \$224 million to further strengthen local neighbourhoods, to reduce the risk of homelessness and to provide extra help for low-income families. We will increase the value of concessions that help low-income households to meet their essential service bills, and we will continue our program of retrofitting insulation and weather seals to thousands of houses to reduce household energy bills.

Within A Fairer Victoria there are also some strategies targeting particular groups. For example, there is an extra \$36 million to improve outcomes for indigenous Victorians, and there is \$17.7 million to help refugees to re-establish their lives through targeted health and educational programs.

As I said, A Fairer Victoria has been going for some three years, and there are a number of achievements I would like to acknowledge. As the Premier pointed out at the launch of this year's package, we have made some real gains over the last few years. For example, absences from schools have been reduced by over 370 000 school days — that is, by about 5 per cent. New Koori courts have reduced recidivism rates among indigenous offenders to half of that of the general population. We have made kindergarten effectively free for low-income families with the \$730 kindergarten fees subsidy now available for around 17 000 four-year-olds. Community building and renewal programs have been established in areas of high need across Victoria, as can be seen on the map that has already been tabled. The tabled chart shows that since 2004 we have more than doubled the number of individualised support and choice packages for people with a disability.

A recurring theme in almost all areas of A Fairer Victoria is our work with the community sector. At a recent ACOSS (Australian Council of Social Service) conference in Melbourne the Premier launched the government's action plan for stronger community organisations. Our investment in stronger communities this year therefore also includes our support for the new Office for the Community Sector, which will be charged with delivering on that 25-point action plan.

The office will be headed by Lynne Wannan. The work of that office will be vital because we recognise that we cannot reach the goals of A Fairer Victoria without the support and skills of the community sector. That is why this government is looking forward to continuing to work much more closely with community groups right across the state. This budget, with more than \$1 billion for A Fairer Victoria, means that Victoria continues to lead the nation in creating a fairer and more inclusive society.

I end this contribution to the debate as I started, by saying that this is a Labor budget. It is about fairness, it is about helping the disadvantaged, and it deserves the widespread support that it is getting.

Mr ANDREWS (Minister for Health) — It is a pleasure to follow my honourable friend the Minister for Community Development, who has so eloquently laid out what is at the centre of this budget — that is, fairness and investment to deliver on the priorities for which we have been elected and re-elected and the trust that has been placed in us to support the basic services that matter, but also to always look to empower people, always look to provide fairness and always look to provide equity in outcomes across our state. This is a great budget for health and a very solid budget that continues this government's proud record of giving health services across the length and breadth of our state the resources that they need to treat more patients, to provide better care, to drive innovation and, again, to empower people and to give people access to the services that are so important to them and indeed important to their families, their carers and the communities that they are part of.

I will go through a few of the highlights of this budget, most notably in relation to chronic disease and cancer, and then I briefly want to spend a few moments talking about achievements in my own local area, which is obviously of paramount importance to me as the member for Mulgrave. A budget highlight is the \$1.81 billion boost to health, both in terms of output and the asset investment program. Again, when you count the allocations in terms of ongoing funding, this government will have increased acute hospital funding by 112 per cent going forward — a 112 per cent increase in acute ongoing funding for our health and hospital system to treat more patients, to provide better care, to respond to demand pressures and to deliver better outcomes right across our growing Victoria. This \$1.81 billion is again a very important program. Our challenge has always been to invest in record terms to ensure that the quality of our buildings and the physical fabric of our health buildings match the quality of the care provided by our dedicated staff, and that is what

we have done. We have invested more than \$4.2 billion prior to this budget and then made a very healthy investment on top of that in the order of around \$500 million in additional capital across health and other related services — mental health, for instance, and some aged-care projects.

The member for Bendigo East, the Minister for Skills and Workforce Participation, is at the table, and it is important to note that one of the great projects we were able to fund through a proper dialogue with her local health service was an upgrade to the Bendigo Health Care Group emergency department. It is a modest amount of money by some standards, and some have criticised this, but I can tell you, Acting Speaker, and other members that on the very first occasion I had to meet with the chair of the board and the chief executive officer at that fine health service, they put it to me that their no. 1 priority was this project, and that is what we funded in this year's budget — a \$9.5 million investment in that growing community. It is a busy emergency department, well served by its staff, but we can do more, and we have. That is why this \$9.5 million is such a targeted and important investment. It is one small part of a broader overall capital works program, and it builds on the record support for Bendigo, for rural health in a broader sense and indeed for health right across the state.

I know that you, Acting Speaker, have been very pleased to see record support in the south-eastern suburbs, most notably \$45 million for stage 2 of the Kingston Centre, which is a very important redevelopment and one that I am personally very proud to have been able to provide that funding for. It will be put to good use, and it will support particularly seniors through new and improved models of care and a new and improved physical fabric. Again, it is one project that tells a much broader story of this government's fundamental commitment to better health care and better health outcomes and to giving people access to the best possible range of services in their local community.

In terms of cancer and chronic disease, I have spoken before about the great challenge that cancer poses to us, both as a health system and as a state. Seventy people are diagnosed with cancer each and every day, and 10 000 of us lose our lives to cancer each year, so this is a very substantial challenge and a big problem. One in three of us will be touched personally by cancer and diagnosed with cancer by the age of 70, so getting this right, doing more, supporting research to lead to the rapid translation of research into better clinical and care outcomes, properly supporting our dedicated workforce, providing growth funding to treat more

patients, driving innovation and driving change are central to meeting the cancer challenge and central to better supporting those in our community who currently suffer cancer and those who undoubtedly will be touched by cancer in the years to come.

More money is important, but so are targets, and that is what this cancer action plan with \$150 million in aggregate funding does. It does not just provide additional funding — record funding, I might add — but it lays out ambitious targets. In 1990 just 48 per cent of cancer sufferers lived through their own cancer and were symptom-free after five years. In 2004 that had increased to 61 per cent, but we can, again, do more and do better, and that is what this package does. We aim to increase that survival rate to 74 per cent by 2015 — an ambitious target. It will not be easy to get there, but setting targets and providing appropriate levels of funding — record levels of funding — to save lives and to deliver better care is what this government is all about. The cancer story — whether it be in providing regional radiotherapy, setting up and supporting the Victorian cancer agency, or providing this \$150 million plan and record support for the palliative care outcomes that are so important not just to patients but to families and carers across the breadth of cancer — in so many ways supports our broader investment in the health and human services that are so important to communities right across our great state.

In terms of chronic illness and chronic disease, we know the Premier made it clear that this was a key priority for him and for the government, and whether it be through WorkHealth and that \$600 million fund, the earnings from which will support proper testing and proper health promotion right across the Victorian workforce over the next five years, or smaller, more modest but no less important projects like the doubling of the number of early intervention and chronic disease teams which support those with chronic disease right across our communities in metropolitan Melbourne and rural and regional centres and which are team-based and provide early intervention and multidisciplinary care, that is about empowering clients and empowering patients to control their chronic disease rather than being controlled by their chronic disease. They are simple and effective models of care, but they are only possible when governments provide health services with the resources they need to build those models of care. It is what we have done and will continue to do, and that again is a small example, but it tells a broader story in terms of this government's commitment, its priorities, its focus and its absolute dedication to empowering clients and giving people options and choices but also driving a productivity agenda as well. That human capital leadership we have taken again well

supports our decisions and our investment priorities in terms of tackling chronic disease from a workforce point of view but also in terms of supporting those who already suffer chronic diseases, often multiple chronic diseases.

Acting Speaker, time is against me, and other members want to make a contribution. I have already spoken at length in this house about our record investment of almost \$186 million in additional ambulance funding. We are well on the way to the new single service, combining all that is good across the three ambulance services into the new Ambulance Victoria to build on the great work, great performance and great efforts by our ambulance paramedics and by those who work so hard — —

Mr Delahunty — What about the auxiliaries?

Mr ANDREWS — And ambulance auxiliaries. I am well acquainted with the fine work that ambulance auxiliaries do, and I am very confident that they will continue to do that work and they will continue to be a critically important part of the partnership that is the delivery of ambulance services, not just in rural and regional Victoria, but in the outer suburbs and right across our state.

Very briefly, I will give just a couple of highlights from my own local community in which I have had some involvement and of which I am very proud, and they have been welcomed.

Mr Wells interjected.

Mr ANDREWS — I advise the member for Scoresby that I had some involvement in terms of lobbying, for instance, for additional funding for the biggest redevelopment in the proud history of the Wellington Secondary College in Mulgrave. I was very pleased to support a planning grant of around \$100 000 a couple of years ago and have lobbied hard and have been very keen to support the principal, Mary-Jo Putrino, and the other leader of the school, the school council, to get that planning work and to secure the funding of \$5.9 million in the biggest modernisation program that that school has ever seen. It is a great school — one of many great schools in our local community — and this has been welcomed by parents, by students and by the broader community, and I am delighted to have been involved in supporting the school in its important work.

The Noble Park train station, at the other end of my electorate — in fact just in the area of the member for Lyndhurst, the Minister for Finance, WorkCover and the Transport Accident Commission — is used by my

local community, and it will be upgraded to a premium station. That is a great outcome for a proud local area, one that I am proud to represent and one that I, the member for Lyndhurst and others will continue to support in terms of better facilities and better services for that community.

Going back to where I started from, in terms of health our local community benefits clearly from a \$25 million upgrade to the Dandenong Hospital emergency department, which is a full delivery of our election commitment made in 2006. Moving on from that, the Kingston Centre, which I have already spoken about, Acting Speaker, is something you are very pleased with. There has also been further support for the baby boom in our local community at Monash Medical Centre.

Again, this is a strong budget, a Labor budget, one that supports vulnerable Victorians and one that supports improvements in the services that are so important to my community and communities right across our state. I commend the bill to all honourable members and wish it a speedy passage.

Ms THOMSON (Footscray) — I rise with great pleasure to support the appropriation bill — the ninth of this Labor government — now before the Parliament. I do so while looking for the commonalities of those nine budgets. They are: balance in providing services to those who most need it, looking after our families, young ones and those in our community who are the most vulnerable; spending record amounts on infrastructure and improving our roads, rail, hospitals and schools in every way you could imagine and impacting on every part of Victoria; providing tax cuts to business and the community, ensuring that people reap the benefits of economic growth; and also protecting our environment by ensuring our water supplies and taking care of the future so that our children can live in a safe environment. We have done this for regional and rural areas as well as the city, ensuring that everyone benefits from the growth of the state.

Since 1999 an additional 4400 additional teachers and 3700 support staff have been put back into the system. In my electorate of Footscray, there are 100 more staff in schools now than there were in the Kennett era. Let us make this very clear: the western suburbs have certainly benefited from having a Labor government. I thank my electorate officer, Clive Bracey, who summed up how much additional money has gone into the west thanks to the Labor government. More than \$300 000 has gone into looking after the people of my electorate and providing them with a better life, and I am very

proud of that record. My electorate has seen a cut in the size of prep classes from 24.8 students in 1999 to 20.6 today. This is most needed in my electorate, which is very multicultural, with quite a lot of refugees settling there. It is fantastic that it will see a new school worth \$7 million for Sunshine East, Sunvale and Braybrook — a really needy community, requiring first-class services.

Since 1999 a sum of \$3.9 million has gone into refurbishing hospitals and aged-care facilities. For Footscray, this has meant money going to the Western Hospital as well. Last year \$20 million went to the Sunshine Hospital and \$25 million went to the Western Hospital for upgrades. In this budget \$73.5 million will go to Sunshine Hospital for radiotherapy bunkers — the first publicly available bunkers in the western suburbs — and to provide a new teaching, training and research centre at the hospital.

This means that the people of the west can look forward to having first-class facilities and first-class trained staff ready to service their medical needs in the western suburbs. We have also seen more than 1800 doctors go back into the system since 1999, as have 8000 additional nurses. There has been a 70 per cent increase in nursing staff in the Western Health region, which is a great outcome.

On the important issue of safety, we have seen the construction or refurbishment of 150 police stations — and Footscray police station is one of them. Of the 1400 extra staff, Footscray alone has 28. I commend the police at Footscray police station; I have a lot to do with them, and they are a fantastic bunch of serving officers who really care about the people they have to keep safe and work very closely with in the Footscray community.

We have seen \$5.8 billion for improving roads and rail infrastructure, and additionally the provision of an extra 1031 metropolitan train services. For Footscray that will mean three additional peak train services along the Williamstown line. Additional bus services, as well as the extended night bus service, are going through Footscray.

Since 1999 the Labor government has provided 2000 new homes for low-income Victorians. In Footscray this has seen a mix of housing options being provided to a very needy community. I commend the Minister for Housing for having the foresight to look at the many models that might be available for housing these people. In the budget, record funding of \$510 million has been set aside for housing, and Footscray has been identified as an area of great need.

There is more: there is \$52.1 million for the Footscray Renewal initiative, which will revamp Footscray.

I contrast this to the \$7 billion of unfunded promises made by members of the opposition before the last election. It made me think, 'What does that remind me of?'. Last night I had a memory flash — it reminded me of a story I used to read to my children when they were very little. It is called the *Magic Pudding*, and it is a nice Australian story. Last night I pulled it out and had a look at it. I quote from that book:

A peculiar thing about the Puddin' was that, though they had all had a great many slices off him, there was no sign of the place whence the slices had been cut.

'That's where the Magic comes in', explained Bill. 'The more you eats the more you gets. Cut-an'-come-again is his name, an' cut, an' come again, is his nature ...

That sums up the Liberal Party's policies for elections and the promises it makes to the people of Kororoit, the promises it will never deliver on. It knows they will never be delivered on, but watch it promise the magic pudding that does not exist!

The ACTING SPEAKER (Ms Munt) — Order! I think this is an appropriate time to break for lunch.

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

Business interrupted pursuant to standing orders.

ABSENCE OF MINISTER

The SPEAKER — Order! Before calling questions, I advise the house that the Minister for Police and Emergency Services will be absent during question time today. Any questions relating to his portfolio will be answered by the Minister for Gaming.

