PARLIAMENT OF VICTORIA

PARLIAMENTARY DEBATES (HANSARD)

LEGISLATIVE ASSEMBLY

FIFTY-SIXTH PARLIAMENT

FIRST SESSION

Thursday, 13 March 2008

(Extract from book 3)

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By authority of the Victorian Government Printer

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The Lieutenant-Governor

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Legislative Assembly committees

Privileges Committee — Mr Carli, Mr Clark, Mr Delahunty, Mr Lupton, Mrs Maddigan, Dr Napthine, Mr Nardella, Mr Stensholt and Mr Thompson.

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

Joint committees

Dispute Resolution Committee — (*Assembly*): Mr Batchelor, Mr Cameron, Mr Clark, Mr Holding, Mr McIntosh, Mr Robinson and Mr Walsh. (*Council*): Mr P. Davis, Mr Hall, Mr Jennings, Mr Lenders and Ms Pennicuik.

Drugs and Crime Prevention Committee — (*Assembly)*: Mr Delahunty, Mr Haermeyer, Mr McIntosh, Mrs Maddigan and Mr Morris. (*Council*): 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 Elasmar and Mr Hall.

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

House Committee — (*Assembly*): The Speaker (*ex officio*), Ms Beattie, Mr Delahunty, Mr Howard, Mr Kotsiras, Mr Scott and Mr K. Smith. (*Council*): The President (*ex officio*), Mr Atkinson, Ms Darveniza, Mr Drum, Mr Eideh and Ms Hartland.

Law Reform Committee — (*Assembly*): Mr Brooks, Mr Clark, Mr Donnellan and Mr Foley. (*Council*): Mrs Kronberg, Mr O'Donohue and Mr Scheffer.

Outer Suburban/Interface Services and Development Committee — (*Assembly*): Ms Green, Mr Hodgett, Mr Nardella, Mr Seitz and Mr K. Smith. (*Council*): Mr Elasmar, Mr Guy and Ms Hartland.

Public Accounts and Estimates Committee — (*Assembly*): Ms Graley, Ms Munt, 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.

Heads of parliamentary departments

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

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

Parliamentary Services — Secretary: Dr S. O'Kane

MEMBERS OF THE LEGISLATIVE ASSEMBLY

FIFTY-SIXTH PARLIAMENT — FIRST SESSION

Speaker: The Hon. JENNY LINDELL

Deputy Speaker: Ms A. P. BARKER

Acting Speakers: Ms Beattie, Ms Campbell, Mr Eren, Mrs Fyffe, Ms Green, Dr Harkness, Mr Howard, Mr Ingram, Mr Jasper, Mr Kotsiras, Mr Languiller, Ms Munt, Mr Nardella, Mr Seitz, Mr K. Smith, Dr Sykes, Mr Stensholt and Mr Thompson

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

Deputy Leader of the Parliamentary Labor Party and Deputy Premier:
The Hon. R. J. HULLS (from 30 July 2007)
The Hon. J. W. THWAITES (to 30 July 2007)

Leader of the Parliamentary Liberal Party and Leader of the Opposition:
Mr E. N. BAILLIEU

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

Leader of The Nationals:
Mr P. J. RYAN

Deputy Leader of The Nationals:
Mr P. L. WALSH

Member	District	Party	Member	District	Party
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Cameron, Mr Robert Graham	Bendigo West	ALP	Nardella, Mr Donato Antonio	Melton	ALP
Campbell, Ms Christine Mary	Pascoe Vale	ALP	Neville, Ms Lisa Mary	Bellarine	ALP
Carli, Mr Carlo Domenico	Brunswick	ALP	Noonan, Wade Mathew [4]	Williamstown	ALP
Clark, Mr Robert William	Box Hill	LP	Northe, Mr Russell John	Morwell	Nats
Crisp, Mr Peter Laurence	Mildura	Nats	O'Brien, Mr Michael Anthony	Malvern	LP
Crutchfield, Mr Michael Paul	South Barwon	ALP	Overington, Ms Karen Marie	Ballarat West	ALP
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Delahunty, Mr Hugh Francis	Lowan	Nats	Pandazopoulos, Mr John	Dandenong	ALP
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Donnellan, Mr Luke Anthony	Narre Warren North	ALP	Pike, Ms Bronwyn Jane	Melbourne	ALP
Duncan, Ms Joanne Therese	Macedon	ALP	Powell, Mrs Elizabeth Jeanette	Shepparton	Nats
Eren, Mr John Hamdi	Lara	ALP	Richardson, Ms Fiona Catherine Alison	Northcote	ALP
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Graley, Ms Judith Ann	Narre Warren South	ALP	Scott, Mr Robin David	Preston	ALP
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Helper, Mr Jochen	Ripon	ALP	Stensholt, Mr Robert Einar	Burwood	ALP
Herbert, Mr Steven Ralph	Eltham	ALP	Sykes, Dr William Everett	Benalla	Nats
Hodgett, Mr David John	Kilsyth	LP	Thompson, Mr Murray Hamilton Ross	Sandringham	LP
Holding, Mr Timothy James	Lyndhurst	ALP	Thomson, Ms Marsha Rose	Footscray	ALP
Howard, Mr Geoffrey Kemp	Ballarat East	ALP	Thwaites, Mr Johnstone William [3]	Albert Park	ALP
Hudson, Mr Robert John	Bentleigh	ALP	Tilley, Mr William John	Benambra	LP
Hulls, Mr Rob Justin	Niddrie	ALP	Trezise, Mr Ian Douglas	Geelong	ALP
Ingram, Mr Craig	Gippsland East	Ind	Victoria, Mrs Heidi	Bayswater	LP
Jasper, Mr Kenneth Stephen	Murray Valley	Nats	Wakeling, Mr Nicholas	Ferntree Gully	LP
Kosky, Ms Lynne Janice	Altona	ALP	Walsh, Mr Peter Lindsay	Swan Hill	Nats
Kotsiras, Mr Nicholas	Bulleen	LP	Weller, Mr Paul	Rodney	Nats
Langdon, Mr Craig Anthony Cuffe	Ivanhoe	ALP	Wells, Mr Kimberley Arthur	Scoresby	LP
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 6 August 2007
[4] Elected 15 September 2007

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THURSDAY, 13 MARCH 2008

Thursday, 13 March 2008

The SPEAKER (Hon. Jenny Lindell) took the chair at 9.33 a.m. and read the prayer.

ACTING SPEAKERS

The SPEAKER tabled warrant nominating Dr Bill Sykes to preside as Acting Speaker whenever requested to do so by the Speaker or the Deputy Speaker, and discharging Mrs Jeanette Powell, Ms Kirstie Marshall and Mr Tony Lupton from the panel of Acting Speakers.

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 110 to 161 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:

Bass electorate: health services

To the Legislative Assembly of Victoria:

With the withdrawal of local doctors to operate the accident and emergency service for the Bass Coast, the demise of the Warley Hospital on Phillip Island, the rapid increase in growth and ageing population, the increasing tourist population and the proposed desalination project has put and will increase further pressure on the local hospital and ancillary services of this community. To provide specialist services within this community instead of travelling to Melbourne or Traralgon. This has also put extreme pressure on the Rural Ambulance Service to cover the lack of hospital services in this area.

We, the undersigned concerned citizens of Victoria, ask the Victorian Parliament and the Minister for Health to support our petition for funding the upgrade of the health services in the Bass Coast region.

By Mr K. SMITH (Bass) (738 signatures)

Water: produce gardens

To the Legislative Assembly of Victoria:

The petition of residents of Victoria draws to the attention of the house that under stage 3 water restrictions we are only able to water our gardens twice a week. Produce gardens are different to purely ornamental gardens in that they provide us with the very fruit, vegetables and herbs we eat. This is the very freshest and therefore healthiest type of food you can get and through recent study it has been shown that home gardeners can potentially grow their own produce with one-fifth of the water than commercial growers per dollar value of goods, so we believe it should be our right to be able to grow and eat it.

We, the undersigned, know that only being able to water these types of gardens twice a week may be merely enough to keep them alive, but more regular watering is often required — that is, before the soil dries out — to keep these gardens productive. Production is the very purpose of produce gardens so they should be given efficient, mindful watering, as required.

The petitioners therefore request that the Legislative Assembly of Victoria acknowledge and establish that home produce gardens are a different category from ornamental gardens and either allow them an exemption from current water restrictions or, under advice from an experienced, environmentally aware, horticultural organisation, for example, Sustainable Gardening Australia, introduce more appropriate water rules for produce gardens.

By Mr HERBERT (Eltham) (3271 signatures)

Water: north–south pipeline

To the Legislative Assembly of Victoria:

This petition of residents of Victoria draws to the attention of the house the proposal to develop a pipeline which would take water from the Goulburn Valley and pump it to Melbourne.

The petitioners register their opposition to the project on the basis that it will effectively transfer the region's wealth to Melbourne, have a negative impact on the local environment, and lead to further water being taken from the region in the future. The petitioners commit to the principle that water savings which are made in the Murray–Darling Basin should remain in the MDB. The petitioners therefore request that the Legislative Assembly of Victoria rejects the proposal and calls on the state government to address Melbourne's water supply needs by investing in desalination, recycling and capturing stormwater.

By Mrs POWELL (Shepparton) (106 signatures)

Tabled.

Ordered that petition presented by honourable member for Bass be considered next day on motion of Mr K. SMITH (Bass).

Ordered that petition honourable member for Shepparton be considered next day on motion of Mrs POWELL (Shepparton).

DOCUMENTS

Tabled by Clerk:

Ombudsman:

Investigation into Conflict of interest in local government — Ordered to be printed

Investigation into Conflict of interest in the public sector — Ordered to be printed

Statutory Rules under the following Acts:

Liquor Control Reform Act 1998 — SR 13

Public Administration Act 2004 — SR 14

Subordinate Legislation Act 1994 — Minister's exemption certificate in relation to Statutory Rule 14.

BUSINESS OF THE HOUSE

Adjournment

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

That the house, at its rising, adjourn until Tuesday, 8 April 2008.

Motion agreed to.

MEMBERS STATEMENTS

Gaming: smartcard

Mr O'BRIEN (Malvern) — The Brumby government's appalling addiction to gambling revenue has seen it recently approve the sale of lottery tickets via mobile phones and vending machines, and the introduction of TAB TV. In another Brumby government first, Victorian punters will be able to lose their home without leaving their couch. This is the biggest expansion of gambling in Victoria since the fiscally derelict Kirner government introduced pokies to Victoria in 1992.

You might have thought the government's Responsible Gambling Ministerial Advisory Council, including the Salvation Army, might have been consulted. But it was snubbed by this arrogant Premier who is happy to count his dollars and leave Victorians to count the cost. At every chance it gets this government puts revenue before responsibility. Despite the government budgeting for a 6.5 per cent fall in pokies revenue this year, figures for the first six months show that government taxes actually increased by 7.5 per cent. The Victorian community does not condone this government's insatiable appetite for gambling revenue at the expense of problem gamblers and their families. Even the federal Labor government, embarrassed by its state mates, is calling for serious action to tackle problem gambling. The question for this Premier is: will he now support the introduction of pre-commitment smartcard technology for Victorian pokies or will he defy not only the wishes of the Victorian public but also the Labor Prime Minister, Kevin Rudd? Victorians deserve an answer from the Premier.

Schools: Mulgrave electorate

Mr ANDREWS (Minister for Health) — I am pleased today to make mention of some very important investments in schools in my local community of Mulgrave. Just last week the Minister for Education announced that 14 schools in my local community would share in $163 000 in maintenance funding. That is important news of an additional investment for those 14 schools in my local area. It comes on top of record recurrent funding provided to those schools, and indeed to all government schools in my local community, together with the increased teacher numbers and record investment in maintenance over the last eight budgets.

As I move around my community visiting schools it is important to provide them with the resources they need to give our kids the very best start in life. This $163 000 for my community comes on top of $41 million already allocated for maintenance this year and $480 million allocated by our government for school maintenance since 1999. It is particularly good news for Waverley Meadows Primary School in Wheelers Hill in my local electorate, which will receive $100 000 for refurbishments and further upgrades to the roof of the school. I was very pleased in the last Parliament to lobby for and secure on its behalf $272 000 in funding for a new roof for the school. This funding will enhance that work. Each of these 14 schools has shared in a further boost to maintenance. It is all about giving schools the best facilities to give our kids the best start in life.

Sheep: mulesing

Mr WALSH (Swan Hill) — I am concerned that the Minister for Agriculture is doing little to ease the pain and suffering of the estimated 3 million sheep that will die a tortuous death from fly strike if farmers are banned from mulesing their sheep. The practice of mulesing to remove the lateral skin fold on the breech of sheep to prevent fly strike was developed by John Mules in 1929 and was approved for use in Australia in

the 1930s. Over 95 per cent of Australian Merino lambs are mulesed, and mulesing provides a high degree of permanent protection against fly strike. The practice is regulated by a model code of practice for the welfare of animals. A two-year survey in New South Wales carried out by the Commonwealth Scientific and Industrial Research Organisation found that mulesing decreased the incidence of breech fly strike by 90 per cent, and the Royal Society for the Prevention of Cruelty to Animals considers that mulesing is less cruel than painful death by fly strike.

The anti-mulesing campaign is being driven by People for the Ethical Treatment of Animals, an animal rights group which uses animal welfare arguments to advance the objective of zero use of animals for food or fibre production. The PETA campaign against Australian wool has seen some overseas fashion retailers boycott Australian wool. In November 2004 the Australian wool industry agreed to phase out mulesing by 31 December 2010, but there is a low likelihood of an industry-wide alternative before that time. I call on the Minister for Agriculture to do more to assist the poor sheep that will suffer if mulesing is banned.

Australian Ankawa Club: art exhibition

Ms D'AMBROSIO (Mill Park) — On 8 March I had the pleasure of attending the Australian Ankawa Club's first art exhibition in Epping. The art exhibition presented a range of locally produced handmade woodcraft, metal craft, paintings, drawings and ceramics. The Australian Ankawa Club represents the growing Chaldean community in Australia, which I am quite proud to say is well represented in my community. The ancient Chaldean culture was proudly evident in much of the artwork, as was the community's sentiment towards modern life in today's Australia, especially as exemplified in the artwork of the community's young people.

The works of the following local artists were on display: Clara Solaka, Lina Solaka, Faris Solaka, Akram Solaka, Dunia Solaka, Bushra Francis, Albert Elyas, Daniel Touma and Saad Touma. The day would not have been complete without the great efforts in the catering department by Yazy Solaka and Vian Solaka.

A significant number of the artworks were by young members of the Chaldean community, and I wish to commend them for showing great talent and promise. I also congratulate Saad Touma, the secretary; and Faris Solaka, the president, for organising the event and providing a great opportunity for some very talented people to show their artworks for all of the community to enjoy and appreciate.

Education and Early Childhood Development: Moe office

Mr BLACKWOOD (Narracan) — The town of Moe in Gippsland has proven time and again its resilience and ability to bounce back from adversity, but it is continually kicked in the guts by this Labor government. It was not enough for Moe to lose its Magistrates Court and have to overcome the detrimental effect this has had on the local economy; then it had its 2008 Labor Day thoroughbred race meeting withdrawn by Racing Victoria, a move sanctioned by Minister Hulls. That race meeting, conducted by the highly professional Moe Racing Club, has been an integral part of the Moe Jazz Festival, which draws people from all over Gippsland and beyond.

And now, just a few short weeks after that announcement, rumours are rife again — that the regional office of the Department of Education and Early Childhood Development is to be moved to Traralgon. That is exactly how this government operates: it softens the locals up with rumour, so the fall-out of reality will be minimal. Just when is this Brumby government going to stop being divisive, stop abusing the trust of country communities and start genuinely governing for all?

The Minister for Education needs to come clean immediately and give the people of Moe the truth and the respect they deserve. Is the rumour going to become reality, or will the minister squash the rumour before it causes any more stress and anxiety in the Moe community? The Premier may continue to be arrogant and divisive, but I believe the Minister for Education has a heart, and I urge her to prove this to the people of Moe.

Water: Werribee initiatives

Mr PALLAS (Minister for Roads and Ports) — I rise to tell the house about two excellent water initiatives happening in my electorate of Tarneit, whose launch I had the great pleasure of attending with the Minister for Water, Tim Holding. Minister Holding and I visited the new $300 000 water smart garden at the Werribee Open Range Zoo and the $4.6 million research Centre for Sustainable Water.

The garden at Werribee zoo is an initiative that demonstrates to visitors how they can make their own green and lush water-saving gardens. The garden has a water-efficient design, is planted with drought-tolerant plants and was created to collect and reuse any rainwater. Information is also provided about

water-saving techniques, which will be an excellent resource for visitors.

The new Centre for Sustainable Water in Werribee is a research initiative that will focus on expanding the use of recycled water and development of sustainable water management. The centre is in partnership with the Victoria University, and one of the key aims of the centre is to find new ways to treat and reuse wastewater from Melbourne Water's western treatment plant and to look at the water needs of areas such as the Werribee irrigation district. The research initiative is part of the $10 million the Brumby government put towards the Werribee plains vision in the 2007–08 budget.

Lilydale High School: *Deadly Unna?*

Mrs FYFFE (Evelyn) — Lilydale High School is an excellent, well-managed school in my electorate. I have had parents ask if I can assist in getting their children enrolled there. The school achieves high results from its pupils and is an integral part of the local community. I was therefore somewhat surprised when I started being contacted by constituents who were concerned about the content of a book being used in English classes for 13 and 14-year-old students. The book is *Deadly Unna?* and is listed on the Premier's reading challenge and on the department's recommended reading list. Notes for teachers recommend it as being suitable for students in years 8 and 9.

Last night I read this book. The sexual imagery is degrading. It is littered with inappropriate phrases, such as 'perve on the girl's undies', 'dirty rotten whore', 'She was beggin' for it', 'Got a bit of tit down the bushes', 'Got pulled off down the bushes', 'Nice girls' — referring to Aboriginal girls — 'but they've all got the clap', 'Got a finger down the bushes', 'Sharon B gives head', 'Got me finger in down the bushes … that Kerley moll', and 'Break your fucking neck'.

One has to ask: with all the thousands and thousands of books available, why has this government and the education department chosen this one? Years 8 and 9 students are usually very impressionable, and many of the male students are immature; their ages can range from 13 to 15 years. They are impressionable, and if their teacher says this is okay, how do we know they will not follow suit? If it is discussed in class, do they take it as read that this can happen?

Bellarine Agricultural Show

Ms NEVILLE (Minister for Mental Health) — It was a great pleasure to be with the Minister for Agriculture on Sunday to officially open the Bellarine Agricultural Show. This is always a very popular event with local residents from across the Bellarine Peninsula and is attracting increasing numbers of tourists and visitors. It is a great celebration of the place that agriculture has on the peninsula with great displays of produce, cakes, jams and preserves, art and craft work, and the livestock. They were all impressive and congratulations to all those who participated. I particularly want to acknowledge and congratulate Don McDonald, the president of the Bellarine Agricultural Society, Beryl Downey, the secretary, and the whole committee who contribute so much of their time, energy and skills to ensure that the show is always a great success and a major highlight on the Bellarine calendar each year.

Bellarine rail trail

Ms NEVILLE — I was delighted to join Cr Rod Macdonald in celebrating further developments of the Bellarine rail trail and to announce $150 000 in funding. This trail was a disused railway corridor and is now a 32-kilometre walking and cycling trail running through the Bellarine Peninsula from South Geelong to Queenscliff. Funding for the new infrastructure developments, including new toilets and facilities on the trail, is a partnership between the state government, the City of Greater Geelong and the Friends of the Bellarine Rail Trail. I congratulate the Friends of the Bellarine Rail Trail, particularly President Alistair McIntosh, Trevor Jennings, Fred Cook and Tim Rowley, for their hard work and commitment to this wonderful local asset that is enjoyed by locals and visitors to the Bellarine Peninsula.

Lowan electorate: vandalism

Mr DELAHUNTY (Lowan) — This state government must do more to develop new laws to tackle the multimillion-dollar problem of vandalism. Vandalism includes graffiti and damage to street signs, toilets, recreation parks including botanical gardens and personal property. I have been concerned for our communities as a result of the actions of those who do not respect private or public property. An article in yesterday's *Wimmera Mail-Times* headlined 'Red light for school' highlights the cost to the community. The article states:

> After 45 years Horsham Lions Club's traffic school has closed because of a series of vandalism attacks.
>
> …
>
> Three generations of Horsham —

and Wimmera —

people have had the advantage of learning about traffic here.

The site has been closed because of damage by vandals. Vandalism is criminal damage and is a cost in terms of the loss of productivity and the many millions of dollars that could be better used for other purposes. Graffiti vandals, as we all know, can be fined or even jailed for up to two years. Graffiti alone costs $300 million a year. Councils I have spoken to in the Lowan electorate spend a lot of their money and staff time in repairing damage by vandals to our community resources. A survey done by the *Herald Sun* showed that 20 councils spend in excess of $3 million a year to fix up vandalism. Connex has also been hard hit by graffiti with costs of $11 million a year for vandalism damage. The government must do more.

Helen Mayer

Mr ROBINSON (Minister for Gaming) — I want to place on the public record this morning an acknowledgement of the outstanding contribution to both the Australian Labor Party and to the TAFE sector of a former member for Chisholm in the federal Parliament, Helen Mayer, who died tragically after a short illness on 7 February. Helen was an outstanding contributor to the Labor Party and on some six occasions between 1977 and 1990 was the party's candidate in Chisholm, of course taking that role for the first time when the party's fortunes were at quite a low ebb. She held the seat of Chisholm for two terms after her success in 1983. After her service in Parliament she joined the former Outer Eastern Institute of TAFE as a communications teacher. Later she coordinated and taught the management course in community services which she continued to coordinate for the school of social sciences in Swinburne TAFE.

According to Robyn Jackson, the director of the school of social sciences at Swinburne, Helen was recognised by all staff for her forthright interactions with senior managers in forums and committees within the organisation. She was courageous in speaking up for staff in terms of industrial relations, and was very active as a union member and a great advocate for those she thought were hard done by. She was a great raconteur and, as Robyn concludes, will be greatly missed by her many colleagues. I join with many other Labor Party members in acknowledging her great contribution.

Rutherford Parade–Kallara Road, Warneet: upgrade

Mr BURGESS (Hastings) — As a direct result of a recent state government upgrade to the boating facilities in Warneet, out-of-town traffic along Rutherford Parade and Kallara Road — the ring-road — has increased dramatically. On any Saturday or Sunday it is not unusual for there to be 200 plus cars and boat trailers entering and leaving along the ring-road, and parking wherever there is a place whilst there. While the powder fine dust that is on the road ends up on everything and in everything, including furniture, food and clothes, and is a major inconvenience, the major concerns regarding the dust are the very serious health effects and implications. The Brumby government and the Casey City Council have been passing the buck of the Warneet problem, with the state claiming that it is council's responsibility and Casey stating that it could only afford to seal the road with the imposition of a special charge scheme. The council would be unable to start work until 2011.

I believe the City of Casey has an unhealthy reliance on special charge schemes and has expanded their use to well beyond the types of projects they were intended to address. The special charge was only ever to be applied in circumstances where the owners of the properties would be gaining a special benefit from the making of the road, over and above the benefit obtained by the rest of the community.

As the government's development of the boating facilities has caused out-of-town traffic along the ring-road to increase dramatically, I believe it is impossible to argue that the residents can gain a special benefit from the sealing. The onus is clearly on the state government and the council to work it out together and get this road sealed urgently.

Don and Hilda Hodgins

Mr BURGESS — I would like to congratulate Don and Hilda Hodgins on the 100-year celebrations of their magnificent property Bushy Park in Hastings on 2 March. This was a wonderful opportunity to celebrate 100 years of Hodgins family history and to acknowledge Don and Hilda's tireless efforts in the development of Hastings and surrounding districts.

Soccer: Geelong Century 21 Cup

Mr EREN (Lara) — Over the last few weeks we have had one of the premier sporting events in Victoria — that is, the Geelong Century 21 Cup, formerly known as the Geelong Addy Cup. This event is played annually and is a great event. This time around it was played at the Bell Park ground. I congratulate all those involved at the Bell Park Sports Club, which conducted the competition very well. I also wish to congratulate the Geelong Soccer Club for taking the honours this year, as well as all teams

involved, and I would like to name them: the Geelong Region Football Association, Surfcoast, Hoppers Crossing, Geelong, Geelong North, Corio, Geelong Rangers and Bell Park.

This year's final was played between Geelong and Hoppers Crossing, and obviously Geelong won. Third and fourth places were played for between Bell Park and Geelong Rangers, with Bell Park winning. Last year I was very happy to present the cup to the winning team. I was also very happy that this year the cup was presented by the federal member for Corio, Richard Marles.

This is a terrific event, and I hope it goes way into the future. It is really one of the premier sporting events in Geelong. Hopefully Century 21 will support it further with a little help from the state government as well.

Peninsula Community Health Service and Peninsula Health: merger

Mr MORRIS (Mornington) — On 4 March the Minister for Health announced that the Peninsula Community Health Service (PCHS) was to be merged with the Peninsula Health network. The action has been camouflaged as the creation of a new entity, with a new board to be appointed and the chief executive officer's job advertised — a massive and unnecessary distraction for an under-resourced organisation that is flat out keeping up with the day-to-day demands. No amount of corporate window-dressing can hide the fact that PCHS is being swallowed up by a much larger organisation.

The only positive thing to be said for the announcement is that it finally allows everyone to move on. The minister and his predecessors have left the staff and the peninsula community in limbo for far too long. They have been told repeatedly, via three public meetings, many submissions and a delegation to his office, that there was no support for a merger. All this delay and obfuscation was simply so the minister could conduct a sham consultation process, when the decision had clearly already been made.

That should not surprise me; it is standard operating procedure for the Brumby government. Instead of it having the guts to announce the decision when it is made, it seems the government's plan is to wear down the community, to consult the life out of them and only make an announcement when everyone is exhausted by the process.

Members opposite can all sit there and sneer, but it is very short-term politics. The reality is that good people are being driven out of the process because they are suffering consultation fatigue. They all know that the government, just like the former Premier, does not listen, acts as it pleases and, when it matters, goes missing.

Dorcas Street Medical Clinic: future

Mr FOLEY (Albert Park) — I rise to acknowledge the achievements of the Park Towers Tenants Association and the Emerald Hill Court Tenants Association in my electorate in campaigning to secure their rights to an accessible and affordable primary health care service — namely, securing the future of the Dorcas Street Medical Clinic, which has served both estates since their inception over 40 years ago. In doing so I acknowledge the work done by the Minister for Housing and his officers in the Office of Housing in securing the position of the medical clinic.

The Dorcas Street Medical Clinic serves the public tenants of South Melbourne and the broader community — indeed, it has done so for some 60 years, well before the public housing high-rise and walk-ups there were established.

Following representations from both tenants groups, the minister and his department moved to secure the future of the centre from its state of uncertainty on month-to-month leases. I had the pleasure of leading a delegation of public tenants groups from the two high-rise estates to meet with the minister and his department recently. The outcome was a long-term lease which now gives certainty to the clinic and the community. This is a great outcome.

I would like to thank the minister, and even more I would like to thank Joan Maxwell and her team from Emerald Hill, and Val Hegarty and her team at Park Towers. They are the true champions in our community. They are what make public housing in the district of Albert Park such a sought-after and stable community — with the right to housing, the right to affordable health care, and the right to engage in the community as equal participants.

Housing: Benambra electorate

Mr TILLEY (Benambra) — Benambra families are suffering from the severe public housing shortage, a situation that can only escalate in the near future with interest rate increases adding more pressure to the already tight rental market. There has been a disturbing increase in the number of people waiting for urgent housing in Wodonga. I think it is important to remember that families that are on the early waiting list are on that list for a reason, whether it be the risk of

recurring homelessness, special housing needs or health reasons. The addition of a further 19 families since September last year shows that demand is increasing, and something needs to be done by this government to meet that demand. There are 371 families in the Hume region on the list, 107 in the Wodonga area alone. This means 107 families in Wodonga are in danger of homelessness or are eligible for the early waiting list for other compelling reasons.

While the early waiting list grows, so too does the anxiety of constituents on the general waiting list. I receive regular calls and visits from Rita Hitch, who has been on the general list for over six years waiting for a two-bedroom unit for herself and her son, yet still she waits. Private rental increases in recent years have meant that she is delving deeper into financial crisis, yet nothing can be done as she is not eligible for the early waiting list. Of course the reality is that with 107 families on the early waiting list, she still has quite a wait before she is offered a property. Hers is only one of 437 families on the general waiting list for Wodonga. Some 34 872 families statewide wait.

Elections: voter turnout

Mr SCOTT (Preston) — I rise to draw the attention of the house to the low level of participation in the last state election. Many people would believe that in a compulsory electoral system like ours, with compulsory enrolment and compulsory voting, there would be a participation rate well into the 90th percentile. However, that is simply not true. There are three elements of voting which reduce effective participation. The first is the level of informal voting, which sits at about 4.56 per cent. The second is the level of turnout — about 92.73 per cent turned up to the last state election. The third element, which is often not understood, is the level of actual enrolment. It was estimated that only 93.82 per cent of eligible electors were actually on the electoral rolls in Victoria on 30 June last year. It was slightly higher on 30 June 2006, with 94.42 per cent.

This means that approximately 15 per cent, or perhaps more, of eligible electors actually do not effectively participate in state elections in Victoria. This is a concerning issue for two reasons. Studies that have been done on those people who fail to participate indicate that three groups are clearly identifiable. One is those who have low socioeconomic status, another is migrant groups and another is young people. For a democracy to be government by the people for the people, all must participate and there should not be groups who disproportionately fail to participate in our system.

Deakin Reserve, Shepparton: lighting

Mrs POWELL (Shepparton) — Friday, 7 March was an historic night for Shepparton's sporting arena Deakin Reserve. About 9500 people attended an Australian Football League (AFL) practice match between Collingwood and Hawthorn under lights. The newly installed lights were switched on at 6.30 p.m. by the Minister for Sport, Recreation and Youth Affairs. The $400 000 lights were paid for by a state government grant, the AFL, the City of Greater Shepparton, and Goulburn Valley Football League clubs, including the Shepparton Football Netball Club and the Shepparton United Football-Netball Club, both of which catered for the event.

Unfortunately I was unable to attend but my husband, Ian, and stepfather, Jack Healy, went along and enjoyed the match. My 90-year-old stepfather has been a Collingwood fan since he was 7, and was delighted that Collingwood beat Hawthorn by 18 points. Damian Drum, a member for Northern Victoria in the other place, was there, along with the mayor and councillors of the City of Greater Shepparton and a former member for Shepparton Don Kilgour and his wife, Cheryl. My stepfather commented on the wonderful condition of the ground and said it would rival any Melbourne football ground. He said it was the best he had ever seen the ground, and he should know because he lived opposite Deakin Reserve for many years and played senior football there.

I would like to congratulate the Deakin Reserve committee of management and the City of Greater Shepparton for their excellent management of the reserve and for organising this historic event. It was great to have AFL football at Shepparton. With these excellent grounds and the new AFL-standard lighting, hopefully other AFL games and other sporting events will be attracted to Shepparton so that country people can enjoy other top-class sporting events. I again congratulate everyone involved in this historic event.

Pako Festa

Mr TREZISE (Geelong) — On Saturday, 25 February, the 27th annual Pako Festa was staged in the heart of West Geelong. I was once again very pleased to enjoy this great festa, which was opened by the Minister Assisting the Premier on Multicultural Affairs, the Honourable James Merlino. The Pako Festa really does highlight Geelong's cultural diversity. Over 30 ethnic communities and 70 other community groups participate, including many of Geelong's schools. The highlight of the festa is always the street parade, and I can assure the house that this year was no exception,

with many colourful floats, entertainers and bands. Away from the street parade, people enjoy many types of cultural foods, dance music and cultural and community displays. This year police estimated that a record crowd of over 100 000 people attended the festa during the day — a sure sign that the Pako Festa is now embraced by the Geelong people as a highlight in our community's calendar.

I take this opportunity to congratulate all the ethnic and community groups and the volunteers for their participation in the day. I also congratulate the team at Diversitat, who once again did a superb job of managing the festa. A great day was had by all, and I look forward to working with all those involved, including Diversitat, in ensuring we again have a great Pako Festa in 2009.

Health professionals: industrial action

Mr CLARK (Box Hill) — The Brumby government's handling of industrial relations is appalling. It is clear from what happened at question time yesterday that neither the Premier, nor the health minister, nor the industrial relations minister had a clue about what was going on with the strike by health professionals that is threatening to shut down large parts of Victoria's hospital system next week, despite their claiming to have been in negotiations with the union for months. Victoria is now the strike capital of Australia, having over half of all industrial disputes across the nation. However, as Neil Mitchell pointed out on radio 3AW this morning, we have very few strikes in the private sector these days; almost all strikes are by state public sector employees such as nurses, teachers, health professionals and other government employees.

The Howard government reforms brought about a massive reduction in industrial disputes across the nation. However, the stand-out problem area is Victoria, particularly the Victorian public sector, and the reason is clear — the Brumby government just cannot manage. We have the industrial relations minister and Attorney-General building castles in the air with his industrial and social legislation, oblivious to the harm it will do to the real world of working families. His family responsibilities legislation is in defiance even of federal Labor policy and is at odds with federal Labor's promise to achieve uniform industrial relations legislation. It will impose additional burdens and legal complexities on employers and thus deter rather than promote genuine workplace flexibility — and it will hurt working families. At the same time neither the minister nor any of his colleagues, nor even senior representatives, will actually sit down and talk meaningfully to workers or their representatives so as to understand their issues and reach fair and sensible solutions to their concerns, causing further unnecessary hurt to working families across Victoria.

Our Lady of Lebanon Maronite Church

Ms RICHARDSON (Northcote) — Last Saturday, 8 March, thousands of people flocked to Thornbury to celebrate the official opening of a new Our Lady of Lebanon Maronite church. The building of a church for the Maronite community, which was inspired by the dream of the founder of the parish, Monsignor Paul El-Khoury, has always been a keenly held goal. The church's construction has taken an enormous community effort, and despite starting with no money at all, the community has raised over $6.5 million.

I would particularly like to congratulate Monsignor Joseph Takchi, who has so ably led the efforts to build the church. Members of the building committee also dedicated many hours of their time to fulfil the dream of their community. The opening service was led by Monsignor Joseph in the presence of Maronite Bishop Ad Abikaram, the Catholic Archbishop of Melbourne, Denis Hart, and a former Catholic Archbishop of Melbourne, Frank Little. Monsignors, fathers and sisters of the Maronite church were also in attendance to celebrate its opening.

But the most memorable part of the event was the sheer number of people who packed into the church to be part of the celebration. Those that could not fit into the church swelled outside in large numbers. I would estimate that over 4000 people were there on Saturday, all proud and all joyous. And why wouldn't they be? The church is a testament to their faith and to the wonderful contribution the Maronites make to our community. Like the cedars in Lebanon, the Maronite community has well and truly established its roots in Melbourne, and we are all enriched by its presence. I wish the members of the community all the best for the future.

Northcote: Koori night market

Ms RICHARDSON — I would also like to congratulate organisers of the Koori night market that was held at Northcote town hall. As members of the house saw via my t-shirt, I attended this pilot community event last night and can attest to its enormous success. I look forward to supporting the event in the future. I feel sure that it will soon become a signature event on the Northcote activity calendar.

Racial discrimination: health effects

Mr LIM (Clayton) — A government report of late last year shows that racial discrimination is putting at risk the mental health of many Victorians. The VicHealth report entitled *More than Tolerance — Embracing Diversity for Health*, was based on a survey of more than 4000 people. The report reveals that those who suffer discrimination are more likely to suffer poor mental health, smoke and misuse drugs or alcohol. The findings tally with previous studies that show an association between discrimination and heart disease, diabetes and low infant birth rate. The report states that people from migrant and refugee backgrounds continue to suffer 'unacceptably high levels of discrimination, in turn affecting their health and wellbeing'.