QUESTIONS WITHOUT NOTICE

Water: savings

Mr RYAN (Leader of The Nationals) — My question is to the Minister for Water. I refer to the minister's recent evidence before the Public Accounts and Estimates Committee when he gave his unequivocal commitment that savings of 520 gigitalitres of water were achievable through government projects in the Goulburn-Murray irrigation district, and I ask: given confirmation from Goulburn-Murray Water that its losses for 2007–08 are 390 gigitalitres, of which about 100 gigitalitres was lost to the Ramsar-listed Kerang Lakes, leaving at best prospective savings of

approximately 290 gigalitres, does the minister stand by his evidence to PAEC?

Mr HOLDING (Minister for Water) — I thank the Leader of The Nationals for his question, because rather than listening to The Nationals and rather than listening to the coalition, it is time Victorians were being told the truth about this project — rather than listening to the opposition, it is time Victorians were being told the truth.

Mr Ryan — On a point of order, Speaker, even at this point the minister is debating the question. While the minister might have misgivings about people listening to The Nationals, The Nationals are entitled to ask the minister a question, and I ask you to ask him to answer it.

The SPEAKER — Order! The minister has barely commenced his answer. I am not willing to uphold the point of order at this time, but I ask the minister to answer the question without debate.

Mr HOLDING — What we know in relation to losses in the Goulburn-Murray irrigation district is this: firstly, we know that over the last 15 years, including 11 years of drought and 6 years of extreme drought, losses have on average amounted to between 700 billion and 800 billion litres of water every year. That is a fact, that is what the data from Goulburn-Murray Water shows and that is the basis upon which the government has been able to justify the investments it is proposing to make in modernising Victoria's food bowl and sharing the savings which can be made through those investments. That is the first point.

The second point in relation to the question from the Leader of The Nationals is this: on the predictions and on the data that the Leader of The Nationals has just shared with us, we know that this year Goulburn-Murray Water will deliver to the farmers the least amount of water it has ever delivered to farmers. The reason the losses in the system have been lowered correspondingly is because the way the system has been configured to operate this year has reduced massively the availability of water to irrigators. For example, 20 to 30 per cent of the capacity of the system has been taken out, channels have been closed temporarily, restrictions have been put in place on watering times for irrigators and channel flows have been reduced so that the flow rates on to farms has been impacted upon and are less than optimal. If you believe that is the way you want the system to run every year, then that is the only basis upon which you would assert that the losses that are occurring this year are in any way typical.

The Leader of The Nationals asked: does the government stand by the commitments it has made in relation to the savings which can be made by reducing losses in the Goulburn-Murray irrigation district? In relation to that I say that, consistent with the evidence I gave to PAEC (Public Accounts and Estimates Committee), we stand by those claims. Not only do we stand by them, but I refer the Leader of The Nationals to the Auditor-General's report, which states:

... the target water savings were achievable within the allocated budget.

The Auditor-General's report, the very report that members of the opposition quote with such glee around regional Victoria, confirms the government's view that the savings that can be made by investments in reducing system losses can be achieved within this project and within the allocated budget that the government has given to it.

We stand by this project because it is an investment in the future of irrigated agriculture in the Goulburn-Murray area. This is a region that is crying out for investment, crying out for a modernised irrigation system and crying out for a statement by government that it has confidence in its future. That is why this government is making this investment, and that is why we are making a record investment — and just as the investment will be shared by all Victorians, so will the benefits that will flow from this project. We stand by the commitments we have made. We are happy to be judged on this project. This is a massive investment in the future of irrigated agriculture in the Goulburn-Murray region.

Western suburbs: government initiatives

Ms THOMSON (Footscray) — My question is to the Premier. I refer the Premier to the government's commitment to make Victoria the best place to work, live and raise a family, and I ask him to outline to the house how the government is delivering for the people of the western suburbs.

Mr BRUMBY (Premier) — Earlier today I visited Caroline Springs College — which is one of many great Labor investments in the region — with the endorsed Labor candidate for Kororoit, Marlene Kairouz. She is a great candidate.

Mr Mulder interjected.

The SPEAKER — Order! I ask the member for Polwarth not to interject in that manner.

Honourable members interjecting.

The SPEAKER — Order! I warn the member for South-West Coast, and I warn the Minister for Water.

Mr BRUMBY — She is a great candidate. She has been working in the western suburbs for the last four years, she knows the area well; and if elected, will make a great member of Parliament for Kororoit.

Travelling out to Caroline Springs today, nobody in the party could have been anything but impressed with the degree of investment being made in the road infrastructure, particularly the Deer Park bypass, which is under construction — \$331 million — but it is the investments that our government has made in education in this area which really stand out and show the commitment of our Labor government to the western suburbs, and to that area — and how stark a contrast it is with all the schools that were closed and sold off in the 1990s under the Kennett government. We have a great record in education in the Kororoit electorate. We have reduced class sizes, prep to year 2 — —

Honourable members interjecting.

The SPEAKER — Order! The member for Bass knows well not to interject in that manner, and I suggest to the member for Hastings that he also knows not to interject in that manner.

Mr BRUMBY — Class sizes for prep to year 2 have been reduced from 25 to 20.7, meaning that every child going through those classes gets the best possible start in life. We have invested \$48.6 million in school infrastructure: the modernisation of Albanvale, Deer Park West and Kings Park primary schools; the construction of the new Caroline Springs College; and recently with the Minister for Education I announced a new PPP (public-private partnership) school to be built, which is Kororoit Creek Primary School.

The investment that has been made at the Caroline Springs College campus is, if you like, an example of the new west that we are building in the western suburbs of Melbourne — not like the western suburbs of the 1990s when people were leaving in droves, when hospitals were cut back, when schools were closed, when police numbers were slashed. We are investing in the western suburbs.

That area from Wyndham through the Kororoit electorate and around to Hume in the north is now the fastest-growing metropolitan area anywhere in Australia, and we are proud of it and we are proud of the investment that we are making in that area.

In the western suburbs there are something like 1500 additional teachers in our schools making sure

that each child gets the best start in life. In the health area we have doubled recurrent funding; we are investing \$151.9 million in capital facilities. Earlier this year the Minister for Health and I were at Sunshine Hospital. This year's budget of \$71.5 million will be of direct benefit to families and communities throughout the west. There are 548 additional nurses in the western suburbs; this is a big contrast to the 1990s when nurses were sucked out of the region. There are 177 sworn police in the Brimbank police service area. That is 40 police more than when we were elected to government. Again in contrast with the 1990s, when resources were dragged out of this area, we have been putting resources back into it. The crime rate in Brimbank is down 21.8 per cent and in Melton it is down 30 per cent.

I am pleased to say also that in the two local government areas that make up Kororoit, the population has grown by 26 per cent since we have been in government. This is a huge rate of population growth. People are moving into these areas — people are making a decision to live in these areas because of the investments that we are making in building better schools, better hospitals and safer communities. This is a complete turnaround from the 1990s.

The value of building approvals has doubled in these two council areas: \$991 million versus \$491 million when we were elected. The unemployment rate in the area has almost halved. In that context too, Speaker, you will be pleased to know that our candidate, Marlene Kairouz, has spent the last four years campaigning against WorkChoices, defending the interests of working families. We will make it clear in the by-election campaign that while she has been out there representing working families and campaigning against WorkChoices, the Liberal Party and The Nationals in this state, if they ever had the opportunity, would reinstate WorkChoices and attack the interests of working families in our state because that is their policy.

The unemployment figures were released at 11.30 a.m. today. Victoria's unemployment rate is down to 4.3 per cent — a fantastic result, down 0.3 per cent from the last figures. Just so we are clear, in the period since the ALP won office in October 1999, we have seen employment in our state increase by 452 100 people, or 20.6 per cent. The unemployment rate has declined; the participation rate is up.

I am pleased that Marlene Kairouz, as the ALP candidate — somebody who has strong links — —

An honourable member interjected.

The SPEAKER — Order!

Mr BRUMBY — Hard to say.

Honourable members interjecting.

Mr BRUMBY — What sort of a comment is that — —

The SPEAKER — Order! The Premier!

Honourable members interjecting.

Mr BRUMBY — Speaker, that is the sort of attitude we expect from the Liberal Party.

The SPEAKER — Order! I warn the Premier. I ask for some cooperation from all members.

Mr BRUMBY — In the western suburbs of Melbourne there are more than 100 different peoples of different ethnic backgrounds, including people like Marlene Kairouz, who is of Lebanese background. At Caroline Springs College, where I was today, there are more than 50 different groups of people from different ethnic backgrounds. I am proud of that; I am proud of the multiculturalism in our state. The interjection which was made by the honourable member was quite unparliamentary and quite unnecessary. The honourable member should apologise for it. I am proud of the multiculturalism that we have in our state. I am proud of our candidate, Marlene Kairouz, who won a democratic vote in the Labor Party, who is a strong representative of the western suburbs and who, if elected, will be a strong voice in our government for the people of the Kororoit electorate.

Crime: western suburbs

Mr BAILLIEU (Leader of the Opposition) — My question is to the Premier.

Mr Brooks interjected.

The SPEAKER — Order! I warn the member for Bundoora.

Mr BAILLIEU — My question is to the Premier. I refer to a 2004 letter written by Darebin councillor Marlene Kairouz, who stated to local residents that:

... many people do not feel safe in the area they have grown up in.

I ask: can the Premier confirm that Victoria Police statistics show an increase in assaults of 105 per cent in Caroline Springs and 116 per cent in St Albans since 2001?

Mr BRUMBY (Premier) — I have not seen the statistics to which the honourable member refers.

Mr Burgess interjected.

The SPEAKER — Order! The member for Hastings must not interject in that manner.

Mr BRUMBY — As I have said, I have not seen the statistics to which the honourable member refers. What I do know is that there are 40 additional police in the area represented by Kororoit. There has been a reduction in crime on the official statistics of 21.8 per cent in the Brimbank police service area and a 30 per cent fall in the Melton police service area. We have built, I think, a new police station at Caroline Springs. We have made a significant investment in the area. Since we have been in government we have put something like 1400 additional police back into the police force across our state. There are 1400 additional police across the state, compared with the — what was it? — close to 1000 who were taken out of the police force by the former Liberal government.

We have made a significant investment in these areas. We are certainly aware that there has in recent times been, across the state and particularly in the central business district (CBD) of Melbourne, an increase in the level of assaults. That is a matter which is of concern to me, to the Minister for Police and Emergency Services and to the Chief Commissioner of Police.

Mr Baillieu — On a point of order, Speaker, the Premier is debating the question. The statistics — —

Mr Lupton interjected.

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

Mr Baillieu — The statistics to which I referred are official Victoria Police corporate statistics. The Premier is seeking to avoid addressing this information by selectively or perhaps falsely asserting other statistics. I invite you to ask him to not debate the question but to address the question. Will he confirm those statistics?

Mr Hulls — On the point of order, Speaker, the Premier was asked about crime rates. He is talking about the reduction in crime rates in the seat of Kororoit. He is absolutely on question.

The SPEAKER — Order! The Premier was debating the question, and I ask him to come back to answering it.

Mr BRUMBY — As I have said, these issues have been a matter which has been the focus of attention of the government and of the Chief Commissioner of Police. The recent announcements we have made in relation to curbing binge drinking and the 2.00 a.m. curfew in the CBD are all part of a range of measures being put in place by the government to tackle the increase in night-time violence. I know that there is debate about these measures, but we intend to crack down on night-time violence, and that is exactly what the measures we have put in place are doing.

Health: western suburbs

Mrs MADDIGAN (Essendon) — I would like to ask a question of the Minister for Health. I refer the minister to the government's commitment to making Victoria the best place to live, work and raise a family, and I ask: can the minister outline to the house what action the Brumby Labor government is taking to deliver quality health services to the people of the western suburbs?

Mr ANDREWS (Minister for Health) — I thank the honourable member for Essendon for her question and for her interest in the best possible health outcomes for her local community. As a government we are very proud of the investments we have made and very proud of the increases in funding in terms of both capital works and ongoing funding for Western Health. Communities in Melbourne's west deserve that funding, and we as a government have proudly provided it — increases in budgets each and every year that we have been in office. As the Premier mentioned in answer to an earlier question, we have provided a 106 per cent increase in ongoing funding for Western Health; 548 additional nurses — additional nurses! — out there in those health services treating record numbers of patients; and in terms of capital works, a very substantial investment.

Of course in this year's budget a very large part of our total asset package was stage 2 of the Sunshine Hospital redevelopment, which not only brings a teaching, training and research facility to deal with workforce pressures and attract the very best staff to the west but also provides for the first time — or will, once completed — radiotherapy services for cancer patients in Melbourne's west.

There can be no doubt, whether in ongoing funding or investment in capital works — the quality of the buildings and facilities in the west — that this government has a proud record. We talk a lot about figures but what does that money mean? What do those investments mean in terms of outcomes for patients?

Let us look at a few important areas of treatment. In emergency department presentations, record funding means record numbers of people getting the treatment they need, from around 76 000 presentations in 1999 to about 114 000 in 2006–07. In terms of elective surgery activity in Melbourne's west, numbers have increased from around 7700 episodes of care in 1999 to nearly 13 000 episodes of care in 2006–07. Numbers have also increased in terms of chemotherapy services, from around 2500 treatments in 1999 to nearly 5500 treatments in 2006–07. In terms of renal dialysis — critically important services — numbers have increased from around 6500 treatments in 1999 to nearly 9000 treatments in the 2006–07 year. Record funding is treating record numbers of people in Melbourne's western suburbs.

The member for Essendon would know, though, that sadly there is not much treatment going on in Essendon, because we remember that the communities of Essendon and Altona, which my honourable friend the Minister for Public Transport would know about, had their hospitals taken away from them.

Honourable members interjecting.

Mr ANDREWS — That is right. By whom? Those hospitals are not treating anyone because those hospitals were closed.

The SPEAKER — Order! The minister is debating the question, and I ask him to come back to it and conclude his answer.

Mr ANDREWS — For those health services the boards are up; they are shut, they are closed! There is no elective surgery going on in Essendon and Altona. We remember, and communities in Melbourne's west remember as well. To be clear, every honourable member in this house and everybody across the west can be absolutely certain that this government will continue to provide record funding to Western Health so that record numbers of patients can get the care they need. That is what the western suburbs need, that is what the western suburbs ask of us — not, as I am sure we will see in the next couple of weeks, hollow health promises from Hawthorn, but real action for the west from the Brumby Labor government.