Indeed the report found a strong connection between racism and poor mental health among migrant and refugee communities. Two in five Victorians from non-English-speaking backgrounds reported that they had been treated with disrespect, insulted or called names because of their ethnicity; a small proportion of those people said they often experienced discrimination. The report says that of those who reported having experienced racial discrimination, 40 per cent said they suffered discrimination at work, while 30 per cent were discriminated against in an educational setting. Almost 45 per cent said they had a bad experience with racism at a sporting or public event, while 19 per cent said they experienced racism at the hands of police.

The ACTING SPEAKER (Mr K. Smith) — Order! The time for members statements has expired.

ESSENTIAL SERVICES COMMISSION 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 Essential Services Commission Amendment Bill 2008.

In my opinion, the Essential Services Commission 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 purpose of the Essential Services Commission Amendment Bill 2008 (the bill) is to amend the Essential Services Commission Act 2001 (the ESC act) to implement the legislative component of the government's final response to the review of the Essential Services Commission Act 2001. The primary purpose of the bill is to ensure that the Essential Services Commission (the commission) has adequate guidance in forming its decisions and the necessary powers to gather critical information and enforce its decisions.

Specifically, the bill proposes to:

(a) introduce a simpler legislative framework;

(b) refine the current objective;

(c) revise and recast the facilitating objectives as matters the commission is to have regard to when undertaking its functions;

(d) provide the commission with the power to make codes and impose appropriate penalties for their breach;

(e) clarify that the commission is able to inquire into any matter referred to it by the Minister for Finance in consultation with relevant ministers, and provide that when conducting inquiries into industries that are not regulated, the Minister for Finance is to determine the powers available to the commission;

(f) standardise the powers and penalties available to the commission across the ESC act to reduce the regulatory burden and increase regulatory certainty;

(g) provide the commission with access to third-party and related contract information, and clarify the release of commercial-in-confidence information;

(h) introduce a proportional penalty framework; and

(i) introduce new provisions relating to access regimes to ensure that, as agreed at the Council of Australian Governments, regulation of Victorian regimes is consistent with the nationally agreed approach.

Human rights issues

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

Section 13: privacy

A person has the right not to have his or her privacy, family, home or correspondence unlawfully or arbitrarily interfered with.

Privacy is bound up with conceptions of personal autonomy and human dignity. It encompasses the idea that individuals should have an area of autonomous development, interaction and liberty — 'a private sphere' free from government intervention and from excessive unsolicited intervention by other individuals.

An interference with privacy will not be unlawful provided if it is permitted by law, is certain, and is appropriately circumscribed. Arbitrariness will not arise provided that the

restrictions on privacy are in accordance with the objectives of the charter and are reasonable, given the circumstances.

The information-gathering powers currently available to the commission are spread through a number of acts, or contained within specific licence conditions. The information-gathering powers available to the commission differ according to whether the commission is using its inquiry or regulatory functions.

The proposed amendments in clauses 12 to 16 are intended to create a universally applicable set of standalone information gathering powers within the ESC act. This is largely to be achieved by extending the commission's current inquiry information gathering powers across all of its functions. Standardising and simplifying the information provisions will reduce the administrative burden on the commission and reduce the regulatory burden on regulated entities and industries subject to inquiry. These provisions will also provide the commission with the standalone powers necessary to regulate industries that are not subject to their own act with Parliament.

The proposed amendments in clauses 12 to 16 engage the right to privacy because they give the commission powers to compel persons to provide information. However, it is not intended that this will involve information of a personal nature. Rather, the proposed information-gathering powers will pertain to commercial information that is necessary for the commission to fulfil its functions in an accurate and timely manner. Furthermore, the commission's powers to obtain information and documents are confined and structured and are reasonable in the circumstances. Any interference with privacy must be authorised on a case-by-case basis according to the specific circumstances involved. This includes giving the person affected the opportunity to make submissions as to why the information is of a confidential nature under the new section 38(1A). Furthermore, persons have the right of appeal and, when undertaking an inquiry into an industry that is not regulated, clause 18 indicates that the minister is to have the ability to limit the commission's information-gathering powers. The right of appeal and the minister's power establish further safeguards against arbitrary interferences with privacy by the commission. Therefore clauses 12 to 16 do not authorise unlawful or arbitrary interferences with privacy and there is no limitation of the privacy right.

Section 24: fair hearing

Section 24 of the charter provides that a person charged with a criminal offence or a party to a civil proceeding has the right to have the charge or proceeding decided by a competent, independent and impartial court or tribunal after a fair and public hearing.

Clauses 24 and 25 amend the appeal panel procedures in sections 55 and 56 of the act and engage the right to a fair hearing.

Section 56(1) of the ESC act provides that an appeal panel must consist of three members, one being the chairperson, and at least one must have knowledge of administrative law or the law of procedure and evidence. In addition, section 56(2) indicates that an appeal panel is to be constituted from a pool of persons appointed because of their knowledge of, or experience in, one or more of the fields of industry, commerce, economics, law or public administration.

These provisions seek to ensure that the appeal panel is competent. Clause 25 of the bill bolsters these provisions and aims to increase the competence level of the appeal panel by directing the registrar to use best endeavours to constitute an appeal panel of:

(a) a chairperson who has experience running contested hearings; and

(b) at least one member that has technical or industry experience relevant to the appeal.

The use of the term 'best endeavours' appreciates that, in practice, there is a limited pool of experienced people available, appeal panels are infrequent and ad hoc in nature, and there are short time frames within which an appeal panel must be formed and reach its decision. Clause 25 promotes the requirement that a proceeding is decided by a competent panel.

Clause 24 of the bill clarifies that a person who represents a consumer or user group has a right to an appeal. Furthermore, it extends the deadlines for lodging a notice of appeal with the registrar by seven days, thereby reducing the time pressure on potential appellants. These amendments are consistent with the right to a fair hearing.

Section 12: freedom of movement

Every person lawfully within Victoria has the right to move freely within Victoria and to enter and leave it, and has the freedom to choose where to live.

The right to move freely within Victoria is not dependent on any particular purpose or reason for a person wanting to move or stay in a particular place. It encompasses a right not to be forced to move to, or from, a particular location. The right includes freedom from physical barriers and procedural impediments.

Sections 44 and 51 of the ESC act provides that the commission may serve upon any person a summons to appear before the commission to give evidence in relation to an inquiry. Clauses 12 and 14 of the bill standardise this power across all of the commission's functions. The provisions engage and limit the right to freedom of movement because they provide for a person to be required to come before the commission to provide information or a document and there are penalties for non-compliance. To the extent that a person is required to appear before the commission under these provisions, then the person's freedom of movement is limited. However, the limit upon the right is clearly reasonable and justifiable in a free and democratic society for the purposes of section 7(2) of the charter having regard to the following factors:

(a) The nature of the right being limited

The right to move freely within Victoria encompasses a right not to be forced to move to, or from, a particular location and includes freedom from physical barriers and procedural impediments.

(b) The importance of the purpose of the limitation

The limitation is important because it enables the commission with the power to obtain information necessary for it to efficiently regulate essential services. The ability to secure the

presence of a person to provide information is essential to the effective administration of the commission's functions.

(c) The nature and extent of the limitation

The provisions limit a person's freedom of movement to the extent that a person may be compelled to be physically present at the commission or another location for a limited time for the purpose of giving evidence.

(d) The relationship between the limitation and its purpose

The limitation on the free movement of a person by requiring the presence of the person at the commission is directly and rationally connected to the purpose of ensuring the effective administration of the commission's functions.

(e) Less restrictive means reasonably available to achieve the purpose

There are no less restrictive means of achieving this purpose.

Section 25: the right not to be compelled to testify against oneself

Section 25(2)(k) of the charter states that a person charged with a criminal offence has the right not to be compelled to testify against himself or herself, or to confess guilt. However, the right only applies to persons charged with a criminal offence and does not extend to the provision of information to the commission in the course of exercising its functions. The bill therefore does not interfere with the right in section 25(2)(k) of the charter. Nevertheless, persons required to provide information to the commission pursuant to its power in clause 14 of the bill will be afforded the privilege against self-incrimination in section 37(1)(5) of the ESC act.

Section 15: freedom of expression

Section 15(2) of the charter provides that every person has the right to freedom of expression — this includes the right not to express. This right is engaged by clause 14 of the bill, which would compel a person to appear before the commission to express certain information. Section 15(3) of the charter provides that special duties and responsibilities attach to this right and it may therefore be subject to lawful restrictions reasonably necessary to respect the rights and reputation of other persons or for the protection of national security, public order, public health or public morality. Public order can be defined as the sum of rules that ensure the peaceful and effective functioning of society. The power of the commission to secure the presence of a person to provide information is essential to the effective administration of the commission's regulatory functions. This is a key element of public order. Clause 14 is therefore consistent with the lawful restrictions on the right to freedom of expression.

Conclusion

I consider that the bill is compatible with the Charter of Human Rights and Responsibilities for the reasons previously outlined.

TIM HOLDING
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.

This bill is the central component of the government's final response to the review of the Essential Services Commission Act 2001 (the review). The final response to the review will consist of a suite of reforms designed to significantly reduce the regulatory burden imposed by the Essential Services Commission (the commission) as well as amend the Essential Services Commission Regulations 2001 and associated industry acts and other non-legislative reforms.

These reforms represent an important evolution in Victoria's regulatory framework. They build on the strengths of Victoria's existing regulatory framework, which was introduced in 2001, but propose substantive changes to finetune the legislation and ensure that Victoria continues to benefit, well into the future, from an economic regulatory system that is truly world class.

I now turn to the development of this legislation. In August 2006, the government commissioned Mr Roger Beale, AO, to conduct an independent review of the Essential Services Commission Act 2001 (ESC act). I note that section 66 of the ESC act stipulates that the review had to be undertaken by 31 December 2006.

The purpose of the review was to assess whether the objectives of the ESC act were being achieved, whether they remained appropriate, and whether the ESC act was effective or needed to be amended to further facilitate the objectives or to insert new objectives.

Mr Beale consulted widely with stakeholders during the review and concluded that Victoria could be proud of its regulatory framework, including the ESC act and the work of the commission under the act. The review found that, under the Victorian framework, consumers had benefited from falls in the real price of essential services and, in many cases, from improved quality and reliability.

The review concluded that the objectives of the ESC act were being achieved. However, Mr Beale also recommended a series of changes to the ESC act to emphasise more directly the importance of providing incentives for dynamic, productive and allocative efficiency. He suggested procedures and appeal rights designed to reduce regulatory risk and increase investor certainty, while providing the commission with the powers necessary to gather critical information and

enforce its decisions. To this end, he made 28 recommendations and reached 15 conclusions.

Given the complex issues involved and the far-reaching implications for customers, businesses and the general community, the government considered it prudent to consult widely, and to thoroughly analyse each recommended change to the regulatory system. Therefore once the review and the government's strategic response to the review were tabled in Parliament in March 2007, the government contacted approximately 100 regulated entities and interested parties seeking their views on the review and the government's strategic response.

In developing its legislative response to the review, the government was also cognisant of three developments that had arisen since the conclusion of the review, namely:

the imminent transfer of most of the commission's energy regulatory functions to the Australian Energy Regulator;

the buyback of the intrastate rail business from Pacific National; and

the unsuccessful court challenge to the commission's information-gathering powers.

In all, the government has incorporated, either fully, in part or in principle, 27 out of the review's 28 recommendations. The only recommendation that has not been incorporated is the recommendation to change the primary objective of the ESC act to bring it into harmony with the national gas and electricity laws. In not supporting this recommendation, the government considered that the current objective was more inclusive, and that it had served the commission well. Moreover, the imminent transfer of most of the commission's energy regulatory functions to the Australian Energy Regulator reduces the benefits of harmonisation with the national energy laws.

While the government has fully accepted nearly all of the review's recommendations relating to appeals, it has not accepted that part of one recommendation which relates to the introduction of full merit-based appeals. In doing so the government considers that the current model of limited appeals is robust and cost effective. Extending the grounds for appeal further would involve significant establishment and operational costs and could cause significant delays. The government is not convinced that the incidence of appeals against the commission's decisions and determinations justifies the imposition of these delays and costs.

It is important to note that not all of the review's recommendations will require legislative change, as several of the recommendations support the continuation of current provisions, recommend amendments to the Essential Services Commission Regulations 2001 or involve changes that do not require legislative amendments. The government will implement these changes in due course.

In summary, then, the principal purposes of the bill are:

to introduce a simpler legislative framework;

to refine the current objective;

to revise and recast the facilitating objectives as matters the commission is to have regard to when undertaking its functions;

to provide the commission with the power to make codes and impose appropriate penalties for their breach;

to clarify that the commission is able to inquire into any matter referred by the minister for finance in consultation with relevant ministers, and provide that when conducting inquiries into industries that are not regulated, the minister for finance is to determine the information powers available to the commission;

to standardise the powers and penalties available to the commission across the ESC act to reduce the regulatory burden and increase regulatory certainty;

to provide the commission with powers to access information from regulated and related third parties, and clarify processes and decisions on the release of commercial-in-confidence information;

to introduce a proportional penalty framework; and

to introduce new provisions relating to access regimes to ensure that, as agreed at the Council of Australian Governments, regulation of Victorian regimes is consistent with the nationally agreed approach.

To accompany this bill, the government is developing an additional package of reforms that, combined with the amendments, will significantly reduce the regulatory burden on business. This suite of reforms will consist of two reviews to identify and streamline administrative burdens and regulatory obligations.

The first of these reviews will focus on the regulatory burden associated with customer protection and metering frameworks for energy retail businesses and on the ongoing suitability of such arrangements in light

of the increasing effectiveness of energy retail competition in Victoria and the transition to national regulation. The second review will look more broadly at administrative burden across areas of the commission's regulatory activities. It is important to note that both of the reviews will involve in-depth engagement with regulated businesses.

The review of the ESC act and the development of the legislation and related reforms represent a very significant and complex undertaking. I would like to thank Mr Roger Beale, AO, for his thorough and insightful review, which has paved the way for these reforms and for improvements in the regulatory regime.

I will now provide an outline of the bill.

As stated, the bill amends the primary objective of the ESC act to better reflect the evolving role of the commission, in particular its broader inquiry functions, while maintaining the commission's focus on promoting the long-term interests of Victorian consumers.

The bill also replaces the facilitating objectives with a similar set of matters to which the commission must have regard when carrying out all of its functions. The aim of this revision is to update the scope of the commission's considerations, while clarifying the relationship between these matters and the commission's primary objective. The matters the commission must have regard to in seeking to achieve its objective are:

(a) efficiency in the relevant industry and incentives for long-term investment;

(b) the financial viability of the relevant industry;

(c) the degree of, and scope for, competition within the regulated industry, including countervailing market power and information asymmetries;

(d) the relevant health, safety, environmental and social legislation applying to an industry;

(e) the benefits and costs of regulation (including externalities and the gains from competition and efficiency) for:

consumers and users (including low-income and vulnerable consumers);

regulated entities;

(f) consistency in regulation between states and on a national basis; and

(g) any matters specified in an empowering instrument.

In addition, the matters to which the commission must have regard when making a price determination are revised and updated.

The bill also broadens the scope of the commission's remit by clarifying that there is no restriction on the industries or services on which the commission may be required to give advice. To ensure that the commission's independence is maintained, inquiry references are consistent and the commission is appropriately resourced, the minister for finance is to be directly responsible for referring all matters for inquiry, other than those directed by industry acts, to the commission after consulting with relevant ministers.

Importantly, the bill provides the commission with formal code-making powers to allow for increased standardisation of the commission's regulatory functions and to give the commission the flexibility to regulate industries that are not the subject of their own act of Parliament. The code-making power is to be accompanied by parliamentary oversight.

The commission's code-making powers are to be guided by explicit requirements that compel the commission, when considering new codes or changes to existing codes, to thoroughly evaluate the costs and benefits of its proposals, to evaluate alternative options and to consult with industry and consumers on these matters. The chair of the commission will attest to the thoroughness of the evaluation process in a document that is to be tabled in Parliament together with the code. This process will further discipline the commission's regulatory function and deliver tangible reductions in the regulatory burden.

To ensure compliance with the codes, the commission will be able to serve a notice on a regulated entity for a non-trivial breach of a code. The notice is to require the entity to comply with the code within a specified time frame. Failure to comply with the notice would constitute a breach of this provision, which would be the justification for a fine or a provisional enforcement order.

For the time being, the new code-making powers will operate alongside the commission's existing powers to create codes. When the associated industry acts are reviewed, it is expected that consideration will be given to repealing their code-making provisions and referencing the ESC act's code-making framework.

The bill creates a universally applicable set of information-gathering powers and penalty provisions

within the ESC act. This will standardise and simplify the commission's information powers across its functions and the industries it regulates, which will reduce the administrative burden on the commission and reduce the regulatory burden on regulated entities and industries subject to inquiry. These provisions will also contribute towards giving the commission powers necessary to regulate industries that are not subject to their own act of Parliament. When the associated industry acts are reviewed, it is expected that consideration will be given to repealing their information provisions and referencing the ESC act's information framework.

To maximise regulatory certainty the commission will stipulate in its codes the regulatory information that needs to be maintained by regulated entities and associated third parties.

To further enhance the confidential information provisions in the ESC act, the party claiming confidentiality is to have the right to make a formal submission to justify their claim, if notified that the commission deems that the information should be made public.

In order to ensure that the commission's strong information-gathering powers are used judiciously and only when necessary, the commission is to have regard to the relevance of the information it is seeking and the cost imposed on the information provider. In addition, the minister will determine the powers available to the commission when it undertakes a research inquiry or an inquiry into an industry or service that is not subject to regulation by the commission.

The bill clarifies and partly extends the provisions governing appeals against decisions of the commission. In particular, the provisions governing the constituents of an appeal panel are to be further refined, the deadlines for the lodgement of appeals are to be extended by an extra seven working days to reduce the time pressure on potential appellants, and consumer and user groups are to be given the right to initiate or intervene in an appeal, even if it is lodged by others, to ensure that the interests of consumers are represented and protected.

Importantly, the bill introduces into the ESC act provisions pertaining to third-party access regimes that are necessary for Victoria to fulfil its commitments under the Council of Australian Government's competition and infrastructure reform agreement.

The bill also directs the minister responsible for the commission to ensure that another review of the ESC act is conducted by 31 December 2016 to ensure the ESC act remains up to date, the commission has appropriate guidance and Victorians continue to benefit from best-practice regulation.

I commend the bill to the house.

Debate adjourned on motion of Mr O'BRIEN (Malvern).

Debate adjourned until Thursday, 27 March.

LAND (REVOCATION OF RESERVATIONS) 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) Bill 2008.

In my opinion, the Land (Revocation of Reservations) 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 purposes of this bill are to:

revoke the permanent reservation of land at Yarrawonga, Marlo, Boorhaman and Brimin (to allow the government to sell surplus land)

revoke the permanent reservation and related Crown grant of land occupied by the Talbot Free Library (to update the legal status of the land and allow new management arrangements to be put in place)

revoke the permanent reservation of land occupied by Mount Duneed Primary School (to update the legal status of the land and allow new management arrangements to be put in place).

Human rights issues

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

Section 20 of the charter, which protects against deprivation of property other than according to law is relevant to this bill. This is because clause 13 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, the only proprietary interest in the affected land that is held by an individual is explicitly preserved in clause 7 of

the bill. This interest is a lease between the Minister for Environment and Climate Change and the owner of a private property that is adjacent to the 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.

The bill may be perceived to limit section 12 of the charter, which protects the right to freedom of movement, because it revokes permanent reservations of Crown land. However, these revocations will make no material difference to the current level of public access to the land. I therefore consider that the bill does not limit the right protected under section 12.

Conclusion

I consider that the bill is compatible with the Charter of Human Rights and Responsibilities because it does not limit any rights protected by 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 six 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 and community projects. The status of Crown land that is permanently reserved can in most cases only be changed by legislation.

The land included in this bill is located at Yarrawonga, Talbot, Marlo, Boorhaman, Brimin and Mount Duneed.

In some cases the bill will allow government to sell surplus land. In other cases the bill simply removes historic land arrangements to update the status of the land and allow more appropriate management arrangements to be put in place. This will give community groups that use the land better security of tenure so they can continue to provide and improve their services with enhanced certainty.

The land at Yarrawonga is currently occupied by a police residence that will no longer be needed, as a new police station is being built in Yarrawonga. The land and buildings cannot be sold and put to better use in future unless the permanent reservation is removed by this bill.

The Talbot Free Library is currently used as a local community hall. The original trustees and beneficiaries of the free library services are long deceased — the last one passed away when the state of Victoria was still a colony. This bill will allow the status of the land to be updated and a suitable committee of management appointed. Under these new arrangements, the ongoing use of the hall for community activities will be preserved.

Removing the reservations of land at Marlo, Boorhaman and Brimin will give the owners of properties that are adjacent to the land the opportunity to purchase it from the Crown in order to rectify minor boundary anomalies.

Removing the reservation of land occupied by Mount Duneed Primary School will allow the status of the land to be updated to reflect its current use for education purposes. The Department of Education and Early Childhood Development will be appointed as the new committee of management.

I commend the bill to the house.

Debate adjourned on motion of Ms ASHER (Brighton).

Debate adjourned until Thursday, 27 March.

CO-OPERATIVES AND PRIVATE SECURITY ACTS AMENDMENT BILL

Statement of compatibility

Mr ROBINSON (Minister for Consumer Affairs) tabled following statement in accordance with Charter of Human Rights and Responsibilities Act:

In accordance with section 28 of the Charter of Human Rights and Responsibilities, I make this statement of compatibility with respect to the Co-operatives and Private Security Acts Amendment Bill 2008.

In my opinion, the Co-operatives and Private Security 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 the bill

The bill improves the ability of cooperatives to operate nationally and assists their capacity to raise funds. In particular, the bill will:

recognise and allow a cooperative to issue a new cooperative capital unit, as a means of raising funds for expansion of its operations;

introduce a more streamlined scheme to allow cooperatives to carry on business around Australia

without the need to register separately in each state or territory; and

provide the registrar of cooperatives with the ability to exempt smaller cooperatives from the need to have their accounts audited annually by a registered company auditor.

The bill also amends the Private Security Act 2004 to extend the date by which a ministerial review of that act must be finalised.

Human rights issues

Proposed sections 371(2)(a)(iv) and 371(3)(c) may engage section 13(a) of the charter in relation to the right to personal privacy in that they provide that where a foreign cooperative proposes to carry on business in Victoria, it must give notice to the registrar of cooperatives. That notice must be accompanied by the full name and address of each person who is to act as agent of the cooperative in this state and (in the case of a non-participating cooperative) the full name, date of birth and address of each director of the cooperative, respectively.

It is considered that proposed sections 371(2)(a)(iv) and 371(3)(c) do not unlawfully or arbitrarily interfere with the right to privacy and are therefore compatible with the charter for the following reasons:

Proposed section 371(3)(c) is consistent with existing sections 19(1)(d)(iii) and 24(c)(vi) of the Co-operatives Act 1996 that require an application for registration of a cooperative to be accompanied by a list containing the name, address, occupation and place and date of birth of each director. Proposed section 371(3)(c) imposes a slightly lesser information requirement.

Proposed section 371(2)(a)(iv) substitutes in identical terms the existing requirement contained in part 14 of the Co-operatives Act 1996 that foreign cooperatives wishing to carry on business in Victoria notify the registrar of cooperatives of the full name and address of each person who is to act as agent of the cooperative in Victoria (sections 369 and 370).

The information is gathered for a reasonable purpose and is not arbitrary or unlawful. In relation to directors, it enables the registrar of cooperatives to confirm that a person who is acting as a director or is otherwise directly or indirectly concerned with the management of a cooperative is lawfully able to do so under the act:

Section 214(1) of the Co-operatives Act 1996 provides that it is unlawful for a person who has been convicted of certain specified offences to act as a director or directly or indirectly take part in or be concerned with the management of a cooperative, within a period of five years after the date of conviction, or if sentenced to imprisonment, five years from the date of their release from prison.

Section 214(2) provides that a person is disqualified from acting as a director or from directly or indirectly taking part in or being concerned with the management of a cooperative if they have been convicted of an offence under the act within a period of five years after the conviction, have been disqualified from managing a corporation under the Corporations Act 2001 or are an insolvent under administration.

The name, address, occupation and place and date of birth of each director enables precise confirmation of identity for these purposes.

Collecting the full name and address in Victoria of a person acting as the agent of a foreign cooperative is also for a reasonable purpose and is not unlawful or arbitrary. It is required so that the registrar of cooperatives and members of the public who have dealings with the cooperative have a clearly identified contact point in this jurisdiction.

There are appropriate constraints around the management of the information collected as it is retained and managed by the registrar of cooperatives consistent with the requirements of the Information Privacy Act 2000.

The information is accessible from the register of cooperatives only upon payment of a prescribed fee.

The information requirements under proposed section 371(2)(a)(iv) and section 371(3)(c) are therefore not unreasonable, unlawful or arbitrary and are consistent with the charter.

The bill does not otherwise affect any human rights protected by the charter.

Consideration of reasonable limitations — section 7(2)

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

Conclusion

For the reasons outlined above, I consider that the bill is compatible with the Charter of Human Rights and Responsibilities.

HON. TONY ROBINSON, MP
Minister for Consumer Affairs

Second reading

Mr ROBINSON (Minister for Consumer Affairs) — I move:

That this bill be now read a second time.

This bill will amend the Co-operatives Act 1996 to enable cooperatives to issue cooperative capital units, better provide for recognition in this state of cooperatives that have been registered outside Victoria and enable the registrar of cooperatives to exempt smaller cooperatives from the requirement to have their financial accounts audited.

The bill will also amend the Private Security Act 2004 to extend the date by which a ministerial review of its operations must be finalised and reported to Parliament.

In Victoria, the formation, regulation and development of cooperatives is governed by the Co-operatives Act 1996. As at 30 June 2007, there were 742 cooperatives registered in this state.

As with companies and incorporated associations, a cooperative is a legal entity that allows members the ability to buy and sell property, sue and be sued in the name of the cooperative and affords members limited personal liability. Cooperatives are organisations owned and controlled by members who join for their common benefit. Cooperatives are traditionally based on values of self-help, self-responsibility, democracy, equality, equity and solidarity.

Cooperatives are significant in the primary production sector providing services to the dairy, tobacco, egg and fishing industries and water to irrigators. Apart from rural industries, Victorian cooperatives operate in across a wide range of areas that provide services to the community, including the provision of child care, housing, taxi services and community radio stations.

The Ministerial Council on Consumer Affairs has agreed to formalise a national scheme of cooperatives legislation. The scheme is to be established pursuant to an Australian uniform cooperative laws agreement, which will provide that jurisdictions may either adopt a proposed national cooperatives code or pass alternative consistent legislation. The ministerial council has agreed to a set of core consistent provisions that are to be contained in national cooperatives legislation.

In 2002 the ministerial council agreed that the national cooperatives legislation would include fundraising provisions based upon a modification of the cooperative capital unit provisions in the NSW Co-operatives Act 1992, and mutual recognition provisions to enable a cooperative to carry on business in more than one jurisdiction provided it has met prescribed notification requirements.

However, due to delays in progress at the national level, to date, cooperative capital units have not been included in Victorian legislation and mutual recognition provisions in the Co-operatives Act have not been updated.

This bill redresses that situation and is consistent with recent ministerial council advice that jurisdictions may proceed to introduce them in advance of the proposed national legislation.

A cooperative capital unit, or a 'CCU', is a fundraising instrument that can be issued by a cooperative and which confers an interest in the capital (but not the share capital) of the cooperative. It is personal property, transferable within the terms of the act, and is capable of devolution by will or by operation of law.

Traditionally, cooperatives have been restricted to raising capital funding for their operations from their membership. However, a CCU can be issued to persons whether or not they are members of the cooperative itself and will provide an additional form of capital fundraising to support the trading operations of a cooperative.

For cooperatives to survive and be successful in today's markets, they need to be competitive with other forms of corporate structure and have a similar ability to finance and grow their businesses. The availability of a flexible fundraising instrument such as a CCU does not infringe cooperative principles and provides a means of survival and expansion for cooperatives that require additional capital that their members are unable to provide.

CCU provisions in the NSW Co-operatives Act 1992 have served as the basis for model provisions developed by the Australasian Parliamentary Counsels Committee and the provisions in this bill are based on those model provisions.

Part 14 of the Co-operatives Act provides for the recognition in Victoria of 'foreign cooperatives', being cooperatives registered in another jurisdiction. In 2002, the ministerial council agreed to update existing provisions for mutual recognition of cooperatives between jurisdictions based on current provisions contained in the New South Wales Co-operatives Act 1992.

The amendments contained in this bill will simplify the ability of cooperatives registered in another jurisdiction to carry on business in Victoria and are consistent with proposed provisions of the draft national code that will enable recognition of Victorian cooperatives by other jurisdictions.

The amendments prescribe that a foreign cooperative carries on business in Victoria if it solicits for members in Victoria, seeks share capital, takes deposits or offers other securities in the cooperative in Victoria, or provides any goods or services in Victoria.

The amendments authorise the responsible minister to certify that the law of another jurisdiction is a cooperative law for the purposes of the Co-operatives Act 1996 if it substantially corresponds to the provisions of the Co-operatives Act 1996.

The amendments then allow the registrar of cooperatives to authorise a cooperative registered under

a recognised cooperative law of another state and territory to carry on business in Victoria without having to separately register in this state.

The bill will also provide the registrar of cooperatives with a discretion to grant an exemption to small cooperatives or cooperatives experiencing financial stress from existing annual financial reporting and audit requirements under the Co-operatives Act.

Under the current provisions of the Co-operatives Act, cooperatives are required to appoint a registered company auditor to conduct an audit of their annual financial statements. Some smaller cooperatives have found the expense of a registered company auditor or the cost of auditing itself unreasonably disproportionate to the value of their books.

Unlike the Co-operatives Act, the regulatory schemes for companies and incorporated associations include an ability to exempt a company or association from the obligation to have their accounts audited by a registered company auditor. The amendments will enable the discretion available to the Australian Securities and Investments Commission for companies under sections 340-342 of the Corporations Act 2001 of the commonwealth to also be available to the registrar in respect of cooperatives.

Section 342 of the Corporations Act establishes criteria for considering an exemption, including that complying with standard requirements would be inappropriate in the circumstances or would impose an unreasonable burden. Extending this discretion to the registrar will assist smaller cooperatives, particularly those in regional Victoria that are struggling to cope with the financial impact of the extended drought.

I now turn to the amendment to the Private Security Act 2004.

The Private Security Act provides for the licensing, registration and regulation of the private security industry in Victoria. It currently requires that the responsible minister complete a review of its operation by 1 June 2008.

The review has commenced. However, over the past two years, significant work has been undertaken at the national level to harmonise the regulation of the private security industry across Australia with the ultimate aim of enabling mutual recognition of licences between jurisdictions.

The Council of Australian Governments (COAG) is progressing the development of national minimum standards for the private security industry including existing work force proposals, new recommendations for regulating the technical sector of the industry and further proposals to improve the quality and delivery of security industry training.

Given the significant overlap with issues to be considered in the review of the Private Security Act, and to avoid unnecessary duplication, it is sensible that the review of the act be undertaken either alongside or after completion of the work by COAG. Recommendations dealing with the technical sector of the industry will be particularly valuable in informing the review of the act.

Progressing national harmonisation work in tandem with the review of the Private Security Act will enable the development of a consolidated approach to any legislative amendments arising from each process. It will also ensure that there is sufficient time and focus on consultation with the industry, both through the Victorian Security Industry Advisory Council and through broader public consultation.

Accordingly, the bill will extend the time frame for completion of the ministerial review to 1 June 2009.

I commend the bill to the house.

Debate adjourned on motion of Mr O'BRIEN (Malvern).

Debate adjourned until Thursday, 27 March.

ANNUAL STATEMENT OF GOVERNMENT INTENTIONS

Debate resumed from 28 February.

Mr THOMPSON (Sandringham) — The annual statement of government intentions of the Brumby government is entitled *Delivering for Victoria*, but there are a number of key areas where there has been no delivery. One key example would be the proposed conveyancing reform system of Victoria.

Victoria has spent some $40 million on a system that cannot be used. It was warned four years ago by a number of stakeholders that if the project proceeded, it would not be able to be used. Since its launch last November not one settlement has taken place under the guise of this new system, but it is costing Victorian consumers many thousands of dollars per day as a result of the government's failure to actually have the system enacted; people are still reliant on a paper-based system.

There has been widespread commentary on this issue. Rick Burbidge's comment in the *Australian* was:

> The Victorian Government has forced the state's home buyers to pay hundreds of thousands of dollars in extra government fees because disputes have hobbled its $40 million electronic conveyancing system.
>
> …
>
> As a result, thousands of people who have bought and sold property since November have had no alternative but to use the old paper-based conveyancing system that has been hit by government fee increases of up to 32 per cent.

Those disputes, which have been dragging on since last year, have led to a boycott of the Electronic Conveyancing Victoria project by the major banks and most of the state's solicitors. Yet the government has still failed over the last months to work through and broker a solution. It has failed for four years to properly reconcile the interests of all stakeholders in the development of a key national system. The notion that the Brumby government is delivering for Victoria fails at the first jump.

There are a number of key areas in the Sandringham electorate which cause the people in the street major concerns. Recently I received an email from some local people as a consequence of the government's inadequate planning for population growth in Melbourne. It should be pointed out to the house that for 19 of the last 26 years Labor administrations have governed this state, yet there has been inadequate provision for housing stock. We have seen young early school leavers entering the workforce and being forced to pay high rentals. Victoria has the highest level of stamp duty in Australia on a median-priced property. The recent release of land will do nothing to assist young homebuyers as inflated property prices have been even further inflated by a reliance of the Bracks and then the Brumby governments on increased levels of tax revenue.

Victoria has had a manifold increase in stamp duty and in land tax. It has also had a manifold increase in police fines, one of the lead areas being the right-turn intersection at the corner of Bay Road and Nepean Highway in the Sandringham electorate. I have had, I think, 270 complaints filed in my office by individuals who have incurred a fine at that intersection.

Victoria Police is aware of what is taking place; anecdotally it is regarded as being one of the key income earners for the police and one of the reasons why under the budget, the projected level of police fines is likely to increase by 30 per cent. One thing the Brumby and Bracks governments have in common with former Prime Minister Paul Keating is that Keating made the remark years ago that he would remove poverty from Australia, but after 13 years of Labor governments, that is all some Australians have left — their poverty.

Increased taxes and charges are forcing small business operators out of business. Over the last three or four years this chamber has heard my plaintive but vain cries about the Tulip Street tennis centre — a good set of 13 tennis courts that regrettably were forced to close when exorbitant increases in land tax were applied. They caused two small businesspeople — two brothers who were keen tennis players — to close the family business that had been operating for a couple of decades and which had provided important recreational opportunities. On the one hand the government is saying we need to increase the level of fitness of Victorian students and that we need to tackle obesity, while on the other hand its heavy-handed taxation policies have closed major sporting assets.

In relation to water, after being governed by Labor for 19 of the last 28 years Victoria faces a water crisis. While facing some severe climactic difficulties, Victorians are expected to get by on the same reserve water supplies that have served the state for some 28 or so years. This lack of forward planning and lack of insight is imposing burdens on Victorians and their households. Melbourne, the capital of the state that was once referred to as the Garden State, is having its gardens across the metropolitan area destroyed.

The Minister for Water was in the house yesterday praising the savings. Victorians have been able to take some responsibility for the level of water in metropolitan Melbourne! But it shows the lack of capable planning on the part of the government. There has been a lack of vision, a lack of judgement and a lack of foresight. Under Melbourne 2030 the population base in Melbourne was originally projected to increase by some 1 million by 2030, but on current projections that is going to accelerate. This has ramifications at the present time, which the government is frankly not taking into account, certainly at a time when it is delivering policy for Victoria.

As a result the number of vehicles in the Sandringham electorate has increased. I have received deputation after deputation, letter after letter, from people who cannot cross the road because of the increased volume of traffic and the lack of funding to install new sets of lights. Representations have come from residents relating to Beach Road, Bay Road, Reserve Road, Bluff Road and Balcombe Road. Parents of young schoolchildren and elderly citizens want to cross roads

to catch buses to go to the station and travel by public transport, but they are finding great difficulty and cross some roads at their peril owing to the massive uplift in traffic volume. There has been a lack of provision, a lack of planning and a lack of funding to cope with the increase in the population base.

While I am on the question of transport, I indicate that one local family that lives on Bluff Road wrote to me lamenting the speed of traffic on the roads and the lack of a police presence. They also say that when they get on public transport the carriages are filthy and that their travelling journey leaves much to be desired. In relation to the tie-up times between trams and buses, you would think after 19 of the last 26 years under a Labor government it could have coordinated the sequencing of buses and trains. Regrettably that is not the case. People are struggling in a range of different areas. There has been a lack of transparency and accountability. Under the ruse of abolishing the $22 application fee, the Labor government sought to increase the time for freedom of information requests by some 30 days — 30 more days of keeping Victorians in the dark.

We have the example of the questions on notice procedure in this place. It is expected that ministers are accountable, but when a question was asked in relation to the Sandringham hospital to find out what the losses were as a result of the closure of the operating theatres due to the condensation of the air-conditioning system, where much surgical stock was lost, the government has not been prepared to be accountable to the people and put the quantum of dollar loss on the table.

There is also a range of other issues of concern to people within my electorate, including education reform. The Sandringham electorate has serious infrastructure issues, but there has been a lack of maintenance and funding for upgrades of local schools. Several of our schools are over 100 years old; buildings have not been replaced and upgraded; and the portables have not been upgraded and maintained to consolidate in a way that provides good learning environments.

Items of business considered to be necessities, such as air-conditioned buildings and carpets, are considered to be luxuries in Sandringham electorate schools and have been supplied by parents and fundraising groups. Parents in my electorate are tired of having to provide school necessities and then being told that their school is not eligible for school upgrades or funding. The funding promised by the Labor government to maintain and upgrade schools has not reached my local schools despite their strong upgrade need status due to the age of the existing buildings. So the story goes on. Certainly the government is not delivering for the Sandringham electorate — —

The ACTING SPEAKER (Mr K. Smith) — Order! The member's time has expired.

Ms CAMPBELL (Pascoe Vale) — I rise to contribute to this debate on the annual statement of government intentions. I want to cover three points: firstly, conscience votes; secondly, my submission to the Victorian Law Reform Commission; and thirdly, last night's vote on the relationships register. I will begin with the last.

Advice provided to MPs on the relationships register legislation was that it should be seen for what it is — that is, firstly, that Victorians will have the ability to register as a couple; and secondly, it is not to be seen as a prelude to giving a green light to same-sex couples becoming parties to commissioning children. If that is so — I can only take it that it is so — I am left pondering why the Tasmanian provisions for carer relations were not originally in the bill. Let us go to the clear advice that was provided — one might say a commitment that was provided to MPs — that last night's vote would not be used to lever legislation for same-sex parenting. One can only hope and trust that children yet to be born will have parliamentarians insisting that the government will honour its word.

Legislation and statute needs to heed the wisdom of centuries — that family life and child development is best fostered having marriage as its foundation and that children should be raised ideally by their own loving parents. Child protection and adoption in clinical practices reinforce this. From my own experience both in the welfare sector as a former Minister for Community Services and from work within my electorate, intentionally splitting the biological and social parenting is not good public policy because it is not in the best interests of the child.

The second thing I would like to cover is the Labor party's record on conscience voting. I want to read into *Hansard* some of the examples of the ALP providing conscience voting in the commonwealth Parliament since 1955. In 1955 there was the Browne and Fitzpatrick case, which was a Privileges Committee matter. In 1959 there was the Matrimonial Causes Bill; in 1961, the Marriage Bill; in 1965, a motion on the fluoridation of Canberra's water supply; in 1968, a motion on the site of the new Parliament House; in 1970, the House of Representatives Quorum of Members Bill; in 1973, a motion on homosexual acts, the Medical Practices Clarification Bill, a motion on the site of the new and permanent Parliament House, a

motion on the proposed sexual relationships royal commission, and a motion on homosexual acts and criminal law; in 1974, the Family Law Bill, a private members bill relating to the Parliament, and the family law Senate bill; in 1978, a motion on the termination of pregnancy; in 1983, the Family Law (Amendment) Bill, which was a Senate bill; in 1987, a motion relating to changes to standing orders in relation to a quorum; and in 1996, the Euthanasia Laws Bill.

In the federal Parliament in relation to the stem cell legislation, Labor also provided to its members the opportunity to have a full conscience vote on the substantive motion and on the procedural matters and also on any vote that related to that particular legislation. It is necessary in our Victorian Parliament when the annual statement of government intentions highlights some pretty interesting pieces of legislation that this house is mindful of the importance of conscience voting for members of Parliament.

The third item I would like to cover is my submission to the Victorian Law Reform Commission's consultation on assisted reproductive technology and adoption. I had a number of concerns that I raised, and then I proposed some solutions that I thought might be of assistance to the commission. Given we never have enough time in these debates to outline all that we want to say, I will go to the conclusion of my submission before I give the reasons for it.

Firstly, in my view we as legislators and the Victorian Law Reform Commission need to be mindful of the Infertility Treatment Act's two fundamental principles. I believe they should be maintained and actively pursued. Secondly, it is crucial to pursue the paramountcy of the needs of children in applying the United Nations declaration — for example, to know one parent and to have a lifelong relationship.

Thirdly, it is vital that we as parliamentarians and the commission understand that children's needs and family formation need to guide our legislation. Very useful guidance is provided through the community care division of the Department of Human Services. It has an excellent application of principles relating to assisted reproductive technology for children.

Fourthly, I think particular attention should be given to applying the guidance and procedures found in the Department of Human Services adoption and permanent care manual. Fifthly, in order to minimise the human toll of ART (assisted reproductive technology) a percentage of the current cost of ART should go to investigating the causes of infertility or sub-fertility and instituting educative, awareness and preventive infertility programs. The ART industry is heavily subsidised by taxpayers, yet the justification for the level of subsidisation is unclear given other, less problematic solutions to childlessness.

Sixthly, informed consent of potential ART users requires independent counselling. It should encourage users to consider ethical questions around children's needs and ART's eugenics practices prior to entry to the program. Counselling should be independent of the ART environment. Seventhly, information should be provided to ART couples about alternative options, including children awaiting permanent care placement in a loving, lifelong relationship.

Eighthly, lessons learnt from the adoption experience/social experiment and Aboriginal child removal practices need to inform society that informed consent and upholding rights and connectedness of biological parents can never be usurped without profound lifelong grief and mental health repercussions. My submission, Acting Speaker, was written before we were made acutely aware this year of the importance for our indigenous communities of the lifelong ramifications of stolen generations.

Ninthly, eugenics practices in ART should be stopped, or, if not stopped, curtailed. Tenthly, the Victorian State Disability Plan 2002–12 and its implementation strategy must be fully understood by the Victorian Law Reform Commission, and recommendations arising from its discussion paper and the concluding paper should be consistent with the human rights basis of the Victorian State Disability Plan.

Eleventhly, the Victorian Law Reform Commission and we as parliamentarians need to hear from people with a disability, who offer us great advice. Twelfthly and finally, the ART industry's opinion should be given no greater weight than that of others.

In the course of the debate we will be having in the future, I will be working hard to present members of Parliament with extensive information in relation to matters on which we will have a conscience vote. I will be working hard with members from all sides of this Parliament to ensure that the best interests of children are met, that people with a disability are not considered subhuman and that we as parliamentarians live up to our oath in office.

Mr DELAHUNTY (Lowan) — I rise on behalf of the Lowan electorate to make a comment on the annual statement of government intentions. This debate gives any MP the opportunity to outline some of the matters important to their electorate or their portfolio

responsibility. As I said the other day when the Leader of the House spoke about the fact that many government and non-government members were taking the opportunity to speak on the statement of government intentions, I have never seen an MP who has been offered the opportunity to use the microphone not say something about their electorate or their areas of interest, so I will take the opportunity given to me today.

From the point of view of those in my electorate, the impact of the drought has been enormous, particularly and probably since this government came to power. I am starting to wonder whether government members are the reason it will not rain! The reality is that we know that is not true. However, the impact of drought has been enormous on the community I represent. The community is very resilient, innovative and is working through it with the support of governments and other organisations. The drought did a lot of damage in my electorate in 2006, but last year it was slightly better.

The big issue I want to talk about today is water. Water is critical for the development of any community, and even Melbourne, whose population is going to increase by another 1 million people, has enormous water challenges. Six or eight years ago I asked: with the growth in Melbourne, where is this city going to get its water?

In country areas we have been forced to recycle: we use our wastewater. In fact in the area of GWMWater — one of the water authorities in my electorate — we recycle 95 per cent of our water. Whether it be for parks and gardens, recreation reserves, industry, developments or all those types of things a lot of that water is being reused, particularly in agriculture. However, I am afraid that Melbourne and this government have dropped the ball in relation to this issue. They were warned about the challenges they would face, but now they are stealing water from country Victoria so as to bolster their needs.

I also want to speak about the water issue from the point of view of the mental health and wellbeing of my community. Lake Hamilton is the only lake in my electorate that is full. Lake Bolac has just a drop in the bucket, but all the other lakes in my area, that are considered to be recreational lakes, are empty. The rivers are dry. Thus the environment also has been heavily impacted on by the lack of rain.

We welcome the Wimmera–Mallee pipeline. Its construction is moving along very well. Back in 2000, after I first came to this place in 1999, I lobbied the now Premier and many others to fund the Wimmera–Mallee pipeline. I am pleased that with the support of the federal and state governments — governments that have been of all colours — that major project is now being put in place.

When we look across my electorate, whether at the sportsgrounds or the private gardens, there are limitations imposed. In fact, in most towns in my electorate people are not allowed to water private gardens except by using a bucket. That has caused some damage, particularly among older people who have injured themselves, whose gardens are their pride. Unfortunately we have had major problems in that area because of lack of water.

I want to speak about the infrastructure needs of my electorate, particularly hospitals. The hospitals at Edenhope, Coleraine and Merino are badly in need of an upgrade, and I know they are going through the process to achieve that. I hope this year's state budget will provide them with some assurance that their health services will receive capital funding.

Roads and bridges are also important. Roads are the lifeblood of our communities in respect of not only commuter transport but also industry. The Glenelg, Henty and Wimmera highways are all the responsibility of the state government, but they are in such poor condition that it is difficult to hold a vehicle on the road. There is much work to be done in that area, but the state government has dropped the ball. As we all know, if you spend money on country roads, you save country lives.

A lot of money has been spent on the Western Highway, which is federally funded, but the money has been used to put up wire rope barriers. Those barriers are to catch the cars and trucks which bounce off the roads because they are in such poor condition in many areas. It is amazing that we are spending so much money on the sides of the roads when the middle sections are not being looked after. With the loss of Pacific National from our rail network we will unfortunately see more trucks on the road. I know there needs to be more work done in that area.

Our schools need more work. A lot of work has been carried out by all governments in the last few years to put money into school infrastructure. However, still more work needs to be done at Baimbridge College in Hamilton, Horsham Secondary College and also at Dimboola. I look forward to the state budget enabling this to happen. These infrastructure projects are important in sustaining our country communities and assisting in job creation and service delivery. They are

also important in ensuring everyone in our communities in country areas has access to the best services possible.

In the area of health, we are concerned that the government is not going to fully fund the nurses EBA (enterprise bargaining agreement), which has just been agreed to after about seven months. The agreement is for a 3.25 per cent minimum increase but many hospitals say the total cost will be about 5 per cent. It is my understanding there are two ways of funding hospitals: one way is through the weighted inlier equivalent separations program and the other, for small rural hospitals, is by a consumer price index increase. We know after discussions with people from country hospitals that the government is going to find about 2.75 per cent and the rest will have to be found through efficiency gains. If the government does not fully fund the EBA, we will see a loss of services. We will walk in the front door of many of the hospitals which over 10 or 12 years have been upgraded and which look fantastic and provide good facilities but we will find no-one there. There will be no services and no people to provide any services because the government will have refused to fully fund the EBA.

We need to do more work on recruiting health professionals, because we know that South Australia, Queensland and even New Zealand are trying to lure our good health professionals to their jurisdictions. If more is not done by the state government, we will lose these very important health professionals and more services will be lost as a result.

There is a major crisis in mental health in country Victoria. I hope to have the opportunity on the adjournment tonight to raise another issue in relation to this issue. It was first brought to my attention because of concerns with ambulance services. We do not have mental health services facilities in western Victoria, so if anyone has a major problem they usually have to be transported to Ballarat or beyond. At the moment we have only one after-hours paramedic team servicing the area from Ararat to the border. It is not good enough, and the problem needs to be addressed. I know the minister is meeting with some of the health people from my area today. I hope he gives them a guarantee that they will get another paramedic team.

Staffing issues in mental health are a major problem. I have seen a report by Ballarat Health Services, which provides the mental health services in my area. The report talks about working with the police and other agencies — and I have seen the Ballarat Health Services work plan. However, the reality is that the responsible agency is not identified on that work plan, and importantly it does not identify when the problems in the services are going to be resolved. In the last couple of weeks the *Wimmera Mail-Times* has run a program under which numerous families affected by mental health services or the lack thereof have come forward to share their stories. Some of them have done it anonymously; others have been willing to identity themselves.

Some of the examples featured include a family being forced to travel to Warrnambool to secure mental health care for their child, a man whose wife committed suicide shortly after being released from hospital, a man whose family has not been able to access the support they need, despite both parents being affected by mental illness, and teenagers being released in the early hours of the morning after presenting at the Wimmera Base Hospital's emergency department with mental health symptoms. There is a crisis in mental health services, and this government needs to provide more resources in this area.

The need for a western Victorian rescue helicopter service has been an issue I have worked on even before I was in this Parliament. It is an issue that The Nationals took to the last two state elections, and it is something that we require. We are the only area in the state that does not have such a service. Why are we being treated differently in relation to that?

Agriculture has an important bearing on the economic and employment fortunes of western Victoria. There are research facilities in the region: the Grains Innovation Park in Horsham, and what used to be called the Hamilton and Pastoral Veterinary Institute in Hamilton, which is now part of the Department of Primary Industries. More resources are needed to assist those fantastic research people to do the work that is needed to assist us to grow and develop the agricultural sector.

I do not have a lot of time to cover my entire portfolios, but youth, sport and recreation and veterans affairs are important to Victoria. The young people of Victoria are tomorrow's leaders; they are our investment in the future. I believe the entire community of Victoria must take responsibility for youth issues. In terms of sport and recreation, Victoria is the sporting capital of Australia — or it was; perhaps it still is — but we are afraid it is losing that status. Participation in sports must be encouraged to address the issues the member for Sandringham spoke about earlier of obesity and type 2 diabetes. Access to sport and recreation facilities is a key factor in ensuring the health and wellbeing of all Victorians. In my last few seconds, I ask: where is our national ice sports centre? It was promised in 2002.

Ms MORAND (Minister for Women's Affairs) — I am pleased to have the opportunity to make a contribution to the debate on the statement of government intentions, and I congratulate the Premier and Deputy Premier on this important initiative. Having a statement of intentions at the beginning of each year gives us an opportunity to tell the community what our goals, aims and intentions, and policy directions are for the year.

One of the first things the Premier referred to in his speech to Parliament was that democracy did not truly come of age until Victorian women won the right to vote in 1908. I was particularly pleased that the Premier made this reference to this important milestone in his speech and his very first statement of government intentions.

On Friday last week, 7 March, on the eve of International Women's Day I was joined by several hundred people at a function to recognise 30 women who had been inducted onto the Victorian Honour Roll of Women this year. The women recognised have all made an outstanding contribution to our community in a range of different ways, including as community leaders, as a decorated soldier and volunteer, as a pioneer for women in engineering, as health and wellbeing experts, as women in indigenous education, as refugee advocates, as Victoria Police, as a peace activist, and as people involved in promoting women's participation in civic life. I was really pleased to be joined at this lunch by many of my parliamentary colleagues from both sides of the house, by the Chief Commissioner of Police, Christine Nixon, and by Julia Gillard, who for the day of the launch and the lunch was Acting Prime Minister. It is wonderful to see Julia Gillard — a woman — in that role.

This year's International Women's Day and honour roll are of particular significance in Victoria because of the celebration of suffrage. I want to reflect on the battle fought for this right — a battle that was fought long and hard. In 1889 the first bill on the subject was introduced in the very Parliament that we are standing in today, and was defeated. Then a petition was organised by the suffragists, and the Premier of the day said, 'Prove to me that women want the vote'. I want to put on the record what the petition said in part. It says:

> … government of the people by the people and for the people should mean all the people, and not one-half.

It was with those words that the suffragists petitioned the government, their community, their husbands and their fathers to extend the right to vote to women. Unfortunately, despite the fact that that petition gathered 30 000 signatures in around eight weeks, which is an incredible effort on the part of the suffragists — they did so by travelling by public transport all around Melbourne and regional and rural Victoria, collecting 30 000 signatures of women, and men — after the petition was tabled it did not result in the next bill being passed. In fact, 18 further bills and another 20 years of campaigning took place until the final bill was passed on 18 November 1908.

During the year throughout rural and regional Victoria and across metropolitan Melbourne a series of events will be conducted in celebration of this important milestone. I invite all members to actively participate in this. I am sure their constituents would be very pleased to join them in the recognition of this important piece of Victorian history.

The suffragists were battling against extremely conservative views. I want to reflect on some of the opinions of the men who were in Parliament at the time, when of course all members of Parliament were men. I will quote from a book that reproduces reports of a speech made in 1895 by a former member of this place, Frank Madden, who, I have been assured by the Minister for Planning in the other place, Justin Madden, is no relative of his. Mr Madden is reported to have said:

> Woman suffrage would abolish soldiers and war, also racing, hunting, football, cricket and all such manly games …

He is reported to have further said:

> Women suffragists are the worst class of socialists. Their idea of freedom is … free love, lease marriages, and so on. Are these the qualifications for the franchise? Are we going to allow women to sap the very foundation of a nation to have votes?

It is really quite hilarious. I also refer to what was said by a Mr Henry Wrixon in the Victorian Parliament in 1898:

> … it would be sad and strange if a woman, having given everything else to a man — having merged her life in his — could not trust him —

to express her political views —

> … which, after all, is only a small part of … life.

This incredible rubbish was articulated in the very chamber in which we are standing. I could go on; it is recommended reading to all members. Some of the contributions in *Hansard* over the 20 years that that campaign was fought are just incredible. It would make great material for stand-up comedians.

After the women did win the right to vote it was not until 1923 that women were allowed to stand for

Parliament. In 1933 the first woman was elected to the Victorian Parliament, and that was Millie Peacock. Millie Peacock was elected upon the death of her husband at a by-election and remained in Parliament for only the remainder of that term. The first woman was not elected at a general election until 1937 — that was Ivy Weber, who was re-elected a further two more times.

But it was not really until the 1970s, more than 30 years later, that women started to have any critical numbers in this Parliament. In fact between 1948 and 1967 there were again no women in the Victorian Parliament. In 1982 Pauline Toner became the first female minister. When Pauline Toner was elected in 1979 there had been only five women in Parliament before her. That just astounded me when I looked at that and did a bit of reading over the summer holidays on the suffragists and their campaign. It is incredible to know that there were so few women in this Parliament until the 1980s. Then in 1990 Joan Kirner became the first, and only, female Premier of Victoria.

Today women comprise 37 per cent of members of the Victorian Parliament and 25 per cent of members of cabinet. So we have come a very long way. I also reflect on the fact that there is not as much participation by women in Victorian councils, as perhaps many women — and men, I hope — would like to see. There are no female councillors in four of Victoria's councils, and 13 of our councils across Victoria have only one female councillor. We really need to improve those numbers. We have also never had an indigenous woman representative in the Victorian Parliament.

Those statistics are about participation in Parliament; there are a number of other statistics that I could go on and on with about women's participation in many aspects of Victorian life. I will give one example — that is, a press release that was put out by the new federal Minister for the Status of Women, Tania Plibersek, looking at the participation of women in the top 200 companies in Australia — so we are comparing like with like. It outlines that in the Australian Stock Exchange top 200 companies the small percentage of women who make it to chief executive officer (CEO) level earn only two-thirds of the median wage of male CEOs. It is really hard to justify why that would be the case. It is the top 200 companies, so you should be able to compare like with like, and yet even on that comparison women are paid less. Also, female chief finance officers earn 50 per cent less than their male counterparts.

International Women's Day provides us with an opportunity to reflect on women's achievements but also to remember the ongoing inequalities facing women in Australia and more particularly in other parts of the world. Some countries, including Bhutan and Saudi Arabia, still do not allow women the right to vote, and globally the level of women's education and health and violence against women is still unacceptably high.

International Women's Day was born out of women's oppression and inequality, but its international reach reminds us that women are all striving together. It is an event that very much brings together women — across all parties, across Australia and across the world — to reflect on where women have come from, their participation in all aspects of life, and where women are still very much treated as unequal.

Many advances have been made, and we are very proud of that, but there is still much more to be done. In finishing I again pay tribute to the concept of having a statement of government intentions and thank the Premier very much for making a focus on the centenary of suffrage in his opening remarks in the statement of government intentions. I commend the statement to the house.

Mr BURGESS (Hastings) — A statement of government intentions is certainly a worthwhile document and a worthwhile process to go through, because it gives the community and the house an opportunity to have an idea of what sort of legislation will come before the house, and invites feedback from both the community and the opposition.

If this government's track record was any better I would have thought that this particular statement of intentions would be worthwhile too, but unfortunately the non-achievement of this government relegates this statement of intentions to the backblocks. Time will certainly tell the story that what this government says and what it does bear no resemblance to each other. As can be said of the Bracks and Brumby governments, this statement of intentions is certainly a lost opportunity — it is certainly the loss of opportunity.

The loss of opportunity here is what this government could be doing for this state given that it inherited a magnificent economic situation which was maintained and extended by the former federal coalition government. Victoria has had a massive increase in revenue. The state has had the benefit of massive amounts of GST. In fact there has been a virtual doubling of the revenue to this state since 1999, and yet there seems to be very little to show for what has come. From a local perspective I would have hoped this government would be working to help my electorate

and the people in it face some of the challenges confronting them. Unfortunately the government is the very architect of many of these challenges. I would like to deal with a few of those challenges now.

I think most members would understand that we are facing what seems to be a crisis with railway crossings and the deaths occurring at them. The Frankston–Stony Point line in my electorate still has seven crossings that are unprotected by boom barriers. Given recent incidents and the history of this railway line, I think it is imperative that the government act with urgency to upgrade those crossings and put in boom barriers. Boom barriers go a long way to protecting the community at these railway crossings. They reduce dramatically the deaths that occur. Of course grade separation is the ultimate as that means there is no way that a train and a vehicle can come into contact at that point, but boom barriers are certainly something that should be present at each of those railway crossings. I encourage the government to look at doing that as an absolute matter of urgency.

There have been three accidents, including two fatalities, at those crossings in my electorate in the last six months. In August 2007 Geoff Young, a 57-year-old man, was killed on the Bungower Road crossing. The latest information from the government is it has looked at that crossing and does not consider that it is necessary to upgrade it and put boom barriers in there. If the Minister for Public Transport or her advisers had taken the time to visit that crossing, they would know that there is virtually no warning of an approaching train as far as visibility is concerned. A car has to virtually be on top of the crossing before any oncoming train can be seen. A total reliance on bells and lights is just not good enough when people's lives are at risk.

In February of this year Kay Stanley was killed at the Mornington-Tyabb Road crossing on the same line. Unfortunately Kay was pregnant at the time and two lives were lost in that accident. I spoke about this in the house but also wrote to the minister about that particular crossing. I have not received a response to that letter at this stage, although the crossing was upgraded three weeks after the accident that killed Kay Stanley.

When Geoff Young died in August last year I wrote to the minister and brought to her attention the crossings that needed to be upgraded, including the Mornington-Tyabb Road crossing. She wrote back and said that the Mornington-Tyabb Road crossing was either already upgraded or was in the process of being upgraded — the construction was under way. If that had been the case, Kay Stanley and her child would now be alive. When a government and a community, but particularly a government, know that something is deadly, that something kills and that something is preventable, it is incumbent on the government to act as a matter of urgency to make sure the situation is rectified.

My electorate of Hastings faces an enormous problem with a lack of police infrastructure and resources. The Hastings police station is a 24-hour district police station, a matter which I spoke on yesterday in the house, and in recent times it has had to close twice. I think that is an absolute tragedy for a 24-hour police station that looks after a complete district. There have been ongoing problems with low police resources. The argument that takes place concerns a particular profile for the Hastings police station that is put forward by police command, which it says is being fulfilled — that there are enough police at Hastings. Unfortunately that profile does not take into account people who are away on secondment, sick leave, upgrades and a variety of other reasons that those officers cannot be there. Instead of operating at the occupational health and safety standard of one and five — that is, one sergeant and five junior officers — they are now having to plan in advance to be one and three and sometimes less than that. Given the circumstances in the community at this stage, that is also unacceptable.

The upshot of all of the problems at the Hastings police station and its low resources is that a decorated police officer with 30-odd years service, including service with the ethical standards department, has been forced to come out and publicise the fact that he does not have the numbers of police officers that he needs to do his job and to protect the community. This is the first time in his 30-odd years of service that he has been moved to make such a complaint. I think we can safely assume that the situation has become dire indeed. How was this officer — in fact he is a district inspector — treated when he came out with those comments? He was hauled before his superiors, he was threatened, he was told that he was going to be moved, and he was put on a disciplinary program. I am told that he is now off on sick leave and that he is unlikely to return to work very soon. Our police are attacked enough out in the community, given the current environment. They should never have to be fearful of being attacked within their own service or by their own government.

The other matters that I would like to briefly touch on are the port of Hastings and the Frankston bypass, because the things that they have in common are certainly indicative of this government and the way it goes about community consultation. This government

tends to go to the community, tell the community what it is going to do and then consider that it has consulted. What is more, the government also tends to divide and conquer — for instance, it came up with three alternatives for the Frankston bypass. It told the people who would be affected by the alternatives that they needed to fight for a particular alternative or the other communities would benefit and they would suffer the consequences. The government turns communities against each other and divides any opposition it may be up against.

The port of Hastings is another good example of that. The road and rail corridors the government has put forward have divided communities. The suggestion that the government would use the existing Stony Point line has thrown fear into the community about the gridlock that would be caused by putting freight permanently along that line. Up to 30 trains a day, each over 1.8 kilometres in length, would gridlock our community. The government should come out as a matter of urgency and announce that before it develops the port of Hastings it will do a full and independent economic and environmental impact study on the complete potential project before any work is carried out.

On the bitumen facility at Crib Point that the government plans to support, the Bracks government made an election promise that it would not go ahead. The Minister for Planning in the other place should call this particular project in and stop it from going ahead. That should happen as a matter of urgency. This particular statement of government intentions is an opportunity lost.

Mr BROOKS (Bundoora) — Can I say at the outset that I think an annual statement of government intentions is a great concept, and I am very proud to be able to speak on such a statement the first time it has been delivered. It has been disappointing to hear members of the opposition criticise not only the content of the statement, which you would expect an opposition to do, but also the concept of having one. We would hope that one day, in the distant future, if members opposite are ever returned to the government benches they would commit to outlining to the Victorian community the legislative program for the coming year, but it seems that they are reluctant to do that. If they ever do get back into government we will see a return to the days when the government kept its agenda secret from the Victorian public.

Looking through the statement of government intentions — and it is obvious that many members of the opposition have not bothered to read the document — some fantastic legislative items are outlined. Right at the front of the statement is the government's approach to education, including early childhood development. The government outlines its intention to bring in a children's legislation amendment bill, which amongst other things will regulate outside-school-hours care, or before and after-school-care as it is known, and family day care. It will also enable pertinent information about children's centres to be available to parents so that they can make a choice about which children's centre they feel comfortable sending their children to. I think that is a very important thing that parents will value and that they will recognise as a very positive change.

It is important to remember when the government talks about the legislation on early childhood development that this government has already invested significantly in that area. There are more than 16 500 low-income families that will not pay fees for kindergarten this year because of the government's support; effectively they will attend kinder for free. I was interested to note that a recent Productivity Commission report on government services found that 96.7 per cent of eligible four-year-olds attended kindergarten, which is above the national average. I know the Minister for Children and Early Childhood Development, who is in the house, is working even harder to improve on that excellent figure and make sure that as many kids as possible get access to that very important four-year-old kinder program. As I said, this is achievable because the Brumby government is investing in early childhood development.

Another part of the statement that I think is of importance and one that I would have hoped we would have had a more rational debate about is the planned road safety legislation. We have seen the success, in partnership with the Victorian community, of Arrive Alive 1, the first Arrive Alive road safety strategy; and now the government has outlined the features of Arrive Alive 2, the second phase of that strategy. I support the government's announced intention to make sure that electronic stability control is mandated in cars built after December 2010. That technology has proved overseas to help reduce the incidence of single-vehicle collisions. I also support the government's intention to ensure that side-curtain head-protecting airbags are mandatory in cars built after December 2011. Again it is an area that the government can point to where it has made significant investment. The safer roads improvement program has been injected with $230 million to improve particularly dangerous road intersections and stretches of road, and this has led to us achieving our five lowest road tolls on record. Again,

this government recognises that we need to do more in road safety as well.

I am also disappointed that there has not been a more fulsome debate, particularly from members of the opposition, in relation to the planned review of the Planning and Environment Act. A new planning and environment bill and the process that will be undertaken there will provide an opportunity for members of the Victorian community who are interested in this important area to contribute to the way our state grows in the future. It will be interesting to see whether members of the opposition, who like to make a lot of noise about planning issues and the successful growth of Melbourne and Victoria, will be able to contribute in a meaningful policy way to the development of that new bill. We on this side of the house certainly remember the destruction that was visited upon Melbourne and suburbs in particular by the previous government's so-called *Good Design Guide*, which was really an invitation for open-slather development. We know the coalition wants to destroy Melbourne suburbs, and we definitely know that it wants to carve up Melbourne's green wedges. This is an opportunity for the Victorian Parliament, in consultation with the Victorian community, to come up with a balanced planning policy. I think the Victorian people know that when it comes to planning you cannot trust the Liberals.

Another part of the statement that I was particularly pleased to see included is around community safety. That will see a range of bills come before the house. Again I note in particular that under this government we have seen the crime rate come down by over 20 per cent. The opposition likes to talk about law and order and police, but we witnessed yesterday in a debate in this house the absolute nonsense of that point of view, when government members were able to tear apart the arguments of opposition members about their record when they were in government in relation to police numbers, and the way that this government has invested in police numbers and cut the crime rate.

Another part of the statement — which I will not talk to because there is a bill before the house now and I do not want to pre-empt debate — is about strengthening serious sex offender detention and supervision provisions. As I said, I do not intend to speak to that because there is a bill in the house on that matter. The very important issue of family violence is addressed in this statement. The government will be introducing a family violence bill. This bill relates to a range of other measures this government has introduced, including Victoria Police's code of practice, which has seen more perpetrators charged with family violence-related offences. It has created workload issues for the police, but it certainly has resulted, I am sure, in a reduction in the incidence of family violence and I know, certainly anecdotally, from talking to local police, that has led to some people feeling much safer.

Another important part of this statement is in relation to the capture and storage of carbon. When we are talking about reducing the impacts of climate change, this government is acting and we have a bill coming in, the offshore petroleum bill, which will enable the offshore injection and storage of carbon dioxide, which will help us to reduce significantly our greenhouse gas emissions.

When this debate has been before the house members of the opposition, including the Leader of the Opposition, have attacked not only the substance but also the concept of the annual statement of government intentions. It is obvious from listening to the debate that many members of the opposition have not even read the document. We have heard some of them describe the document — these are the words from *Hansard* — as a filibuster, a grab bag of bills — —

Mr Robinson interjected.

Mr BROOKS — The minister is correct, they are churlish comments from opposition members. They have described it as a disappointment, motherhood statements, waffle and fairy floss. So when you take into account the serious issues dealt with in the annual statement of government intentions I wonder if Victorian mums and dads would agree with the Liberals and The Nationals that making improvements to early childhood learning is fairy floss. I wonder if Victorian families would agree with them that further reducing the road toll is filibustering or that strengthening controls on serious sex offenders is a disappointment. Is tackling family violence waffle? The opposition members are treating the Victorian people with contempt. They should come into this place and debate this document on its policy merits. Their response to the document demonstrates that they have not done the work required to participate in serious policy debates. They have not read the document; there has been no real policy work; and their contribution to meaningful debate on the legislative program for Victoria has been abysmal.

The Brumby government is setting a positive agenda and tackling the tough issues. I am very proud to support this statement, and I commend it to the house.

Mr CLARK (Box Hill) — The honourable member for Bundoora complained about opposition criticisms of

the statement of government intentions, but yet by his own remarks he demonstrates some of its deficiencies. He referred to what he considered to be the situation: that a bill on which the second-reading speech was delivered yesterday, the Justice Legislation Amendment (Sex Offences Procedure) Bill, was in fact the bill referred to in the statement of government intentions as the serious sex offenders (detention and supervision) bill. The member is entitled to be confused about this, because the bill on which the second-reading speech was made yesterday, the Justice Legislation Amendment (Sex Offences Procedure) Bill, is not in fact in the statement of government intentions, albeit we are just a few weeks away from when the statement was delivered in the Parliament.

The covering message from the Deputy Premier in this glossy booklet has the disclaimers that it is not an exhaustive list and that other emerging matters may be brought before the Parliament throughout the year. One could certainly understand new legislation coming before the house if other matters arose down the track that had not been anticipated at the time of the making of the statement of government intentions. But when you find, only a few weeks away from when the statement itself was delivered with such fanfare, that a bill such as the Justice Legislation Amendment (Sex Offences Procedure) Bill is not even included in the statement of government intentions you have to ask yourself: what worth exactly does that statement have as an indication to the Victorian community and to the Parliament as to what the government intends to do?

When we look at other aspects of the government's disclosure in the statement, we see that there has been what can only be described as glacial progress in the Attorney-General's portfolio in terms of some very important legislation for the community. On page 24 of the 2008 statement the Attorney-General tries to boost his credentials to demonstrate that he is doing something. He includes legislation — namely, the Criminal Investigation Powers Bill — that it seems on closer examination will not to make it to the Parliament until 2009. The document says the bill will create:

> … a stand-alone act consolidating the main criminal investigation powers into the one act.

It talks about advancements in technology and says:

> A bill is likely to be introduced in 2008 or 2009.

How is that for giving a concrete indication to the community about what the government is going to do? What does that say about how far the work is advanced to date given the open-endedness of the government's statement?

Immediately following the reference to that bill on page 24, there is reference to the proposed Criminal Offences Bill. This bill would overhaul Victoria's major criminal legislation. There is an outline of a three-stage process. The document says:

> This three-stage approach is likely to take longer than 12 months.

Again, this is not something that is scheduled for 2008.

On page 27 there is reference to the government's proposed family violence legislation. Family violence is certainly a very important issue. It is deplorable that women and children, in particular, and a elderly people are subject to violence by other family members in a family context. Despite the claims of the Brumby government that it is going to be decisive, it is guilty of chronic delay and inaction.

The government has further delayed acting on the December 2005 recommendations of the Victorian Law Reform Commission. The Attorney-General received a report in 2005, and you would have expected him to have considered it, addressed it and put forward legislation by now, but last year he proposed issues for further community consultation. We will not see relevant legislation until an unspecified time this year.