Dental services: Kororoit electorate

Mrs SHARDEY (Caulfield) — My question without notice is to the Premier. I draw the Premier's attention to the fact that more than 8500 patients are on a waiting list for dental treatment in the Kororoit area and that two additional dental chairs, at \$200 000 per

chair, would reduce the waiting list by nearly half. Given that the Premier's last overseas trip cost taxpayers \$200 000, will the Premier cancel his planned overseas travel and instead fund additional dental care for the people of the electorate of Kororoit?

Mr BRUMBY (Premier) — I am proud to say that since 1999 our government has invested just under \$1 billion in oral health in our state — it has invested \$950 million in oral health. That is a huge increase on the funding which has been provided in the past. One of the reasons we have had to provide a huge increase in funding for oral health in this state is because the former federal government vacated this space. The honourable member who asked this question was an adviser to the former health minister who closed down the federal oral health program.

The \$950 million that we have put in has reduced waiting times, it has increased access for kindergarten children, it has improved recall times for primary school children, it has continued workforce development and it has strengthened cooperative arrangements with private providers. Since December 2005 seven new public dental clinics have been opened, which brings the total in the state to 69. This has allowed 49 new and replacement chairs to be opened, increasing the number of public dental chairs in Victoria to 371. At the last election we committed \$14.5 million for the establishment of a new dental school in Bendigo with satellite clinics at Wodonga, Mildura and Melton — and Melton is in the western suburbs!

Honourable members interjecting.

Mr BRUMBY — Did you know that?

Mrs Shardey interjected.

Mr BRUMBY — You knew that?

Mrs Shardey — On a point of order, Speaker, the Premier is debating the issue. I ask you to bring him back to the question.

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

Mr BRUMBY — The honourable member asked me about dental chairs, and I have just said there is a new dental school being established in Melton, which is in the western suburbs, with \$13 million of that \$14.5 million being allocated in this year's budget. There is funding for 30 additional dental chairs: 10 for Wodonga, which will be a net addition of 6 chairs; 8 for

Mildura, a net addition of 4 chairs; and 12 for Melton, which will be a net addition of 12 chairs. I am pleased to say too that 50 undergraduate students have commenced the bachelor of dentistry course at Bendigo in 2008. They will graduate at the end of 2012, and because there is only one existing school at the moment apart from Bendigo, this will double the number of dentists graduating in Victoria every year.

We know that we have challenges in meeting the demand in this area. It is why we have put a huge increase in funding into the system, it is why we have announced a new dental school and it is why we have announced 12 additional dental chairs in Melton to better serve the needs of the western suburbs of Melbourne.

Mr K. Smith interjected.

The SPEAKER — Order! It might be time for the member for Bass to think seriously about his continued stay in question time today. I will not warn the member for Bass again.

Schools: western suburbs

Mr LANGUILLER (Derrimut) — My question is to the Minister for Education. I refer the minister to the government's commitment to making Victoria the best place to live, work and raise a family, and I ask: can the minister outline to the house what action the Brumby Labor government is taking to ensure children in the western suburbs get a good education?

Ms PIKE (Minister for Education) — I thank the member for Derrimut for his question. The reason education is this government's no. 1 priority is that we know a high-quality education really does give our young people the very best start in life. It gives them the greatest opportunity for social participation, it gives them the greatest opportunity for economic independence and it grows our whole society and our whole community and strengthens them. That is why this government is investing more and more resources in education. It is why we know that continuing to invest resources in the western suburbs of Melbourne to support that community and to give those young people the very best chance in life is so important. The investment we have already made over the last few years is bearing fruit. We see more young people in the west staying on and completing their schooling. We see more young people having gainful employment and participating in further education.

We have been able to achieve that by investing in more teachers, by investing in more schools, by putting in

capital programs to improve the quality of facilities in the west and by providing extra services and special programs that really meet the needs of that community. It is by opening schools, not closing them; by employing teachers, not sacking them; and by investing in our school communities that we are getting the results we need. We are showing our commitment to that very important part of Melbourne.

We have invested more than \$330 million in the western suburbs to rebuild, renovate or extend schools. This year's budget continues that program of further investment and providing more resources for our young people in the western suburbs. A great example is the additional \$7 million allocated to Caroline Springs College for the stage 2 project at the Springside campus. That project will include library, art, information technology, fabrics, home economics and science facilities. That school alone, with its multiple campuses, has received a total of \$44 million of investment so that the young people in Caroline Springs can have access to high-quality facilities in which all of those additional teachers can teach and where students can learn and be active social participants.

We have also announced in this year's budget \$141 million for a package of 11 new schools to be financed, designed, built and maintained through public-private partnerships. A number of these are in the western suburbs — Craigieburn West primary school, Derrimut primary school, Kororoit Creek primary school, Point Cook North P-9 school, Taylors Hill primary school and Truganina South P-9. On top of that we have announced a new select entry secondary school in Wyndham Vale, because we want young people who come from the western part of our state to have access to the kinds of specialist services that really make a difference to their education.

I was also very pleased recently to announce a new refugee education package, because we know that many refugee families, asylum seeker families and immigrants come and settle in the west. We value their contribution. We want them to participate in our community, and we are doing everything we can to make sure that those refugee young people have access to high-quality education. It has been a very big task undoing the neglect and damage that was done. It has required a lot of dedication and a lot of commitment, because we genuinely care and we know what a huge difference this education can make to these people. We know that there are some areas in our state that do not enjoy the same socioeconomic privileges as other areas. We have to bend over backwards and redouble our efforts in those communities. That is exactly why we are continuing this investment and continuing our

commitment. It is something we are very proud of. We are getting on with the job of building a world-class education system because we want to make sure that our kids get the very best chance in life.

Crime: Kororoit electorate

Dr NAPHTHINE (South-West Coast) — My question without notice is to the Premier. I refer the Premier to his government's refusal earlier this year to fund a \$170 000 program proposed by Les Twentyman to tackle increases in gang-related violence and use of weapons amongst young people in the Kororoit electorate, and I ask — —

Honourable members interjecting.

The SPEAKER — Order! I warn the member for South Barwon.

Dr NAPHTHINE — I will repeat the question, Speaker. I refer the Premier to his government's refusal earlier this year to fund a \$170 000 program proposed by Les Twentyman to tackle increases in gang-related violence and use of weapons amongst young people in the Kororoit electorate, and I ask: given that the Premier's last overseas trip cost taxpayers \$200 000, will the Premier cancel his planned overseas travel and instead fund this important program to improve community safety in Kororoit?

Mr BRUMBY (Premier) — There is one thing that is pretty clear about police and crime rates — that is, you do not cut crime rates by cutting the number of police. That was the policy that we saw in the 1990s, when 1000 police were taken out of the system by the former Liberal government. We have put 1400 additional police back into the system. We have seen significant reductions in crime rates right across our state. We have seen a reduction in crime of 21.8 per cent in the Brimbank police service area and a 30 per cent fall in the Melton police service area. There are additional police, additional police stations and an additional focus on tackling crime. We have cut crime, and I repeat that the only way in this state that you can continue to cut crime is by increasing police numbers. That is what we have been doing as a government, and it is in very marked contrast to what the former Liberal government did.

Legal services: western suburbs

Mr NOONAN (Williamstown) — My question is to the Attorney-General. I refer the Attorney-General to the government's commitment to making Victoria the best place to live, work and raise a family, and I ask: can the Attorney-General outline to the house what

action the Brumby Labor government is taking to deliver improved justice outcomes for the people of the western suburbs?

Mr HULLS (Attorney-General) — I thank the member for his question. The government is always looking at ways to make justice more accessible for Victorians, including people living right around this state. As a major consumer of legal services in Victoria the government is in a unique position to use its purchasing power to achieve positive outcomes for other less-well-resourced consumers of legal services. That is why the government introduced requirements for law firms on the government legal services panel to provide pro bono legal services to people who are otherwise unable to afford legal advice or legal representation.

I am pleased to announce that in 2006–07 law firms on the government legal services panel provided some \$7.7 million-worth of free legal services to Victorians, bringing the total value of free legal services since this scheme was set up in 2002 to about \$18 million. Firms can deliver their pro bono obligations in a range of ways, including by supporting community legal centres (CLCs) through the Attorney-General's community law partnership program. The Brimbank Melton Community Legal Centre, which operates in Melton and Deer Park, and services very important areas like Caroline Springs, has benefited from this program since 2003, with a major law firm, Mallesons, seconding solicitors to work at the centre and offering a variety of other pro bono assistance to the centre and its clients. These partnerships are really pro bono justice at its best. City-based law firms providing the benefit of their experience and the benefit of their resources — —

Mr Thompson interjected.

The SPEAKER — Order! I ask the member for Sandringham not to interject in that manner.

Mr HULLS — These are pro bono services at their best, where major law firms are providing assistance and expertise to community legal centres. I would expect that that would be welcomed — I would have hoped it would have been welcomed — by all sides of this house. On this side of the house we certainly believe in CLCs, and we will continue to support centres like the Brimbank Melton CLC. This does stand in stark contrast to proposals some years ago to tender out CLC work and make clients of CLC services pay for those services. We all remember the headlines in the 1990s, where CLCs were going to be closed.

Mr Clark — On a point of order, Speaker, the Deputy Premier is debating the question. I ask you to bring him back to answering it.

The SPEAKER — Order! I uphold the point of order. The Attorney-General, to conclude his answer.

Mr HULLS — On this side of the house we firmly believe in CLCs. If those on that side of the house had had their way, CLCs would have closed and the people in the Kororoit electorate would not have had a CLC to service their needs. Under the Labor government in Victoria significant funds have been injected into CLCs, with Brimbank Melton CLC's funding more than tripling since we came to government. Whether it is laying the groundwork for community law partnerships and pro bono services, boosting funding for legal aid and community legal centres or providing specialist services for victims of family violence and other court users at the Sunshine court, the Brumby government is absolutely committed to enhancing access to justice for the residents of the western suburbs. I repeat: it stands in stark contrast to those opposite, who wanted to shut CLCs, including the Brimbank Melton CLC.

Australian Labor Party: Kororoit candidate

Mr WELLS (Scoresby) — My question without notice is to the Premier. Will the Premier guarantee that Cr Natalie Suleyman will not be appointed to a state government-funded position to compensate for her preselection defeat at the hands of the member for Keilor, otherwise known as King George?

Mr BRUMBY (Premier) — There was a preselection process in the Labor Party, and an outstanding candidate has been preselected. I think the last time I met Cr Suleyman was at a community cabinet that we held in that area. I have not had any discussions with her. My understanding is she is gainfully unemployed at the moment and very active on the council, and I sure she will continue to do that. If she is looking for a seat in the future I will suggest Mount Waverley — —

Honourable members interjecting.

The SPEAKER — Order!

Mr BRUMBY — I was interrupted, Speaker. What I was saying was that I would suggest — —

Honourable members interjecting.

The SPEAKER — Order! The member for Malvern!

Dr Napthine interjected.

Questions interrupted.

SUSPENSION OF MEMBER

The SPEAKER — Order! Under standing order 124, the member for South-West Coast will remove himself from the chamber for 30 minutes.

Honourable member for South-West Coast withdrew from chamber.

Questions resumed.

Mr BRUMBY (Premier) — I was rudely interrupted. I was saying I would suggest that Mount Waverley is not the place to go and that Scoresby is. I can only reiterate that advice. We have an outstanding member in Mount Waverley, but Scoresby would be a great prospect.

Roads: western suburbs

Ms BEATTIE (Yuroke) — My question is to the Minister for Roads and Ports. I refer the minister to the government's commitment to making Victoria the very best place to live, work and raise a family, including multicultural families, and I ask: can the minister please outline to the house what action the Brumby Labor government is taking to deliver better roads for the people of the western suburbs?

Mr PALLAS (Minister for Roads and Ports) — I thank the member for Yuroke for her question and for her continuing concern for quality transport connections, particularly road connections, in the western suburbs of Melbourne.

The government recognises that there is enormous importance attaching to the growth that is occurring in the west. It is one of the fastest growing areas in this state. We are taking action now to address the challenges for the west in the future. In cooperation with the federal government we are spending \$331 million on the Deer Park bypass, a 4-lane freeway, 9.3 kilometres in length. Last month I announced that this project is not only tracking well but that it is six months ahead of schedule.

This morning we marked the completion of a milestone event — that is, the 100th arterial road project completed by this government, which is the \$19.2 million Plummer Street local truck bypass. This project will provide new direct connections for traffic travelling over the West Gate Bridge to the western

suburbs of Melbourne. We have not just discovered the western suburbs overnight, we have been there diligently working towards their betterment and wellbeing for a very long time. It is about commitment and the long haul. We have already committed \$14.7 million for the duplication of Derrimut Road from Hogans Road to Sayers Road.

Some members have only just discovered the western suburbs — brave new explorers of a magical land west of Toorak. It is as if the Leader of the Opposition had a chat to his driver last week and asked, 'Have you heard of this place called the west? Apparently it is over a giant bridge'.

The SPEAKER — Order! The minister will not debate the question.

Mr PALLAS — The government's approach to the west is historical, and it is ongoing. We have had a plan for level crossings in the west on the table since 2004, and \$54 million has been committed to the Taylors Road project, which has already started. We will eliminate railway level crossings and a five-way roundabout. When completed in 2009 this project will improve safety for drivers, pedestrians and rail users, and also ease congestion. Our planning work is already advanced on the Main Road solution, a real level crossing plan on the record — it is work being done.

Let us not forget the Monash-West Gate project, the biggest state-funded road project in Victoria's history.

Mr Mulder interjected.

The SPEAKER — Order! The member for Polwarth!

Mr PALLAS — That will improve access from the western suburbs to the city and the south-eastern suburbs.

Mr Mulder interjected.

Questions interrupted.

SUSPENSION OF MEMBER

The SPEAKER — Order! Under standing order 124, I ask the member for Polwarth to leave the chamber for 30 minutes.

Honourable member for Polwarth withdrew from chamber.

Questions resumed.

Mr PALLAS (Minister for Roads and Ports) — This is a real plan to address the challenges of the future, not a sudden epiphany. At the last election, in the opposition's plan to improve country and metropolitan roads, there were 82 promises but not one commitment for the western suburbs was contained in them. That shows its new idea for the west was no idea at all.