What is particularly deplorable about this delay is that a measure that the government is picking up — namely, to allow police issued interim intervention orders to apply for up to 72 hours — was put forward by the Liberal Party back in 2003. That seemed a sensible, straightforward and relatively confined measure in terms of its implementation. It could have been put in place a long time ago. However, not only did it take the government until last year to actually pick up on this initiative, which was put forward by the Liberal Party in 2003, but it will not introduce these safety notices until the middle of this year, and then that will only be under a trial program.

I think that is regrettably indicative of the slow and unhastened pace of the Attorney-General in regard to important law reform issues of real substance. He is very good at introducing grand gestures, but when it comes to legislation that counts or makes a positive difference to the community, tomorrow is always good enough for the Attorney-General. I am surprised that the Attorney-General has introduced no legislative measures to tackle delays in Victoria's courts, which have blown out extensively under his government, save, I fear, for the legislation with possible adverse effects currently before the Parliament. That legislation is the subject of debate in the other place at this moment

in an attempt by the opposition parties to forestall those potential adverse effects.

In relation to the industrial relations portfolio, there is no legislation foreshadowed in the government's statement. Given the sort of legislation that the minister has brought before the house in recent times, we can probably be thankful for that, although I am surprised that there are no measures to reflect the federal Labor Party policy of uniform national industrial relations legislation. For example, there is no legislation to repeal the Equal Opportunity Amendment (Family Responsibilities) Act, which is at odds with federal government policy.

In relation to energy and resources, on page 43 the statement foreshadows legislation in relation to carbon capture and storage (CCS). From what I can see this is a mechanical and legal piece of legislation to ensure that the legal formalities of the rights, responsibilities and positions of various parties have been considered and addressed in order to allow CCS to proceed. This seems a necessary piece of legislation — although obviously I have not seen the content of it — because carbon capture and storage is vital for the future of Victoria's brown coal resources. That has been a consistent position of this side of the house. It was also the consistent position of the previous federal government, which made a substantial contribution to the research of CCS. We certainly hope that CCS proves to be successful.

More broadly, this comes at a time when we have had the Garnaut interim report released just recently, which made a number of very significant contributions to the debate in Australia and indeed around the world, indicating that the latest projections for the rate of growth of greenhouse emissions were even higher than previously thought; re-emphasising the need for interim targets; putting forward some very constructive arguments about the per capita allocation of global emissions entitlement; making the point, which we have made previously, that the state-based renewable energy target schemes are going to need to be subsumed into a national scheme; making very complimentary and positive remarks about a number of findings of the Howard government's task force; and providing some real food for thought for Labor governments, both state and federal, which to date have failed to actually act, despite a lot of talk on climate change.

Mr ROBINSON (Minister for Gaming) — On the walls of the Parliament House offices that I have been allocated over the past 10 years I have always had pinned a letter. It is a very important letter and a very significant letter, and it has been useful to me as a touchstone in the role I have here as the member for Mitcham. It is a letter that was sent by Roger Pescott, the former member for Mitcham, to the then Speaker on 11 November 1997. In outlining to the Speaker his decision to resign his seat, Mr Pescott said the following:

> In my considered view, the government's proposals —

that is, the Kennett government's proposals in relation to the Auditor-General —

> compromise the system of checks and balances which are at the core of our system of government. To me, they run fundamentally counter to the public interest.

He then went on to say:

> It has been a long time since I have found the avenues for serious debate within the Liberal Party satisfactory.

That is an important letter, because it turns attention to what is the public interest. It is fair to say that the public interest can be served in many ways. In Parliament the public interest is served very well by the provision of opportunities for members to speak, and the statement of government intentions does just that. It provides opportunities — opportunities which, it needs to be pointed out, have been taken up with some relish by opposition members, notwithstanding their claims as to the value of the statement — and in so doing it has allowed them an additional opportunity to speak in an unfettered manner.

It is one of only a few such opportunities that are provided through the procedures of this place. The statement allows members, particularly opposition members, to scrutinise the government and the government's delivery on its promises, and that is an important advancement of the public interest in this place.

Labor's reversal of the Kennett era's straitjacketing of the Auditor-General — that very issue that drove my predecessor to resign — has also ensured increased scrutiny by the Auditor-General of the current government, and that is something we welcomed back then and we welcome today.

Mr Delahunty — Do you really?

Mr ROBINSON — We do. The statement is a further important reform of the Parliament's procedures, and we have seen a number. We have seen members statements, and they were ridiculed at the time they were introduced. Opposition members said they would be of no value at all, but we have never

noticed any reluctance on the part of members opposite to take up those speaking spots.

Similarly we have had regional sittings of Parliament, and we have had fewer omnibus bills in the Parliament. I can recall one occasion in my first year in this place when, on a Thursday afternoon, I think we had an hour and a half to debate a bill that comprised amendments to 10 quite separate acts. We do not see that nowadays. It is little wonder, however, that the opposition parties do not see the merit of reforms like this, because fundamentally particularly the Liberal Party's position has not changed much since 11 November 1997.

I read an echo just recently of Roger Pescott's comments. The following quote appeared in the *Australian* newspaper:

> … since the 1999 election the party has not articulated a clear and consistent message that establishes the basis for its policy direction.
>
> Consequently, the party is unable to portray clearly what it stands for.

The following quote also appeared:

> We have failed to communicate with the electorate; there is no pretending otherwise … We have, frankly, been thrashed at successive elections, so you have to do something about it.

Those comments, which were made in early 2008, are a very distinct echo of the 1997 comments. They were made by Phil Davis, a member for Eastern Victoria Region in the other place, when he resigned his upper house leadership position with the Liberal Party.

What we can say is that the Liberal Party has had a wasted decade since 1997. Just when you thought things were bad for the Liberal Party, The Nationals have come to the rescue! I did not think things could get any worse, but they did.

Mr Delahunty — Has this got anything to do with government intentions?

Mr ROBINSON — It has got a lot to do with the government's intentions, because the statement of government intentions serves the public interest well — something that the Liberal Party has not been able to get its head around for the last 10 years. But I do not want to spend any more time talking about the Liberal Party. It has now got enough problems of its own — and they are called The Nationals. We will leave them to it.

I want to talk about more positive items. In the statement of government intentions the Premier referred once again to education being the government's top priority, and in the Mitcham electorate that is plain for all to see.

Mr Walsh — Why won't you pay teachers more, then?

Mr ROBINSON — It is interesting that the member for Swan Hill pipes up and says, 'Pay them more', but his own coalition partners put out a release a little while ago saying that the Treasurer must control spending. Here we have the great tradition of The Nationals who would just keep spending — just keep printing money, just keep spending, and let someone else pick up the tab — with no responsibility at all. It is good to see that some traditions have never changed with The Nationals.

The government has a great record on education in the Mitcham electorate.

Mr Weller interjected.

Mr ROBINSON — I will talk about my electorate, because I know it pretty well. In the Mitcham electorate the Mitcham Primary School has been entirely rebuilt, as was Laburnum Primary School. Blackburn Lake Primary School has been rebuilt after a fire, and at Antonio Park Primary School in Mitcham stage 1 of its redevelopment has been completed — a sensational redevelopment — with the stage 2 works now well under way.

A very impressive rebuilding program has commenced at Box Hill High School, and I know the member for Burwood shares my enthusiasm for that particular project. Repeated expansions of the Box Hill Institute of TAFE have occurred, and I know the member for Burwood will join me in acknowledging what a great investment that has been.

Major grants for toilet block refurbishments and other works have been made for several other schools in the electorate, and the important planning phase has commenced prior to the major rebuilding of Blackburn High School. I can confidently say that never before in the history of the Mitcham electorate — and going back even prior to its formation — has there been as much local school building or rebuilding activity in such a short period of time.

That does not mean there is not more to be done — there clearly is — but the government's record in Mitcham indicates its commitment to our public education sector, and we intend to continue that investment.

A number of portfolio issues referred to in the statement of government intentions are of relevance to me in my roles as Minister for Consumer Affairs, Minister for Gaming and Minister Assisting the Premier on Veterans' Affairs. I will mention those very briefly, because I know that one of them of great interest to you, Acting Speaker, is the lemon laws reform that the government is committed to.

I might say, Acting Speaker, that in your capacity as the member for Mordialloc you are doing a champion job in leading the public consultations on lemon laws. This is not an easy area. There are people in the automotive industry who have some trepidation about what it might mean, but if it is good enough for the USA to have across the country various consumer laws that protect motorists in the event that they buy a car that does not live up to their expectations, then it is good enough for us to commit similarly, and I commend you on the work you are doing.

Similarly the statement outlines reforms that the government will tackle in the future. They are in prostitution, in the gambling licence review process and in Council of Australian Governments reform, particularly product safety, credit, trade measurement and cooperatives — and indeed we heard a second-reading speech on a cooperatives bill this morning. There is also work ahead of the government in the area of residential tenancies. We have foreshadowed that in the statement, and this is why the statement is important — because it is the government's expectation and my expectation that we will substantially advance these matters this year. It might well be that we will stand here in a year's time and members opposite will have a crack at me, saying, 'Not enough was done; you did not live up to your expectations and the statements you made'. That is not unreasonable, but for the very first time the government is saying through this statement that it accepts that discipline should be there for all to see in a written form as well as through a debate.

Mr Walsh interjected.

Mr ROBINSON — I will tell the member for Swan Hill what I will not do. I will not promise to spend my way out of trouble like the member would. No-one could do it as well as The Nationals, so I am not even going to try because they are the past and continuing masters of that particular trick. There is more to be done, and the statement of government intentions gives a very clear direction of what the government is going to do and the time frame in which it is going to do it. I commend the statement to the house.

Mr WELLER (Rodney) — I rise to reply to the annual statement of government intentions. I believe the statement was a wasted opportunity. It appears to me to be nothing but spin. The government once again has failed to walk the talk. Going through the Premier's statement, on the second page he said:

> … the need to make the hard decisions necessary to deliver the major projects we need …

Obviously country roads and bridges are not major projects. Country roads and bridges have become dilapidated during the period of the Bracks and Brumby governments. Over the past four years we have seen double the number of roads being in disrepair in country Victoria.

The statement goes on to talk about how we will make our communities safer. In the electorate of Rodney we have the town of Heathcote. The policeman on night duty responsible for Heathcote is based at Bendigo. When there is a call at Heathcote at night the officer responsible could be in Inglewood, almost an hour away. If that is making Heathcote a safer place I believe the government is more into spin than dealing with what is happening. The town of Barmah has needed a police station for some time. Residents have signed petitions and I have delivered petitions on their behalf. The nearest police station is half an hour away in Nathalia. No law officer is present in Barmah and it must be addressed.

The statement goes on to talk about democracy. The Premier said:

> … by 'democracy' — I mean striving to give every Victorian every chance to participate in the debates and decisions that shape their state …

If we use the food bowl as a prime example, this is once again spin and the government is not walking the talk. The government got together a group of its mates in the Shepparton area and decided that it would develop a plan to take water away from northern Victoria. The average person was not invited. The people of Rushworth were not invited to have input into this decision. The people of Lockington were not invited. In Shepparton only a hand-picked few of the government's mates made this decision. The government's mates came up with a decision where in exchange for upgrading the irrigation system Melbourne would get 75 000 megalitres of water. I believe the deal was that in exchange $2 billion would be available. We have ended up with $900 million and with Melbourne still taking the 75 000 megalitres. The people in northern Victoria who wish to enter the debate and challenge the government on these issues

are referred to by government ministers as 'quasi-terrorists' or ' ugly, ugly people'. If this is democracy I think I need to go back and look at the dictionary. The Premier needs to inform his ministers what democracy really means.

The Premier, when he was Treasurer, spoke to a group of councils in northern Victoria a few days before the decision and told them that if they did not support the north–south pipeline, it would not go ahead. What happened? The councils in northern Victoria decided not to support the north–south pipeline, yet it is still going ahead. We had a promise that it would not go ahead if councils did not support it, but it is going ahead even though they did not support it. I do not believe this is democracy.

The Treasurer, John Lenders, visited the Municipal Association of Victoria when it was discussing a motion on the north–south pipeline. He made it clear to MAV members that if they did not support it there would not be the investment needed to fix up the infrastructure in the irrigation areas of northern Victoria because there would be nothing in it for the city, and there had to be something in it for the city. That was the message from the Treasurer. What the Treasurer does not understand is that the biggest user of the container port of Melbourne has four factories in northern Victoria. Melbourne benefits greatly from that productivity and primary production in northern Victoria. The biggest user of the container port of Melbourne, Murray Goulburn Cooperative, has four of its eight plants based in northern Victoria. Those plants could be substantially affected if the food bowl infrastructure is wrong, and we believe it is wrong.

The Premier goes on to talk about the investment in infrastructure to save water. The Premier and the Minister for Water repeatedly say in this Parliament that the losses in northern Victoria in the Goulburn Valley and the Murray Valley are between 800 000 and 900 000 megalitres. If you go to Goulburn-Murray Water's annual report for 2005–06 you will see that the losses were only 660 000 megalitres.

Mr Delahunty — Is that right?

Mr WELLER — If you go into the 2005–06 annual report for Goulburn-Murray Water you will see the losses were only 660 000 megalitres, and the losses for 2006-07 were only 540 000 megalitres.

Mr Walsh interjected.

Mr WELLER — That is right. Goulburn-Murray Water's projection for losses this year is only 450 000 megalitres, not the 800 000 or 900 000 megalitres a year that we are repeatedly told about in this place. The Premier, the Minister for Water and the minister at the table, the Minister for Gaming, are being misled by the bureaucrats. They should look further than the bureaucrats for information because they are misleading them. They should check their facts before they come into this place and should give the correct numbers.

If we take the year when there was a loss of 660 000 megalitres — and if we believe in climate change, then that would be a good year going forward — in rough figures it took 2.4 million megalitres to deliver 1.7 million megalitres with the loss being 660 000 megalitres. Given that the government had also said that it was going to increase the efficiency of the system to 85 per cent, that would mean it would still lose 360 000 megalitres, which means a saving of 300 000 megalitres. But we must also remember that it has made an investment of only $1 billion. Richard Guy, chairman of the state-owned entity which is in charge of the modernisation of the irrigation system, has said that if you are going to modernise a whole system you need $4 billion. So for $1 billion you only get 75 000 megalitres, not 225 000 megalitres, which the Premier and the Minister for Water have repeatedly announced in this place.

The Premier also talks about families and has stated that by the end of 2009 kindergarten parents will be given a transition statement of school readiness report. Rather than a report I believe the parents out there would want an investment in the kindergartens. They would want an investment in the teachers at the kindergartens, who are on less pay than people in other education systems. I have met with the kindergarten teachers of Rodney, who inform me that if we do not address the conditions and wages of the kindergarten teachers we will not have kindergarten teachers in 10 years time. If this trend continues we will not worry about writing reports, because who is going to write them if we do not have any teachers?

The government talks about transport. It talks about Arrive Alive 2. The government gave a commitment in 2005 that by November 2006 it would have a strategy for upgrading country roads. That has never been delivered, and it must be delivered. Rather than the government just delivering photo opportunities and spin, we want substance and better roads in country Victoria.

When it comes to climate change I must say the members opposite believe they have the high ground. All they do is talk. If they were convinced that climate change was happening they would be putting more of

the freight back onto rail. Where are the investment and the commitment to upgrading rail services for the freighting of grain in Victoria? It is a well-known fact that rail uses a quarter of the energy that road transport uses, so where is the investment in rail? When it comes to climate change we should be minimising the energy we use. Why are we pumping water all around the state when there are opportunities to collect stormwater and reuse water here in Melbourne? That would also help the health of the bay. It would be a win-win-win scenario. It would improve the health of the bay and provide extra water from Melbourne rather than raiding northern Victoria or even Gippsland to take extra water.

There was a climate change summit — everyone seems to have a summit. Nationals members should have been invited because government members refer to us as dinosaurs — we have lived through climate change!

Mr DONNELLAN (Narre Warren North) — That was a very interesting comment on the dinosaurs from The Nationals. I will encourage my people to go searching for them in rocks somewhere out my way in the south-east.

Today it is an honour to speak on the government's annual statement of government intentions. I am going to concentrate on a couple of things. In this statement there was a focus on delivering major projects and events to underpin the growth of the economy and the importance of providing community facilities, and on ensuring water supply security through investment in infrastructure, reforms of the metropolitan water sector and amendments to the water entitlement regime. I think it is great that the government has put forward its agenda for the year so that the public can respond, get involved and interact on it.

The first major project I want to talk about is channel deepening. Obviously this will provide a modern, better port. Larger ships continue to access the port of Melbourne, which is obviously Australia's largest container port. Over about the next 30 years it will generate about $2 billion in economic benefits and create about 2000 jobs during the works. Current estimates are that the cost of the project will be just under $1 billion, with the state government contributing about $150 million and port users contributing the rest. The contribution of this state government will ensure that the port charges are still lower than those of Sydney and Brisbane, and port fees on a full international container will increase from approximately $31 to approximately $67, and for ships with a draught of greater than 12.1 metres an extra 5 cents will apply per gross revenue tonne.

This is a very important project, as we all know. I have concerns that the opposition parties are not really serious about this. With the Liberal Party it is the 'We love youse all' policy — in other words, 'We are a little bit green, a little bit business, but we are not really sure where we are'. After two years of environmental studies the Liberals are telling the business community, 'We will put another little hurdle in your way'. I am not sure whether the business community would appreciate that, but Liberal members are not really sure whether they are green or business, they just sort of love everyone. It is very much like the Jeff Fenech statement, 'I love youse all!'. The Greens say, 'We think it should be stopped but we need another inquiry to make sure that we are doing the right thing, so we will put another hurdle there'. That keeps the Greens happy for the moment. We can have an all-out embrace and get love from everyone.

Already we have had $120 million spent on this project in looking at studies and so forth. You have to wonder what a standing committee would actually add to the assessment of the project. It would just be another hurdle for people to go through. And it seems to me if you spend more it is like an escape clause for the Liberal Party members. They say, 'We are not really sure where we stand on this; we are all over the place but we will support everything. Wink, wink; nudge, nudge. We think it is going all right, and we would like all your votes'. But at the end of the day they have got to come down on one side or the other: they either want the project to go ahead or they do not want it to go ahead. It is simple. But that is what we have at the moment.

What have we got from The Nationals?

Mr Robinson — Tell us about The Nationals.

Mr DONNELLAN — No comment. They are hiding at the moment on the channel deepening issue. Hiding! I am not really sure whether The Nationals are supporting it or against it. They want another hurdle but they do not want their exporters in the country to know what they are doing. I guess they are hoping like mad that nobody works out what they are up to now that there is this new coalition, and that is to put another inquiry up, to delay the project further and to continue with this silliness.

What are The Nationals supporters, such as the Victorian Farmers Federation, doing? They are supporting the project. What are the Liberal supporters, like the Victorian Employers Chamber of Commerce and Industry and the Australian Industry Group and others, doing? They are supporting the project. It seems

that the coalition is torn very badly on this one. At the end of the day a clear and unequivocal statement from the leaders of the Liberals and The Nationals would not go astray.

The project has been the subject of enormous environment effects and supplementary environment effects statements during more than two years of investigations. There have been over 40 studies, all of which have been subject to independent audit. Mick Bourke, who is the chairman of the Environment Protection Authority, has been appointed as the independent environmental monitor to oversee the project. The protections are in place, and it is difficult to understand why people want to put further hurdles in its way. It is very disappointing.

Secondly, I would like to talk about water security. Members would note that, according to a recent release from the Minister for Water, Melbourne is now recycling 65 billion litres of sewage and waste a year, which is a fifth of all water used. We have reached this target in the last couple of weeks. It was our intention to achieve that by 2010, but we got there a lot more quickly. Further, we are pushing ahead with the $300 million upgrade of the eastern treatment plant, which will provide 100 billion litres of recycled water by 2012. Things are moving along very well; we are reusing our water.

What is our current policy? Apart from recycling water, we are looking at the north–south pipeline for the food bowl project and at the desalination plant. Melbourne currently uses about 8 per cent of all of Victoria's water, which is costed on a per megalitre basis. What concerns me is that the measurement of water should be the same all around Victoria, and people should pay for the water they use. But having discussed this long and hard with various people in the sector, I have learnt that there are long and short megalitres. A long megalitre is 1.2 megalitres, while a short one is 1 megalitre. That sort of measuring goes on. We need to tighten up the system so that we have equality in measurement and everybody, whether they are in urban or rural areas, pays the same. It has to be the same. You should not have two different measurements for water, but at the moment that is what we seem to have in places such as the Murray Goulburn area.

Coalition members seem to have the idea that you can have urban and rural water. It is as if they think it tastes different, that it is made up of urban and rural parts and that somehow or other they can be treated independently of each other. It is as if the water policy can somehow or other be varied depending on whether you are in the city or in the country. I would have thought that most people in this house would look for equality in the way we measure and use water and that we should not divide urban and rural water users with this idea that you can have two ministers with different policies — a bit like their approach to channel deepening — running all over the place and saying they love everybody but not really having a policy.

If farmers only had to pay to repair the current Murray Goulburn irrigation channels, estimates provided by water users and authorities are that the cost per megalitre of water would have to rise by 1000 per cent. My suspicion is that if the issue were left up to the coalition to deal with, nothing would happen and we would still have an enormous amount of water being wasted, whatever the figures may be — and the member for Rodney would dispute the figures. At the end of the day I do not accept that in a dry-land country and in our current state we can afford to waste water.

It seems to be some sort of badge of honour that people have a right to waste water. I do not think any of us can afford to waste water. There has been a focus on ensuring that urban areas use water better, and we have seen improvements in the way we use water, but for some reason people have the idea that they have a God-given right to continue to waste water. We do not have that idea. At the end of the day the state government is prepared to put in the infrastructure and pay for 70 to 80 per cent of the cost to try to minimise the wasting of water. That is a good thing. The ability to access those savings for rural, environmental and urban uses is important and will provide further security for all. It is a little bit misguided to suggest that, whatever the figure is, there is a right to waste water. I do not think most users of water, whether they be country or urban users, would agree with that. However, The Nationals think it is all right to do that. I do not think it is all right to do that.

Mr TILLEY (Benambra) — While listening to the last contribution I was reminded of the divisive them-and-us attitude of this city-centric Brumby Labor government. It is just incredible that it is taking water for granted. All city people do is turn on the tap and they have water, but there are people in country Victoria who do not have the same access to water. They do not have water in their tanks, they do not have town water and they do not have sewerage; they have to rely on other things. Nevertheless that is not what this contribution is about, and I shall not waste any more time on that. No doubt that will be the subject of future debates in this place.

I would like to thank the Premier for the opportunity to make a contribution to the debate on his annual

statement of government intentions. This quite large document confirms the very well-suspected fact that regional areas of Victoria are just an annoying blip on the Premier's radar of priorities. As I went through the various pieces of legislation mentioned in the document I experienced a considerable amount of scepticism as to how the government will supply the services to country and regional Victoria, let alone the whole of Victoria. I take this opportunity to address some of those points. Let me start off with education reform. It is certainly listed as a high priority in this paper. The reform of education, including modernising the curriculum and tackling the problem of underperforming schools, means nothing to the teachers, parents or students, who are our future. Our students are our future leaders and the future contributors to our economy — to our farms, to our business and in a whole range of areas. We need to give them the opportunities to succeed in all areas.

I turn to the delivery of services to Wodonga South Primary School, a small primary school with in excess of 400 students. It is a terrific little school with a strong parent community. The school community has been fighting for about nine years for the relocation of the school, which is overcrowded and in a squalid condition. No student should be expected to learn in those sorts of conditions. After the last three elections and promise after promise after promise, nothing has been delivered. The government rolls out a paper like this, with all its false expectations for the future, but delivers nothing to the students and parents for the future of the Wodonga South Primary School.

Similarly there is the issue of class sizes at Beechworth Primary School. Students are being shoved into classrooms like sardines. Students who are not necessarily performing well and need the extra attention and students who have the ability to excel are not being given a fair opportunity to best further their education and meet their potential. Barnawartha Primary School is falling to pieces. There are massive cracks in the building. It has asked for a couple of portables — all it wants is just a couple of additional portables so that the students can learn in some comfort — but again that has been taking place for more than four years.

We are also seeing amalgamations. The previous Kennett Liberal government is frequently accused of having closed schools down. In the electorate of Benambra there was not one single closure during the Kennett government days. However, we are now seeing amalgamations. Are they closures by stealth?

Hard-working teachers and parents in the Eskdale and Mitta Mitta areas are having to consider the closure of either the Eskdale or Mitta Mitta public schools, which has provoked considerable discussion with groups there that are trying to make that assessment. Hopefully this government will not take away the capital infrastructure from either of those schools. The decision has to be the best for the community, because Mitta Mitta and Eskdale can grow, given the opportunities of hopefully a future government installing the infrastructure for water and sewerage and facilitating better planning opportunities.

At Corryong amalgamations are also being considered because of the underresourcing of education services. However, that might be a positive outlook, because of the locations of the schools. Hopefully the current minister will make every attempt to try to address the situation that Corryong is experiencing at the moment.

I turn to discuss public transport improvements — heaven forbid! The electorate has lost its trains; we have no trains. Now you have to catch a bus to travel between Wodonga and Wangaratta. You pay for a train ticket, but what do you get for that cost? A half-baked coach ride! Then you have to take your bags off the bus, carry them onto the platform, load them on to the train and hope that the train arrives.

Today's *Age* has a leading article on its front page about secret rail documents. This secretive Brumby government has failed to maintain rail safety, which is the reason my electorate does not have a satisfactory rail service at the moment. Is that being addressed? No. At Wodonga a ticketing machine is to be installed on the station platform, but that will not really put the trains back on the tracks.

A new machine is not going to address the squalid conditions of the rolling stock, including the urinals overflowing, or the conditions that the V/Line staff work in. They are the unfortunate punching bags who cop so much of the community flak from these issues and are not treated fairly. They are very strong people, and I commend them for the hard work they do while suffering from a lack of resources that this lazy government has brought about. More so, I commend the travelling community.

The statement talks about major infrastructure, but again we have heard nothing about the relocation of the rail service out of Wodonga, a large regional centre which has been given no opportunity for growth purely and simply because of the lack of commitment by this government to stand up and finally announce the relocation of the rail line away from the central business district of Wodonga. We still await the day with hope.

I would applaud the minister were he to come to Wodonga with his band and have the Roulettes do a flyover. With open arms I would welcome all government members if they came to Wodonga to make that announcement. I would even dip into my pocket and shout the beer!

Honourable members interjecting.

Mr TILLEY — All of you — please, come up to Wodonga. It would be a great day of celebration, but while you are there, for Godsakes please just make the announcement.

Mr Weller — The Benambra bash.

Mr TILLEY — Yes, we will have one of those as well.

I turn to talk about protecting agriculture. I refer to the amount, particularly over the last three years, of blackberries and weeds throughout the state. The Patterson's curse weed has been dropped down the list of noxious weeds list to about no. 96. If you jump into your car, drive along the highway and come out at a rural and country area, you would see the large amount of blackberry, Paterson's curse and other noxious weeds and the effect they are having on our forests. The government is truly the neighbour from hell when it comes to dealing with the weed infestation that country and rural Victoria is currently experiencing.

I will take this opportunity to go on about wild dogs. I welcome the funding that has gone into erecting a wild dog fence around Tallangatta. I hope it is successful, but the aerial baiting has not succeeded. The poisons in the baits were not set at the right dosage. That, in effect, was a waste of government money. We still have a problem with wild dogs, but it is not being addressed. There needs to be a further rollout of aerial baiting programs. At one time 10 per cent of the Benambra electorate was given over to sheep, but that is now down to about 2 per cent. This government has not provided the farmers with the opportunity to even consider returning to farming sheep.

I do not have enough time today to talk about national parks in my electorate. I turn to tell the house about water in Benambra. The north-south pipeline would be an absolute disgrace. The big sleeper is the Murray-Goulburn interconnector. I will wait to see what additional pressure that will put on the upper catchment in particular. The electorate of Benambra has the two large catchments of Lake Hume and — —

The ACTING SPEAKER (Ms Munt) — Order! The member's time has expired.

Mr HAERMEYER (Kororoit) — It gives me some pleasure to participate in this debate on the government's statement of legislative intentions. I have to say that virtually every Liberal and Nationals member who has participated in this debate has referred to the statement as spin and has bagged it generally. However, each has taken the opportunity to get up and make some general comments about government legislation and comment about what the government is doing and should not be doing. Each has thus taken the opportunity that was never afforded the then opposition back in the days of the Kennett government.

They are entitled to take that opportunity, but I find it very disappointing that they have not used that opportunity to talk about what they think should be done — that is, what they would do if they were in government. They have come in and had a bit of a whinge about what we are not doing. The member for Rodney said we are not spending enough money on roads, rail or water. Presumably we are not spending enough money on hospitals, schools and police either, yet still we are told, 'But yes, we want lower taxes'.

We are getting a lot of whingeing. They are good at saying what they do not want. What we are not getting is any sense of an alternative plan or an alternative vision, any new ideas or any novel thoughts. That might be a little bit too much to ask for, but in any case this is an opportunity for them to get out there. They can whinge all they like, but at the end of the day the voters of Victoria will have to go into the next election to decide whether this plethora of whingers is something that they want to accept as an alternative for government.

The government has put forward a variety of legislative initiatives for the course of this year. The Minister for Consumer Affairs is present in the chamber and one such initiative deals with lemon laws. These are things that were never taken on under the previous government. There are some significant improvements in public safety, streamlining the police, creating a new Victoria Police act to replace the anachronistic Police Regulation Act and also some amendments to enhance the effectiveness of the Office of Police Integrity (OPI).

However, one idea that does keep coming through, if there is any sort of initiative being put forward by the Liberal Party and The Nationals, is the proposal for an ICAC, an independent commission against corruption. The opposition parties have come to this point via a royal commission, which was the first thing they wanted. They wanted a royal commission into the Victoria Police on the premise that all our police were corrupt and we needed to have a royal commission to

go through them like a dose of salts. They found that that was not particularly popular with the police nor was it particularly popular with the people of Victoria. They then had this idea that maybe we should have a crime commission, but they then moved away from that. We then had the proposal for an independent judicial inquiry and a police integrity commission, and now we have this proposal for an ICAC.

It all came from the exposure of some corruption within Victoria Police, which Victoria Police itself had been quite proactive in nutting out, but we certainly do need enhanced powers to oversight police. Police have a special role in the community, and we need to have a very powerful agency there to oversight and determine whether that power is being abused. The OPI has all of the powers of any royal commission — of any such body in Australia and then some. It is an extremely potent body. We have heard some suggestions that it is not independent. It is totally independent of the Victoria Police, and its findings are reported back through this Parliament. It is a totally independent agency with all of the powers that you could possibly imbue such an agency with.

We then get the argument that it is not able to investigate politicians or public officials. As I say, we have a number of agencies in this state. We have the Office of Police Integrity to oversight Victoria Police. We have the Auditor-General and the Ombudsman to look at non-criminal official misconduct, but if there are matters of a criminal nature that are not relating to police themselves, which is the responsibility of the OPI, then what is the responsibility of the Victoria Police? It is its job to investigate criminal misconduct, whether it be by public officials, politicians, property developers or anybody in the private sector or anybody in the community. That is the proper role of Victoria Police.

It is a role that members of the opposition, it seems to me, want to subvert. They did not want an ICAC between 1992 and 1999 when we had the dodgiest, perhaps the most corrupt, government since the days of Tommy Bent. They did not want an ICAC then. There is absolutely nothing around at the moment that would suggest that there is a case for having an ICAC, yet opposition members still want to create a new bureaucracy. I really have to ask: for what purpose? I think it is a valid thing to say, 'Let us have a look at the Ombudsman, the Auditor-General and the Victoria Police. Do they have the power to investigate the sorts of things we want them to investigate from time to time? Do they have appropriate powers? Do they have appropriate resources?'.

That is a very valid debate to have. But I really cannot see the point of coming in here and saying we need to create a new bureaucracy, which is going to divert resources that would otherwise be applied to the agencies that are already there, to investigate the sorts of things that the opposition is talking about, because that is going to divert resources from the police, the Ombudsman and the Auditor-General for the creation of another bureaucracy. Victoria Police has the proper role of investigating criminal misconduct and criminal corruption at any level, and that is appropriately where those sorts of power should reside. The creation of another bureaucracy would be a total distraction.

Why does the opposition want to emulate New South Wales, which has agencies falling over each other? It has not only the New South Wales police, the Ombudsman and the Auditor-General in New South Wales, but it also has a police integrity commission, a crime commission and an ICAC. They are falling over themselves with the duplication of work, the duplication of investigations and the duplication of jurisdictional disputes. We do not need that sort of nonsense here. As I say, we have some very good agencies here already that cover all of the areas that need to be covered.

It is a valid argument to ask whether those agencies have appropriate powers to do the job that we expect them to do, but members opposite should not continually roll out this rubbish about an ICAC unless they have evidence to suggest there is a need for some sort of full-time body that would not be spending most of its time on fishing expeditions. If members opposite have any suggestions about criminal corruption or criminal misconduct, they should make a complaint to Victoria Police and let its officers investigate it. If they have none, then they should shut up. They should stop whingeing about it. If they make a complaint to the police and the police say they do not have the powers or the resources to investigate it properly, they can then go to the government and those matters would be looked at.

I think it is appropriate to have a discussion about whether agencies have appropriate powers and appropriate resources to investigate these matters, but to continually come in here and say that we need another bureaucracy or another agency is a total waste of government resources. It detracts from the work done by Victoria Police, and it will achieve nothing else other than the diversion of resources from the police force and the other agencies, the Ombudsman and the Auditor-General, in the work they are already doing. I have yet to hear a single compelling argument for why we need a new bureaucracy. The issue is not about

bureaucracies; it is about power and resources, and that is a valid debate to have. But a new bureaucracy — who needs one?

Mr BLACKWOOD (Narracan) — It is a great pleasure to be given the opportunity to make a contribution in reply to the annual statement of government intentions for 2008. It concerns me that the current Labor government has made so many empty promises to Victorians. It has covered up the real situation on so many occasions — to the point that I do not really think its members and the bureaucrats know what is fact or fiction. Never mind making promises to deliver in 2008; what about what should have been delivered in 2007, 2006 and 2005 — commitments we are still waiting to see delivered?

The fact is that this document lacks any real substance and ignores some of the critical needs of country Victorians, in particular those living in Narracan. The Brumby government has unprecedented levels of income via GST, land tax, stamp duty, speeding fines and gambling revenue, and yet we are still seeing our country communities struggling to cope with the non-delivery of services in health, education, policing, public transport, children's services and roads. We are still seeing the constant cost shifting from state government to local government. We are still burdened with city-centric planning decisions that are frustrating country communities, shires, small business and investment in infrastructure. The Brumby government's income has increased by a whopping 84 per cent since 1999. We have not seen increases in expenditure in any of the major areas of government responsibility by anywhere near this amount. So where is the money going?

Let me take the house through just a few of the subheadings in the document covering areas that the government has neglected in the past and where it is now attempting to airbrush a new picture with spin and deceit. I refer to 'Public health and wellbeing' — and it is great to see that the Minister for Health is in the chamber at this time. As I have mentioned before in this chamber, in health the West Gippsland Healthcare Group continues to struggle with constantly increasing demand — I know the Minister for Health is aware of this, and I remind him again — and an emergency department that is too small and is battling with an increase in the number of mental health presentations, which often put the safety of patients and staff at risk.

The tremendous dedication and hard work of staff at the West Gippsland Healthcare Group is being taken for granted by this government as it continues to ignore these problems. Once again the community of Baw Baw shire has bailed out the Brumby government by providing funds through bequests that have enabled the West Gippsland Healthcare Group board of management to plan for the future and purchase a greenfield site for the future needs of health as the population continues to grow in the area. This is yet another example of country communities and country families not being prepared to let the future health and wellbeing of their community suffer because of government inaction and lack of foresight. The very least the Brumby government can do now is provide funding for the review of the West Gippsland Healthcare Group master plan, which I have called on the Minister for Health to provide; I take this opportunity to repeat that request.