On 27 May I had the privilege of opening the \$28.6 million Palmers Road extension. This road project will connect Dunnings and Point Cook roads and the Geelong road, and provide a direct connection to and from Melbourne. These are real plans and real actions, and they are being delivered now. In contrast, the Leader of the Opposition's first mention in Parliament of the phrase 'western suburbs' occurred this week. *Hansard* reveals that he used the words 'Western Australia' more frequently than 'western suburbs'.

The SPEAKER — Order! I ask the minister not to debate the question.

Mr PALLAS — Now we have real policies for the western suburbs. There is the truck facilities improvement near Hopkins Road, Rockbank. We also have the pavement rehabilitation around the Melton–Werribee road and the Melton Highway carriageway duplication, unlike those opposite, whose sudden affection for the west is about as genuine as Peter Costello's farewell card to John Howard!

APPROPRIATION (2008/2009) BILL

Second reading

Debate resumed.

Mr LANGUILLER (Derrimut) — It gives me pleasure to stand up today and refer the house to the very good track record of Labor governments and in particular of this government. I will, of course, speak on the Appropriation (2008/2009) Bill. The bill will provide the opportunity and the appropriation authority for payments to be made from the Consolidated Fund for the ordinary annual services of the government for 2008–09. It is important to place on record what the opposition had promised before the last election in relation to matters and issues that are of significance to the western suburbs and indeed to the electorate of Kororoit and to the electorate of Derrimut. The Liberal opposition had placed on record its policy in relation to grade separation projects before the 2006 election along the lines of making improvements to the Frankston bypass, Springvale Road in Nunawading and

Blackburn Road in Blackburn — not one in relation to the western suburbs. The list also included North Road in Ormond, the Moorooduc Highway in Frankston, and Scoresby Road. The western suburbs will remember that when it comes to projects like grade separation, dealing with traffic congestion and making people's quality of life better and improved, it is only the Australian Labor Party that delivers.

Let us put on record the Liberal Party's track record on road projects. The opportunity has existed for the opposition all this week, and indeed before then, to defend its track record in relation to its policies and its commitments and programs in the western suburbs. Why has it not? It has not because it has no track record and because it has displayed no commitment to the western suburbs. Let us look at the road projects. The Liberal Party proposed at the last election a clearway on Punt Road, upgrades of Clyde Road in Berwick, Stud Road and Kelleets Road in Rowville, Forest Road and Scoresby Road in Ferntree Gully, and the list goes on and on. There was not a single promise made by the opposition in relation to road projects in the western suburbs. That is why the government knows that the people in the western suburbs and indeed in the electorate of Kororoit will remember that there are a lot of lies and hypocrisy on the other side — and very opportunistic lies and hypocrisy because of the by-election in Kororoit. The opposition is unable to show or demonstrate any bona fide commitments that it had made to the western suburbs before the election in 2006.

Let me tell you, Speaker, what this government has done since Labor came into office in 1999. You would know, and indeed let me assure you that the people in the western suburbs remember, that the issue of level crossings in the western suburbs and in St Albans, the main east-versus-west issue and all of that issue of congestion associated with traffic has been debated in the public arena for more than three decades, and for more than three decades no government — and certainly not the opposition up to 1999 — had done anything in relation to dealing with this issue of level crossings in St Albans. What this government did under the previous Premier, with the current Premier as Treasurer and with the then transport minister and subsequent ministers, was to first of all embark on the broadest consultation that the government had undertaken to look at the whole region — not just the one issue but the entire region — and address it comprehensively and holistically. We spent a lot of time — in fact in excess of 12 months — talking to communities, talking to stakeholders, talking to municipalities, talking to VicRoads and talking to infrastructure departments and others, and, finally, on

the basis of evidence we came to the notion that what we planned to put in place was in fact the best solution to deal with congestion in that region.

We have put in place a three-stage St Albans strategy which will improve road safety and reduce traffic congestion in the region and in St Albans. An underpass of the railway line at Taylors Road, which is stage 1, is about to be completed. These are not just words but actions, which the people in the electorate and the region will remember. A local bypass of Main Road and a rail underpass constitute stage 2, and grade separation of the Furlong Road rail crossing will be stage 3. Substantial progress has been made in relation to the first stage; \$54 million have been committed for stage 1 of the strategy, which will provide an underpass of the railway line at Taylors Road and the replacement of an existing roundabout. Construction has commenced, and we anticipate completion by the end of this year or early in 2009.

Let us be absolutely clear: it is true that people in the community — and I particularly refer to the St Albans traders and those people who in fact have positively defended the interests of the community — have advocated for another solution, and we acknowledge that. They want to deal with traffic congestion, and so does the government. I am very cognisant that there are community groups that have not always agreed with us and that the mechanism and the proposal that we suggested to the community as being the ones which will deal with traffic congestion are not necessarily what they wanted.

But let me tell you this, Speaker: the community and groups like the St Albans traders want to see a situation where we can deal with traffic congestion, and the government completely agrees with them on that, except that there is a difference in relation to how this will be delivered. I am very confident that they will come on board with the Labor government because they know that we agree on the outcome, although there might be differences in relation to the way in which we are working towards the same outcome. I am confident of that, and I know that they will work with us in relation to these methods.

The other important issue that is very significant to the community relates, of course, to health. We could talk about education, we could talk about public safety, we could talk about mental health, we could talk about disability, and indeed we have talked about dental services and the dental hospital, which only Labor lived up to in the western suburbs, but let us talk for a minute about health. Speaker, you would be aware that the Sunshine Hospital was a dream of the federal Whitlam

government and the world-renowned and recognised and well-remembered former minister of that government, Jim Cairns. It was the Bracks and Brumby governments that effectively delivered the Sunshine Hospital. What we had in that community prior to 1999 was in fact two departments: we had psychiatrists and we had gynaecologists. Effectively that was it in terms of the Sunshine Hospital. But Bracks came in and Brumby came in, and the western suburbs remember that it was in fact this government that delivered a proper hospital, a comprehensive hospital with all departments, a teaching hospital in terms of medical practitioners and nurses, a partnership with Victoria University and, very importantly, an emergency department which hardly ever sees an ambulance bypass.

Make no mistake, people in the western suburbs will remember that it is this government that has delivered nurses, doctors and improved services. In fact it is this government that only recently, as the minister said today in question time, delivered \$73.5 million so that residents in the region can have better access to cancer services after stage 2 of the Sunshine Hospital development. The minister quite correctly said that the new facility will be linked into Melbourne and Victoria universities and will provide for the delivery of a wide range of undergraduate and postgraduate courses and programs for health sciences students and disciplines. This is terrific news for people in the west. The western suburbs will remember that it is only this government — only the Labor government — that has in fact delivered to the west.

In concluding I wish to apologise to the house, because it is the very reforms the Labor government made to the upper house that delivered Mr Finn, a member for Western Metropolitan Region, to the western suburbs. Mr Finn's contribution in another place yesterday was a shameful display of hypocrisy and lies. He had been a member of Parliament before, and he had not delivered. If you read his contribution, and I am sure many residents of Kororoit will read it with interest, you will see that for an hour or so he spoke about the things that the opposition presumably will offer to the western suburbs in the future but did not mention a single achievement of the previous Liberal-Nationals government in relation to the western suburbs. He could not stand and defend its track record because there is none. Only Labor has been able to deliver public safety, education, health and a solution to traffic congestion and other issues in respect of level crossings. I am very confident that people in the west will remember.

I conclude by saying that the Australian Labor Party has selected a terrific candidate for the Kororoit

by-election. Marlene Kairouz is an organiser for the Shop, Distributive and Allied Employees Association, Victorian branch. She has worked in that region. She has done an enormous amount of work on the ground. She defended the rights of working families against former Prime Minister John Howard. She will be a terrific member. She will be well recognised and will come into this place with a terrific background to take every opportunity to continue to improve the quality of life of people in the western suburbs.

Mr LUPTON (Prahran) — I am very pleased to speak in support of the 2008–09 Victorian state budget, which delivers for the people of Victoria. In particular I want to address my remarks today to the ways in which our state budget delivers for the people of the Prahran district. The budget delivered by the Treasurer, John Lenders, builds on the great achievements of the Bracks and Brumby governments since we came to office in 1999. We are now seeing some of the outcomes of the investment that has been made in key services and infrastructure in this state since then. In the budget this year we are seeing the greatest infrastructure spending in the history of our state. We are in a position now as a state to respond positively to many of the emerging challenges we need to respond to in order to continue to improve our quality of life and the way we provide key services, opportunities and jobs for the people of our state in years to come.

We are seeing an unprecedented baby boom at the moment. It is the largest baby boom we have seen since the early 1970s. I am particularly pleased that I will be making my own modest contribution to that baby boom again later this year. Those of us who have young families understand some of the important challenges this budget addresses, and we are very pleased about the investments that are being made to improve services for and the quality of life of the people of Victoria.

Some of the local highlights in this budget for the Prahran district that I want to mention include the delivery of an election commitment I made in 2006 to provide funding to upgrade the Prahran and Windsor railway stations. I am very pleased that the \$3 million we promised for those station upgrades in 2006 has been allocated in this year's state budget. They are great stations. They are heritage stations, and they are much loved and appreciated by the local community. Being able to properly refurbish and restore those stations and improve the amenity of them for the many people who use our train system is a great thing, and I am very pleased about it. Of course we are seeing unprecedented growth in the number of people who are using our public transport system, particularly our trains. Providing those railway station services is thus an

important thing, but of course we are also providing the important infrastructure spending and improvements that are needed in order to increase the capacity of the system; then trains can carry more passengers in better circumstances in the years to come.

Another matter regarding transport is the funding to improve the frequency of the NightRider bus service, which is very popular and important and is used by particularly a lot of young people around my area. The frequency of that NightRider service has been doubled to once every 30 minutes. Only recently the government integrated the NightRider bus service into the broader public transport system so that a Metcard ticket can be used on NightRider buses for no additional fare. The buses are a very important means of people getting home safely late at night; I am very pleased that the government has addressed that issue and improved that service.

Another issue that was addressed regarding the Prahran district concerned the improvement in ambulance services. Making sure ambulance services are able to properly and quickly respond to what are often emergency situations is very important for the security of the local community. A new mobile intensive care ambulance unit and a new 12-hour peak-period unit will be provided for the Prahran district.

Over the years the government has been in office it has provided enormous funding increases to the Alfred hospital, which is one of the very important health providers in my area. This year's budget builds on the investments of past years by funding a special hospital energy supply project to provide continuity of critical care services in the event of a major power disruption at the hospital. That provides security and peace of mind not only for patients but also for their families and the whole community.

It does not take a great amount of imagination to understand how devastating a major power disruption in a large public hospital like the Alfred could be for so many people being treated there. The project is thus very important in supporting the hospital's important work. It builds on the great investments we have made that have now seen the Alfred centre for elective surgery up and running and providing thousands of extra elective surgery treatments each year to members of the local community.

On transport again, the government has a very important tram priority program. The budget has funded this program — in particular, regarding the no. 6 tram route, which goes through Prahran — along with the \$112 million package to reduce traffic

congestion. I am extremely pleased with the way in which our moves to reduce traffic congestion and improve public transport efficiency are being received in my local community. I am getting a very positive response from local residents. I am delighted at the way in which we are dealing with these issues to reduce traffic congestion and improve traffic flows; and very importantly, as part of that package, how we are improving public transport, particularly the trams and buses that use some of Prahran's busy streets.

In relation to community safety in my electorate, the budget allocates money to upgrade Prahran police station, providing some important new infrastructure and technical equipment police will be able to use in their very important community safety work. The funding for equipment at Prahran police station is only part of a very significant public safety initiative being conducted by the government at the moment. In recent times we have seen the creation and funding of the Safe Streets task force, which has resulted in many extra police being on the street — particularly around the Chapel Street precinct on Friday and Saturday nights — proactively dealing with the many community safety issues that people want to know we are successfully dealing with.

That is also to be seen in the context of the government's recently announced alcohol action plan, which is a comprehensive package funded in the budget and which will make sure we deal with the adverse social impacts of excessive alcohol consumption and binge drinking. The three-month trial of the 2.00 a.m. lock-out program has been supported strongly by my local community. I am also a strong supporter of that program. Putting in place for the next 12 months a ban on any new liquor licences in the four inner city municipalities, including those which cover the Prahran district, while we conduct a comprehensive review of our licensing laws and licensing fee structures is also something that I and my local community welcome.

All of those programs as well as the important continued spending on education have been funded in this budget. In last year's budget \$500 000 was allocated to each of the five schools I have particular responsibility for. The planning for the refurbishment and modernisation of those schools is now well under way and has been funded by our government. In particular South Yarra Primary School, Toorak Primary School, Stonnington Primary School, St Kilda Primary School and Ripponlea Primary School are already benefiting from the program. The work to modernise and refurbish those schools is progressing very well. That work will continue through the course of this year and will result in a great improvement in the new year

in the way educational opportunities are provided to the children in my local area. I am proud of the commitment the government has made and continues to make in relation to education.

Overall this budget is delivering for the people of the Prahran district and for the people of Victoria generally. We are seeing continued investment in our education system, in our health system, in our transport system, in community safety and in the important infrastructure projects which are so vital to making sure that we have a competitive and growing economy that is able to meet the challenges of the future. I want to stress that this budget clearly sets out a plan and funding for meeting our water challenges and climate change challenges going forward. Those things are integral to the way in which we will move into a carbon-constrained future. They are also important in the way we move into a future that has less reliance on water. We have less water than we had before, and we have more people than we had before. We had to use creativity and long-term planning to make sure that we meet those challenges. The government's water plans meet those challenges.

This state budget was delivered by the Treasurer in the other place, John Lenders, as his first budget. It is to be commended and contains climate change policies, particularly the putting in place of the Victorian renewable energy target scheme, our plans for improving the amount of renewable energy used in this state and our plans for investing in appropriate clean coal technology to take advantage of the important coal deposits that we have in the Latrobe Valley. That is a balanced and good approach that will secure Victoria's future growth and job opportunities and quality of life for Victorians years to come. I commend the budget bill to the house. I wish it great success.