In Narracan — indeed right throughout Gippsland — the availability of accommodation for those living with a disability or mental illness is so short in supply that, based on the national average, 92 per cent of those persons with a severe or profound disability may not be receiving an accommodation support service. That is a disgraceful indictment of a government which is awash with a record income but which continues to ignore our most vulnerable.

And, guess what, the amazing community of Baw Baw shire is preparing to again dig deep to bail out this lazy Brumby government. There is a project on the drawing board for a group under the banner of the Baw Baw community housing group to construct a two-unit supported accommodation facility funded completely by the Gippsland community and the Baw Baw shire. They are sick of waiting for this government to honour its responsibilities.

Under the subheadings of 'An integrated approach to transport', 'Major transport projects', 'Road safety legislation' and 'Rail access legislation', I am not sure the government understands the meaning of the word 'integrated'; and if it does, it certainly does not demonstrate it. If you look it up in a dictionary you see that it means 'a combined and coordinated approach to provide a harmonious whole'. The definition talks about having and including all people as equals in the consultation process.

But moving on from that, how can the government move forward and talk about road safety and rail access when we have level crossings on the fast — or, rather, the 'farce' — rail line that do not have boom gates? A level crossing in my electorate has been neglected purely because it would cost too much to fix. How much value do we put on life? Or is it that the electorate of Narracan is just like the south-western coast of Victoria? Are we just too far away? Even a near-miss

accident is not enough for the government to act. I have photos of a car that was hit by a train late last year at the Lardners Track level crossing. The young male driver was extremely lucky to escape serious injury. You would expect that a near-miss warning would prompt some action from the minister. But I am still waiting for a response — some four months after calling on the minister to take action on this issue.

The Yarragon community has been calling out for years for something to be done at an intersection in the middle of town. I have raised it before in this Parliament and I will raise it again. Three young lives were tragically lost at that intersection last year. There is a simple solution for the intersection, with a turning lane and turning arrows required. My pleading has not had a response from the minister. These are just some examples of neglect by the government in my electorate of Narracan, but I am sure it is statewide.

In its document the government talks about Victoria Police and making our community safer. I really wonder about this government's interpretation of 'safer'. In Narracan we have three medium-sized towns — Neerim South, Trafalgar and Drouin — and only a 16-hour police availability. These are growing towns with new subdivisions opening up, and many young people are moving in to raise their families in what has always been a very healthy and safe environment. The government has no intention of maintaining the safety of these communities as police resources become more stretched. To top it all off, the government is going to sell off the police residences in Drouin and Trafalgar. Restricted police availability and reduced police presence will not make our communities safer, and so the Brumby government's spin and deceit goes on.

The statement by the Premier on Victoria's financial position is also worthy of comment, as he says, 'The government has delivered sound financial management through responsible budgets, and continuing surpluses are forecast'. The government has lined its pockets with $400 million in police fines and more than $57 billion from the GST since it was introduced. These figures were current last year; I am sure they have increased since then. In 2006–07 alone the government collected $890 million from land taxes. As I mentioned earlier, this government has record income, unprecedented revenue flowing into government coffers, unprecedented power in government, but services are still not being delivered. So of course there will be continuing surpluses!

I have schools that were promised funding and nothing — absolutely nothing — has been done about it by the government, except for putting school principals and school committees through absolute hell as they are expected to develop a very detailed plan which justifies their need for a redevelopment of their facilities. The government made election promises to these school communities, and now it has implemented a process that effectively stalls the delivery of that pre-election commitment.

On the topic of education, I know many other members of this house have expressed the desperate need for funding assistance in kindergartens, not to mention every other facet of education. I know I have been very critical of this government, but it is my job to advocate on behalf of my electorate and to try to focus the Brumby government's attention beyond the tram tracks of Melbourne. However, I would like to acknowledge the assistance I have received from the Minister for Children and Early Childhood Development on two issues relating to funding for children's services.

The Brown family of Yarragon have a son, Malachy, desperately in need and deserving of an aide at kindergarten. Last year the Department of Human Services would provide only 4 hours per week; the local Bendigo Bank and kinder committee raised funds to give Malachy more time at kinder. Thanks to the intervention of the minister, Malachy is receiving 10 hours per week of aide support this year. This will make a huge difference to Malachy's kinder experience, and the peace of mind it has given his parents and the kinder staff is immeasurable.

The Brumby government has lost control of a number of its departments. It desperately needs to rein them back in and refocus their attention on service delivery, which is their primary responsibility. In summary, I remind the Premier that it is one thing to talk about the government's intentions, it is very much another to deliver them. The Brumby government is very good at being divisive, taking people in country communities for granted and not delivering on its promises. This glossy document will do nothing to change that. Talking about being inclusive and consultative will not fool the people of Victoria. Only action in the form of genuine improvements in service delivery, a change of attitude among government bureaucrats and a review of the current culture of non-service delivery in some departments will restore the confidence of Victorians in the Brumby government.

Mr EREN (Lara) — I am very pleased to speak on this, the inaugural annual statement of government intentions. I would like to take this opportunity to congratulate the Premier on this unique document which outlines the Brumby government's agenda for

this year. It gives Victorian people an opportunity to view this government's goals and to increase the accountability of government in Victoria by laying the government's intentions on the line for all to see. You would think that the opposition would be happy with this as it can now get at least some idea of how to govern this great state. But no, as usual members opposite whinge and whine about the government's transparency and accountability to the Victorian people. Anyway, that is their prerogative.

I believe firmly that education is the foundation of a strong and prosperous community and state. This government has made huge inroads into bettering our education system in Victoria by rebuilding the infrastructure so badly neglected by the previous government, and further improving learning opportunities in government schools.

Speaking of education, the opposition cannot be trusted when it comes to the public education system. I say that because the shadow minister for finance and a member for South Eastern Metropolitan Region in the other place, who was previously the assistant shadow Treasurer, made a Freudian slip in a recent interview on a local radio station in Geelong, Pulse FM. He was whingeing about this government's spending on the public sector and saying that we should stop spending money on the public sector. I would like to put it on the public record — I have his quote through transcripts. This is the shadow minister for finance of the coalition, who said:

> … we don't see the benefit of this spending. A lot of it has gone into the public sector — enormous growth in the public sector in the last seven years, and the point is the government will get up and say they are spending more money on nurses, teachers et cetera but the people — the Victorian population — aren't seeing the benefits from it.

He went on to say that this investment is a waste. This is the shadow minister for finance of the coalition! To me this is code for, 'Watch out. If we get into government, we are going to slash the public sector'. But wait, there is more. The day after the shadow minister for finance made these comments the Leader of the Opposition said on the same radio station that the government should spend more. To that I would use the phrase Rove McManus uses on *Rove Live* — what the? Either the opposition leader or the shadow minister for finance is not being frank with the Victorian people, or they have totally stuffed it up and not communicated with each other on a consistent line. I wonder which it is.

That is why I say you cannot trust the coalition when it comes to education. I want the coalition to tell that to the thousands of extra teachers and staff in public schools and all of the students and parents who benefit from that investment. I want the coalition to tell it to the thousands of extra nurses in the public hospital system and all the patients who benefit from that investment. I want the coalition to tell the 1400 extra police who have been put back into the system that if it eventually gets back into government they had better watch out.

We on this side of the house are proud of our track record when it comes to the public sector. In total contrast, we have put our money where our mouth is and have invested in our kids and their education. We understand that the system must continue to adapt to meet the expectations of Victorians and to improve any deficiencies.

That is why I was pleased to read that the first cab off the rank in the annual statement of government intentions was titled 'Delivering an integrated approach to education'. The heading 'Further reform of education' is designed to deal with the matters that are not necessarily focused on legislation but the day-to-day running of schools with a view to improving the outcomes of schools for their students.

'Public health and wellbeing' is the heading for the first major reform of the Health Act in 50 years. I see the Minister for Health is sitting at the table. I congratulate him on the way he conducts his portfolio. He is doing a tremendous job, and I really congratulate him on the way he is handling a very difficult portfolio. Public health is an area that was totally neglected by the Kennett government. It has been shown to be a challenging arena, but one which this government has been largely successful in. Under our government new hospitals have been built, and to a certain extent services have been restored. We always say that there is more to be done. That is why the Victorian community has trusted us on the last three occasions, because we have actually delivered on many of the things that we said we would deliver on.

Mr Herbert — And more.

Mr EREN — And more. And we maintain that there is more to be done. In my home town of Geelong the Geelong Hospital emergency department is benefiting from a — —

Mr Andrews — A big project.

Mr EREN — It is a big project, Minister.

Mr Andrews — Going great guns.

Mr EREN — It is going great, and we are very appreciative of that funding.

Sitting suspended 1.00 p.m. until 2.05 p.m.

Business interrupted pursuant to standing orders.

QUESTIONS WITHOUT NOTICE

Rail: safety report

Mr BAILLIEU (Leader of the Opposition) — My question is to the Premier. I refer to the latest leaked confidential government report entitled *Public Transport Safety Victoria*, which highlights that after seven years of Labor government:

> … improvements in number of fatalities due to serious train collision derailments and trespass are still to be achieved.

It further states:

> No improvement has been observed in the number of train collisions.

When the former Minister for Transport told this chamber only eight weeks after the report's completion date:

> We are leading the way in national rail safety —

why was the minister not telling the truth?

Mr BRUMBY (Premier) — Of course the background to the Leader of the Opposition's question is the run-down of rail infrastructure which occurred in the 1990s. So I think that is an important backdrop to the Leader of the Opposition's question. What we saw in the 1990s was — —

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

Mr BRUMBY — I am not debating the question.

The SPEAKER — Order! The Premier!

Honourable members interjecting.

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

Mr BRUMBY — And of course in country areas we saw the system sold off. It has been our government, the Labor government, which has brought back the country rail freight network in Victoria, and it is the Labor government which has been busy reinvesting in the infrastructure of the state. We have improved infrastructure at 153 level crossings in the last two years. In 2007–08 we will upgrade a further 46 crossings as part of the regular program. In addition to this, $33.2 million is being spent as part of the level crossing safety package, and that will provide for the installation of rumble strips at 200 level crossings and automated advance warning signs at 53 crossings. Compared with the investment that occurred in the 1990s this is a massive increase in investment in our system.

In addition, in April 2006 the Rail Safety Act was passed, which enhanced the role of Public Transport Safety Victoria to make it the state's independent public transport safety regulator. The regulator has the power to take any action or make any decision to ensure safety across the rail network and is independent of the government of the day. On top of that, as I have said, we have invested $133.8 million to buy back the network which the Liberal Party and The Nationals sold off — it was part of the sell-off by The Nationals.

In addition to that we are putting $73 million into the Mildura rail corridor upgrade. In addition to all of that we have cut V/Line fares by 20 per cent, and we have brought forward $38 million to purchase eight new V/Locity carriages on top of the 14 already on order, which means that by the end of 2009 there will be 22 more carriages in operation. These are all of the initiatives which have been put in place by our government as we have had to reinvest to buy back and to invest for the future following the failures of the Liberal and National parties in the 1990s.

Gaming: problem gambling

Ms BARKER (Oakleigh) — I refer to the government's commitment to make Victoria the best place to live, work and raise a family, and I ask: can the Premier detail to the house any initiatives that the Victorian government is taking to combat problem gambling?

Mr BRUMBY (Premier) — I am pleased to advise the house — —

Honourable members interjecting.

The SPEAKER — Order! If the member for Malvern would like to ask a question, he should do so at the appropriate time and not by way of interjection. I ask the member for Hastings to stop interjecting in that manner.

Mr BRUMBY — I am pleased to advise the house that in the context of the forthcoming industry structure arrangements for gaming, wagering and Keno — which of course have yet to be announced by the

government — the government has decided that as part of the new industry structure going forward, we will be removing automatic teller machines (ATMs) from all gaming venues post 2012.

Mr Baillieu interjected.

Mr BRUMBY — From the venues.

Honourable members interjecting.

The SPEAKER — Order! I suggest again to the member for Malvern that he conduct himself in a more appropriate manner. I ask the member for Bass to also behave in an appropriate manner.

Dr Napthine interjected.

The SPEAKER — Order! This is not an opportunity for the member for South-West Coast to start interjecting. I warn him that I will not have that behaviour.

Mr BRUMBY — In 2006 we announced the best-funded policy on problem gambling anywhere in Australia — a $132 million policy called Taking Action on Problem Gambling. Since we have been in government we have rolled out more measures to tackle problem gambling than any other government in Australia. We have introduced caps on gaming machines in 19 vulnerable communities. We have eliminated 24-hour gaming venues outside the casino. There was a raft of them that we inherited from the former government, and we cleaned that up.

We have banned smoking in gaming machine areas, we have banned auto-play facilities and we have put a freeze on spin rates. We have limited access to cash via ATM and electronic funds transfer point of sale facilities in gaming venues. We have restricted gaming venue signage, and we have banned gaming machine advertising. We have introduced a social and economic impact assessment of applications for more machines. We have launched the 'Think of what you're really gambling with' community education campaign. We have of course required hotel and club gaming machine winnings in excess of $1000 to be paid by cheque.

On Monday this week I met with the Prime Minister to discuss a range of issues including the Council of Australian Governments and the new industry structures to be put in place in Victoria. I indicated to the Prime Minister that we would be taking action in relation to ATMs in gaming machine venues as part of the new structure arrangements.

I welcome the comments which have been made by the Prime Minister today. The federal government has of course a number of constitutional powers in relation to this matter, particularly in relation to the Banking Act. We look forward to working with the national Rudd government when implementing these measures. For my part, I believe that the initiative I announced today — which, I might say, follows wide-ranging consultations undertaken by the Minister for Gaming — —

Mr Baillieu interjected.

The SPEAKER — Order! I suggest to the Leader of the Opposition that there will be an appropriate time for him to ask a question of the Premier, but that interjections are not appropriate.

Mr BRUMBY — The initiative which has been announced today follows wide-ranging consultations by the Minister for Gaming. I believe that it is a positive measure. I believe it builds on top of the measures we have put in place to date. I believe that as a part of the new industry structure going forward, it will put an even stronger focus on the area of problem gambling.

Health professionals: ministerial review

Mr RYAN (Leader of The Nationals) — My question is to the Minister for Health. I refer to the fact that the minister has received another secret report, entitled *Ministerial Review of Victorian Public Health Medical Staff*, which finds, amongst other things, that a significant reduction in bed numbers and extremely high occupancy rates — sometimes in excess of 100 per cent — is causing considerable stress on the health system. Why has the minister kept this embarrassing report a secret, and what else is the government hiding from Victorians?

Mr ANDREWS (Minister for Health) — I cannot be sure, but I think the Leader of The Nationals is referring to the review of the medical workforce commissioned by my predecessor, who is now the Minister for Education. That review was part of the last enterprise bargaining process between the government or employers and the Australian Medical Association on behalf of hospital doctors right across the public hospital system.

That review is entering its final stages. I will make announcements in due course. There will be a government response — oddly enough from the government! — in relation to these matters. As usual, those opposite will be nothing more than spectators.

Aboriginals: native title

Mr HAERMEYER (Kororoit) — My question is to the Attorney-General. I ask him to update the house on recent developments in relation to native title.

Mr HULLS (Attorney-General) — I thank the honourable member for his question. Members will be aware of the very positive response of the Australian community to the recent bipartisan apology to the stolen generations. It is an apology that the former Prime Minister still seems to be fighting. Nonetheless, I think this bipartisan apology provides us with a very significant springboard to resolve native title claims in Victoria. As members know, Victoria has been responding to native title claims in this state for over 10 years. In the 1990s the former Kennett government litigated claims brought by the state's traditional owners. This, as we all know, proved to be very expensive and indeed incredibly damaging, I might say, to reconciliation.

The Labor government has sought to overcome this damaging approach by mediating with traditional owners. However, mediating each claim in isolation is certainly a very slow and, can I say, inefficient process. This has been recognised by the new commonwealth Attorney-General, who recently said in a speech that was reported fairly widely that 'there has never been a more pressing need for a new way of thinking in relation to native title'. The comments of the federal Attorney-General were, according to some newspaper reports, warmly welcomed by many, including I might say by the former Liberal Aboriginal affairs minister, Fred Cheney.

Today I am very pleased to advise the house that the Victorian government is embarking upon a new way of dealing with native title claims in this state. We as a government, in conjunction with the traditional Aboriginal owners, will develop an improved system for resolving native title claims in Victoria. Such claims, as we know, relate to Crown land only; they do not relate to private property.

I am pleased to advise the house that Professor Mick Dodson has been invited to be the independent chair of a steering committee comprising representatives of the traditional owners and also the state government. The committee that he will chair will seek to develop a framework for resolving native title claims proactively and innovatively. As most members of this house would know, Professor Dodson's skills and experience will certainly provide the momentum to drive a positive outcome for all parties and all stakeholders in relation to native title on these matters.

The native title framework that will be developed will certainly enable the state government to negotiate with traditional owner groups outside the strictures of the court. The traditional owners of course will still need to prove their connection with the land claimed, but this new approach will streamline the process — it will ensure that we get consistent outcomes in relation to native title. I believe it will also ensure that we have durable resolutions which deliver certainty and cost savings to the state and meet the interests and the aspirations of traditional owners. This is a new way forward, and I certainly welcome the appointment of Mick Dodson to chair this very important committee.

Health professionals: industrial action

Mr BAILLIEU (Leader of the Opposition) — My question is to the Premier. I refer the Premier to comments by Kathy Jackson, the national secretary of the Health Services Union of Australia, who told radio 3AW this morning that it was the arrogance of the Brumby government that had caused the escalation of the industrial dispute over health professionals, and I ask: is it not a fact that in the December 2007 quarter, 86 per cent of all industrial disputes in Australia were in Victoria — the highest such figure in 22 years?

Mr BRUMBY (Premier) — There were two questions asked by the Leader of the Opposition, and the first was in relation to the dispute with the Health Services Union of Australia. In relation to that matter I can advise the Leader of the Opposition and the house that the Department of Human Services will today lodge an application with the industrial relations commission to terminate the bargaining period. We hope that that matter will be heard tomorrow, or at the latest on Monday, to terminate the bargaining period. We would then want to sit down with the union, as I said yesterday, to negotiate an agreement going forward.

In relation more generally to the industrial disputes, the Leader of the Opposition was a proud and patriotic supporter of WorkChoices.

An honourable member — He was a zealot!

Mr BRUMBY — He was a zealot. In terms of industrial disputes in this state last year, most of those were in the context of a federal election and unions in this state exercising their rights to campaign against WorkChoices — they did it successfully — which is now being abolished by the Rudd government.

Public transport: government initiatives

Mr SEITZ (Keilor) — My question is to the Minister for Public Transport. I refer to the government commitment to make Victoria the best place to live, work and raise a family, and I ask: can the minister outline how recent public transport initiatives have been received and how Victoria is leading the way on public transport?

Ms KOSKY (Minister for Public Transport) — I thank the member for Keilor for his question and for his strong interest in public transport. As I mentioned in the house earlier this week, our Early Bird proposal has been very successful, and it has actually been very well received in Victoria. We have seen that by the number of people who have taken up the opportunity to use the Early Bird services during the trial.

We know that the *Herald Sun* of 8 March described the Early Bird idea as 'a commendable step in the right direction', but it is not only Victorians who believe this is a great initiative or idea. In New South Wales Jim Donovan from the lobby group Action for Public Transport said, 'It is a good idea'. It is true that there is further interest in this initiative in the second capital of Australia. I was on Sydney radio yesterday, and the proposal actually received very lavish praise.

Honourable members interjecting.

The SPEAKER — Order! The minister should not have to raise her voice to be heard in the chamber. I ask members to show some respect and to control themselves.

Ms KOSKY — Sydney radio yesterday heaped lavish praise on the Early Bird proposal and was actually promoting it as something that should be put in place in Sydney.

Honourable members interjecting.

The SPEAKER — Order! The member for Kororoit! The member tor Warrandyte is warned. I will not have interjections in that manner.

Ms KOSKY — The New South Wales Minister for Transport, John Watkins, appeared on the same program after me and indicated that his government was prepared to consider following our lead. But I have to say that the New South Wales Liberal leader actually went much further in his praise. Barry O'Farrell said, 'What's happening in Victoria is a great idea'. The *Sydney Morning Herald* was also very supportive of what we are doing. You now have to go north of the Murray to get a Liberal leader who knows a good idea when they see it, and the Liberal leader in New South Wales certainly does that. He is very keen to support this proposal.

I am also very pleased to report to the house another initiative that we have put in place. A proposal was announced late last year by the Brumby government to look at a bus service — the 401 bus — from North Melbourne station to the university precinct, and that service has been put in place. It commenced only last week, and it has been an incredible success. Just yesterday 1800 people used this new route, which is an increase on the 1300 who used it last Thursday, and the service is less than two weeks old. The 401 saves time for commuters.

Ms Asher interjected.

Ms KOSKY — The Deputy Leader of the Liberal Party says it is a joke. There are 1800 people who think it is not a joke and are very supportive of this initiative.

The SPEAKER — Order! The minister knows better than to respond to interjections. I ask the Deputy Leader of the Opposition to stop interjecting across the table.

Ms KOSKY — The 401 is saving time for commuters and is delivering greater comfort to those passengers on the train and tram networks by easing congestion across the system. Eighteen hundred people is the equivalent of more than two six-car train sets, so it is making a huge difference. People have responded overwhelmingly to this initiative. They are voting with their feet — and we are prepared for and are very pleased to be supporting them.

Along with the new timetable that was introduced last year, the 18 trains that are on order, the Early Bird system that has been put in place and the new bus and other initiatives we are putting in place mean that Victoria remains the best place to live, work and transport a family.

Anticorruption commission: establishment

Mr RYAN (Leader of The Nationals) — My question is to the Premier. I refer the Premier to the release today of the Ombudsman's reports into conflicts of interest in the public sector and local government, which found, amongst other things, that there is inadequate management of conflict of interest, that there are unsatisfactory levels of accountability and that many councils have practices that allow opportunities for corrupt conduct.

Given it is that style of conduct which has been investigated by independent crime commissions in New South Wales, Queensland and Western Australia, why does Victoria not have an independent investigative body of similar standing?

Mr BRUMBY (Premier) — The reports were tabled this morning, and one thing is made very clear in those reports: in relation to the report on local government, the Ombudsman did not find any evidence of corruption — —

An honourable member interjected.

Mr BRUMBY — That is what the report says — 'no evidence'. Nor did he ask — —

Honourable members interjecting.

The SPEAKER — Order! I ask the Deputy Premier not to interject in that manner. I remind members that the moment the Chair stands is the moment members should cease any discussion.

Mr BRUMBY — The report on local government makes it very clear that the Ombudsman did not find evidence of corruption — and he did not ask for extra powers to investigate local government. The recommendations that he has made are positive recommendations — we welcome his report — and they will be implemented. They build on a whole raft of measures that our government has put in place since 2004 in relation to local government.

In relation to the public sector inquiry, it is important to note again that the Ombudsman has investigated those matters and made recommendations. We accept the recommendations, and they will be implemented. But the point is that he has the powers to undertake those investigations and those are the powers he has used.

The Ombudsman has all of the powers and all of the resources which are necessary and required for him to investigate issues of misconduct in the Victorian public sector. T is what he has done, and that is why we have got this report — and that is why I noticed it was the Leader of The Nationals instead of the Leader of the Opposition who asked this question today.

The Ombudsman reports to Parliament. He has the powers that he requires to investigate all of these matters in relation to public administration — he has confirmed that he has all of the powers that he needs — and he has made two valuable reports to the Parliament. He has made numerous recommendations, and all of them will be implemented by our government.

Aged care: regional and rural Victoria

Mr HOWARD (Ballarat East) — My question is to the Minister for Senior Victorians. I refer the minister to the government's commitment to make Victoria the best place to live, work and raise a family, and I ask: can the minister outline to the house what measures the government is taking to improve aged-care facilities in rural and regional Victoria?

Ms NEVILLE (Minister for Senior Victorians) — I thank the member for Ballarat East for his question and for his interest in services for older people in rural and regional Victoria. The Brumby government believes every Victorian deserves a decent place to live, and that is especially important for senior Victorians. That means ensuring for those senior Victorians who can no longer live at home that we have high-quality aged-care facilities available right across the state, whether in the city or in our rural and regional communities. Because, unlike the cobbled-together coalition, we govern for the whole of the state. Labor recognises the value of public sector aged-care facilities, which is why since 1999 we have injected more than $420 million into the upgrading of 45 state aged-care facilities. We are proud to say that of those 45 upgrades, 42 have occurred in rural and regional communities. To put that in context, that represents over 1800 senior Victorians who have a decent home to live in thanks to the Labor government.

Of course there is always more to do. The Brumby government is taking action now to plan for the growth in demand for aged care, which is a direct result of the ageing of the population. As we speak today, the Brumby government is undertaking six residential aged-care capital projects across Victoria in communities like Warracknabeal, Casey, Rochester, Grovedale and Leongatha. That is a mixture of upgraded and additional beds — a stark contrast to the bed closures in Bairnsdale, Paynesville, Warrnambool and Mildura that occurred under the previous coalition government. Those six projects represents a staggering $131 million investment. Of course it means jobs in the construction industry and more employment in regional Victoria. Importantly it also means an extra 354 beds for senior Victorians are currently under development by the Brumby government.

In the election campaign Labor promised to upgrade residential care facilities in Nathalia. The member for Rodney will be pleased to hear that we are delivering on that commitment. Today I am announcing that we have awarded a construction contract to a Victorian company, Hansen Yuncken, to develop this new $18 million aged-care facility. This redevelopment will provide an emergency stabilisation area, primary-care

facilities and a general practice clinic as well as a 20-bed aged-care facility.

Construction starts next month and it is expected that the new facility will be open next year. This $18 million investment is a tremendous show of confidence in public sector aged care and of course in the community of Nathalia. It is much better than the plan to privatise 1800-state owned nursing and hostel beds which the coalition planned to undertake when it was last in government. The Brumby government will continue to make these investments to deliver on its election commitments and to boost the quality of residential aged care for the benefit of Victoria's senior citizens.

Drugs: treatment programs

Ms WOOLDRIDGE (Doncaster) — My question is to the Minister for Mental Health with responsibility for drug services. I refer the minister to her admission that the government has cut 66 drug treatment beds, resulting in a massive blow-out of waiting times, and I ask: given that — —

Honourable members interjecting.

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

Ms WOOLDRIDGE — And I ask: given that at least three people from the minister's own region of Geelong have died of drug-related causes while waiting up to five months for a drug treatment bed, how does the minister justify to the families of the deceased the government's drug-bed closure policy?

Ms NEVILLE (Minister for Mental Health) — I thank the member for Doncaster for her question. Drug and alcohol abuse ruins lives, communities and families. This requires a whole-of-community response. It requires all of us to work together to ensure there are supports and services available and strong prevention and education messages out in the community to prevent our young people taking up drugs.

This government is acutely aware of the damage that drugs and alcohol can do in our community. During the time that we have been in government we have continued to invest significantly in drug and alcohol treatment services. We have doubled the number of drug treatment beds. Counselling and residential treatment times have come down significantly. We have reduced it, in some cases, particularly for youth residential treatment and counselling, to less than one day. This is a program that we are proud of, but of course we know we need to continue to do more. We know that there are risk factors, that there is growing evidence of alcohol abuse and that there is growing evidence of drug abuse, particularly amphetamines and cannabis use. The government is working with the community — and that is what it is about — to ensure that we have services in place to reduce the risks and harms associated with drugs and alcohol. We will continue to invest in treatment, we will continue to invest in counselling, and we will continue to invest in a prevention and education campaign to protect particularly our young people who are at risk of taking up drugs and abusing alcohol. We are committed to working with the community and families to reduce the harms from and costs of drugs and alcohol in our community.

Migrants: Global Skills for Provincial Victoria program

Ms DUNCAN (Macedon) — My question is to the Minister for Skills and Workforce Participation. I refer to the government's commitment to make Victoria the best place to live, work and raise a family, and I ask: what action is the government taking to attract more skilled migrants to rural and regional Victoria?

Ms ALLAN (Minister for Skills and Workforce Participation) — I thank the member for Macedon for her question. If we look around provincial Victoria today we can see that as a result of the Brumby Labor government's investment in infrastructure and support for regional communities provincial Victoria has had a dramatic turnaround from an era when services were slashed and infrastructure was lost. As we have heard a number of times already this week, people were leaving Victoria in droves. But today provincial Victoria is experiencing an era of unprecedented growth. You just have to look at today's unemployment figures — 4.1 per cent is the unemployment rate today in Victoria, the lowest since 1978. That is a very strong record, and provincial Victoria has been able to share in this growth. We have seen population growth in provincial Victoria at 3.8 per cent. We have seen the creation of 132 000 additional jobs over the life of this Labor government. We have even seen growth in the number of excuses from The Nationals for selling out country Victoria.

This growth presents some great challenges and great opportunities. We have some particular challenges in the area of skill shortages. Alongside this government's record $7.3 billion investment in education and training, it has also worked very hard to attract more skilled migrants to our state. Since 2003 we have invested $22 million in this government's skilled migration program. The program includes the

$15 million Global Skills for Victoria strategy, which was launched by the Premier just last October. We know that skilled migrants, be they doctors, nurses, pilots or engineers, are important in filling in where there are skill shortages and skilled job vacancies in provincial areas. They generate economic growth, but they also contribute to the vibrancy and diversity of our regional communities.

Victoria leads the nation in attracting skilled migrants. When we came to office we were attracting around 17.5 per cent of Australia's skilled migrants. Today it is at 27 per cent, and we want it to go even higher. We have set ourselves a target of 28.5 per cent by 2011. To achieve this sort of growth, over the last eight years we have had to put in place a range of initiatives. We put in place a dedicated fund to work with provincial communities to help them attract migrants and their families to our regional parts of the state. This fund has been copied by other states. We also established our Living Victoria website, another initiative that has been copied and adopted by all states.

But there is more to do, and that is why as part of our $3.96 million Global Skills for Provincial Victoria strategy — a strategy whereby, as I said earlier, we work in partnership with local communities and regional employers — I am very pleased to announce that a range of councils will share in that $3.96 million in funding to put in place local strategies to attract skilled migrants to and retain them in their regions. The local government areas of Bendigo, Horsham, Ararat, Wodonga, Warrnambool, Wangaratta, Mildura, Swan Hill, Shepparton and Geelong will all share in that funding. This funding and approach has been welcomed across provincial Victoria.

Wangaratta council — unfortunately the member for Murray Valley is not with us today; he was there on the day that Cr Roberto Paino — —

Mr Ryan interjected.

Ms ALLAN — My apologies. The member for Murray Valley was with me on this day. He was very pleased to join with us. I do hope there is a speedy recovery, if there is an issue there. Cr Roberto Paino from Wangaratta council said on the day of the launch, 'We want to grab this initiative with both hands as a community and as a city'.

Since day one this government has worked closely with regional and rural Victoria, and we will continue to work with our communities to address their skill needs and skill challenges. We will continue to invest in people and their skills. However, there is one skills program that is perhaps a little bit beyond our reach, and that is the one that the federal shadow minister Joe Hockey has identified for The Nationals — that they have lost their unique association with the country. This government will continue to work with regional and rural Victoria to make it the best place to live, to work, to invest in and to migrate to.

ANNUAL STATEMENT OF GOVERNMENT INTENTIONS

Debate resumed.

Mr EREN (Lara) — As I was saying prior to the lunch break, in my hometown of Geelong the Geelong Hospital emergency department is benefiting from a $26.1 million major project refit that will enable a more effective and efficient way of dealing with emergency requirements. That is not to mention the investment of millions into the McKellar centre. Funding to the tune of $100 million was invested into the McKellar centre, which, by the way, was earmarked to be sold off by the previous government. That would have been an absolute shame. This government is clearly very responsible when it comes to health, particularly that of the aged. Further to the McKellar centre investment, there is funding for the Andrew Love Cancer Centre. We have invested millions into that centre as well.

Clearly this government has invested heavily in health. I could stand here for a long time and go on about the investments that this government has made in Geelong in relation to health, but I will go back to the government's intentions. This aspect of the government's intentions with allow the Minister for Health to plan for health concerns with an eye to the future. It will allow the minister to require monitoring of the industries most frequently in contact with health issues to ensure that all public health matters are supervised and accounted for. Professionals engaged in practices concerning public health will require registration in a way that has not previously been the case. Those who carry out often simple public interactions such as hairdressers, tattooists and even staff in beauty parlours — people who deal with the public health on a daily basis — will have to register themselves as responsible professionals. I applaud that.

My colleague in this place and fellow member of Parliament for the Geelong area, the member for Bellarine, who is also the Minister for Mental Health, has acknowledged publicly that alcohol is in danger of becoming the new heroin and that excessive alcohol consumption is not only costing the taxpayers of this state a great deal in monetary terms, but, much worse

than that, it is costing us the lives of our family and friends. Recent reports that teenagers cannot distinguish the difference in taste between alcoholic and non-alcoholic drinks is disturbing in the utmost, more so when coupled with the revelation that most 13-year-olds have already experienced alcohol.

As a direct response to this mounting issue, the government is preparing to grant extra powers to the police and to the director of liquor licensing to combat the effects of excessive alcohol consumption in the community. As a member of Victoria's multicultural community, I am always keen to see any government work towards further social inclusiveness — —

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

Debate adjourned on motion of Mr McINTOSH (Kew).

Debate adjourned until later this day.

CRIMINAL PROCEDURE LEGISLATION AMENDMENT BILL

Council's amendments

Returned from Council with message relating to amendments.

Ordered to be considered later this day.

CROWN LAND (RESERVES) AMENDMENT (CARLTON GARDENS) BILL

Debate resumed from 11 March; motion of Mr BATCHELOR (Minister for Community Development).

Mr HOWARD (Ballarat East) — I am pleased to contribute to debate on the Crown Land (Reserves) Amendment (Carlton Gardens) Bill that is before the house. As we have heard from previous speakers, it is unfortunate that the government has seen the need to bring forward this bill, but clearly it is necessary to provide for the future security of the Melbourne International Flower and Garden Show. Of course, as we have also heard from previous speakers, this is an outstanding event — and I will come back to talk about the great value of the event later.

Why is this bill necessary? It is necessary because unfortunately, although the flower and garden show has taken place very successfully over the past 12 years in the Carlton Gardens, residents and people living in the area have raised doubts about it and these were followed up by the Melbourne City Council, which has not seen fit to secure its future. It is therefore necessary for this government to step in, as the holder of the Crown land, to bring forward this bill to ensure that if the Melbourne City Council were not to support the Melbourne International Flower and Garden Show the government could come in and take control of that land for the relevant period of time to ensure that the flower and garden show can continue to take place.

It is unfortunate that the Melbourne City Council seems incapable of understanding the great value of this event. It has great value to Melburnians from two points of view. Firstly, people from Melbourne and the region who go along to that show are of course inspired by the displays, both the garden displays in the gardens themselves and the flower displays in the Royal Exhibition Building. Secondly, many tourists come to Melbourne for the period — something like 100 000 people come to the show annually, bringing great benefits to Melbourne's tourism. It seems very unfortunate that Melbourne City Council has dithered in this way and not shown its complete support for the Melbourne International Flower and Garden Show and that the government has found it necessary to bring forward this bill.

The flower and garden show is something I have enjoyed going along to with my family, because it is a great family event. The first time I went along I made the mistake of getting a bit enthusiastic in terms of purchases and found that when I left I had to carry several heavy plants quite some distance from the gardens back to my car, which was parked in the parliamentary precinct. I thought I would never be caught in that way again, so on subsequent visits I have been a little more controlled about my purchases!

Clearly this is a great event which has inspired many people from this region, from other states and from around the world. We have heard that people have come from far and wide on tours to this outstanding show which is of the highest standard. The show also supports the many florists and nursery businesses in this region which come together to present their displays. It offers them opportunities to make sales to promote their businesses and to promote an interest in gardening.

While I continue to be an enthusiastic home gardener, as many would know in my earlier life I was a teacher in secondary schools. I taught horticulture, among other subjects. I found that it was a great opportunity to inspire young children through their interest in growing

plants from seeds or seedlings and seeing them in flower, and sometimes the fruiting stages and so on. It certainly was an enjoyable subject for me to teach as I could see the students could enjoy it and take it with them into their after-school and adult lives, and learn to enjoy gardens too.

Perhaps the inspiration behind my appreciation of gardens were my visits to my grandmother when I was very young. She had a lovely big garden in Belmont, Geelong, and it was terrific to be led around the garden and to be inspired by — —

Dr Napthine interjected.

Mr HOWARD — My grandmother enjoyed leading me up the garden path, and I loved going with her! It was always an inspiration to see what was flowering at any particular time, what was coming into fruit, and being able to pick the fruit in her garden. She had a terrific garden, and it is great to see that flow on as I enjoy my own garden to some extent, although it has been neglected and the effects of the drought have prevented it from growing as well as it has in the past. But I intend to get back to it and, when water is more available, to see my garden reborn.

I am very pleased to support this bill. It is significant legislation because it will enable the Melbourne International Flower and Garden Show to continue to inspire Victorians and to provide great opportunities for people to come from far and wide to enjoy the outstanding displays there. I am very pleased that this government has said very clearly to the nursery industry and to the florist industry, who rely on and put so much energy into this show, that we will stand up for them and ensure they have security into the future.

I hope the City of Melbourne continues to support this show but no matter what the City of Melbourne may determine to do, with the passage of this bill the government is able to act to ensure that the current show can continue to be held in the Carlton Gardens as long as need be. I am very supportive of this bill.

Mr CRISP (Mildura) — I am happy to make a contribution on the Crown Land (Reserves) Amendment (Carlton Gardens) Bill 2008. The purpose of the bill is to amend the Crown Land (Reserves) Act 1978 to allow the Melbourne International Flower and Garden Show to take place in the Carlton Gardens. These amendments rest on the declaration of a special event. A special event must be deemed significant to the state and be formally declared in the *Government Gazette*.

The declaration can only last three years and must specify where and when the event will take place. The Secretary of the Department of Sustainability and Environment or the Melbourne Convention Centre and Exhibition Trust is to manage the special event. These powers can be suspended by the minister at any time if it is deemed appropriate.

I have some interest in this as a result of my former role with the Victorian Farmers Federation horticultural council. One of the groups associated with that council is Flowers Victoria. I thank Mr Ian Blyth of Flowers Victoria for providing me with some briefing notes about the Melbourne International Flower and Garden Show.

It is Australia's biggest flower and garden show and is now in its 13th year. The Melbourne International Flower and Garden Show is to be held at the Royal Exhibition Gardens and will run this year from Wednesday, 2 April to Sunday, 6 April. Flowers Victoria is a half-owner of the Melbourne International Flower and Garden Show, with the Nursery and Garden Industry Victoria.

The event has the support of Interflora, Landscape Industries Association of Victoria, the Victorian Chapter of the Australian Institute of Landscape Architects, plus the active participation of leading horticultural colleges and universities throughout Victoria and Australia. The retail sector also supports the show via Mitre 10.

The show is ranked as one of the top five flower shows in the world and is now regarded as the largest and most successful horticultural event in the Southern Hemisphere. The Melbourne International Flower and Garden Show is renowned for attracting record numbers of visitors and has been established nationally as a hallmark event during its history. The show has been assessed as bringing $8 million worth of tourist revenue to Melbourne and is listed on Victoria's major events calendar.

The show attracts quality leading floral and landscape designers, which is particularly important to us at this time as we recover from drought; we also draw inspiration from what can be achieved during a drought. This show has led us forward to adapt to what will be a drier future. Also, it is a major employer of permanent and casual staff.

It is a very important event and, as the member for Ballarat East has said, it is an inspirational event for young people who consider a career in horticulture. It has a very important role to play in that regard as we

endeavour to maintain interest in and to attract young people to horticulture. These will be the people who allow us to have wonderful gardens in the future but with less water, one would hope.

However, there are a couple of issues that I have some concerns about. The bill fails to guarantee the show with its berth permanently at the Carlton Gardens, leaving this to the whim of a current or future minister; I have a concern about that. Also there is an option for amending the legislation that could provide the absolute security through legislation for the show, while ruling out other uses. There are some ways that we can still go forward on this if it does not work because we are certainly looking for a long future for the show. Like my colleagues, I will not be opposing this bill.

Mr BURGESS (Hastings) — I rise to speak on the Crown Land (Reserves) Amendment (Carlton Gardens) Bill. The purpose of the bill is to provide for the management of land in the Carlton Gardens reserve during special events and to allow the continuance of the Melbourne International Flower and Garden Show at the Carlton Gardens site beyond the current year. The main provisions of the bill are to permit the minister to recommend to the Governor in Council that events suitable to be held in the Carlton Gardens reserve that are of significance to the state be declared special events; permit the suspension of the powers of the trustees or committee of management of the Carlton Gardens for the period of special events and the granting of specific powers to the secretary or the Melbourne Convention and Exhibition Trust; permit the suspension of local laws to the extent that they apply to the Carlton Gardens reserve; and where the event organiser fails to ensure the restoration of the gardens after each special event, to empower the secretary or the trust to carry out restoration works and recover the costs of those works from the event organiser.

There are several aspects to the bill that need discussion. The flower show certainly is an iconic industry event for the nursery and gardening industry in Victoria. It is also a key tourism event, generating an enormous amount of revenue for Melbourne and Victoria. In fact right across the state there are many flower and garden retailers, wholesalers and growers who rely on this event to generate income through a greater broader knowledge of their industry. In fact in my own electorate are organisations such as Tall Trees of Balnarring, Clyde Plant Nursery of Clyde and TGA Australia of Somerville, which are fantastic little businesses and certainly deserving of support.

The Melbourne City Council is opposed to the flower show continuing beyond this year in the Carlton Gardens, and there is also opposition from local residents groups to the event continuing. The bill unfortunately fails to guarantee that the flower show has a berth at the Carlton Gardens, leaving this at the whim of the current, or any future, minister. The bill also potentially opens up the Carlton Gardens at the minister's discretion to a wide range of events that may or may not be suitable to that location.

During the 19th century industrialising countries and colonising powers vied with each other to promote their technological inventions and achievements, so they put on exhibitions in their countries to show off these particular technologies and inventions. The first of such exhibitions were held at Crystal Palace in London in 1851. In 1866 Melbourne organised its first Intercolonial Exhibition, held in a specially built 'Great Hall' on a site behind the state library's Queen's Hall in Swanston Street. At the end of the exhibition the commissioners recommended that an industrial museum be founded in Melbourne for 'public instruction and the technical education of Victorian mechanics and artisans'. The Industrial and Technological Museum was opened in 1870 in the Great Hall.

At the Melbourne International Exhibition of 1880–81 Melbourne promoted itself as a sophisticated industrial city. Architect Joseph Reed designed the Melbourne Exhibition Building for the occasion. The exhibition was a product of the optimism, enthusiasm and energy of the people of Melbourne at the beginning of the boom of the 1880s. It was just such optimism, enthusiasm and energy that drove and prompted the Premier in the mid-1990s, Jeff Kennett, to introduce the Melbourne International Flower and Garden Show. It was a fantastic initiative and one that has certainly borne fruit — excuse the pun — for the local community and Victoria. I very strongly encourage the government to put in place a guarantee that this particular event will go on and on into the future.

Mr BATCHELOR (Minister for Community Development) — I would like to thank those members of the house who have contributed to this debate who are supportive of the proposal that is being put forward. There is widespread support from all the parties here for this legislation, not just for the legislation but, more importantly, for the Melbourne International Flower and Garden Show. This legislation is really necessary to ensure the future of the Melbourne International Flower and Garden Show. It is much loved. People have referred to it as iconic — and it is that and more. The legislation is necessary because some councillors at the

City of Melbourne sought to deflower our garden show, and we will not allow that to happen.

Dr Napthine — Nip it in the bud!

Mr BATCHELOR — The bill seeks to ensure the staging of significant events at Carlton Gardens, in particular our much-loved Melbourne International Flower and Garden Show. As people have said, the bill will enable the Governor in Council to put in place, by declaration, temporary special event management arrangements for the Carlton Gardens if the minister considers that an event is of state significance and should be held there. Also, as members have said, it allows the Melbourne City Council to continue to manage the land as it acts as the committee of management during the rest of the year.

Why are we doing this? Last year the Melbourne City Council indicated that it did not want the flower and garden show to continue to be held in the Carlton Gardens beyond the end of its current two-year licence, which will expire at the conclusion of this year's show in April. In effect it wanted to close it down. The council wanted to nip it in the bud, as the member for South-West Coast interjected earlier. This decision by the Melbourne City Council to close down the flower and garden show followed a decision by the council's environment committee to amend its guidelines so that no further events with high environmental impacts will be held in the gardens — a very strange and curious justification.

The Brumby government has publicly expressed its view that the show can be held in the Carlton Gardens without any significant environmental impact on the gardens. Why did we do that? That is because independent reports commissioned by the Melbourne City Council actually show that. They support the position of the state government. The government also considers that whether or not significant major state events are held on Crown land should not be determined by the interests of a particular council, Crown land manager or trustee without regard to the overall costs and benefits to the state. We all know that the Melbourne International Flower and Garden Show does make a significant contribution to a number of aspects of community life here in Melbourne and to the economy.

This show is a really significant event. It is one of the largest and most important, we believe, of flower shows in the world. Each year it attracts over 100 000 visitors, and they come to this show from not only all around Melbourne and Victoria, but from all over Australia and overseas. It contributes around $8 million to the state economy. Decisions on such important events in the Victorian calendar should be made by the government with regard to the overall benefit to the state, and that is what this bill sets out to do.

The flower and garden show has been successfully held in the Carlton Gardens and the Royal Exhibition Building for the past 12 years, without any apparent long detriment to the gardens or the wonderful significant trees there. A greater impact on the life of the gardens and the trees has of course been the drought. Nevertheless the Melbourne City Council pays particular attention to looking after those trees and gardens, and we are a little perplexed as to why the councillors would not want to highlight the gardens to those 100 000 visitors who come to attend the flower and garden show.

We support the intent of this bill to keep the flower and garden show alive and successfully exhibiting in the Carlton Gardens and at the Royal Exhibition Building. The bill has the support of the other parties in this chamber I believe it also has the support of the overwhelming majority of people in Victoria. I wish it not only a successful passage through this house but through the other house as well.

Motion agreed to.

Read second time.

Third reading

Motion agreed to.

Read third time.

CRIMINAL PROCEDURE LEGISLATION AMENDMENT BILL

Council's amendments

Message from Council relating to following amendments considered:

1. Clause 2, line 11, omit "21(2)" and insert "22(2)".
2. Clause 2, line 14, omit "21(1)" and insert "22(1)".
3. Clause 2, after line 15 insert —

   "(3) Section 12 comes into operation on 1 July 2010.".
4. Clause 2, line 16, omit "(4)" and insert "(5)".
5. Clause 2, line 19, omit "(3)" and insert "(4)".
6. Clause 19, line 26, omit "14" and insert "15".

7. Clause 19, line 29, omit "14" and insert "15".

8. Clause 19, line 31, omit "15" and insert "16".

9. Clause 19, line 35, omit "15" and insert "16".

10. Clause 20, line 8, before "Section 23A" insert "(1)".

11. Clause 20, line 13, omit '".'.

12. Clause 20, after line 13 insert —

'(2) If on the commencement of section 12 of the **Criminal Procedure Legislation Amendment Act 2007** a presentment has been filed but the proceeding has not concluded, section 23A and any rules made relating to sentence indications continue to apply to the proceeding as if section 23A had not been repealed.".'.

13. Clause 22, line 28, omit "2009" and insert "2011".

NEW CLAUSE

14. Insert the following New Clause to follow clause 11 —

"AA Repeal of provisions concerning sentence indications in Supreme Court and County Court

(1) Sections 23A and 32A of the **Crimes (Criminal Trials) Act 1999** are **repealed**.

(2) Section 25(1)(ed) of the **Supreme Court Act 1986** is **repealed**.

(3) Section 78(1)(hh) of the **County Court Act 1958** is **repealed**.".

The ACTING SPEAKER (Mr Howard) — Order! Before calling the Attorney-General I inform the house that the third reading of the bill was passed by an absolute majority. I am therefore of the opinion that the adoption of these amendments requires that an absolute majority be obtained.

Mr HULLS (Attorney-General) — I move:

That the amendments be agreed to.

In moving this motion I remind members of the house what this bill is about and the policy behind it. The justice statement was released in May 2004. It set the agenda for significant reforms of the justice system in this state. This bill is part of putting the justice statement reform agenda into action and meeting the justice statement objective of modernising our justice system.

The bill implements most of the Sentencing Advisory Council's recommendations to allow courts to provide sentence indications and identify sentence discounts. This proposal is in line with the commitment in the justice statement to increase efficiency in the criminal justice system and to decrease court delays. In accordance with the justice statement the bill also amends Victoria's criminal laws to improve and clarify various jurisdiction and procedure provisions. The government certainly believes that these amendments will promote consistency, transparency, fairness and certainty in the criminal law, all of which are key principles of the justice statement.

I might say that when the proposal was released by the Sentencing Advisory Council it received some fairly positive community feedback. An article by Geoff Wilkinson in the *Herald Sun* on 22 February 2007 says, and I quote:

> The verdict was unanimous yesterday when judges, lawyers and even crime victims all welcomed a proposed sentencing discount scheme.
>
> The Crime Victims Support Association said discounted sentences were acceptable as long as victims were included in the process.
>
> Association president Noel McNamara said the trade-off of a sentence cut in return for an early guilty plea would be a reasonable compromise if sentences were still adequate.

The article goes on to talk about the discussion paper that was released at the time by the Sentencing Advisory Council. It says:

> … a discount scheme that rewarded early guilty pleas could save victims and their families the ordeal of a trial, and save court time and resources.
>
> Defendants would be told at an early stage in the legal process what sort of sentence reduction they could expect if they pleaded guilty.
>
> Chief Justice Marilyn Warren said yesterday early identification of cases where the accused was likely to plead guilty had 'significant benefits for victims, the criminal justice system and the community at large'.

The article quotes the chair of the Criminal Bar Association at the time, Stephen Shirrefs, SC, as having said that in-principle sentence indication and discounts were 'a move in the right direction'. It states:

> Mr Shirrefs said his members supported anything that could lead to more consistency, certainty and transparency.

The legislation received fairly widespread support. It was passed by this chamber on 6 December 2007, and as we know it was passed by the Council on 13 March with a house amendment. The purpose of the house amendment is to provide legislative recognition that sentence indications in the County and Supreme courts are being introduced on a pilot basis. The bill introduced into the Parliament did not legislatively provide for a pilot scheme for sentence indications. In accordance with the Sentencing Advisory Council's

recommendations I committed to referring the monitoring and evaluation of the scheme to the Sentencing Advisory Council. The house amendment provides a two-year sunset clause for the sentence indication scheme in the County and Supreme courts. During this time the Sentencing Advisory Council will not only monitor the scheme by collecting and analysing data but may also make recommendations concerning the operation of the scheme.

As members can see from the amendments, the sunset clause is new clause 12 of the bill. New clause 12 repeals all sentence indication provisions in the Crimes (Criminal Trials) Act, the County Court Act and the Supreme Court Act. This clause will not commence until the sunset date provided for in clause 2, which is 1 July 2010. The house amendment also includes a number of consequential amendments arising from the insertion of the sunset provision. The commencement provision in clause 2 of the bill is amended by inserting a commencement date of 1 July 2010 — the new sunset provision in clause 12 of the bill. Amendments to clause 19 of the bill update the numbering of the clauses in the bill following the insertion of the new clause.

Amendments to clause 20 of the bill amend the transitional provision for the sentence indications in indictable matters in section 23A of the Crimes (Criminal Trials) Act. This provision ensures that when the sunset clause comes into effect, proceedings that have already commenced but have not yet been completed are not affected by that sunset provision. Finally the amendment to clause 22 of the bill ensures that the bill does not self-repeal until after the commencement of the sunset clause. I might say that the house amendment does not raise any new issues with regard to the Charter of Human Rights and Responsibilities.

I think the amendments are sensible. I believe that the bill will ensure that those people who intend to plead guilty can plead guilty at an earlier opportunity. That does not compromise their desire to enter a plea in relation to these matters; it basically means that they can get some sort of indication of what sentence may be imposed, whether it be a term of imprisonment or not.

In relation to sentence discounts, sentence discounts are given now, as we all know. Anyone who has practised in criminal jurisdictions knows that sentence discounts are given. What this legislation does is ensure they will be better quantified. The earlier a person pleads to matters, the more discount they are entitled to in certain circumstances. This legislation better quantifies what that discount is and therefore makes the system more transparent.

We will monitor the legislation — the sunset clause will ensure that that occurs — but we certainly hope the legislation achieves its objective of causing less trauma to victims. Tragically victims will still go into the court system as victims and they will come out of the court system as victims. It is important that we do what we can within that court system, within the structures that exist, to ensure that their experience in that process is least traumatic we can make it. I believe that this legislation will go some way to ensuring that that outcome is achieved. I certainly support the amendments, and wish the bill a speedy passage.

Mr CLARK (Box Hill) — These amendments of the Legislative Council are a win for the community. They will protect Victorians against the risk of the Brumby government using lower sentences as a backdoor way of reducing court waiting lists. Members will recall that when the bill was debated in this house the opposition parties took the position that we would not oppose it in the Assembly but that the position we adopted in the Council would be very much determined by the future course of events and in particular by what response we received from the government and the Attorney-General both in the course of the parliamentary debate and in their response to the Scrutiny of Acts and Regulations Committee report on the many concerns we raised during the debate in the Assembly.

The process of getting those responses from the government has been like the process of drawing teeth, but eventually various pieces of information, various assurances and ultimately various amendments were extracted. It is pleasing that the Attorney-General is supporting those amendments despite the fact that, as I understand it, his parliamentary secretary in the Legislative Council, Mr Tee, stated that the government was only accepting or going ahead with the amendments because of the insistence on them by the Liberal Party, The Nationals and the other non-government parties.

The indicative sentence provisions of the bill are intended to give offenders who might be considering pleading guilty to an offence the opportunity to apply to the court to find out in advance the sort of sentence they would receive if they did plead guilty. Those laws have the potential to help victims and the community by avoiding the trauma and cost of protracted trials, but they also run the risk that the courts will feel under pressure to offer more lenient sentences in order to help

overcome the huge court backlogs that have built up under the Bracks and Brumby governments.

By way of example, the Productivity Commission's report on government services 2008 that was released recently shows that Victoria's courts have some of the biggest criminal case backlogs in Australia, with 1094 appeal cases on the County Court waiting list as at June last year, up from 510 cases in 2003; and 2467 non-appeal cases, up from 1722; and there is a similar position in the Supreme Court. These were the concerns that we had when the bill arrived in the other place.

After the Liberal Party and The Nationals gave the government copies of our proposed amendments that would apply a two-year sunset clause to the indicative sentence provisions and some other provisions of the bill, the government introduced its own amendments, which have been adopted by the Council and which are now the amendments before us. As a result of those amendments, the indicative sentence laws for the Supreme and County courts will operate as a genuine pilot scheme that expires on 30 June 2010. Further legislation will need to be passed if the government wants to extend the laws beyond that date.

When the bill was debated in this place we raised a range of concerns, particularly in regard to discrepancies between what the government was informing the house of and what appeared to us to be the situation. In that respect the making by the Legislative Council of these amendments is a victory for decency, for true openness and accountability and for expecting honest and full explanations to this house by the government of what its legislation consists of.

When the Attorney-General introduced this bill originally he made a number of statements to this house that, on closer examination, did not seem to be correct. He told the house that the Sentencing Advisory Council had recommended that the process of indicative sentences be extended so it is available to the County Court and the Supreme Court, but that council made clear that it recommended against the introduction of such a scheme in the Supreme Court. The bill before the house extended coverage of the scheme to sexual offences, which was contrary to the express statement by the Sentencing Advisory Council, which cautioned against the inclusion of sexual offence proceedings in a pilot sentence indication scheme.

The Sentencing Advisory Council recommended a pilot scheme. The bill brought before the house provided not for a pilot scheme but for an ongoing scheme. The Sentencing Advisory Council stressed the need to be satisfied that the position of victims was adequately protected. Those assurances were not given in this place.

On top of that, the Scrutiny of Acts and Regulations Committee raised a wide number of concerns about the legislation. The Legislative Council referred the issue to its Legislation Committee, and I commend the work of Legislative Council members Mr Gordon Rich-Phillips and Mr Edward O'Donohue, together with Ms Sue Pennicuik, in extracting further information and assurances from the Attorney-General's parliamentary secretary in the other place, Mr Tee, and in particular for extracting assurances that the prosecution would always consult with the victims before agreeing to an application by an offender to be entitled to apply to the court for a sentence indication.

Most recently the legislation returned to debate in the full chamber of the other place. The Liberals and The Nationals took the view that the best way forward was to introduce a sunset clause that applied to all aspects of the legislation that related to indicative sentences, as well as the provisions relating to sentence discounts. That seemed to us to be the cleanest, simplest and most straightforward way forward and one that would then allow a review of all aspects of these two innovations.

The government amendments did not go as far as we proposed. I would say in terms of substance, effect and benefit achieved, they probably went about 80 per cent of the way. As I indicated, the government was forthcoming with its amendments only after it became aware of our amendments and the likely response of the other non-government parties to them. The government amendments simply provide sunsets for the indicative sentence provisions as they apply in the Supreme and County courts.

Nonetheless these amendments carried by the Legislative Council achieve a great deal, and in particular and most importantly they achieve what I said at the outset: we will now be in a position to see whether these laws will in fact work as well as we all hope in order to avoid unnecessary trials, which cause trauma to victims and cost to the community. But very importantly, at the same time these sunset provisions will protect Victorians against the risk that the Brumby government will use and rely on these provisions to encourage the courts to give indications of lower sentences as a backdoor way of reducing the very substantial court waiting lists that have built up under the Bracks and Brumby governments.

Mr LUPTON (Prahran) — I will make some brief comments in relation to these house amendments to the

Criminal Procedure Legislation Amendment Bill. I note these amendments have come about through discussion between the parties in the other place and have ultimately been adopted by the government and agreed to by the opposition. I think that is a reasonable position that has been arrived at.

The government has indicated from the outset in relation to this legislation that there would be a process of monitoring of sentence indications by the Sentencing Advisory Council. We believe the scheme set out in this legislation will be beneficial. It will be beneficial to the courts, to parties who come before the courts and to victims, whose situation needs to be very sensitively handled.

As far as the major import of these house amendments is concerned, they really make the indicative sentencing provisions in the original bill subject to a sunset clause, so they will expire on 30 June 2010. The Sentencing Advisory Council will have the job of collecting data and reporting in relation to the operation of the indicative sentencing trial. If these amendments are successful, as the government hopes and anticipates they will be, then I would expect that at the appropriate time the Parliament would properly look to increasing the operation of those indicative sentencing provisions past the sunset date by moving further legislation through this Parliament. Overall this bill will be a very successful one, I believe, and a great improvement to the criminal justice system. I commend the bill, with the amendments, to the house.

Mr HUDSON (Bentleigh) — It is worth revisiting the reason we introduced this bill: it was to improve the efficiency and the effectiveness of our court system. The opposition parties in the upper house have wanted to test the efficacy of the changes that were put forward by the government. They did that by suggesting that these new provisions should be subject to a new sunset clause to be inserted after clause 11 in the bill. The government has always said that it would monitor the effectiveness of these changes and that it would evaluate the impact of the result of changes to the Criminal Procedure Legislation Amendment Bill. Consistent with this, we have absolutely no problems with the need to test and evaluate these provisions and that therefore these provisions will sunset on 31 July 2010.

I believe the Sentencing Advisory Council will be able to undertake a very effective monitoring and evaluation regime in relation to these new provisions. The government believes these new provisions will be an improvement to the operation of our court system. We believe there are adequate protections built into the legislation for the accused in these circumstances. However, it will be beneficial to all members of the house to see the outcomes of this trial. We look forward to those outcomes and we will obviously be supporting this new clause, which will follow clause 11, which has been agreed to by all parties.

Mr CAMERON (Minister for Police and Emergency Services) — The government thanks honourable members for their contributions. It is pleasing to see the broad support which now exists for the bill. The government wishes the bill a speedy passage.

The ACTING SPEAKER (Mr Howard) — Order! As there is not an absolute majority of the members of the house present, I ask the Clerk to ring the bells.

Bells rung.

Members having assembled in chamber:

Motion agreed to by absolute majority.

Ordered to be returned to Council with message intimating decision of house.

LEGISLATION REFORM (REPEALS No. 2) BILL

Second reading

Debate resumed from 11 March; motion of Mr BRUMBY (Premier).

Mr SCOTT (Preston) — It gives me great pleasure to rise to speak on the Legislation Reform (Repeals No. 2) Bill 2007. As stated by previous speakers, the purpose of this bill is to repeal a number of redundant acts of Parliament. It is a fairly simple bill and, unsurprisingly, it is supported by both sides of this house. The bill fits into the government's policy to reduce the total number of acts by 20 per cent from 1998–99 levels. It is a sensible piece of legislation that fits into an intellectual framework of simplicity. In general terms and in a philosophical context members may be familiar with the concept of Occam's razor. The concept applies, in some way, to an idea of simplicity; it underpins the idea that solutions should be as simple as possible.

People may be aware that William of Occam was an English philosopher in the 14th century and a Franciscan friar. He developed the principles of what is sometimes known as the law of succinctness, which

states that entities should not be multiplied beyond necessity. This can simply be applied to this bill: for a number of reasons we should not have acts of Parliament which serve no purpose and that fill up the statute book. That simply makes the law confusing to laypeople who seek to gain access to information. The number of individuals seeking to gain direct access to the law has of course increased dramatically.

Mr Burgess interjected.

Mr SCOTT — I understand that there are a number of members who wish to speak, so I will keep my comments to a minimum. Because of the context of the bill, my previous reference to Occam's razor — which is a translation, but not a direct one, of the original Latin statement — is actually better put by the statement, which has been attributed to Einstein but has never been proven to be said by Einstein, that everything should be made as simple as possible but not simpler. While we should remove redundant acts, it does not mean that we should remove acts that serve a purpose. I commend this bill to the house.

Mr K. SMITH (Bass) — I wish to speak on the Legislation Reform (Repeals No. 2) Bill. First, I think it is important that we get rid of some of the redundant legislation that fills the green books in the centre of the table. There is one aspect of this bill I wish to speak on, and that is with regard to the State Coal Mine Act 1966, which is act no. 7492 of 1966. In fact the removal of this act will bring about final closure to and be a last reminder of the closing of the State Coal Mine at Wonthaggi. The bill came about to give miners the right to a percentage of their contribution to the Coal Mine Workers Pension Fund or to have their pension rights preserved. The mine closed in 1968. The mine will celebrate 100 years of existence when it has its centenary next year, and although it is not operating as a mine, it is still there. Until it was closed a little while ago it had been used as a tourist attraction, and we hope the underground tours will commence again soon.

The town was established and the mine opened in 1909, when the Victorian government of the day got sick and tired of the New South Wales miners going on strike and virtually holding the Victorian government and the Victorian railways to ransom and decided to open a black coal mine in Wonthaggi to produce coal for use in Victorian steam trains. It is interesting that black coal had been found in the Bass Coast area around Inverloch and Cape Paterson some years before that. It was amazing that the early process was to bring the coal to the surface in wicker baskets basically by hand, load it onto a bullock wagon and take it to Inverloch, where it was loaded onto a ship and taken up to Melbourne. This was only 100 years ago, so there has been a little bit of progress since that time.

Not long after the mine opened a direct rail connection to Wonthaggi was built, and members who go down to the Wonthaggi area will see the Kilcunda bridge, which is one of the relics in the area. There is now a railway walking trail that runs from Kilcunda right through to Wonthaggi where the train used to run.

Dr Napthine interjected.

Mr K. SMITH — No. Wonthaggi as a town was thriving then, but increasing numbers of miners, businesspeople and tradespeople turned it into a tent town. In fact for probably a couple of years the town was just tents — streets and streets of tents — that had been pitched down there. However, over the next 20 years it grew until there were about 10 000 people living in the town, which was then a thriving town supplying coal to the Victorian railways. In fact because Wonthaggi was a Victorian Railways town it was well laid out and was well served with infrastructure. It had lots of drains at a time when a lot of other cities and towns did not have drains, and in following years parts of the town were sewered. If you go down there now and look at the wide streets and the way that they have been developed, you can see that it was a typical government town. No expense was spared, and the Victorian Railways probably overdid a lot of things.

By 1929–30 employment and production had reached their peak. There were about 1800 people working in the coalmine at that stage. They mined about 660 000 tonnes of coal in that financial year, so they were actually moving a lot of coal from underground and out of the town. In 1930 the depression hit the country. It hit the State Coal Mine in particular, and men were laid off. In 1932 this caused a great deal of unrest and a strike that ran for five months. It was a railway town and a union town. I do not say that with any sort of disregard for the good work that was done by a lot of the unions during those days, because the mine itself was a treacherous place to work.

I think overall about 80 miners had been killed while they were working in the mine, and it was one of those places where the workers and the mine management were at loggerheads with one another. Production dropped considerably, and a great deal of unrest occurred in the town. Of course after a period of time the town itself started to deteriorate because the number of men employed went down considerably. In the 1950s steam trains were replaced by diesel and electric

locomotives, meaning that there was less demand for coal.

I think it was from the 1930s onwards that the mine ran at a loss. Of course a battle was continually going on between the government, the town, the mine and the workers as to whether the mine should be kept open or closed. In around about 1966 the mine brought about the closure of the operation. In fact the State Mine Act 1966 was brought in when the mine closed to try to protect the rights and the pensions of the miners and to give them the opportunity to have some flow-on of those rights if they went to another industry. The miners had a lot of strength and a lot of power at that time. In fact Wonthaggi was the last bastion of the Communist Party of Australia, which used to lead the May Day parades in Melbourne. It was the miners from the Wonthaggi town who in fact carried the banner for the Communist Party of Australia through the streets of Melbourne at that time.

The mine was opened up again with a lot of help from and work by the Friends of the State Coal Mine. It was used as a film set for a film about the mining of black coal in Wonthaggi. In fact after the filming had been completed the Friends of the State Coal Mine worked down there expanding the mine and opening up parts of it that had flooded and deteriorated rather badly. For 20 years it was used as a tourist mine, and people could go down the mine in a little cable car. They had pit ponies down there, and old, experienced miners who were still living in the town conducted the tours. It was a great experience. I consider it to have been the jewel in the crown of tourism down in the Bass Coast area. I say that understanding that we have got koalas, penguins, racing cars and racing bikes down there, but going down the State Coal Mine was a great and wonderful experience.

The tourist mine was closed on occupational health and safety grounds, but it was done on the basis of standards that had been set for a working mine, which it was not. It was a tourist mine and should have been judged on that basis. It had operated safely without any sort of incidents at all for 20 years, but I think Parks Victoria wanted to see the mine closed because it was becoming a bit of a drag on its budget.

It is interesting that Dr Barry Jones — a former president of the Labor Party — is the patron and president of the organisation that has been set up to try to get the mine working again. The organisation consists of a huge cross-section of the local community and union people who come down to lend their support to the reopening of the mine. Parks Victoria runs the mine. The local management people down there are terrific — I have no complaints at all about them — but I think the people in Melbourne do not want to see any money spent on the mine.

The Premier, who was then Treasurer, came down during the last election campaign and committed $1.5 million towards the $2.5 million that was needed for the opening of the mine, and during the last federal election campaign $1.5 million was committed by the federal government. No money has been seen to date, which is a bit of a waste, because we are celebrating our centenary next year. It is important that the State Coal Mine be opened again, but the government is going to have to start to spend the money very quickly. Parks Victoria was very slow in developing a business plan for it, but the government should now not only have that in its hands but should be handing out the money. The local members, the Friends of the State Coal Mine and local trades, have worked very hard to rewire the whole mine area. They have done a great job.

Dr SYKES (Benalla) — I join the debate on this bill and will make some brief comments. I first acknowledge the consideration of the member for Preston, who cut short his presentation to allow others to speak. I am a little disappointed at that because I enjoy his philosophical contributions to debate!

Given the shortness of time I want to zero in on the repealing of the legislation that relates to water, in particular items 2.36 and 2.42, which relate to the abolishing of the Rural Water Corporation and its regional management boards. I think we all recognise that there is a need for water management structures to evolve over time. Following the abolition of the corporation and the water boards we have had the evolution of Goulburn-Murray Water, which looks after the distribution of water; catchment management authorities, which look after the catchments; and the urban water authorities, which look after the provision of water to urban communities in the country.

I am concerned about the rate of change that is going on, particularly recently, with the large staff turnover in these organisations. We have had the retirement of Laurie Gleeson, the chief executive officer for Goulburn Valley Water, and more recently the resignation of Russell Cooper from Goulburn-Murray Water. We have also had what appears to be musical chairs, with the chair of Goulburn-Murray Water, Don Cummins, shifting to become the chair of Goulburn Valley Water and the chair of the catchment management authority becoming the chair of Goulburn-Murray Water. You have to ask why that is occurring and why there is a new structure being put in

place to design and implement the food bowl modernisation project.

The question that comes to my mind is: is it to frustrate scrutiny of these projects because the government is trying to fast-track them and therefore short-cut proper process? That is the whisper I have heard from within Goulburn-Murray Water. Or is the government looking after its mates and giving them grossly inflated contracts to do a job that we know has an agenda to look after Melbourne's interests at the expense of country Victorians?

I could go on, but instead I refer members to a very good speech made earlier today by the member for Rodney on the key issues surrounding the food bowl modernisation project. I will cease my remarks and give an opportunity for other speakers to contribute to the debate.

Mr BURGESS (Hastings) — I rise to speak on the Legislation Reform (Repeals No. 2) Bill 2007. I want to refer to one aspect or perhaps two, if I have the time. The Police Regulation (Amendment) Act 1989, which is being repealed by this bill, refers to police regulations and basically deals with the discipline of police. I want to make some comments about the discipline of police that is occurring today.

The discipline of police is changing from the discipline of police in the force, the implementation of its rules and the way it operates to a bit more like bully tactics. I am concerned to see the requirement now of a 'declaration of improper friends'. I do not think anyone has an objection in the normal circumstances to improper friends being exposed.

Mr Cameron — On the bill.

Mr BURGESS — This bill refers to police regulations. I am referring more broadly to the discipline of police in current circumstances. The bullying that has taken place recently of the district inspector of the Hastings police station is indicative of the approach police command has taken to police in the field. The *Herald Sun* ran a survey and asked police about their feelings about police command and how it is operating, about the bullying that is taking place and about their views on other aspects.

So long as the provision about 'improper friends' is being handled appropriately, it is okay, but the fact is that this could be used to put more pressure on police officers in their current roles. If we need an example of that, Gordon Charteris is the one to look at. Gordon spoke out, after 32 years of good police ethical standards department service to say he was concerned about the number of police under his control. He had not spoken up in the past — —

The DEPUTY SPEAKER — Order! I understand that members can contribute to bills in different ways, but this is about repealing an act of Parliament. I ask the member to be very conscious of that when speaking on the bill.

Mr BURGESS — I certainly will. I will finish on this point: Gordon Charteris spoke out about the number of police he had under his control and basically said he did not have enough police to perform his job or to protect the community. After he did that, at a meeting that followed some weeks later police members stood up and said they were greatly concerned about the future for Gordon Charteris. Within two weeks of that meeting, Gordon Charteris had been hauled in to his superior's office. He was reprimanded; he was told that he would be moved; he was told that he would be disciplined; and that he may even be charged.