The ACTING SPEAKER (Mr K. Smith) — Order! Welcome back to the member for South-West Coast.

Mr PANDAZOPOULOS (Dandenong) — It is a great pleasure to speak on the Labor government's ninth budget.

Dr Napthine interjected.

Mr PANDAZOPOULOS — The member for South-West Coast might need to go out for another half hour; it is so much better without him in this chamber. I want to speak for only 5 minutes, because we want to move on to other debates. I want to talk about some of the big-ticket items which are a part of this government's program.

It has been great that every Labor budget — all nine in a row — has made massive investments in electorates like Dandenong; in those long-standing Labor electorates that had been neglected by conservative governments for so many years. We are still seeing the need for Labor governments to keep investing because basically for the whole seven and a half years of the Kennett government all we saw in my electorate was infrastructure shut down and not rebuilt, and services cut back. We have been bringing back those services that are so needed to help give a leg up to lower socioeconomic areas like those in my electorate of Dandenong, and this budget does great work.

The biggest ticket item is a \$25 million upgrade of the emergency department at Dandenong Hospital. Nearly every budget has provided extra resources for that hospital. We have seen the older part of the hospital in effect totally rebuilt by this government, and we will see the same with the emergency department by the time of the next election. I am also pleased about the \$2 million that was made available to start planning for the redevelopment of the mental health facilities at Dandenong Hospital. That will then see a total rebuild of the hospital to meet the needs of the community in top standard facilities.

I am also pleased that we have seen in this budget a stage 2 commitment for the bringing together of three schools — Dandenong High School, Cleeland Secondary College and Doveton Secondary College — as part of a regeneration project which the schools are driving themselves; \$10 million has been made available for stage 2. It is the first time we have seen major upgrades in secondary facilities in that area for many decades. There is no doubt that the secondary schools in the Dandenong area need massive regeneration support, and they are getting it from this government as part of the stage 2 project.

In the future not only will students have the best quality facilities — school buildings which function well — but we will also see kids in that secondary area no longer being denied access to choices in subject areas that they have had in the past. I am a strong supporter of school redevelopment. I commend the three school communities for the way they have been working closely together, and the way that the government and the education department has backed them. It is a school-driven approach, not from the top down but from the grass roots up.

I am also very pleased that as part of the \$290 million reinvestment we are making in Dandenong as a transit city — Melbourne's second city — that we have seen \$19.5 million in this budget for a new state government

office block to help part of the redevelopment in central Dandenong. The previous government was all talk and no action about things it would do for Dandenong. This is about action and delivering action to see more jobs in Dandenong, to see a growth in white-collar jobs in Dandenong to provide stability for the employment base in the region so it is not just totally dependent on blue-collar jobs, but a work force diversity between blue and white collar jobs that is so important for all communities if they are to be sustainable and able to weather the different economic storms that occur over periods of time. This government's service centre will be a major impetus to attract other investment into the Dandenong transit city area.

There are a number of other initiatives. Finally, I would like to comment on the big improvement in ambulance services in the area, and the new 24-hour paramedic team that the Dandenong ambulance station is a beneficiary of. Also, the new mobile intensive care ambulance single responder unit is another boost in services for the Dandenong electorate.

I am proud to be a member for a long-standing Labor electorate and to see that every budget every year delivers strong benefits for my area. This is another budget which reflects that. It shows that when push comes to shove, it is Labor governments that deliver for these areas; the conservative governments only provide rhetoric, as was proved by the Minister for Roads and Ports in question time today.

The opposition promised no road projects for the western suburbs of Melbourne in the last state election campaign, and it was exactly the same in the Labor seats in the south-eastern suburbs. It is only Labor governments that make these sorts of investments, and I am really pleased that this government is listening, this government has been planning, has good strategies and is delivering for long-standing Labor electorates such as Dandenong.

Ms LOBATO (Gembrook) — I have great pleasure in rising to speak in support of the Appropriation (2008/09) Bill. This is a budget that I think addresses important areas of disadvantage. In my inaugural speech to Parliament in 2003 I pointed out that areas of the newly formed electorate of Gembrook were included in former Premier Kennett's aspersion of being 'the toenails of the state'. I was proud to be representing these areas as part of a Bracks Labor government because I knew that a commitment to all Victorians, regardless of where they lived, would surely be a hallmark of the Labor government.

I want to speak briefly about a few important areas of the budget. I will refer to the population boom being experienced in Victoria and comment on my area, particularly in the south-eastern area of my electorate, which is being described as the Nappy Valley. I support the initiatives and the funding boost in the areas of maternity and child services, and \$179 million will be well received in my electorate. The local hospital, Casey Hospital, will be one of the beneficiaries of this budget boost, and this is a practical and important way to support families in the south-east growth corridor. Other important health measures include addressing elective surgery waiting lists, treating more patients in the emergency departments, boosting ambulance services and funding preventive health measures.

I want to comment also on the size of the electorate of Gembrook, which is approximately 45 kilometres from the central business district of Melbourne at its closest point, and at the farthest point it is over 180 kilometres. With this mix of semi-rural and suburban areas, the issue of public transport and getting around the electorate is very important to access education, employment, recreation and other services. Therefore I welcome the announcement of a budget record of \$3.2 billion for infrastructure allocation, including \$1.8 billion for investment in transport, of which \$794 million will be dedicated to public transport. One initiative is the NightRider bus service. The extension from Dandenong to Beaconsfield is very important and will be well received by the residents in the south-east growth corridor.

A commitment has also been made to add another 209 car parking spaces at Berwick railway station, which is sorely needed. However, although this additional car parking is expected to be built in 2012, I represent the areas of the city of Casey where 100 families a week are making their homes. The shire of Cardinia is also experiencing fast growth with an average annual growth rate in population of 5 per cent. The rapid growth in population is matched by increasing traffic on the roads as each week hundreds more people move in.

With the ever-spiralling petrol costs the option of public transport is becoming the only affordable option for many families. The take-up rate for public transport is escalating, and I am concerned that the well thought-out measures such as providing additional car parking is set on time lines that do not reflect the urgency of the need in the outer suburban areas.

I want to comment on previous state budgets, which have been wonderful for our schools in the electorate of Gembrook. We have delivered on additional stages of

capital works projects, and funded many new schools also, and I look forward to that continuing, particularly for the Upper Yarra schools in my electorate. With those few words I commend the bill to the house.

Mr SCOTT (Preston) — I will make a few brief comments, since time is short. This is a fabulous budget, which I am wholeheartedly supporting in the house. For the electorate of Preston there have been a number of initiatives I wish to place on the record. There has been an improvement in ambulance services, which, although based in Coburg, service the electorate of Preston.

Of particular note are the improvements to the Reservoir West Primary School, which have been a big issue in my community. There has been \$3.6 million committed to school modernisation. Other initiatives are the upgrade to the Preston police station, the upgrade to the Doncaster NightRider bus service, which passes through the electorate, and the Victorian Football League ground redevelopment, which involved a commitment of \$1.4 million to the heart of my electorate.

As time is short I will leave my comments at that. I think this fantastic budget addresses the need to increase capital expenditure for a growing population, and that growing population is in large part a vote of confidence by the people in the administration of the Brumby government.

Motion agreed to.

Read second time.

Third reading

Motion agreed to.

Read third time.

CANCER AMENDMENT (HPV) BILL

Second reading

Debate resumed from 17 April; motion of Mr ANDREWS (Minister for Health).

Mrs SHARDEY (Caulfield) — I rise to speak on the Cancer Amendment (HPV) Bill and to indicate from the outset that the opposition — the coalition — supports this piece of legislation. It thinks it is a very important piece of legislation.

The purpose of the bill is to amend the Cancer Act by extending the definition of 'cancer test' to include a test

for a precursor to cancer. The amendment will enable reports of tests for precursors to cancer, such as the human papilloma virus — known as HPV — to be forwarded to an organisation such as the Victorian Cervical Cytology Registry, which maintains a prescribed register.

By way of background, HPV is recognised as a necessary factor in the development of a very large number — about 70 per cent — of cases of cervical cancer. Testing for this virus has become a critical part of the management of women with screen-detected abnormalities of the cervix. In future it may be desirable for other precursors apart from HPV to be reported on and recorded as part of a cancer screening program. In addition these provisions will provide a legislative framework for reporting test results of these other precursors to cancer should it become desirable to capture these in the future.

The primary objective of the amendment is to facilitate best practice in cervical cancer screening and the treatment of women with screen-detected abnormalities of the cervix. The amendment will also ensure that Victoria is able to meet the new guidelines issued by the National Health and Medical Research Council in July 2006 known as *Screening to Prevent Cervical Cancer — Guidelines for the Management of Asymptomatic Women with Screen Detected Abnormalities*.

Because it is such a small bill, I can mention the few clauses that constitute it. I will list the main provisions. Clause 3 amends the definition of ‘cancer test’ in section 59(1) of the Cancer Act 1958 to include a test for a precursor to cancer. Clause 4 amends section 62(4) to make it clear that persons undergoing cancer tests specifically in relation to precursors to cancer are able to object to a report being forwarded under section 62 of the Cancer Act.

The amendment to section 62(9)(b) of the Cancer Act confirms that the regulation-making power of the Governor in Council with respect to access to a prescribed register by persons studying cancer also extends to persons studying precursors to cancer. This covers in general terms the changes in this piece of legislation, albeit very small, and also ensures that those who are studying or researching cancer can also research precursors to cancer. It is an important part of the legislation.

Every two years I appreciate the fact that I receive letters from the register reminding me it is time to have a Pap smear test. I think all women, particularly those over a certain age, should avail themselves of the

opportunity to be reminded, because it is important for people to have this test. It is an important health measure.

I am going to talk in general terms before I go to some specific issues. First of all I would like to clarify that cervical cancer affects approximately 150 Victorian women every year, and I will be talking about some other statistics later. Generally speaking cervical cancer takes a long time to develop, which is one of the reasons it is more common for women over the age of 40 to find that they have some abnormal cells which may be either precancerous or cancerous. However, as with all types of cancer, cervical cancer occasionally develops very quickly and it is sometimes diagnosed in young women. It is unusual but it does happen.

A vaccine has been developed that prevents the type of human papilloma virus most commonly linked to cervical cancer. The vaccine is most beneficial if it is given to young girls before they are exposed to HPV — that is, before they commence sexual activity. Gardasil, which is the first cervical cancer vaccine to protect against the human papilloma virus, has become publicly available and is free for all Australian women under the age of 26. The vaccine has shown to be 100 per cent effective in preventing HPV 16 and 18, which are related to cervical pre-cancers in women who were not previously exposed to the strains of the virus. These strains together, as I have said, account for approximately 70 per cent of cervical cancers worldwide.

Victoria — and I think this goes back over a number of governments — has one of the highest participation rates in cervical cancer screening in the country. At 1 death per 100 000, this rate is amongst the lowest in the world, and we should all be proud of that and encourage women to continue testing. Testing for HPV DNA is done in conjunction with a Pap smear test, so it is an easy thing to have done when you are having that particular test. Once a person is on the register, follow-up letters are sent to the patient if an abnormality is picked up, and HPV DNA and Pap testing is done every 12 months. If the test is clear then the patient can go back to two-year regular tests.

There are a few areas I would like to look at in a little more detail, and the first is looking at what is the papilloma virus and how is it linked to cervical cancer. HPV is a sexually transmitted infection, mostly affecting women between 20 to 24 years of age. Almost all abnormal Pap smear results are caused by HPV, as my fact sheet is telling me. In 98 per cent of cases HPV clears itself. But in rare cases, if the virus persists and is

left undetected, it can lead to cervical cancer, and apparently this takes about 10 years.

What can be done to prevent cervical cancer? Early detection is the best protection from cervical cancer, and Australia, as I have said, has one of the best national cervical screening programs in the world. Every year the federal government, state governments and territory governments invest about \$90 million in the national cervical screening campaign or program. This investment has cut deaths from cervical cancer by around 60 per cent since 1985, and has halved the number of cases of cervical cancer. Australia currently has the second lowest incidence of and the lowest mortality rate from cervical cancer in the world, which is a great achievement.

I have mentioned that there are a number of strains of HPV, only some of which can cause cancer. HPV strains 16 and 18 cause around 70 per cent of cancers. I have talked briefly about the fact that Gardasil, which has been approved for use in Australia, prevents strains 16 and 18, if a person is vaccinated before they contract.

How does this vaccine work? Gardasil is administered as a series of three injections over a period of seven months. To ensure that some girls do not miss out, an immunisation needs to run over an entire school year. All medicines and vaccines considered for funding by the federal government must be approved by the Therapeutic Goods Administration (TGA) for use in this country. This guarantees they are safe and clinically effective. Some people have mentioned their concerns, and particularly the member for Gembrook has raised some issues about Gardasil.

In relation to government subsidies, the federal government agreed with the recommendation of its expert advisory committee, the Pharmaceutical Benefits Advisory Committee, that Gardasil should be funded under the national immunisation program. That commenced in 2007.

Gardasil is currently not registered for the use of women over 26 as it is claimed that there is no evidence to support its efficacy or safety in these women. For these women, we are told, the best way to avoid cervical cancer is to participate in screening through regular Pap smears. I encourage all women to do that.

The expected cost of the vaccine — and I am not sure, but I think this is a totally up-to-date cost — is something in the order of \$436 million over the four-year period from 2006–07 to 2009–10. In general terms I think we are very lucky that we have seen this

intervention by Professor Ian Frazer, an Australian, and we are very proud that he has intervened and made his enormous contribution.

I want to say a little more about Gardasil. Australia is one of the very first countries to roll out this massive cervical cancer immunisation campaign. As I have suggested, it is designed to protect young women from the strains of HPV. Close to 20 million doses of the vaccine have been distributed worldwide, including 2.2 million here in Australia. The benefits of the vaccine are substantial in that four out of five people will be exposed to HPV, apparently, during their lifetime, and exposure from a single lifetime partner can be enough to result in infection that can lead to cervical cancer.

Vaccinations with the HPV vaccine are most effective before — and only before — females are exposed to HPV. There are over 700 new cases of cervical cancer reported each year in Australia. By the age of 75 the risk of contracting this condition is 1 in 191. Cervical cancer resulted in the deaths of 216 women in 2005 and has a five-year survival rate of about 75 per cent.