The DEPUTY SPEAKER — Order! I did ask the member to speak on the bill. I ask him to conclude his remarks.

Mr BURGESS — He was told that he would be charged. What I was referring to was the possibility that the latest development of an improper friends register could be used in a manner that the public would not expect it to be used, and used as a bullying tactic.

Mr CAMERON (Minister for Police and Emergency Services) — I thank honourable members for their contributions, and I wish the bill a speedy passage.

Motion agreed to.

Read second time.

Third reading

Motion agreed to.

Read third time.

POLICE INTEGRITY BILL

Statement of compatibility

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

In accordance with section 28 of the Charter of Human Rights and Responsibilities, I make this statement of compatibility with respect to the Police Integrity Bill 2008 (the PI bill).

In my opinion, the PI bill, as introduced to the Legislative Assembly is compatible with human rights protected by the charter. I base my opinion on the reasons outlined in this statement.

Overview of the bill

The purpose of the PI bill is to:

(a) re-establish the Office of Police Integrity (the OPI);

(b) prescribe the functions of the OPI and the director, police integrity (the DPI);

(c) amend the Police Regulation Act 1958 (Vic) (the PR act).

The bill establishes a scheme to investigate police corruption and serious misconduct of members of the Victoria Police and:

(a) empowers the DPI to issue a witness summons to compel witnesses to attend before the DPI for an investigation or examination and impose penalties on members of the force for failure to respond to the DPI's directions and summonses;

(b) sets out procedures for charging and arresting members of the force who do not cooperate with the DPI's summonses;

(c) sets out procedures for the treatment of persons charged and arrested for contempt of the DPI in accordance with the law;

(d) empowers an authorised officer, including the DPI, to enter premises and seize documents relevant to an investigation;

(e) sets out a procedure for the special investigations monitor to investigate misconduct of the DPI.

The OPI is both an investigative and a review body and is separate from the Victoria Police. It has its own management and reporting and accountability arrangements. It reports directly to the Victorian Parliament. In addition to investigating complaints against the police, the DPI can of his or her own motion conduct an investigation into any matter relevant to achieving the objectives of his or her office including, but not limited to, an investigation into the conduct of a member of the force, police corruption and serious misconduct, and any of the police policies, practices and procedures of the force or a member of the force or the failure to adhere to the polices, practice or procedure.

Human rights issues

Confidentiality provisions (clauses 22, 23 and 51)

Clauses 22 and 23 impose strict restrictions on OPI personnel and other persons in respect of disclosure of information. Clause 51 exempts documents from disclosure under the Freedom of Information Act 1982. Some of that information would come within the term 'information and ideas' and therefore engage the right to free expression in s 15 of the charter.

The purpose of the provisions is to ensure the confidentiality of information held by the OPI. Disclosure of information other than in the circumstances and for the purposes set out in clauses 22 and 23 has the potential to jeopardise the effectiveness of an OPI investigation and to impact upon the rights of others. In some cases, disclosure of information could jeopardise the safety of a person who has given information to the OPI.

More generally, strict confidentiality provisions are necessary to ensure that the objectives of the DPI are able to be achieved. Those objectives are set out in clause 8(1) of the bill and include ensuring that police corruption and serious misconduct is detected, investigated and prevented. To a large extent the DPI relies upon the preparedness of police officers and other persons to provide information. Without clear assurances as to the confidentiality of information provided by them, potential informants and witnesses would be less willing to provide such information to the DPI.

Whilst the confidentiality provisions restrict free expression they are reasonably necessary to respect the rights and reputations of others and for the protection of public order. Accordingly, they are not incompatible with the charter.

Disclosure of information to law enforcement agencies and corresponding authorities, the privacy commissioner, the Ombudsman, the Auditor-General and the director of public prosecutions (clauses 24 to 27) and reports to the special investigations monitor (clauses 115 to 117)

Clauses 24 to 27 of the bill enable the director to disclose information to the Chief Commissioner, Victoria Police, other law enforcement agencies, the Privacy Commissioner, the Ombudsman and the Auditor-General. That information may well extend to personal information of persons such as to engage the right to privacy and reputation under s 13 of the charter. However, any interference is lawful and is not arbitrary. The bill is prescriptive with respect to the circumstances and the purposes of disclosure.

Similarly, to the extent that the requirements of the DPI to report summonses, arrest warrants and other matters to the SIM (clauses 115 to 117) may engage the right to privacy and reputation, any interference is lawful and not arbitrary.

Testing of OPI personnel for alcohol and drugs of dependence (clauses 30 to 37)

Clauses 30 to 37 regulate the testing of OPI officers following a critical incident that results in death or serious injury, where the DPI reasonably believes that an officer's ability to perform his or her duties is affected by alcohol or drugs, and where the DPI reasonably believes that an officer ought to be tested to manage the member's performance of his or her duties or to take disciplinary action against the member.

The provisions give effect to the right to life in section 9, the right to liberty and security of the person in section 21, the right to protection from torture and cruel, inhumane or degrading treatment in section 10, and the right to humane treatment when deprived of liberty in section 22 of the charter. These rights require the State to take measures to ensure proper treatment of detained persons and to not arbitrarily deprive a person of their life or interfere with their liberty and security. The rights also require that the state

undertake effective investigations where a person is killed or injured by actions of the state or while in the custody of the state. In Victoria, a number of investigatory mechanisms are available including coronial inquests, criminal proceedings, civil proceedings and disciplinary proceedings.

On the other hand, by enabling the DPI to direct that an officer undergo drug and alcohol testing, the provision has the potential to impact upon the rights of individual officers, including the right to liberty and security in section 21, the right not to be subjected to medical treatment without consent in section 10, the right to freedom of movement in section 12, and the right to privacy in section 13. The results of the testing can be used in disciplinary proceedings against the officer. In the case of a critical incident the results can also be used in any proceedings arising out of the incident, including criminal proceedings and coronial inquests.

I consider that the bill represents an appropriate balance between these competing rights and any limitation upon the rights of individual officers is reasonable and justifiable under s 7(2) of the charter:

The nature of the right being limited

The rights of the officers are important and must be respected. However, they are rights that can be limited and must be balanced against the rights of the broader community.

The importance of the purpose of the limitation

OPI officers are given a broad range of powers in order to perform the functions of the OPI. This includes the authority to possess, carry and use defensive equipment and firearms (clauses 102 and 103). The exercise of these powers can limit or interfere with the rights of individuals, including the rights to life, liberty and security. It is essential to the protection and promotion of those rights that the DPI has sufficient powers to effectively investigate cases where actions of an OPI officer have resulted in death or serious injury, to investigate and take action in cases where alcohol or drug use may be affecting the ability of an OPI officer to carry out his or her duties, and to investigate and manage the performance of OPI officers. The provisions also serve to enable identification of officers with alcohol or drug problems so that treatment and rehabilitation can be provided.

Enabling alcohol and drug testing of officers also assists in maintaining the integrity of the OPI and the public's confidence in it.

The nature and extent of the limitation

The limitations on the rights of individual officers are minimal. An officer's right to liberty and freedom of movement may be limited by requiring him or her to attend for the purpose of drug or alcohol testing. An officer's right to security of the person and not to be subjected to medical treatment without full, free and informed consent may be limited by a direction to allow a blood sample to be taken. Although the officer can refuse to comply with the direction of the director, given that such a refusal could result in disciplinary proceedings, consent cannot be regarded as truly free. Further, clause 33 enables a blood sample to be taken without consent where an officer involved in a critical incident is unconscious, although the officer can subsequently refuse consent for the use of any evidence obtained from such a sample. The right to privacy is not limited as the circumstances in which such testing can be directed cannot be regarded as unlawful or arbitrary, and clauses 35 and 36 protect the confidentiality of the test results.

The relationship between the limitation and its purpose

To the extent that the rights of officers are limited, those limitations are directly connected to the purposes of the scheme. The power to direct officers to undergo testing following a critical incident and the ability to use the results in any proceedings arising out of the incident is necessary to ensure an effective investigation into a death or serious injury arising out of or connected with actions of OPI officers. The powers of the DPI to direct an officer to undergo drug or alcohol testing in other circumstances are broader, but are also directly connected with the purposes of the limitation. The powers apply only where there are concerns that a member's ability to perform his or her duties is affected by drugs or alcohol, or where the DPI reasonably believes the officer ought to be tested in order to manage the member's performance of his or her duties, or to take disciplinary action against the member.

Less restrictive means reasonably available to achieve the purpose

To the extent that the rights of officers are limited, the interference is necessary to achieve the purposes of the scheme. Less restrictive means, such as further limiting the circumstances in which testing can be undertaken or enabling an officer to refuse consent without any disciplinary consequences, would not be as effective in achieving the purposes of the provisions.

Other relevant factors

It should also be noted that OPI officers are subject to the same alcohol and drug testing schemes as other road users under the Road Safety Act 1986.

Compulsory questioning powers

A number of provisions of the bill require persons to give information, answer questions and produce documents.

Clause 47 enables the DPI to direct any member of the Victoria Police to give information, produce documents, or answer questions for the purposes of an investigation into a complaint concerning a possible breach of discipline.

Clause 53 enables the DPI to issue a summons on any person, other than a person known to be under the age of 16 years, to attend an examination before the director and/or to produce documents or other things. Clause 68 requires that a person served with such a summons is required to attend and answer questions and/or produce those documents or things.

Clause 124 enables the special investigations monitor to require a member of OPI personnel to attend the SIM and answer questions and/or produce documents or other things.

These powers engage a number of charter rights, including freedom of movement in s 12, the right to privacy and reputation in s 13, freedom of expression in s 15, the right to a fair hearing in s 24, and the right not to be compelled to testify against oneself or to confess guilt in s 25(2)(k).

Freedom of movement

To the extent that a person may be required to attend and remain at a place to answer questions or produce documents or things, the compulsory questioning powers impose limits upon a person's freedom of movement. However, those limits are reasonable under s 7(2) of the charter:

The nature of the right being limited

The right to move freely within Victoria is one that can be subject to restrictions. The International Covenant on Civil and Political Rights expressly recognises that the right may be subject to restrictions that are necessary to protect public order, public health or morals or the rights and freedoms of others.

The importance of the purpose of the limitation

The limitation on movement is necessary in order to fulfil the functions of the OPI and achieve the objects of the DPI. Those are important functions and objects and would come within the meaning of public order.

The nature and extent of the limitation

The limits placed on free movement are relatively minor. The limits are temporary and last only as long as it is necessary to conduct the examination.

The relationship between the limitation and its purpose

The requirement to attend an examination is directly related to and rationally connected with the need to carry out an examination in order to obtain information for the purposes of the bill.

Less restrictive means reasonably available to achieve the purpose

Any less restrictive means would not achieve the purposes of the provisions as effectively.

Accordingly, I consider that the provisions are compatible with the right to freedom of movement in s 12 of the charter.

Privacy and reputation

The requirements to answer questions, provide information and to produce documents are likely to involve interferences with a person's privacy, and may involve attacks on a person's reputation. However, the interferences are necessary in order to achieve the important purposes of the OPI and DPI. They are lawful and cannot be regarded as arbitrary.

Accordingly, I consider that the provisions are compatible with the right to privacy and reputation in s 13 of the charter.

Freedom of expression

The right to freedom of expression, which includes the freedom to impart information, has been interpreted in some jurisdictions to include a right not to impart information.

Insofar as the provisions require a person to impart information, they impose a restriction upon the right in s 15 of the charter. However, those restrictions are necessary in order to fulfil the functions of the OPI and achieve the objects of the DPI. Those are important functions and objects and would come within the meaning of public order in s 15(3).

Accordingly, I consider that the provisions are compatible with the right to free expression in s 15 of the charter.

Abrogation of the privilege against self-incrimination (Clauses 46–47; 68–69; and 124–125)

In respect of each of the compulsory questioning powers there are provisions that abrogate the common law privilege against self-incrimination. In each case, the person must answer the question, or produce the document or thing, notwithstanding that it may incriminate them (clauses 47, 69, 125). However, a 'use' immunity is provided to restrict the use of the answer, document or thing. The answer, document or thing is not admissible in any criminal proceedings, except those in respect of failing to provide the information or in respect of giving false information.

Section 25(2)(k) of the charter provides a person charged with a criminal offence is entitled 'not to be compelled to testify against himself or herself or to confess guilt'.

This right is considerably narrower than the common law privilege against self-incrimination. It applies only to persons charged with an offence. However, clauses 46 and 120 of the bill make it clear that the compulsory questioning powers in the bill may be used despite the fact that there may be other proceedings on foot. Accordingly, it is possible that the compulsory questioning powers may be used to require a person who has been charged with an offence to answer questions, in which case s 25(2)(k) of the charter would be engaged.

This is not to say that the DPI or SIM could use the compulsory questioning powers for the purpose of gathering further evidence against an accused for the purposes of the criminal proceeding. It may only use its powers for the purposes set out in the bill. However, the fact that a person has been charged with an offence relating to a complaint, should not prevent the OPI from conducting or continuing to conduct an investigation and identifying, for example, the extent of the involvement of other persons in corrupt police practices.

In other jurisdictions equivalent rights to s 25(2)(k) have been interpreted as being limited to 'testimonial disclosures'. It does not apply to the production of real evidence; for example, fingerprinting, compulsory breath testing, or compulsory production of documents.

Further, the right has been interpreted as not precluding compulsory questioning, in separate proceedings, provided there is a use immunity: see particularly the decision of the Court of Final Appeal of Hong Kong (including Sir Anthony Mason) in *HKSAR v. Lee Ming Tee* [2001] HKFCA 14.

The right clearly makes the accused a non-compellable witness in the criminal proceedings against him or her, and reflects the rule that confessions are admissible only if they are voluntary. However, the right does not preclude compelling an accused to be a witness in other proceedings provided there is an immunity protecting against the use of statements made in those proceedings in respect of the criminal proceedings relating to the accused. The use immunity is sufficient to ensure the accused is not indirectly made a witness against himself.

Accordingly, the provisions are compatible with s 25(2)(k) of the charter.

Fair hearing

The ability to use compulsory questioning powers in respect of persons who have been charged with an offence has the potential to prejudice a fair trial, particularly if the evidence of that person were to be published. However, the bill contains a number of safeguards to ensure a person's fair trial is not prejudiced. Where the DPI is or becomes aware that other proceedings are on foot, clause 46(2) directs the DPI to take all reasonable steps to ensure that the conduct of the investigation does not prejudice the proceedings. A similar safeguard exists in respect of compulsory questioning powers of the SIM. Further, in determining whether an examination is to be open to the public, the director is directed to weigh the benefits of public exposure and public awareness against the potential for prejudice or privacy infringements.

Accordingly, the provisions are compatible with the right to a fair hearing in s 24(1) of the charter.

Abrogation of legal professional privilege (clause 70)

Clause 70 of the bill abrogates legal professional privilege in relation to public authorities and public officers. However, the ability to claim legal professional privilege in relation to criminal proceedings is expressly preserved (clause 70(4)).

As already set out above, the bill expressly enables the DPI to commence or continue an investigation even though other proceedings may be on foot in relation to the same subject matter. Accordingly, although unlikely, it is possible that a police officer who has been charged with an offence may be asked questions in relation to that offence and in the course of doing so be required to disclose communications with his or her lawyer in relation to that offence that is the subject of legal professional privilege. This has the potential to engage the right to legal assistance of a person charged with a criminal offence in s 25(2)(d) of the charter. In particular, the DPI has the power to pass information on to law enforcement agencies. If this included information that related to the accused's defence strategy, obtained as a result of the abrogation of legal professional privilege, the right to legal assistance would be undermined. The effectiveness of this right depends upon the confidentiality of communications between a client and their legal adviser.

However, where other proceedings are on foot, clause 46(2) requires the director to take all reasonable steps to ensure that the conduct of the investigation does not prejudice those proceedings. This requirement must be exercised in light of the charter and must therefore take account of the accused's entitlement to legal assistance. The steps necessary to ensure the conduct of the investigation does not prejudice the proceedings would include imposing restrictions on the disclosure of information to the prosecuting authorities that would have the effect of undermining the accused's entitlement to legal assistance.

In addition, clause 70(4) expressly provides that a public authority or police officer may object to answering a question or producing a document in relation to a criminal proceeding to which the authority or officer is a party on the ground of legal professional privilege.

A further safeguard exists insofar as any information that is subject to legal professional privilege is also self-incriminatory. That information cannot be used in the criminal proceedings against the accused.

Having regard to these safeguards, I consider that the provisions are compatible with the right to legal assistance in s 25(2)(d) of the charter.

Protections for young people (clauses 53, 55, 61, 63, 64)

The bill contains provisions that restrict the use of the DPI's powers in respect of young persons.

Clause 53(3) prohibits the director from issuing a summons to a person known to be under 16. Clause 55(1) provides that a summons directed to a person under 16 is of no effect. Clause 62 requires the DPI to confirm the age of the witness if he/she suspects that the witness may be under 18 and to release the witness from all compliance with the summons if the witness is under the age of 16 years. Clause 63 requires that, if at any time during an examination, the DPI becomes aware that a witness is under 16, the DPI must immediately release the person from all compliance with the witness summons.

Clause 64(3) provides for additional assistance for witnesses under the age of 18 years, in the form of a parent, guardian or independent person.

Whilst these provisions may involve different treatment for persons under the age of 16 or 18 years, the provisions are protective and take account of the vulnerability of younger persons. To the extent that there may be a limit on the right to equality under s 8 of the charter by not extending the protections to adults, that limit is reasonable under s 7(2) of the charter.

The provisions do, however, distinguish between children based upon their age. Accordingly, they engage s 17(2) of the charter which 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'. Child is defined as a person under the age of 18 years. The provisions only prohibit witness summonses being issued in respect of persons under the age of 16 years. Persons who are aged 16 or 17 may be summonsed but are entitled to additional assistance as set out in clause 64(3). Given that 16 and 17-year-olds are entitled to work and may well be employed by Victoria Police, it is appropriate that the powers extend to them so that they can be questioned. Such persons do not need the same level of protection as those under 16. Accordingly, there is no limit upon the right in s 17 of the charter.

Accordingly, I consider the provisions are compatible with sections 8 and 17 of the charter.

Protections for persons with disabilities or language difficulties (clause 64)

Clause 64(2) provides for interpreters to be present at examinations of persons with insufficient knowledge of the English language to understand questions asked of him or her.

Clause 64(4) provides special protections for witnesses with mental impairments.

These provisions give effect to the right to equality in s 8 of the charter and do not limit it.

Accordingly, I consider the provisions are compatible with s 8 of the charter.

Offences (clause 113)

The bill creates a number of offences, which include defences of 'lawful excuse' or 'reasonable excuse'.

Pursuant to clause 113(1) it is an offence if a person 'without lawful excuse', wilfully obstructs, hinders or resists the DPI or any other person in the exercise of his or her powers under the act.

Pursuant to clause 113(2) it is an offence if a person 'without lawful excuse' refuses or wilfully fails to comply with any lawful requirement of the director or any other person in the exercise of his or her powers under the act.

The provisions in clause 113 expressly provide that the burden of proving the lawful excuse lies on the person. Accordingly, the defence must be proved by the person on the balance of probabilities. By placing the burden of proof on the defendant, the provisions limit the right to be presumed innocent in s 25(1) of the charter. However, I consider that the limitation is reasonable and justified pursuant to s 7(2) of the charter.

The nature of the right being limited

The right to be presumed innocent is an important right and one that has long been recognised well before the enactment of the charter. However, the courts have recognised that it may be subject to reasonable limits. This is particularly so in relation to defences of lawful or reasonable excuse where, as here, the conduct would generally be regarded as lawful. In *R v. Lambert* [2001] 3 WLR 206 Lord Steyn made clear that he was not suggesting that the presumption of innocence was breached in cases 'within the narrow exception "limited to offences arising under enactments which prohibit the doing of an act save in specified circumstances or by persons of specified classes or with specified qualifications or with the licence or permission of specified authorities"'. In the present case, the prosecution must still prove mens rea; that is, acting wilfully.

The importance of the purpose of the limitation

The purpose of the offence provision is to ensure that persons who wilfully obstruct, hinder or resist the DPI, or who refuse or wilfully fail to comply with any lawful requirement of the DPI are able to be prosecuted. The purpose of the defence is to enable a person who has a lawful excuse to escape liability for what would otherwise be unlawful conduct.

The nature and extent of the limitation

The provision imposes on the defendant the burden of proving, on the balance of probabilities, that he or she had a lawful excuse for wilfully obstructing, hindering or resisting the DPI, or refusing or wilfully failing to comply with any lawful requirement of the DPI.

The relationship between the limitation and its purpose

The imposition of a burden of proof on the defendant is directly related to its purpose.

Less restrictive means reasonably available to achieve the purpose

Less restrictive means would not achieve the purpose of the provisions as effectively. The matters are within the knowledge of the defendant and it is notoriously difficult for the prosecution to prove a negative.

Accordingly, I consider that the provisions are compatible with s 25(1) of the charter.

Contempt (clause 78)

Clause 78 provides that a person is guilty of contempt of the director if the person, without reasonable excuse, fails to produce documents or things, refuses to be sworn or refuses or fails to answer a question. Although not specified in the provision, the burden would be on the person to prove they had a reasonable excuse.

The rights in s 25 of the charter only apply in respect of criminal offences. It is questionable whether the contempt in clause 78 falls within s 25.

However, assuming it does, I consider that the limitation is reasonable and justified pursuant to s 7(2) of the charter.

The nature of the right being limited

The right to be presumed innocent is an important right and one that has long been recognised well before the enactment of the charter. However, the courts have recognised that it may be subject to reasonable limits. This is particularly so in relation to defences of lawful or reasonable excuse where, as here, the conduct would generally be regarded as lawful. In this case, the failure to comply with a lawful requirement would justify criminal liability being attached.

The importance of the purpose of the limitation

The purpose of the offence provision is to ensure compliance with the lawful requirements of the DPI. The purpose of the defence is to enable a person who has a reasonable excuse to escape liability for what would otherwise be unlawful conduct.

The nature and extent of the limitation

The provision imposes on the defendant the burden of proving, on the balance of probabilities, that he or she had reasonable excuse for failing to produce documents or things, refusing to be sworn or refusing or failing to answer a question.

The relationship between the limitation and its purpose

The imposition of a burden of proof on the defendant is directly related to its purpose.

Less restrictive means reasonably available to achieve the purpose

Less restrictive means would not achieve the purpose of the provisions as effectively. The matters are within the knowledge of the defendant. It would be difficult for the prosecution to anticipate what reasonable excuse a person may have, unless the person volunteers that information.

Accordingly, I consider that the provisions are compatible with s 25(1) of the charter.

Arrest and bail (clauses 79–81 and 84–86)

Clauses 79 to 81 provide for the charging and arrest of persons for contempt and for their bail and/or custody pending their court appearance.

Clauses 84 to 86 provide for the arrest of recalcitrant witnesses and for their bail and/or custody pending their court appearance.

These provisions engage the right to liberty in s 21 of the charter. However, the provisions are compatible with the right. The arrest or detention cannot be regarded as arbitrary. Any deprivation of liberty is on grounds and in accordance with procedures established by law. The provisions ensure that the person is promptly brought before a court in order for bail to be considered.

Powers of entry, search and seizure (clauses 87–101)

Search of premises occupied by public authority

Clause 88 enables an authorised officer to enter and search premises occupied by a public authority, and to inspect or copy documents or things on the premises. Clause 89 enables seizure of documents or other things on the premises.

These powers are able to be exercised without a warrant. However, they relate only to premises occupied by a public authority (as defined in clause 3). Clause 88(4) expressly excludes any part of premises that is used for residential purposes.

The right to privacy in s 13 of the charter protects a personal privacy interest. It is not a property right, nor does it extend to information held in a public capacity. To engage the right there must be a reasonable expectation of privacy. There is either no such expectation or a limited expectation of privacy in respect of information held on police premises. To the extent that the privacy right may be engaged by searching premises occupied by a public authority, the interference is lawful and is not arbitrary. The power is directly linked to achieving the purposes of the OPI and DPI. Entry is limited to circumstances where there is a reasonable belief that there are documents or other things relevant to an investigation. Procedures are set out for seizing items.

Other premises

The power to enter and search other premises, where the right to privacy is more likely to be engaged, is more restricted and can only be exercised upon issue of a search warrant by a Magistrate. A warrant can only be issued upon the Magistrate being satisfied that the director believes, on reasonable grounds, that entry to the premises is necessary for the purpose of an investigation: clause 93.

A range of procedures and safeguards are set out in clauses 93 to 101 of the bill. In particular, a procedure is set out to safeguard privileged material.

Having regard to limits placed upon the issuing of search warrants for private premises and the procedures and safeguards set out for the exercise of the warrant, I consider that any interference with privacy authorised by the bill is lawful and not arbitrary.

Accordingly, I consider that the provisions are compatible with the right to privacy in s 13 of the charter.

Production and inspection of protected documents and things (clauses 104–108)

Clauses 104 to 108 set out a procedure for dealing with information held by the DPI that, for reasons of public interest, should be kept confidential. These reasons, as set out in clause 105, include: the disclosure would disclose the identity of informers, witnesses or other persons who have provided information to the DPI, or put such persons' safety at risk; the disclosure would disclose the identity of a person the subject of an investigation, or put such a person's safety at risk; the disclosure would jeopardise an ongoing investigation; the disclosure would reveal investigative methods.

Different procedures apply for criminal and civil proceedings.

Criminal proceedings (clauses 107–108)

The procedures for criminal proceedings in clauses 107 to 108 replace the existing procedures adopted by courts in dealing with public interest immunity claims. They give effect to the balancing exercise required where competing interests are at issue and enable greater participation of an accused without undermining the reasons why the documents should be kept confidential.

The provisions allow the DPI to object to the disclosure of documents sought under a subpoena in criminal proceedings. Before objecting to the production of documents, the DPI must notify the party to the proceeding that an objection is being made to the court, indicating at least the category of the material held by the DPI. Generally, the expectation is that the hearing will be conducted inter-parties, enabling the party to the proceeding to make representation to the court regarding the objection. As the House of Lords recognised in *R v. H* [2004] 2 AC 134, courts are usually well placed to assess the material and decide upon the objection to production.

If the objection is to proceed as an ex parte hearing, the court has the discretion to appoint special counsel to represent the interests of the party to the proceeding. The special counsel must be a barrister within the meaning of the Legal Profession Act 2004 (Vic) who, in the opinion of the court, has the appropriate skills and ability to represent the interests of the party to the proceeding in the ex parte hearing. The special counsel is able to communicate with the party prior to receiving the confidential material, but cannot take instructions from the party to the proceeding or the lawyers to the party to the proceeding once he or she has seen the confidential material. The special counsel is obliged to keep confidential any information that cannot be disclosed to reflect the process set out by the House of Lords in *R v. H* [2004] 2 AC 134 as being appropriate in public interest claims.

Pre-trial disclosure is an integral part of a criminal process and is an important element of the 'principle of equality of arms' recognised by s 24 of the charter. However, the OPI is independent of the prosecution and therefore there is no general obligation of disclosure. However, in some cases, it will be an investigation of the OPI that forms the basis of a prosecution. In these cases, the OPI cannot be treated as entirely separate from the prosecution for the purposes of disclosure obligations pursuant to the right to a fair hearing. As the House of Lords has said, 'fairness ordinarily requires that any material held by the prosecution which weakens its

case or strengthens that of the defendant, if not relied upon as part of its formal case against the defendant, should be disclosed to the defence': *R v. H*.

The procedures for criminal proceedings in clauses 107 to 108 enable greater participation of an accused without undermining the reasons why the documents should be kept confidential and is consistent with the approach set out by the House of Lords in *R v. H* [2004] 2 AC 134 as being appropriate in public interest claims for non-disclosure of documents or things.

However, courts have been prepared to allow limits on disclosure of material that are necessary to protect the public interest, including where disclosure would place the safety of informants at risk. The concept of a 'fair' hearing takes account not only of the accused's interests, but also those of the victim and society: see, for example, Lord Steyn's comments in R v A (No. 2) [2002] 1 AC 45 at 65. The House of Lords has identified a series of questions which the court must address when any issue of derogation from the golden rule of full disclosure comes before it (R v H at 36). Although the House of Lords judgement does not bind the court, these questions indicate the kinds of considerations the court may have when hearing an objection by the OPI. The procedures set out in the bill do not prevent the court to undertake this approach in determining whether a document is a protected document and whether disclosure should be ordered.

Ultimately, the court must order non-disclosure of the document if the grounds are made out that the document is a protected document. However, even where those grounds are made out, the court may order disclosure if 'exceptional circumstances' exist. Exceptional circumstances would include the circumstances set out by the House of Lords; that is, where non-disclosure would have the effect of rendering the trial process, viewed as a whole, unfair to the defendant.

Accordingly, I consider that these provisions are compatible with the rights in s 24 of the charter.

Proceedings other than criminal proceedings (clause 106)

In respect of proceedings other than criminal proceedings, the DPI or an officer of the OPI cannot be compelled to produce any document or thing that has come into his or her possession in the performance of his or her functions in a court proceeding (other than a criminal proceeding), if the DPI certifies in writing that, in the DPI's opinion, the document or thing is a 'protected document'.

The right to a fair hearing (s 24(1)) would only be engaged if the OPI were a party to the proceeding. There will be a violation of the right to a fair hearing if a respondent state, without good cause, prevents an applicant from gaining access to, or falsely denies the existence of, documents in its possession which are of assistance to the applicant's case: *McGinley and Egan v. United Kingdom* (1998) 27 EHRR 1, Ect HR, para 86. However, the grounds upon which a document may be a protected document would clearly amount to good cause.

Accordingly, I consider that the provisions are compatible with s 24(1) of the charter.

Protection of protected persons

Clause 109 is an immunity provision. It ensures that protected persons are not liable for acts done in good faith in the performance of their duties. However, the immunity does not extend to critical incidents.

In respect of critical incidents, pursuant to clause 110, the protected person will not be personally liable if they have acted in good faith. In these cases, liability attaches to the state. Civil proceedings will still be able to be issued in respect of critical incidents. In this way, there is no limit upon the state complying with its obligation to effectively investigate such incidents.

Letters by people in custody

Clause 129 of the bill provides that letters by persons in custody to the DPI should be forwarded unopened by prison authorities.

Clause 129(4) enables a person to open such a letter if the letter is suspected of containing drugs, weapons or other contraband.

Whilst this is an interference with the correspondence of the person in custody, and therefore engages the right to privacy in s 13 of the charter, it is clearly lawful and is not arbitrary.

Accordingly, I consider that the provision is compatible with the charter.

Conclusion

I consider that the bill is compatible with the Charter of Human Rights and Responsibilities because to the extent that some provisions may limit human rights, those limitations are reasonable and demonstrably justified in a free and democratic society.

HON. BOB CAMERON, MP
Minister for Police and Emergency Services

Second reading

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

That this bill be now read a second time.

In 2004, the government set up the Office of Police Integrity (OPI) to detect, investigate and prevent police corruption and serious misconduct. The role of the OPI is to ensure that the highest ethical and professional standards are maintained in Victoria Police. Since that time, the OPI, headed by the director, police integrity, has established itself as an important body, equipped with strong powers and resources to monitor and improve standards of police conduct and performance. The OPI's work reinforces the government's confidence in Victoria Police. As the director observed in his 2006–07 report to the Parliament, 'the vast majority of police men and women in Victoria do a good and conscientious job. This view is reflected in surveys that continue to record high levels of public confidence in Victoria Police'.

The OPI performs an invaluable service to the Victorian community by seeking to ensure that police officers conduct themselves properly in the performance of their significant duties. The unique powers entrusted to police necessitate appropriate oversight so that the public can have ongoing confidence in the police force.

This government is committed to ensuring that Victoria has an effective body, independent of the police force and the government, responsible for maintaining the high professional standards of our police. Moreover, this government is committed to the OPI's work in building a corruption resistant culture within Victoria Police.

Summary of the bill

An important step in this process is the introduction of this bill, which establishes a stand-alone act to govern the OPI. This bill transfers the provisions relating to the OPI from the Police Regulation Act 1958 to a new Police Integrity Act. It is timely to enact stand-alone legislation to consolidate the relevant provisions that establish and govern the OPI. A separate act recognises the important nature of the OPI's functions as an independent oversight body. It also brings the OPI into line with comparable bodies in other states that have their own specific legislation.

Last year, amendments to the Police Regulation Act 1958 provided for the separation of the office of director from the office of the Ombudsman. This recognised that the OPI is now an effective, proactive and fully operational police anticorruption body.

The bill maintains the OPI as an independent and impartial organisation. The director continues to be an independent officer of Parliament who reports directly to the Victorian Parliament. The director can only be removed after a motion of both houses of Parliament and cannot be directed by the minister. The director will continue to handle complaints against police as well as conducting own-motion investigations into a range of systemic issues related to police corruption.

In addition to replicating the relevant parts of the Police Regulation Act 1958, the bill makes some improvements to these existing provisions, such as providing clearer, more detailed provisions outlining the obligations of the director and witnesses during the examination of witnesses. No changes, however, are being made to the jurisdiction of the director.

The other improvements contained in this bill implement recommendations made by the special investigations monitor (SIM) (in his report tabled in Parliament on 1 November 2007) to improve the legislative framework governing the OPI. Under the Police Regulation Act 1958, the SIM was required to report to Parliament on the OPI's use of the coercive powers provisions, three years after the provisions commenced.

I now turn to the detail of the bill.

Implementation of recommendations made by the SIM

The bill implements 19 recommendations made by the SIM to clarify and improve the procedures and legislative provisions that underpin the OPI's current functions. This includes a recommendation to consolidate the provisions governing the OPI into one specific act.

Two SIM recommendations were implemented by the Police Regulation Amendment Act 2007. The office of director was separated from the office of the Ombudsman. Sunset provisions concerning contempt of the director were also removed by that amending act.

Clarification of existing procedures

This bill implements the SIM's recommendations to:

clarify provisions concerning the confidentiality of summons issued by the director, provision of confidentiality notices by the director and disclosure of information related to summons;

impose confidentiality obligations on the director and OPI staff in relation to information received by the OPI in carrying out its functions;

clarify the director's powers to summons a person in custody;

simplify and streamline the powers of the director to issue witness summons to give evidence, produce documents or require ongoing attendance during an investigation;

simplify provisions regarding penalties for non-attendance or failure to produce documents;

provide clearer, more detailed provisions outlining the obligations of the director and witnesses during the examination of witnesses;

clarify the processes through which the privilege against self-incrimination is abrogated and claims of legal professional privilege can be determined;

provide a procedure for the director to inform witnesses of their rights before an examination;

enable Victoria Police to assist OPI officers executing warrants that may involve the use of force;

expand the functions and objects of the OPI to emphasise the important role in preventing police corruption and serious misconduct.

Legal assistance

The bill creates a scheme to pay the legal costs incurred by people who appear as witnesses before the OPI. The witness costs scheme will address recommendations from the director and the SIM, and accepted by the government, that the government set up a fund to finance legal representation for witnesses. The OPI already has interim measures in place that give witnesses access to independent legal advice. The bill provides that a person appearing as a witness may apply to the Secretary of the Department of Justice for legal assistance. Regulations will be made prescribing the nature and amounts of assistance to be provided.

Powers in executing warrants

The SIM recommended clarification of the OPI's powers of entry, search and seizure. Currently, the director may apply to a magistrate for a search warrant to enter and search premises. However, section 78 of the Magistrates' Court Act 1989, which authorises the holder of a search warrant to break, enter and search, does not apply to warrants issued to the director. In order to provide a more effective power for the OPI to execute search warrants, the bill extends the search warrant provisions of the Magistrates' Court Act 1989 to apply to search warrants issued to the director.

The government has welcomed the SIM's report on the OPI. These suggestions improve the legislative framework that governs the OPI by introducing valuable reforms that both reinforce the OPI's ability to perform its functions and build in additional safeguards.