Because some concerns have been expressed about adverse events in giving this vaccine, adverse events are very carefully monitored in Australia and regularly reviewed by expert advisory groups. In studies which compare the safety of the vaccine with a placebo, large numbers of clinical study participants were given Gardasil. The results of these studies were considered in detail by the Therapeutic Goods Administration before the vaccine was approved for use in Australia.

The overall level of reporting for Gardasil following the distribution of approximately 2.2 million doses is very low and consistent with that for other new vaccines and rates reported from other countries. In Australia all adverse events reported following Gardasil vaccination are reviewed every six weeks by the expert Adverse Drug Reactions Advisory Committee, which advises the TGA.

Every six months detailed reports of adverse events are published in *Communicable Diseases Intelligence*, a quarterly publication of the federal Department of Health and Ageing. No deaths occurring after Gardasil have been reported in Australia, and no deaths directly linked to the vaccine have been reported in the United States of America.

I would like to talk briefly about the Victorian Cervical Cytology Registry (VCCR). This registry was established in 1989 by an amendment to the Cancer Act. The registry provides a framework which has

allowed a more structured approach to cervical screening within Victoria, and it assists with data collection for monitoring and evaluation of the program. Of course the registry is a confidential computerised database of Victorian women's Pap test results. The main functions of the registry, as I have suggested, are to facilitate the regular participation of women in the national cervical screening program by sending reminder letters when their Pap tests are overdue, and to provide a safety net for the follow-up of women with abnormal Pap smears.

The total number of Victorian women diagnosed with invasive cervical cancer between 1 January 2002 and 31 December 2004 was 392. This includes 250 women with a diagnosis of squamous cell carcinoma, and 142 women with other types of invasive cervical cancer. Of these 392 women, 134 were only recorded on the Victorian cancer registry and not on the VCCR, suggesting that these women have no history of Pap test screening. For the remaining 258 women with invasive cervical cancer who were recorded on the VCCR, their screening history for 10 years prior to diagnosis was reviewed to determine if their screening history was adequate.

In summary, at least 86 per cent of the women diagnosed with invasive cervical cancer had no Pap test history or inadequate Pap test screening in the 10 years before their diagnosis. For squamous invasive cancers, 94 per cent of the women were never or inadequately screened whereas for glandular cancers, which are much harder to detect, the proportion was 73 per cent. Of course this does not necessarily suggest a failure of cervical screening but rather a recognition that Pap test screening is aimed primarily at preventing squamous cervical cancers, but it does support the case for it.

I would like to talk briefly about participation in screening. For Pap test numbers and women screened — this is, I think, an Australia-wide report — during 2006 a total of 572 800 Pap tests were registered which originated from 540 700 women. From the previous year this was a decrease of approximately 12 500 Pap tests and almost 9000 women. It is possible that this reflects an early impact of the newer National Health and Medical Research Council guidelines due to the shift in recommended management of low-grade abnormalities, which I mentioned previously. On 1 July 2006 the NHMRC guidelines for the management of asymptomatic women with screen detected abnormalities were implemented around Australia, and the main changes to the guidelines were — and I will not mention all of them — that there were to be repeat Pap tests for most women with low-grade squamous abnormalities, there was a decision not to treat

biopsy-proven low-grade human papilloma virus lesions, there was to be a referral of all women with atypical glandular cells for colposcopy, and referral of all women with high-grade lesions for colposcopy. I was actually not aware of what that test was, so I looked it up.

One learns a great deal when doing a bit of research for these pieces of legislation. I have a diagram here, which I will not bother trying to submit, but colposcopy — or colcoscopy, which is another word for it — is a medical diagnostic procedure to examine an illuminated, magnified view of the cervix and the tissues of the vagina and vulva. Many pre-malignant lesions and malignant lesions in these areas have discernible characteristics which can be detected through this type of examination. It distinguishes normal tissue from tissue that appears normal and can take direct biopsies for further pathological examination during the process. The main goal of colposcopy is to prevent cervical cancer by detecting pre-cancerous lesions and treating them early.

I would like to make clear that the registry is an opt-off database; however, the non-participation rate in Victoria is estimated to be less than 1 per cent. Where a woman objects to her Pap test being registered, the registry holds no information about that test. I think some women have been concerned about some of those things. I found a graph of the estimated proportion of women who have had at least one Pap test for two-year periods from 2000. The graph excludes women who have had total hysterectomies. It shows the high level of participation. I think it is interesting that in 2000–01 there were more women of 30 to 39 years of age and 40 to 49 years of age participating, and that that has dropped slightly. The comment below the graph refers to the figure and says:

... shows that participation in cervical screening has remained relatively stable over time for each ... group since 2001. Women over 40 years of age have the highest two year screening rates with a steady increase until age 59 when the participation —

rate often drops off. If one looks to see where the highest participation rates are around Victoria, one sees that the highest participation rate for screening is in the Central Bayside Division of General Practice, at a rate of 77 per cent; and that the lowest rates are in areas like in the Central Highlands and Westgate divisions of general practice.

There are a couple of issues I would like to comment on in relation to cancer, cancer screening and testing and research, and so forth. I am disappointed that the government has not introduced digitalisation of breast

cancer screening. This was a commitment at the 2006 election. I think the cost is about \$10 million. I have asked BreastScreen Victoria about this issue, and it has said that even though it has strongly supported it, it has not occurred. I encourage the minister to look at this issue, because it is very important. The government has said that it does have a strong commitment to cancer screening, so I would invite the minister to — —

Mr Andrews — If it was an election commitment it will be honoured.

Mrs SHARDEY — Yes, it was.

Mr Andrews — It will be honoured.

Mrs SHARDEY — I am being told that there is recognition that it is in the election commitment and that it will be honoured. I will hold the minister to that promise.

Mr Andrews interjected.

Mrs SHARDEY — I will be very pleased when it occurs, and I am sure the minister will let me know. The Peter MacCallum Cancer Centre is a well-regarded hospital for oncology — for the treatment of people with cancer. It is certainly a very well-known place for research.

Mr Andrews interjected.

Mrs SHARDEY — The minister anticipated my comment; it is a very well-known research facility for converting — —

Mr Andrews interjected.

Mrs SHARDEY — Yes, for converting its research into reality. He likes to do that. I turn to something I raised earlier in the week, and of which the minister is aware. At the medical research dinner Professor Gus Nossal expressed his deep concern that the Rudd government had dumped the \$707 million program to commercialise research. That is a pity. It is called the Commercial Ready scheme and is a program to commercialise research and development.

The comment that has been made in relation to this issue is that for every \$1 invested in research, \$2 is returned in health benefits. I called upon the minister to make representations to his federal colleagues. I know he suggested another minister should take that on, but I think the implications for the health portfolio are so great and Victoria has a very fine reputation in health research — —

Mr Andrews interjected.

Mrs SHARDEY — And I hope the minister, firstly, allows me to finish my speech, and secondly, takes up this issue.

I mention a couple of other issues. I refer firstly to the Peter MacCallum Cancer Centre, known as the Peter Mac. It is a very old building, and people are looking forward to its relocation to the Parkville precinct. Its relocation is something that the government seems to be supporting but not doing a lot about. I appreciate that to move Peter Mac is a very costly process but the problem now is that because the building is so old and antiquated, there are current problems in being able to cope with the level of demand for services in the Peter Mac building and about the level of research that can be done. The government has to make a decision: if it does not move Peter Mac soon, it will have to pay for some upgrades of that hospital, which, once the hospital is moved, will be somewhat wasted.

I also want to mention another facility where there are concerns about the provision of oncology — that is, Bendigo hospital, where apparently part of the oncology unit has been moved to portable buildings. I am only raising this because the director of oncology, Dr Blum, has talked about it. The fact that parts of the oncology operations have been now located in portable buildings should be on the government's radar.

Bendigo hospital is a very old building. It is well and truly ready for redevelopment. The government keeps claiming that it is delivering on this redevelopment but it has not yet fully delivered on any commitment.

Mr Andrews interjected.

Mrs SHARDEY — The minister is telling me they are still doing the master plan. I think the master plan will continue being prepared until the minister indicates he is actually ready to make that strong commitment. I look forward to the time when the Brumby government actually makes the financial commitment to Bendigo hospital so that units like the oncology unit do not finish up with half its people working out the back in portables.

The final issue I want to raise in relation to cancer patients is the patient transport scheme, to allow cancer patients to have a choice as to where they are treated. There have been ongoing concerns expressed about this scheme not providing enough funding; the subsidy has been very small. The accommodation subsidy of \$35 a night is appalling; at one stage I invited the minister to try to find accommodation in Melbourne for \$35 a night. That issue about the provision of services for

cancer patients is part of a more general conversation about the treatment of cancer patients.

The opposition is highly supportive of this particular piece of legislation. We are supportive of the previous federal government having made Gardasil available as a vaccine to all women under the age of 26 years. We are particularly pleased that the federal government made this vaccine available to schoolgirls, and although some concerns have been expressed in this place, there does not appear to be any basis at this stage for those concerns. Perhaps there will be a reconsideration at some stage by that member.

An honourable member — Name her.

Mrs SHARDEY — The member for Gembrook has expressed her very deep concern. Of course people are entitled to their views in this place; particularly in relation to health issues, people are entitled to their views. I am sure there will be many more health issues that will come before this Parliament, and in a very short space of time there will be a range of views presented. It is with great pleasure that I wish this bill a speedy passage.

Debate adjourned on motion of Mr LANGUILLER (Derrimut).

Debate adjourned until later this day.

Remaining business postponed on motion of Mr WYNNE (Minister for Housing).

ADJOURNMENT

The SPEAKER — Order! The question is:

That the house do now adjourn.

Melbourne Water: freedom of information

Ms ASHER (Brighton) — The issue I have is with the Minister for Water. The action I am seeking of him is to release some documents from Melbourne Water which I believe show that the government knew the severity of the drought and the need for water restrictions but hid this until after the 2006 election. By way of information for the minister, I have a case which will come before the Victorian Civil and Administrative Tribunal on 16 June — and of course this relates back to more than a year ago when a freedom of information application was lodged. The government in fact is refusing to release documents on the basis that it claims they are cabinet documents, or that disclosure could lead to confusion. I want to assist the minister though in his deliberations by referring to two witness statements

from Robert Skinner, the managing director of Melbourne Water.

In his first witness statement Mr Skinner makes it clear that the documents were generated for the board of Melbourne Water and for a ministerial briefing note. In fact at paragraph 9 of that document he said:

Around this time —

which was September 2006 —

and following discussions with the minister, it was determined that the low water storage levels needed a special response —

not a cabinet response.

He then went on to say that Melbourne Water began to consider various options. He also makes it clear, at paragraph 11, that Mr Woodland, who wrote one of the briefs, was going to give a presentation to the board of Melbourne Water. Again, in this witness statement he said:

These were matters that we progressed to the minister in December 2006.

That is, they were progressed to the minister, not generated by the minister.

I also refer to paragraph 19 of Mr Woodland's witness statement, where he said:

The slide in question did form part of the detailed briefing on this matter that was given to the minister ... and was part of the information that the minister considered as part of his briefing of cabinet.

Again, he makes it very clear the documents were not generated for the purposes of cabinet.

Three months later Mr Skinner has come up with a second witness statement, in which all of a sudden, at paragraph 6, he recalls a telephone discussion with the Minister for Water and a specific request from the minister, if I can quote the government, for a document to be submitted to cabinet. Is it not surprising that in the first statement he has no reference at all to the minister asking for a cabinet brief and in the second statement he does? However, at paragraph 19 he also makes it clear that:

... although it was initially prepared for the purposes of briefing the minister in relation to matters to be considered by cabinet —

the document ended up in part of the cabinet submission; it was not created for the purposes of a cabinet submission.

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

St Andrew's Sunbury Kindergarten: funding

Ms DUNCAN (Macedon) — I wish to raise a matter for the attention of the Minister for Children and Early Childhood Development. The matter that I wish to raise concerns St Andrew's Sunbury Kindergarten, which is managed by the Sunbury Uniting Church. It is a great kindergarten and does great work in the growing area of Sunbury. Like many buildings, though, and like many kindergartens, this building requires ongoing maintenance and from time to time some renovations, and this is one of those times. Currently St Andrews is seeking funding for some works to be done on the kindergarten, which include electrical work, painting, an upgrade to the kitchen and toilets and also some soft-wall protection for children's play.

I am aware of the government's release of Victoria's plan to improve outcomes in early childhood, a document which was released in April last year and is part of the national reform agenda. It includes a children's capital works program, with grants for renovation and refurbishment to assist kindergartens to undertake additions, renovations and maintenance which create a safer environment and to assist community-based early childhood centres generally to integrate more fully into the community and to provide the sorts of programs we know children need.

We know, as does this government — and the government has acted accordingly — that the early years of a child's life are the most important. Increasingly we are seeing research from right across the world that supports that. This government has recognised that fact and, as I said, has responded accordingly. It has done a number of things to demonstrate that recognition. I referred earlier to part of the national reform agenda policy document released in April last year. Under that program, \$39 million is committed over four years in support of infrastructure. This government also appointed the first minister for children and has brought responsibility for the early childhood years into the education department. I ask the minister to consider favourably the application by St Andrew's Sunbury Kindergarten for refurbishment money.

Water: Alberton region

Mr RYAN (Leader of The Nationals) — I wish to raise an issue for the attention of the Minister for Water. The issue relates to the important matter of declining watertable levels in the aquifers in and around what is

generally known as the Alberton region, particularly the beautiful township of Yarram, in my electorate. Yarram is a small farming community in Gippsland about 58 kilometres south of Traralgon. For many years groundwater from a number of different aquifer systems has been used in and around the region. There is a total of about 85 separate groundwater licences covering uses such as irrigation, industrial, urban, aquaculture and stock watering, but the major uses are for irrigation for dairy pastures and for stock and domestic purposes. A study undertaken at the request of the Department of Sustainability and Environment and jointly funded by the federal and state governments has indicated that there are about 55 irrigation licence-holders in and around the area who are impacted upon by these declining groundwater levels.

This issue is decades old, but gradually with the passage of time there has been an increase in the impact upon the producers in the region. Over the course of the years the two levels of government have undertaken various studies. Eventually there was acknowledgement that compensation would have to be paid — or that, as a matter of equity and fairness, there ought properly to be compensation paid — to those who depend upon the capacity to draw from the aquifers. I have before me a copy of a report entitled *Latrobe Aquifer Impact Investigations* and dated 5 May 2008, prepared on behalf of the Department of Sustainability and Environment by consultants RMCG. In that report recommendations are made for payment of compensation amounting to some \$7.8 million to those who can establish they are entitled to share in this fund.

A problem has arisen in giving effect to the compensation package. Both levels of government agree that the compensation should be paid, but unfortunately an unseemly dispute has broken out between them as to who should contribute what. I ask the minister to do everything possible, as urgently as it can be done, to resolve this most unfortunate impasse. I further understand that some months ago a handshake deal was done on the basis that the federal government would contribute 80 per cent and that the state government would contribute 20 per cent of whatever funding was found to be appropriate. The federal government now has the temerity to say it is prepared to put in only 50 per cent, and it wants the state government to put in the other 50 per cent. I must say that in the circumstances, particularly regarding the extractions, that prevail here, that is not fair.

Australian Railway Historical Society: North Williamstown museum

Mr NOONAN (Williamstown) — I wish to raise a matter for the attention of the Minister for Public Transport. The action I seek from the minister is that she support a proposal to develop a strategic plan for the Newport workshop site, which could in part serve as the new location for the Australian Railway Historical Society museum. The historical society has been operating an open-air railway museum at Champion Road, North Williamstown, since 1962. The museum currently exhibits 30 locomotives, which represent nearly every type of locomotive to ride the state's rail from 1880 onwards. The collection includes a locomotive affectionately known as Heavy Harry, the largest steam locomotive ever built, which has recently been added to the Victorian Heritage Register. The museum's collection also features the oldest surviving wooden body carriage dating back to the 1880s and the first L-class electric locomotive, built in 1954.

Victoria has a rich and remarkable rail history. The Victorian colonial government was the first in Australia to build a railway when it constructed a track from the city to the waterfront at Port Melbourne in 1854. Even to this day rail remains a critical mode of transport for both passenger and freight movement. Earlier this year I attended the museum's family open day and was impressed to learn that the museum is run exclusively by a group of committed volunteers who maintain the fleet under the guidance of the Australian Railway Historical Society in Victoria. The collections custodians say that unless the trains are moved indoors, rust, vandalism and theft could substantially diminish the condition of these locomotives.

In order to avoid potential damage, the railway society has raised with me two potential options for the museum. The first is to remain at their existing site and construct a roof over the facility; the second is to move to the Newport workshops where significant enclosed facilities already exist. The society's president, Mr Malcolm Davidson, has indicated a move to the Newport workshops is the society's preferred option.

I have since toured the Newport railway yards with Mr Davidson and viewed firsthand the site's potential. There could be many uses for this outstanding site. I have also received a range of representations and constituent letters about this matter. There are clearly many rail enthusiasts in this state, particularly in my part of the world. They appreciate the working history associated with rail, particularly in the western suburbs of Melbourne. My own grandfather worked at the

Newport workshops and my father also began his working life on the railways.

The best plan going forward would appear to be the development of a strategic plan or master plan, as others might term it, for the Newport workshop site. This would ensure that all opportunities are explored in terms of the museum's future. I again request the minister's support for the development of such a plan and look forward to assisting the museum with its future endeavours.

Rosebud Hospital: obstetric services

Mr DIXON (Nepean) — I wish to raise an issue with the Minister for Health regarding the former maternity unit at Rosebud Hospital. I am asking the minister to consider some options to reopen the maternity ward at Rosebud Hospital, especially for low-risk births. It is 12 months since the maternity ward at Rosebud Hospital was closed and moved to Frankston, some 40 to 60 kilometres away, depending on where you live within my electorate. One year on, a local nurse has started an online petition, which is not in a form to be presented in Parliament. The introduction to Jasmine Brown's online petition states:

I am a current nursing and prospective midwifery student who lives on the lower end of the Mornington Peninsula. I have an overwhelming interest in the return of the maternity ward at Rosebud Hospital which was closed down due to a lack of obstetric services.

I, like many others, was born at this much-loved hospital that saw the birth of over 300 babies each year. I have seen firsthand the distress it is causing local women, their partners, families and friends who now have to travel up to an hour to get to Frankston.

It is inequitable for the local community and it is for this reason that I am asking you to sign this petition that I can present to the Victorian Parliament.

I am going to send a copy of the petition to the minister. Ms Brown also collected some stories from locals who have been affected by the closure of the maternity wing at Rosebud and the movement to Frankston. I wish to quote from a few. Mrs Candace King from Frankston said:

It puts extended pressure on the Frankston Hospital and they often ask mums to leave early to cope with the extra babies being born. I'm due to have my second at the Frankston Hospital and have advised I may leave earlier or I may be asked to.

Tamara Wolczko from Dromana:

I actually was forced to give birth on the Moorooduc Highway on 23 January due to Rosebud Hospital being closed down. My labour happened very fast and gave birth

2 hours after my first contraction. I live in Dromana and I would have made it to Rosebud if it was open.

Miss Stacey Sigvertsen of Rye said:

The closure of the birthing unit at Rosebud Hospital was the worst decision that could've been made. Our community is growing and the need for such services ... is high. I have also recently been told by a patient of the midwives clinic that very soon Rosebud won't even be taking transfers from Frankston. Where does this leave mums? At Frankston Hillview maternity wing you can only stay for a maximum of 24 hours (if all is well). I can only hope that the bureaucrats realise their mistake before it's too late!

Mrs Trudy Mason of Mount Martha said:

I was deeply affected by the closure of Rosebud as it came into effect just two weeks before my son was due. I was notified of the closure at 34 weeks and this left me with no option but to have my baby at Frankston as we could not afford and did not have time to save for a private birth. I arrived at the hospital at 6.59 a.m. and my son was delivered at 7.13 a.m.

Jesse Nicol of Rosebud states:

My fiancée is pregnant at the moment. Neither of us have a licence or a car. The whole situation is very distressful for both of us. You can't take a woman in labour on a bus for an hour and a half to deliver a child, and catching a taxi for that distance is ridiculous.

Emergency services: community education

Ms GREEN (Yan Yean) — Tonight I wish to raise a matter for the attention of the Minister for Health. I ask him to examine ways to reinforce to the community the importance for drivers to allow safe passage for ambulances travelling under lights and sirens. Our paramedics do great work in looking after ill patients and saving lives. I am proud to be part of a government that has tripled funding since coming to office. Emergency services have never been better resourced, nor have there been as many paramedics employed or ambulance stations opened.

However, our community must play its part too and support our paramedics in the important job they do. Increasingly, selfish road behaviour, ignoring ambulances and other emergency service vehicles operating under lights and sirens, and even road rage against our wonderful paramedics who are trying to save lives, has become the norm. Unfortunately I have seen this as a Country Fire Authority volunteer attending code 1 calls. I have often seen vehicles not get out of the road. This is a very dangerous thing to do. It is against the law. There is a \$500 fine if a motorist does not get out of the road of an emergency vehicle under lights and sirens.

I suppose I naively thought that maybe people thought a fire was not as much an emergency as someone suffering a major health event. However, last Tuesday I had the truly frightening situation of a dear friend of mine presenting at my office having a cardiac arrest. A mobile intensive care ambulance was called. I was distressed because Kerry's condition was worsening, and I had to get into the ambulance with her to travel to the fantastic Austin Hospital, which gave her great care. The paramedics were extremely professional in a very distressing situation. But I was absolutely horrified and disgusted at dozens of drivers who did not get out of the way of that ambulance under lights and sirens. I so admired the paramedics who kept their cool under that situation, but I urge drivers to consider pulling over and doing the right thing. The life you save may be someone you love or care about. A minute out of your life could mean saving someone else's life.

If we are teaching our young people to drive, we need to instil in them the importance of keeping the noise down inside the car because it can mean you cannot hear the approach of an emergency vehicle. It is important to pull over and let emergency vehicles get on their important way. I urge the minister to do all in his power to assist Ambulance Victoria to raise community awareness in allowing emergency vehicles and ambulances passage.

Ambulance services: Paynesville

Mr INGRAM (Gippsland East) — I also raise a matter for the attention of the Minister for Health. It relates to the provision of ambulance services in Paynesville.

The action that I seek is for the government and Rural Ambulance Victoria to commit to providing 24-hour paramedic coverage for the new Paynesville ambulance station. This station was officially opened in 2006 after a successful campaign by the Paynesville ambulance auxiliary. The auxiliary raised hundreds of thousands of dollars and all the necessary funds for the establishment of the station and the purchase of the ambulance. The establishment of the station has considerably improved the response times, health and safety outcomes in Paynesville, Raymond Island and the surrounding agricultural communities.

The service currently operates daytime ambulance coverage only with paramedics backed up by a small but committed and well-trained group of ambulance community officers. The current resource allocation means that the night-time ambulance service is backfilled from Bairnsdale, which has a response time of about 20 minutes. The improvement in response

times has been quite stark and has clearly justified the successful campaign to have ambulance paramedics based at Paynesville. The current operation provides a number of difficulties for the station. One is attracting paramedics to fill the positions that are currently not permanent positions and the other is the response times during the evening when the ambulance is not able to respond to local emergencies.

I call on the government and Rural Ambulance Victoria to take all the necessary action to provide the personnel and support to allow the Paynesville ambulance station to provide 24-hour paramedic response. I understand that RAV has provided six additional paramedics for East Gippsland under its recent allocation of new paramedics, with three of those to be based at Bairnsdale and three at Lakes Entrance. I understand the union is generally supportive, as is RAV, of having some, or at least one, of these paramedics moved to the Paynesville station to allow 24-hour response. This would be very well received by the Paynesville and district community because it would improve the service provided by the well-regarded Paynesville ambulance service. An increase in coverage and a decrease in response times, particularly at night, would have major health and safety outcomes for that community. I encourage the government to do what it can do to ensure that this very important service for my community is delivered.

Consumer affairs: store gift cards

Mr SCOTT (Preston) — I raise a matter for the attention of the Minister for Consumer Affairs relating to store gift cards, and the action that I seek is that the minister ensure that more information is provided to consumers regarding the expiry date on store gift cards and that Consumer Affairs Victoria investigate the issuing of such cards rather than cash payments as refunds. Store gift cards are becoming increasingly popular, and people often do not realise that in most cases they have an expiry date. Sometimes the expiry date is printed in small type on the reverse side of the card and consumers can be unaware of that fact. Furthermore, store gift cards are often used — and I know of one specific example — as refunds when goods are returned and sometimes as part of exchanges when goods are of different value.

I remember a case where a constituent received a good as a present, returned it because it was not suitable, procured a good of a different value and received the balance of the cost in the form of a store gift card. That person did not realise there was an expiry date, and when they later tried to redeem the card they were unable to do so. This is not an uncommon experience.

In fact it is estimated that in 2007 in the United States of America \$8 billion was wasted on store gift cards that had expired, were lost or were not redeemed. This is a significant issue in the community, because a store gift card is, in effect, an interest-free loan to a large corporation. While it is a legitimate thing for people to purchase store gift cards as gifts and for other purposes — I have done so myself on many occasions — consumers should be aware that such cards can expire and then have no value. I ask the minister to investigate that matter and ensure that consumers are protected.

Road safety: Sandringham

Mr THOMPSON (Sandringham) — I raise a matter for the attention of the Minister for Roads and Ports. I ask that he meet with a deputation of concerned Sandringham electorate residents who would like to see traffic remediation measures implemented and new traffic lights installed at multiple locations across the Sandringham electorate. Currently Sandringham's constituents struggle to catch a train, struggle to make their way through crowded city roads to work in the city, struggle to access a hospital bed and struggle to cross the road. It is a key responsibility of any state government to generate ideas that go on to become public infrastructure development and to excite Victorians with projects that advance our state rather than take us backwards.

Listeners last night to Derek Guille on ABC radio 774 were invited to contribute their comments on why Melbourne's livability status had declined. While Melburnians love their city, which the government boasts is growing by 1000 new residents each week, the government has failed to provide adequate services. Listeners attributed the decline to the gridlock on Melbourne's roads and the time and frustration experienced in travelling to and from work, be it on our blocked roadways or being herded like cattle onto our late, overcrowded and underresourced public transport system. I echo the words of Peter Ryan in his speech to the Parliament yesterday, that the government is slack, lazy, slothful, visionless and opportunistic.

Relating that to the Sandringham electorate, while millions of dollars are being wasted on over-budget and out-of-time IT projects, what I seek to raise is the need for remediation measures in Bay Road near the intersection of Fernhill Road; the Bay Road crossing near Sandringham East Primary School; Bay Road in Highett-Cheltenham, where a traffic crossing is needed, as articulated by the local Dream Lotto proprietor, Pam McGann, and Brickwood Holdings; the need for traffic remediation in Balcombe Road near St Joseph's

Primary School, Black Rock; the need to improve pedestrian safety in the Black Rock shopping centre precinct, something that has been strongly advocated by local residents Malcolm McMahon, Gail McKenzie, Justin Gooderham and Janine Simpson and the Black Rock Traders; and the junctions of Reserve Road with both Tulip Street and Park Road. These are major projects that need to be undertaken that have also been advocated by people such as Vivienne Player, David Blanks and Allan Hill.

The residents of Sandringham are concerned that while the government has promoted the influx of over 1000 residents a week, it is failing to provide basic infrastructure to enable my constituents to cross the road.

The SPEAKER — Order! Before calling the member for Melton I would like to remind the member for Sandringham that he should refer to members by their official titles.

Preschools: Rockbank and Cambrian

Mr NARDELLA (Melton) — My adjournment matter is for the Minister for Children and Early Childhood Development, and the action I seek is that she consider favourably grant applications for the renovation and refurbishment of Rockbank preschool and Cambrian preschool, West Melton, in my electorate. Rockbank Preschool has applied to upgrade its playground facilities. Rockbank is one of the great towns in my electorate. There are lots of young families in the township and the region, and many of them send their young children to this kindergarten. The staff and volunteers are fantastic and provide quality and professional educational services and activities to the children.