Strengthening the OPI's ability to function effectively.

In addition to establishing the OPI's legal framework in a stand-alone act and implementing recommendations made by the SIM, the bill provides the OPI with supplementary provisions that will strengthen the capacity of the OPI to function effectively.

Judicial review and redress

The level of judicial review available for actions of the director and OPI is maintained, not reduced, by this bill.

Furthermore, additional provisions are included in this bill to increase the circumstances in which legal redress is available in relation to OPI personnel. The existing protections from legal proceedings will no longer extend to liability arising from the involvement of OPI staff in a critical incident, such as a car accident.

Under the Police Regulation Act 1958, the Supreme Court is able to review actions of the director and officers of the OPI that are performed in bad faith. The court is also able to determine whether the director has the jurisdiction to investigate a complaint. These provisions are retained in the bill.

The narrow scope to review the OPI's actions is comparable with arrangements for most similar bodies in other Australian jurisdictions. The Fitzgerald (Queensland) and Wood (New South Wales) royal commissions on police corruption found that review of the actions of investigatory bodies by the courts can lead to significant delays that prevent their effective operation and the conduct of their investigations. These royal commissions reported that judicial review should not be used to improperly reveal activities of anticorruption bodies.

It is appropriate to retain the existing limitation on the courts' scope to review the OPI's actions. This prevents legal actions designed to impede and delay OPI investigations. The proposed provision is consistent with the protection of the Ombudsman and his officers under the Ombudsman Act 1973. A re-enactment of the current provision is also consistent with the level of statutory protection given to the director's predecessors.

Role of the SIM

The Ombudsman and SIM have powers to investigate the actions of the OPI and its officers. These arrangements are retained in the bill to ensure the OPI is accountable for the exercise of its coercive functions. In addition, the bill will clarify the operation of the confidentiality provisions that apply in relation to OPI investigations so that it is clear that a person can disclose information about such investigations for the purpose of making a complaint to the Ombudsman.

The bill does not reduce the role of the SIM, who performs an important role in overseeing the OPI's use of its powers. In addition, the bill enhances the oversight of the OPI by making it clear that complaints about the director and the OPI can be made to the

Ombudsman. The imminent separation of the two offices will ensure that any perceived conflict of interest between the offices is removed.

The bill retains the statutory office of the SIM, which is the primary body responsible for overseeing the actions of the OPI. The SIM will continue to report to Parliament on the operations of the OPI and investigate complaints made about the office by any person who has attended the OPI to provide information, give evidence, or produce documents. The government considers that this arrangement has worked very effectively.

The SIM can investigate complaints made by someone who has attended the OPI to provide information, give evidence or produce documents or things. The bill will extend the time for a person to make a complaint to the SIM from 3 days to 90 days from their attendance.

The Ombudsman has the power to investigate aspects of the OPI's operations which fall outside the jurisdiction of the SIM. The Ombudsman is well equipped to investigate actions of the OPI because he is responsible for investigating administrative actions of public bodies including government departments and statutory bodies. The bill provides that the SIM and Ombudsman retain their current complaints handling jurisdictions. The bill has been drafted to ensure that the confidentiality and secrecy provisions governing OPI investigations do not prevent a person from making a complaint to the Ombudsman.

Production of OPI documents

Like other investigatory and oversight bodies, such as the Ombudsman's office and the SIM, OPI staff have a statutory protection from being called to give evidence in legal proceedings. Similar arrangements exist in equivalent interstate bodies. There are also considerable restrictions that apply when documents of interstate investigatory bodies are subpoenaed in legal proceedings. For example, staff of the NSW Police Integrity Commission cannot be required to produce in any court any document that has come into their possession by reason of their functions under the Police Integrity Commission Act 1996 (New South Wales).

In Victoria, OPI documents and files can be produced in such proceedings, although the circumstances in which this occurs are very limited. This is because, at common law, the OPI can argue that disclosure of its documents is against the public interest, according to principles governing public interest immunity claims. Such claims take into account that disclosure of documents held by investigatory bodies such as the OPI can have very serious consequences. For example, disclosure of an investigatory body's information and strategies may undermine its investigations and potentially jeopardise the safety of informants and OPI staff. Informants could also be deterred from confiding in the OPI if this material can be accessed in legal proceedings.

The courts have discretion to weigh these public interest considerations against the nature of any documents that could, for example, be material to a verdict in a criminal trial. In practice, this has meant there have been few occasions where documents have been released and these have been limited to criminal cases. The government takes the view that the court should have a discretion to determine that such documents should be available to a defendant in limited cases where they can be used to demonstrate, for example, a defendant's innocence.

This bill introduces a scheme that clarifies the procedure for disclosure of protected documents by codifying the public interest grounds to be taken into account in determining whether a document should be a 'protected document'.

A document is a protected document if, for example, access to the document would disclose information about OPI informers, OPI investigations and the OPI's investigatory methods. The bill does not alter the court's ability to consider the relevance or validity of a subpoena according to existing common law principles.

In relation to civil proceedings, the bill enables the director to certify that OPI documents should be protected, according to the likelihood that the documents reveal sensitive information about OPI investigations and other public interest considerations.

In relation to criminal proceedings, the bill establishes processes that enhance the OPI's ability to present confidential arguments, to the judge alone, against disclosure of its sensitive material. The court then determines whether the material can be introduced into evidence.

The case of *R v. Mokbel* (decided by Justice Gillard of the Supreme Court on 4 November 2005) highlighted issues concerning how the OPI's public interest arguments about its documents are considered. In that case, the court considered it was difficult to balance the OPI's request to present its arguments against disclosure confidentially, against the defendant's right to a fair trial. However, in some circumstances, this presents a problem as, by hearing the arguments with the defendant present, a defendant may become aware

of information that the OPI considers sensitive, such as information about its investigations and investigatory methods.

The bill overcomes these issues by providing for clear processes for the OPI to present arguments against disclosure through confidential affidavit or ex parte hearing. At the same time, appropriate safeguards are to be included to protect the defendant's right to a fair trial. For example, a court can appoint special counsel to appear at an ex parte hearing to advance arguments on behalf of a defendant. The facility to appoint special counsel to test the evidence is a measure that is not available under the current statute. The bill sets out considerations for the court in determining the appropriate manner of hearing any objection by the OPI to production of its sensitive documents. The bill also sets out considerations for the court in determining whether to grant access to the OPI's material.

The process provides clear statutory guidance to ensure consistent considerations are applied as to when OPI documents can be protected and how arguments against disclosure can be heard.

Ultimately, it will be a matter for the courts to determine, according to the statutory considerations, the manner in which these arguments are heard, as well as whether it is appropriate for the OPI's documents to be disclosed. In particular, the process retains a discretion for the court to allow disclosure in exceptional circumstances.

This approach strikes the right balance between protecting sensitive information held by the OPI while retaining the court's role in determining that it may be appropriate to disclose this information (in exceptional circumstances) to protect a defendant's rights. This bill ensures the court's discretion to require disclosure of a document if, for example, it is material to the verdict in a criminal trial.

Use of defensive equipment and firearms

OPI officers do not have access to defensive equipment, such as body armour, batons, capsicum spray and handcuffs, or firearms. Currently, the OPI can call on Victoria Police in situations that may require defensive equipment or firearms. The bill expressly allows the OPI to request Victoria Police assistance to enter premises and execute warrants. Requesting police assistance is the OPI's preferred approach. However, there are situations where the OPI may want to act independently.

The bill, therefore, will enable the director to authorise a limited number of OPI officers to carry and use such equipment. Similar provisions operate in other jurisdictions, such as under the Police Integrity Commission Act 1996 (New South Wales). The officers to be authorised to carry such equipment work in high-risk situations, often alone, and may encounter armed offenders in confrontational situations.

The small number of officers who will be individually authorised by the director to carry and use firearms for operations are operatives experienced in undercover work. These officers will complete training and ongoing re-certification to Australian Federal Police and Victoria Police accreditation standards. Similarly, OPI officers who are to carry defensive equipment (such as batons and body armour) will be trained to Victoria Police standards.

The Police Regulation Amendment Act 2007 introduced a drug and alcohol testing regime applicable to Victoria Police members involved in a 'critical incident'. A 'critical incident' is an incident that results in death or serious injury to a person; and involves the discharge of a firearm, the use of defensive equipment, the use of force, the use of a motor vehicle or where a person is held in custody. The bill establishes an equivalent testing regime for OPI officers.

Liability in relation to critical incidents

In recognition of the additional provisions authorising force in executing search warrants and authorising OPI officers to carry and use defensive equipment and firearms, the bill creates an exception to the statutory protection that applies to the director and his staff. In other words, the bill reduces, rather than increases, the statutory protection of the OPI. The bill provides that the state will be liable where plaintiffs have a successful cause of action involving 'critical incidents' arising from acts done in good faith.

Commencement

The OPI can undertake telecommunications intercepts as a prescribed agency under the Commonwealth Telecommunications (Interception and Access) Act 1997. The introduction of the bill requires an amendment to the commonwealth law to maintain the OPI's access to telecommunications intercept powers. In order to give effect to many of the SIM's recommendations, as well as other enhancements to the OPI's legal framework, the bill includes some amendments to the Police Regulation Act 1958 which will commence the day after royal assent. These amendments include the provision of legal assistance to witnesses, allowing OPI officers to use force (where necessary) in the execution of a search warrant,

protecting OPI files from production in legal proceedings, limiting powers under a search warrant where a claim of privilege is made and enabling OPI officers to seek assistance from Victoria Police officers when executing warrants.

These provisions will be repealed and reinstated in the proposed Police Integrity Act 2008 when it commences. The remainder of the provisions will commence on proclamation, following amendment of the commonwealth law.

Section 85

I also wish to make a statement under section 85 of the Constitution Act 1975 of the reasons for altering or varying that section under this bill.

Section 86J of the Police Regulation Act 1958 currently limits the liability of the director, OPI staff and persons engaged by the director who have taken an oath or affirmation under section 102D. The capacity of any person to bring proceedings against the director and these officers are limited to those acts that are done in bad faith. The provision also limits the scope of orders that may be made by a court in relation to the director, OPI staff and persons engaged by the director who have taken an oath or affirmation under section 102D, and prohibits the director and these officers from being called to give evidence.

Clause 109 of the bill replaces section 86J. Clause 109 similarly provides that proceedings against a 'protected person' are limited to acts done in bad faith. A 'protected person' includes the director, OPI staff and persons engaged by the director who have taken an oath or affirmation under section 18(2) of the bill. Clause 109 also limits the scope of orders that may be made by a court in relation to the director, OPI staff and persons engaged by the director who have taken an oath or affirmation under section 18(2), and prohibits the director and these officers from being called to give evidence in any legal proceeding. Clause 130 of the bill provides that it is the intention of section 109 of the bill to alter or vary section 85 of the Constitution Act 1975.

The protection of these persons is required to prevent the director's investigations from being impeded by legal challenges and proceedings on grounds other than allegations of bad faith. The existing protection in the Police Regulation Act 1958 has been successful in allowing the director and OPI staff to perform their current functions, and the protection afforded to them under the current law should continue for that reason.

It is necessary that the bill commences in two stages. Accordingly, clause 135 of the bill will insert a new section 86KJ into the Police Regulation Act 1958 to ensure that the protection afforded to the director and his staff under the current law continues prior to the commencement of the new clauses 109 and 130 of the bill.

This new section 86KJ will initially replace section 86J (which will be repealed). Section 86KJ provides that proceedings against a 'protected person' are limited to acts done in bad faith. A 'protected person' includes the director, OPI staff and persons engaged by the director who have taken an oath or affirmation under section 102D of the Police Regulation Act 1958. Section 86KJ also limits the scope of orders that may be made by a court in relation to the director, OPI staff and persons engaged by the director who have taken an oath or affirmation under section 102D. The provision also prohibits the director and these officers from being called to give evidence.

Clause 140 of the bill provides that it is the intention of section 86KJ of the Police Regulation Act 1958 to alter or vary section 85 of the Constitution Act 1975.

Both clause 109 and the proposed section 86KJ provide the protection necessary for the director and staff of the OPI to perform their significant public functions properly and efficiently, without the prospect of delay or interference by legal actions, on grounds other than allegations of bad faith.

Clause 142 of the Bill will amend section 107 of the Whistleblowers Protection Act 2001. Section 107 grants immunity in relation to acts done under the Whistleblowers Protection Act 2001 to the director, OPI staff and persons engaged by the director who have taken an oath or affirmation. Section 110 of the Whistleblowers Protection Act 2001 expressly states that section 107 intended to alter or vary section 85 of the Constitution Act 1975.

Clause 142 makes the consequential amendments to section 107 of the Whistleblowers Protection Act 2001 listed in item 14.12 in schedule 2. These amendments update references to the provisions under which persons are engaged by the director and, accordingly, fall within the protection of section 107. The government does not consider it necessary to make a section 85 statement in relation to clause 142 as it does not make any substantive amendments to section 107 or increase the possible range of persons who are protected under that section.

Conclusion

The government has confidence that Victoria Police is the best police force in Australia. The overwhelming

majority of police members work hard and conduct themselves with integrity. It is important that, in support of these members, Victoria has a strong oversight body to ensure that the instances of corruption and misconduct are detected.

OPI has achieved significant success in uncovering and combating police corruption since its establishment four years ago. The OPI's achievements include over 60 investigations during 2005 and 2006, leading to criminal charges and proceedings, as well as reports on fatal shootings, witness security, sexual assault and missing persons investigations.

This government is committed to ensuring that Victoria has an effective body, independent of the police force and the government, responsible for maintaining the professional standards of police and investigating police corruption and serious misconduct.

This bill ensures that the OPI is equipped with the necessary powers and resources to rigorously perform its functions of detecting, investigating and preventing police corruption and misconduct.

I commend the bill to the house.

Debate adjourned on motion of Mr McINTOSH (Kew).

Debate adjourned until Thursday, 27 March.

Remaining business postponed on motion of Mr CAMERON (Minister for Police and Emergency Services).

ADJOURNMENT

The DEPUTY SPEAKER — Order! The question is:

That the house do now adjourn.

Boating: Mornington Peninsula ramps

Mr DIXON (Nepean) — I wish to raise a matter with the Minister for Roads and Ports and the action I seek is to have the minister provide funds for the upgrade of boating facilities on Port Phillip Bay. We have seen an incredible load on boating facilities, especially on the eastern side of Port Phillip Bay over Christmas. In fact last weekend because of the fantastic weather they were down there in their hordes and the boating facilities were left wanting.

The two worst boat ramps are at Tootgarook and Anthony's Nose at Dromana. The Tootgarook boat ramp is just not adequate. It does not have its own parking and on many occasions trailers are queued out onto Point Nepean Road, which is gridlocked itself. That only adds to the traffic chaos. The boats queuing up to go into the ramp actually bring the road to a standstill.

At Anthony's Nose, again a boat ramp with very limited parking, the queues go out onto Point Nepean Road where there is a blind corner. As you come around the corner you are all of a sudden confronted with boat trailers parked on the road because they cannot fit on the side of the road. There is just a small ramp at Blairgowrie. I noticed that last Sunday there were a dozen cars and boat trailers there. This is really only a sand ramp and things were so bad that vehicles were queued out onto Point Nepean Road, once again hindering the traffic. There is a need for another boat ramp on the Mornington Peninsula, and Rosebud has been earmarked as a possible future site. There is room enough on the foreshore to provide plenty of car parking and there is a great need for that extra facility.

The lack of facilities for boat owners and people who like to use the bay is evidenced by two other issues. One is the fact that the Rye ramp, which is the biggest and busiest on the peninsula, was meant to be dredged for the summer period but it was not done until two weeks ago.

Honourable members interjecting.

Mr DIXON — Yes. This is a bit of dredging we actually wanted! The Rosebud pier, which is the most popular pier on the Mornington Peninsula, was closed. The government promised me that it would be patched up before the Christmas holidays but it did not do that. It may have been to keep those pesky dredging protesters off the end of the pier; I don't know. All these things are going to cost money.

I am a positive person and I have come up with an idea. It will not cost the government a cent. I think the money should come from the Port of Melbourne as some sort of payback or pay-off to the people of the Mornington Peninsula because everything and everyone on the bay — all the people who use the bay, whether they be people who earn their income off the bay or the tens of thousands of people who recreate on the bay — are being affected by the channel deepening.

Kilmore: family centre

Mr HARDMAN (Seymour) — I raise a matter for the Minister for Children and Early Childhood Development. The action I request from the minister is that she visit Kilmore to open stage 2 of the Kilmore

family centre. The local community is very keen for the minister to open it. Indeed an article in the local paper reported the mayor saying he is waiting for the minister to come and open the new family centre, which is a fantastic new facility that will provide a suite of services for children in early childhood. It is purpose-built and a great improvement on what was there in the past.

The Kilmore township is a fast-growing community. It is in the southern part of the Mitchell shire, which in turn is one of the fastest-growing regional communities in Victoria. It is great to see that the Victorian Labor government is investing in facilities in this vibrant area.

The Kilmore family centre stage 2 received $250 000 as did stage 1 of the centre, through the state government's children's centre funding program. That funding commitment was made in 2002 and the program has been very successful in Kilmore and Yea in the Seymour electorate. I encourage the minister to ensure that this worthwhile funding program continues into the future because it really benefits local communities.

The centre has been a jointly funded project by the local, state and federal governments. Without the children's centre funding, this project would not easily have got off the ground. This funding recognises that much of the fairly strong growth in the area consists of young families who require services such as kindergartens, maternal and child health services and services to help with childhood development.

During construction of the centre a great deal of cooperation was required from the shire, the volunteers on the kindergarten committee and the families, because the buildings were developed on the same site as the old centre and kindergarten. The forbearance of the families who put up with discomfort and inconvenience for the benefit of future families needs to be acknowledged. I thank them on behalf of the community for their contribution. I also congratulate the staff of the shire, kindergarten and centre who managed this process so well.

Growing communities such as Kilmore require a great deal of government funding and the community is really looking forward to the minister's visit when she opens stage 2 and sees the great facility that the children's centre funding has provided.

Bena-Kongwak Road, South Gippsland: bridge

Mr RYAN (Leader of The Nationals) — I wish to raise a matter for the Minister for Public Transport. It concerns the Bena-Kongwak Road bridge over the railway line in South Gippsland. I am sure it is a place to which most members have been. If they have not, they should go because it is in a magnificent part of the most magnificent electorate of the Parliament of Victoria.

The Bena-Kongwak Road bridge is a single-lane bridge — located on the Bena-Kongwak Road, surprisingly enough. It is about 1 kilometre south of Bena in the beautiful South Gippsland shire. This bridge is a very busy piece of local infrastructure. About 554 vehicles, of which over 100 are heavy vehicles — that is, vehicles greater than 15 tonnes — use the bridge per day.

The issue that I raise with the minister is that the bridge needs to be replaced. It has seen its use-by date. Apart from anything else, the actual alignment of the bridge to the road is not as it ought to be. It is a dangerous area, and for a variety of reasons, as I say, the bridge needs to be replaced. There has been some delay in enabling all of this to happen, apart from anything else, because of the involvement of VicTrack. It has now been resolved, through discussions between the South Gippsland shire and VicTrack, that it is the responsibility of VicTrack to replace the bridge itself, whereas the actual decking over that bridge is the responsibility of the shire.

The council has asked me to raise with the minister the issue of meeting the cost of the replacement of the bridge, and that is the matter under consideration. That cost has been estimated at about $1 million. VicTrack has agreed to contribute approximately $120 000. There is just a little matter of the $880 000 in between. The council has asked me to raise for the minister's consideration the prospect of some funding being made available in two tranches. The first of those would be to provided for a bridge design, which would also enable an accurate determination of the costs. That could occur during the 2008–09 financial year. Then, if the council were successful in securing the appropriate funds through the minister, construction could be undertaken during the 2009–10 financial year.

I would be most grateful if the minister could give due consideration to this issue, because it has been outstanding for a long time. The council has had negotiations with all the local users. Many of those are involved in the use of heavy vehicles because this is a very active area for the dairy industry. But many other commercial vehicles, buses and the like, as well as local traffic use the facility. Accordingly it is a matter of great importance to the South Gippsland shire, and I seek the support of the minister.

Preschools: Aboriginal children

Mr TREZISE (Geelong) — Tonight I raise an issue for action with the Minister for Children and Early Childhood Development. The matter I raise relates to the important issue of kindergarten participation, specifically kindergarten participation of Aboriginal children in Victoria, including in my electorate of Geelong. I am pleased to say that Victoria has, as you, Deputy Speaker, well know, a very high kindergarten participation rate, and that is in large part due to the policies implemented by this government over the last seven or eight years. However, it must also be recognised that the participation rate for indigenous children is not high. The action I therefore seek is for the minister to work with Aboriginal communities to ensure indigenous children get the best possible start in life through participation at kindergarten.

In seeking this action I am aware that in 2003 and 2004 participation of Aboriginal children at kinder was around 70 per cent — that is, 7 out of 10 Aboriginal children attended kindergarten — as compared to the overall Victorian population participation rate of something like 95 per cent. Members can see that there is a major disparity in those figures. I think all members would appreciate the importance of kindergartens as they are a great start in not only a child's academic life but life in general. We know that children who attend kindergarten do better at school, and that they are also better equipped generally than those children who, for whatever reason, miss out on that kindergarten year.

As I have mentioned in this house on numerous occasions, Geelong is blessed with having numerous quality kindergartens, ably assisted by the Geelong Kindergarten Association, an organisation that does some great work in and around the Geelong region. My own children went to Normanby Street kindergarten, and I know how they benefited from that year at kinder. Geelong is also home of the Wathaurong people, who come together under the Wathaurong Aboriginal Co-operative. It is a great organisation which provides important services to its community, including health, education and children services. I have the privilege of working with the Wathaurong on a regular basis with the likes of the chief executive officer, Trevor Edwards, and the chairperson, Lyn McGuinness. This is an important issue and I therefore look forward to the minister's action on this adjournment matter.

Mental health: western Victoria

Mr DELAHUNTY (Lowan) — It is with great disappointment that I have to raise a matter for the attention of the Minister for Mental Health. The action I request is that the minister instigate a full independent inquiry into the mental health services for Western Victoria provided by Ballarat Health Services. My disappointment goes back over 12 months, but it was highlighted on 7 February when I raised in the adjournment debate with the Minister for Health my disappointment that we had only one paramedic crew working after hours. There was enormous concern about the transfer of mental health patients from the Wimmera Base Hospital and the impact it was having on not only the optimum care of patients but also the staff of the Wimmera Base Hospital. Since that time the *Wimmera Mail-Times* has reported concerns over the lack of services for mental health patients. In just about every edition of that tri-weekly newspaper service there have been numerous personal hardship and terrible family stories about experiences because of a lack of mental health services in the Wimmera region.

These stories are very similar to what I have heard in my electorate office. I have received letters from and have met with a lot of these patients and families. I have also met with representatives of Ballarat Health Services during the last year. They have promised action. They showed me their action page and the problems they had listed, but they did not identify who was going to do the actions and, more importantly, they did not identify when. It was nearly 18 months ago that these discussions took place. But we still hear these terrible stories.

I have to highlight some of the stories. One was of a man whose family has not been able to access the support they need, despite both parents being affected by mental illness. Another one was of a family who were told to lock their child in a cupboard in order to quieten him down. Another one was of a man whose wife committed suicide shortly after being released from hospital. Another was of a family who were forced to travel to Warrnambool to secure mental health care for their child. But the case I had a lot of involvement with was concerned a teenager who had gone to the hospital in the early hours of the morning after cutting his wrists. He presented to the Wimmera Base Hospital's emergency department with mental health symptoms, but the interesting thing is that there were no services available. Ballarat Health Services has said it will conduct an inquiry. That is not good enough.

I have spoken to doctors, police and a lot of the health service providers. We need a full, thorough, independent inquiry. My suggestion is that the health services commissioner do that. Obviously she would need more support, but that would be more independent than Ballarat Health Services doing the inquiry. I am informed that in tomorrow's *Wimmera Mail-Times*

there will be a story with the headline 'Help us', which will highlight the many concerns that have been raised in this Parliament and in the newspaper. I again call on the Minister for Mental Health to instigate a full independent inquiry into mental health services.

Buses: Footscray electorate

Ms THOMSON (Footscray) — My adjournment matter tonight is for the Minister for Public Transport. The action I seek concerns improvements to bus services in my electorate. Whilst there have been some announcements in public transport which have resulted in more services and more availability to people in my electorate, I seek an increase in the frequency of services and the hours of operation of the bus services in the electorate, particularly on weekends, and even more so on Sundays.

The electorate of Footscray relies very heavily on public transport. It has an aged population, it is very multicultural and it has pockets of a low-income population. Their reliance on public transport, particularly buses, to connect to the services they utilise and to access the rail and tram links is vitally important to my electorate.

At this point I would like to acknowledge the work that the minister has done to improve the rail frequencies, and that some of the bus services have already been improved. There is no doubt that in some parts of my electorate these services need further improvement. I reiterate that this is particularly the case with the Sunday services. But I think that in an electorate such as mine, where there is such a high dependency on public transport, we need to provide adequate opportunity for people to go about their business with the best possible services available to them to ensure that they get from place to place as quickly and efficiently as they can and without too much hassle.

Police: numbers

Mr McINTOSH (Kew) — I wish to raise a matter for the attention of the Minister for Police and Emergency Services. The matter I wish to raise is a Victoria-wide problem — that is, the inadequate human resourcing of our police stations around Victoria.

The action I seek is that the minister undertake an urgent audit on a specific day of all 24-hour police stations in Victoria and compare the gazetted number of operational policemen and women for each station with the number of policemen and women available for duty on that specific day. Many policemen and policewomen have complained to me, and their complaints were reiterated by many of my colleagues yesterday during the debate on the matter of public importance. There seems to be a chronic and widespread problem at 24-hour stations in particular but also at many smaller stations of a lack of police resources.

It works like this: each police station is gazetted with a number of operational police. This is supposed to indicate the appropriate number of police to carry out the duties in a particular police service area to the best of their abilities. If you go below that gazetted number, logically you are saying that the appropriate resources are not available. Everyone understands that a certain number of people will be absent for a short period of time. It could be something as simple as a day off on sick leave or on annual holidays or otherwise.

However, the problem that arises and is far more significant involves the long-term absences. For example, a complaint was made to me that at one station a person on a return-to-work program had been on that program for five years. That person was unable to put their uniform on and was unable to carry out normal police functions but was still a police officer and was still gazetted at that station as a police officer. Likewise, and appropriately, maternity leave could extend for longer than 12 months, but even if it is only 12 months, extraordinarily that policewoman is still actually recorded as being operational and available for duty when that clearly is not the case. Similarly there can be secondments to headquarters in Flinders Street.

Many people at police stations have complained about these long-term absences. Many of the figures were outlined yesterday in some good contributions by my colleagues during the debate on the matter of public importance. Because of this, I request that the results of the audit that I seek from the minister be reported to this house.

Mordialloc: alcohol ban

Ms MUNT (Mordialloc) — The matter I raise this evening is for the attention of and action by the Minister for Police and Emergency Services. I refer to a community desire in the city of Kingston for a local law banning open alcohol containers on a 24-hour basis in the Mordialloc central business district. I ask the minister to raise this matter with Victoria Police with a view to obtaining its support for such a local law.

Mordialloc police do a great job in our community. They have reduced the crime rate by a whopping 27 per cent since 2000–01. When I was first elected I was privileged to be involved in the opening of the wonderful new Mordialloc police station, which is a

great asset to our community; the police stationed there do a wonderful job. I know that there is a view among police officers that such a local law would be beneficial. It would be great if Victoria Police as an organisation supported this community push.

I have spoken to Senior Sergeant Brad Hanel at Mordialloc police. He believes that such a local law would be a good tool for local police to use to address the antisocial behaviour that sometimes occurs within the Mordialloc CBD. He also told me that the Mordialloc police enforce local by-laws on behalf of the council.

Local by-laws currently provide a ban from 9.00 p.m. until 7.00 a.m., 365 days a year, but the police think it would be beneficial to have a 24-hour ban on open alcohol containers 365 days a year. This would not affect retailers in the area or the hoteliers; it would be simply a matter for the public areas in the CBD. Senior Sergeant Hanel also said police would exercise discretion and use this particular by-law to target some groups that, as I said, are drinking irresponsibly and causing a nuisance within the Mordialloc CBD.

Mordialloc is a family area. The CBD is used extensively by families for recreation and shopping. It is close to the bay area and the beach and has parkland. It is a wonderful place for our local community to meet and gather and enjoy their recreational activities, particularly in the summer months. It would be wonderful if the police could have this 24-hour open alcohol container ban in the Mordialloc CBD to benefit the community.

Templestowe Road, Bulleen: pedestrian safety

Mr KOTSIRAS (Bulleen) — I wish to raise a matter for the attention of the Minister for Roads and Ports. The action I seek is for the minister to provide some funding through VicRoads for centre turning lanes and safety refuge pedestrian crossings on Templestowe Road, to enable many residents to access Birrarrung Park and Banksia Park.

The Templestowe Road reference panel has written a number of letters to a number of people and organisations, because it is frustrated that this government is ignoring its needs. It has written to me and to Parks Victoria. In its email to Parks Victoria the panel said this was a:

> Request for formal support from Parks Victoria for the need for centre vehicle turning lanes and safety refuge pedestrian crossings to access Birrarrung and Banksia parks — proposed by the Templestowe Road reference panel and Manningham council;
>
> This is a request for Parks Victoria's support for centre vehicle turning lanes and safety refuge pedestrian crossings to Banksia Park and Birrarrung Park.
>
> As you are aware, results of a survey of 4500 residents in April 2006 resulted in a 35 per cent return, which equates to 1550 residents …
>
> As can be seen from the results, Birrarrung and Banksia parks are high on the facilities that are accessed by the residents …
>
> As advised by VicRoads in 25 October 2007, 'VicRoads is currently preparing more detailed plans for the … median/pedestrian refuge treatments along Templestowe Road, with the intention of finalising the proposal for our (VicRoads) next submission of road safety projects. This submission is expected to be considered for funding in March/April 2008'.
>
> It would be great if support from Parks Victoria for these works proposed by the Templestowe Road panel and council can assist in raising the priority rating submission to VicRoads, prior to the funding deadline of April 2008!
>
> …
>
> Please advise if Parks Victoria will support … these works …

The email is signed by the chair of the panel.

It seems the Manningham area has been leapfrogged again. For the last eight years this government has ignored the needs of residents in Bulleen and Templestowe. The residents who have formed these reference panels are frustrated, concerned and upset about the safety of residents, especially the young and the elderly, who try to cross the road to use these two parks.

I call upon the minister to find some money to do these minor works. A major upgrade of the road would cost something in the vicinity of $20 million but the works that are being asked for are minor. I urge the minister to provide funding from VicRoads to ensure that no resident in Manningham is hurt while attempting to cross a road.

Buses: Mill Park electorate

Ms D'AMBROSIO (Mill Park) — I seek action from the Minister for Public Transport to improve bus services in my electorate. In particular many constituents in my electorate are seeking from our government an increased frequency of bus services, a broader span of operating hours, especially later operating hours, and more services on weekends, including Sundays and public holidays. The government has so far rolled out significant upgrades to some bus routes servicing my electorate, and I will name some of those. They include routes 570, 571A, 575, 563, 556, 566 and 555. All of these have been expanded, to the benefit of the community. These

upgrades are giving people greater flexibility to keep appointments they need to make, go shopping, attend schools or other places of learning, and socialise. Indeed a lot of the trips that need to be made by commuters tend to be short trips in and around the places near where they live. I have had very positive feedback from commuters, who have been able to reap the benefits of the upgrades that have been provided so far on particular routes in the electorate.

I know of other precincts where commuters have enjoyed being able to make connections more readily. They include the Northern Hospital, the TAFE college, RMIT and other major precincts. Some areas of my electorate have experienced or are experiencing significant residential growth, so upgrades to other bus routes would certainly be greatly appreciated and very timely. The state government has earmarked $646 million in a package to boost local metropolitan bus services on more than 250 routes across metropolitan Melbourne over the next few years. This is one plank of the government's Meeting Our Transport Challenges plan. It is already an historic investment in the bus network to better serve communities such as those in my electorate. I also look forward to the outcomes of the Whittlesea bus review, which is to examine the bus needs of my community.

I congratulate the Premier and the Minister for Public Transport on their recent commitment to bringing forward some key elements of the Meeting Our Transport Challenges plan regarding bus services and other forms of public transport initiatives. I think that will be well appreciated by the entire community. I certainly hope the Minister for Public Transport can see her way clear to investigating the matter and bringing about improvements to other bus routes for the people of my electorate.

Responses

Ms MORAND (Minister for Children and Early Childhood Development) — I am happy to respond to the member for Seymour and his invitation to visit the Kilmore children's centre. Already across Victoria we have opened or commissioned 55 children's centres, and we have now committed to another 40, with $20 million in this year's budget. It was great to visit Yea earlier this year with the member for Seymour — he is an outstanding and extremely popular local member, so it is always a great experience to visit Seymour with him — to open the new Yea children's centre. I know that in rural areas this funding is particularly welcome, because all the early childhood services can be together under one roof — that is, maternal and child health, occasional care and kindergarten, all those important childhood services, under the one roof. I would be delighted to accept the invitation of the member for Seymour to open the Kilmore children's centre in the near future.

In response to the member for Geelong, first of all I thank him for his interest in early childhood education and for his very hard work on behalf of his community. The significant educational difficulties faced by Aboriginal children make their accessing of early childhood education all the more important. That is why we are now providing funding for three-year-old Aboriginal children to access a free program at the three-year-old level.

On a visit to the Wathaurong Aboriginal Co-operative last year I was also pleased to announce that we would be providing 21 scholarships, worth $24 000 each, for Koori early childhood workers to complete their early childhood degree. This degree is specifically tailored for Aboriginal students at Deakin University's Institute of Koorie Education in Geelong. I am very pleased to advise the member for Geelong that five students have already commenced studying their first year and that Deakin University is currently recruiting up to eight students to commence their first year this semester. It is a great program, and I thank the member for Geelong for his interest in this important matter of indigenous education.

Mr WYNNE (Minister for Housing) — The member for Nepean raised a matter for the Minister for Roads and Ports in relation to boating facilities on Port Phillip Bay. I will ensure that matter is brought to the minister's attention.

The Leader of The Nationals raised a matter for Minister for Roads and Ports in relation to the Bena-Kongwak — —

The DEPUTY SPEAKER — Order! It was actually for the Minister for Public Transport.

Mr WYNNE — It was for the minister for roads, Deputy Speaker.

The DEPUTY SPEAKER — It was the Minister for Public Transport because it was about VicTrack. I wrote it down.

Mr WYNNE — The Leader of The Nationals raised a matter for the Minister for Public Transport in relation to the road-over-rail bridge on the Bena-Kongwak Road. I will certainly make sure that the minister gets that absolutely loud and clear.

The member for Lowan raised a matter for the Minister for Mental Health in relation to mental health services and the provision thereof through Ballarat Health Services. I will ensure the minister is aware of that matter.

The member for Footscray raised a matter for the Minister for Public Transport in relation to bus services within the electorate, and I will make sure that matter is brought to the minister's attention.

The member for Kew raised a matter for the Minister for Police and Emergency Services in relation to the staffing of police stations generally and suggested there ought to be an audit of them. I will ensure the minister is aware of that matter.

The member for Mordialloc raised a matter for the Minister for Police and Emergency Services in relation to Victoria Police supporting a local law within the Kingston area. I will bring that to the minister's attention.

The member for Bullen raised a matter for the Minister for Roads and Ports seeking funding for access on Templestowe Road for pedestrians seeking to access Banksia Park. I will ensure that is directed to the minister's attention.

The member for Mill Park raised a matter for the Minister for Public Transport in relation to bus services within her electorate. I am sure the Minister for Public Transport will be delighted to hear about that.

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

House adjourned 5.00 p.m. until Tuesday, 8 April.