Cambrian preschool is in the urban growth boundary in an area with many young families that send their children to the kinder and then move them to the school next door. The grant application is to redevelop the school's service grounds. Again, the staff and volunteers are terrific and provide valuable professional and quality educational activity services to the children.

Education is the no. 1 priority of the Brumby Labor government. All children deserve the best start in life, and there are two components of that: one comprises the teachers, staff and volunteers, and the second is the facilities for the children. The grant applications that I am seeking the minister's favourable consideration of are part of the second component, because the first — the teachers, staff and volunteers in the

kindergartens — are really first class, and I cannot praise them enough.

Melton Shire Council supports the kindergartens within the municipality extremely well. I have worked with council staff in a number of ways over time, and they support this application as well. They are a great team and fit in extremely well with the volunteers and staff at the kindergartens. I ask the minister to consider favourably these two applications to assist the children in my electorate to have the best life in Victoria, which is the best place to live, work and raise a family.

Responses

Mr WYNNE (Minister for Local Government) — The member for Brighton raised an issue for the Minister for Water, seeking the release of documents from Melbourne Water pertaining to advice around water restrictions in metropolitan Melbourne. I understand from the member that this matter is currently before the Victorian Civil and Administration Tribunal, and I will refer it for the attention of the Minister for Water.

The member for Macedon raised a matter for the Minister for Children and Early Childhood Development, seeking her support for an application for renovations to St Andrews Sunbury Kindergarten, and I will ensure that she is aware of that matter.

The Leader of The Nationals raised a matter for the Minister for Water in relation to the Alberton region, particularly the township of Yarram and the potential deterioration of the aquifers in that area. He was seeking a resolution in relation to a Department of Sustainability and Environment report pertaining to compensation in that area and the potential compensation ratio between the federal and state governments. I will refer that matter to the Minister for Water for his attention.

The member for Williamstown raised a matter for the Minister for Public Transport in relation to his advocacy for a strategic plan for the future of the Newport railway workshops as a potential site for a locomotive and railway museum.

The member for Nepean raised a matter for the Minister for Health, asking that the former maternity unit at Rosebud Hospital be opened for low-risk births. I will make sure that the minister is aware of that request.

Similarly the member for Yan Yean raised a matter for the Minister for Health pertaining to the need to educate the public more generally about right of way for

ambulances when they are on emergency call-outs. Her concern is about the inadequacy of driver awareness in relation to those ambulance emergency call-outs.

The member for Gippsland East also raised a matter for the Minister for Health pertaining to support for 24-hour cover by ambulance services at Paynesville and seeking the minister's support for an extension to ambulance services in the Paynesville area.

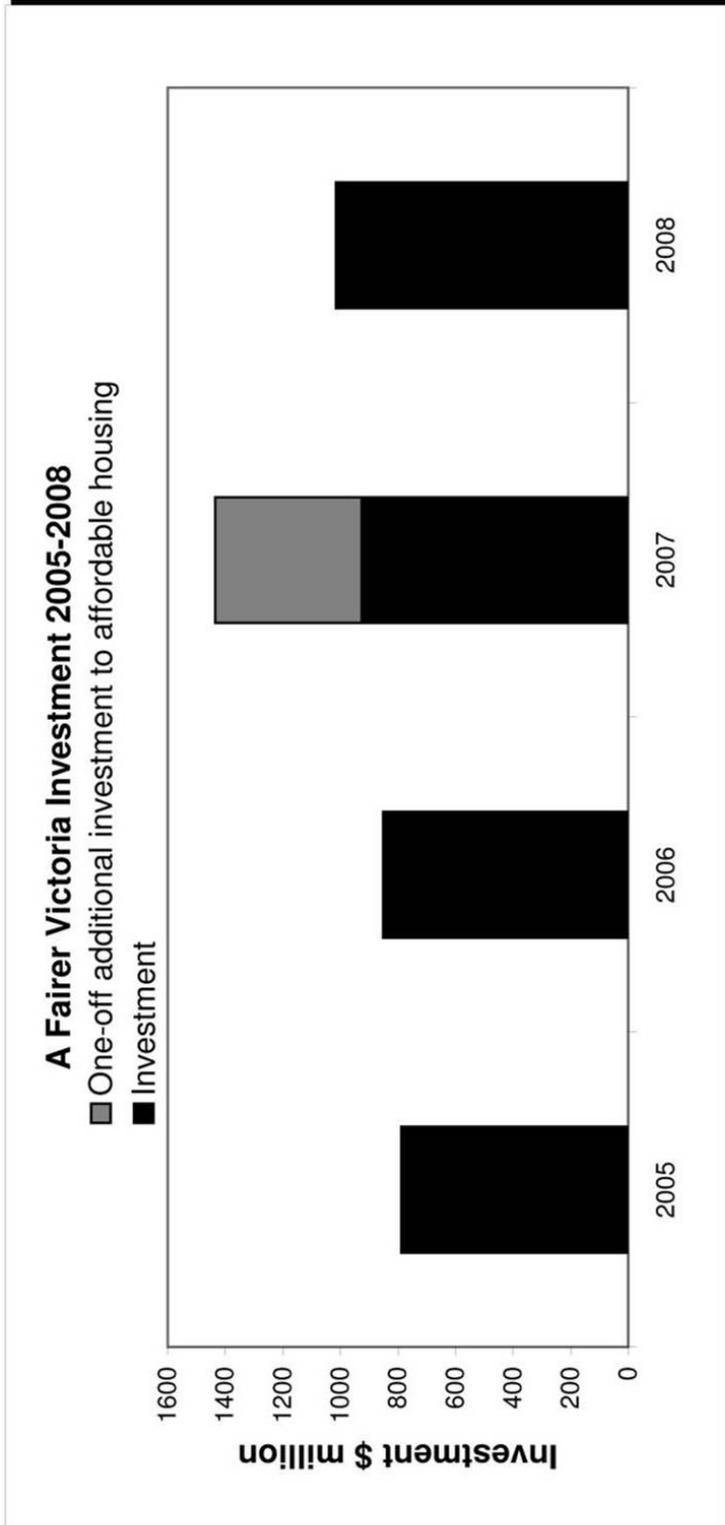
The member for Preston raised a matter for the Minister for Consumer Affairs in relation to consumer protection issues around store gift cards and the need for consumers to be more aware of the potential issues pertaining to store gift cards generally.

The member for Sandringham raised an enormous number of issues. He was seeking a meeting with the Minister for Roads and Ports in relation to traffic lights and general road issues in his electorate. I will make sure the minister is aware of that request.

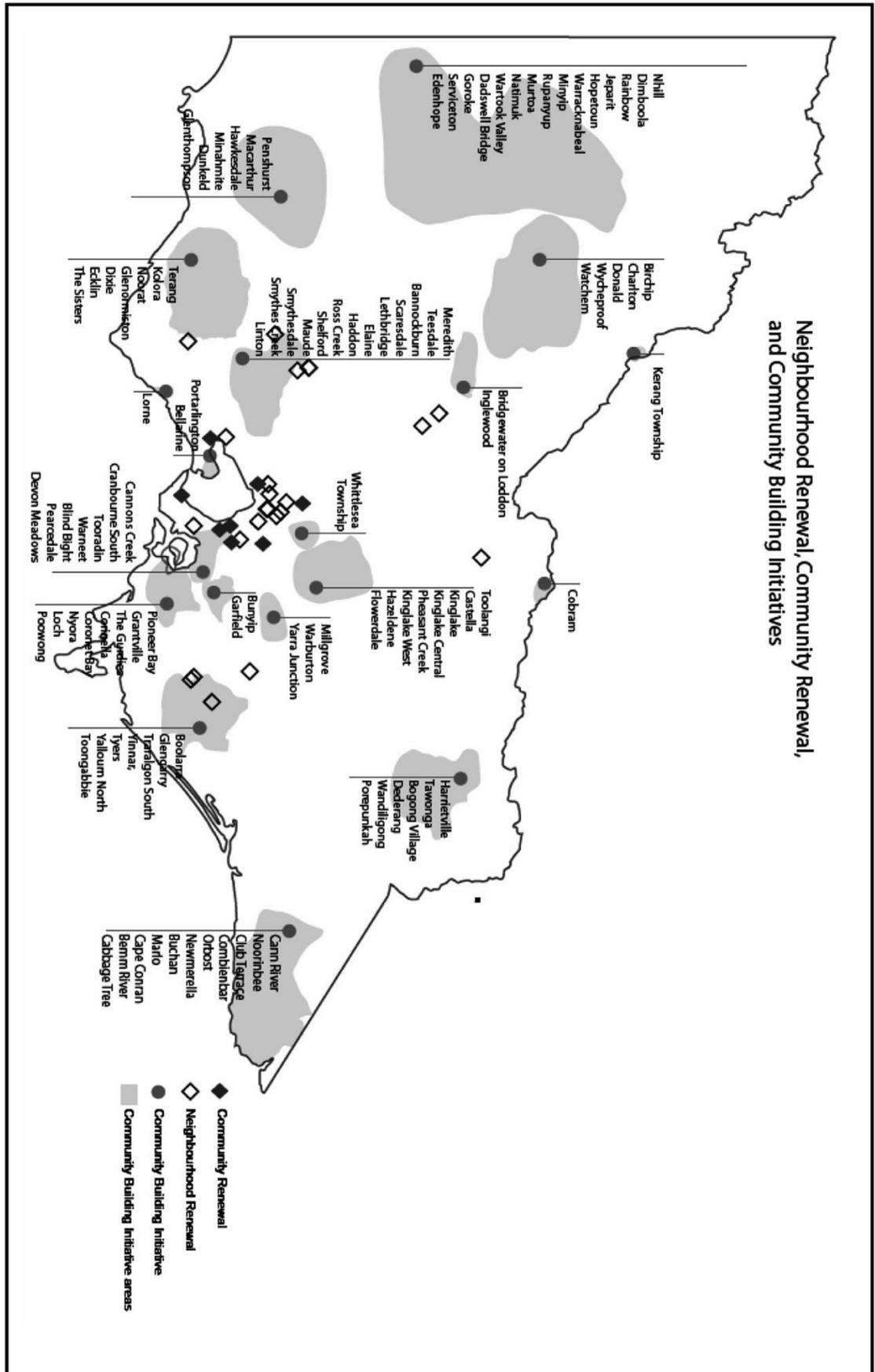
The member for Melton raised a matter for the Minister for Children and Early Childhood Development, seeking her support for grants to two excellent preschools in his electorate. They are Rockbank preschool and the Cambrian kindergarten. I will make sure that the minister is aware of those applications.

The SPEAKER — Order! The house is now adjourned.

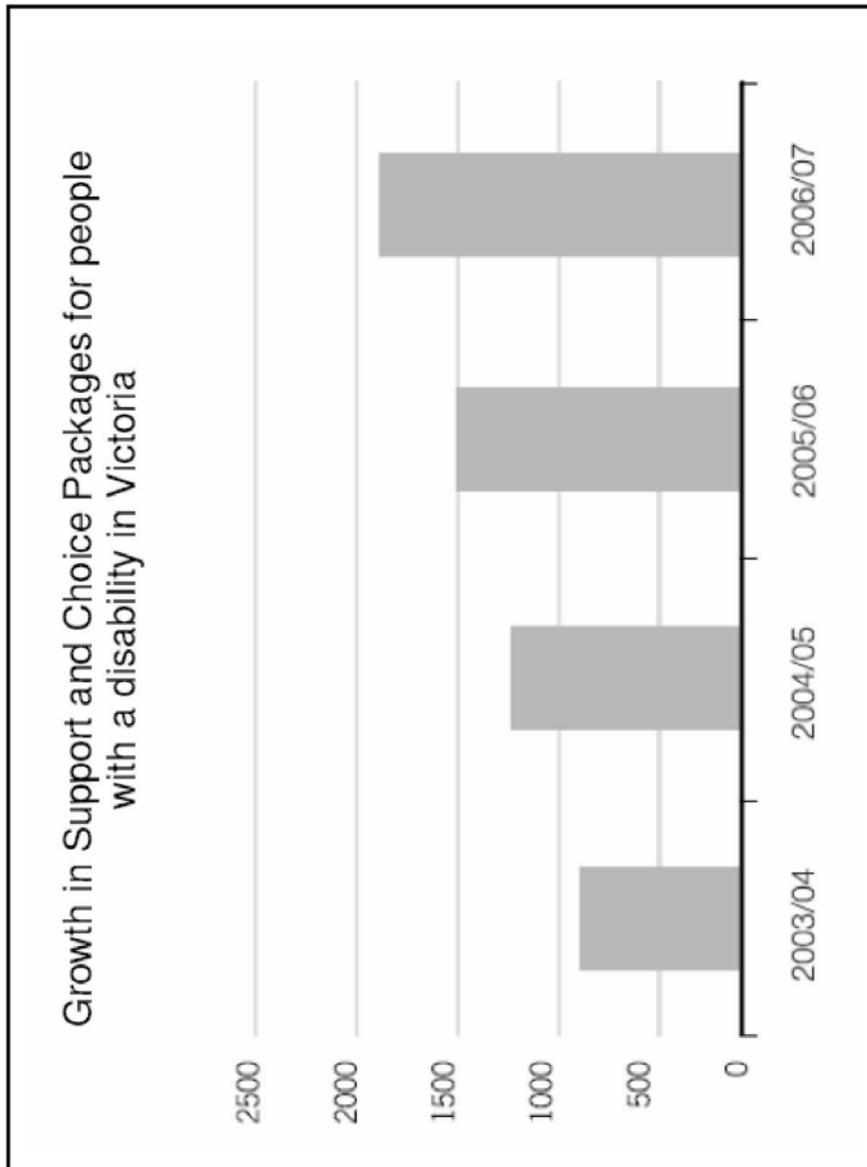
House adjourned 4.38 p.m. until Tuesday, 24 June.



State Government of Victoria (2008) *A Fairer Victoria*. Melbourne, Victoria.
Available from: <http://www.dpcc.vic.gov.au/afairervictoria>



State Government of Victoria (2008) *A Fairer Victoria: Achievements so far*. Melbourne, Victoria.
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